

By Representative Detert

1                                   A bill to be entitled  
 2           An act relating to the Holiday Park Park and  
 3           Recreation District, Sarasota County; amending,  
 4           codifying, reenacting, and repealing special  
 5           acts relating to the district; providing  
 6           boundaries of the district; providing for a  
 7           Board of Trustees; providing for election and  
 8           organization of the board; providing powers and  
 9           duties of the board; providing for a tax;  
 10          providing powers and duties of the district;  
 11          requiring a financial statement and budget;  
 12          providing definitions; requiring a record of  
 13          meetings of the board; providing for filling  
 14          vacancies; providing for bonds; providing for  
 15          severability; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Pursuant to section 189.429, Florida  
 20 Statutes, this act constitutes the codification of all special  
 21 acts relating to the Holiday Park Park and Recreation  
 22 District. It is the intent of the Legislature in enacting this  
 23 law to provide a single, comprehensive special act charter for  
 24 the district, including all current legislative authority  
 25 granted to the district by its several legislative enactments  
 26 and any additional authority granted by this act. It is  
 27 further the intent of this act to preserve all district  
 28 authority, including the authority to annually assess and levy  
 29 against the taxable property in the district a tax not to  
 30 exceed 0.2 mills on the dollar of assessed valuation.

1           Section 2. Chapters 81-441, 82-380, and 87-445, Laws  
2 of Florida, are codified, amended, reenacted, and repealed as  
3 provided herein.

4           Section 3. The charter for the Holiday Park Park and  
5 Recreation District is re-created and reenacted to read:

6           Section 1. Pursuant to chapter 81-441, Laws of  
7 Florida, all of the residential land in Holiday Park  
8 Subdivisions, City of North Port, Sarasota County, Florida,  
9 hereinafter described, became and was incorporated into and as  
10 a park and recreation district, being a special taxing  
11 district, and a political subdivision of the State of Florida,  
12 having the powers and duties herein set forth, under the name  
13 of "Holiday Park Park and Recreation District." The granting  
14 of said powers and duties to the district shall not in any way  
15 diminish the powers and authority of the City of North Port.

16           Section 2. The lands so incorporated being described  
17 as follows:

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19           HOLIDAY PARK UNIT ONE, as per plat thereof  
20 recorded in Plat Book 19, Pages 27 through 27G,  
21 of the Public Records of Sarasota County,  
22 Florida, and HOLIDAY PARK UNIT TWO, as per plat  
23 thereof recorded in Plat Book 20, Pages 8  
24 through 8N, of the Public Records of Sarasota  
25 County, Florida.

26  
27           Section 3. The business and affairs of said district  
28 shall be conducted and administered by a board of nine  
29 trustees, hereinafter referred to as the "trustees," who shall  
30 organize by electing from their number a chair, a first vice  
31 chair, a second vice chair, a secretary, and a treasurer after

1 each election. The meeting at which the trustees elect the  
2 officers shall be called the "organizational meeting." Said  
3 trustees shall not receive any compensation for their services  
4 but shall be entitled to be reimbursed from funds of the  
5 district for any authorized disbursements they may properly  
6 incur on behalf of the district. Each trustee authorized to  
7 sign checks of the district or otherwise designated to handle  
8 its funds shall, before said trustee enters upon such duties,  
9 execute to the Governor of the State of Florida, for the  
10 benefit of said district, a good and sufficient bond approved  
11 by a circuit judge of Sarasota County in the sum of \$10,000  
12 with a qualified corporate surety conditioned to faithfully  
13 perform the duties of such trustee and to account for all  
14 funds which may come into his or her hands as such trustee.  
15 All premiums for such surety on all bonds shall be paid from  
16 the funds of said district.

17 Section 4. All district elections shall be conducted  
18 and supervised by the Supervisor of Elections in the County of  
19 Sarasota, under the rules governing general elections in the  
20 County of Sarasota, except as may otherwise be provided  
21 herein. All elections shall be held at the Holiday Park  
22 Recreation Hall in the district.

23 Section 5. Any registered voter residing in the  
24 district may vote in a district election. Application for  
25 absentee ballots may be requested from the Supervisor of  
26 Elections of Sarasota County within 1 year prior to each  
27 election, and shall be counted if received by the Supervisor  
28 of Elections' office by 7:00 P.M. on the day of each such  
29 election pursuant to the Florida Election Code. All election  
30 ballots shall be prepared by the Supervisor of Elections of  
31 the County of Sarasota. A person desiring to have the person's

1 name placed on the ballot for election as a trustee of the  
2 district shall be a registered voter residing in the district  
3 and a freeholder within the district and shall pay a filing  
4 fee of \$25, or in the alternative, the person may qualify by  
5 fulfilling the requirements of section 99.095, Florida  
6 Statutes. Notice of said election setting forth the names of  
7 the persons proposed as trustees of the district shall be  
8 given by the district in writing addressed to each resident  
9 within the district not less than 15 days before the date of  
10 each election, and shall also be published one time at least  
11 10 days prior to such election, in a newspaper of general  
12 circulation published in the county, and if no newspaper be  
13 published in said county, then they shall cause written or  
14 printed notices of said election to be posted in five public  
15 places within said district. Notwithstanding the provisions of  
16 section 101.20, Florida Statutes, the publication of a sample  
17 ballot is not required. The Supervisor of Elections of  
18 Sarasota County shall appoint inspectors and clerks for the  
19 election whose duties shall be the same as similar officers in  
20 general elections, except as herein stated. Said election may  
21 be by ballot or by other electronic or electromechanical  
22 voting system, and if by ballot the same shall be written or  
23 printed in black ink on plain paper and shall be substantially  
24 in the following form:

25  
26 Board of Trustees of the Holiday Park Park and  
27 Recreation District (stating their names)  
28

29 and, if by other electronic or electromechanical voting  
30 system, the requirements for the ballot herein described shall  
31 be adapted to the use of such voting system. Election of

1 trustees shall be held annually on the second Tuesday of March  
2 or, in the alternative, on another Tuesday in March in  
3 conjunction with any other special, primary, or general  
4 election to be conducted by the Supervisor of Elections, by  
5 electing five trustees in even-numbered years and four  
6 trustees in odd-numbered years for 2-year terms. In the March  
7 2002 election, Seats #1, #3, #5, #7, and #9 shall be filled.  
8 In the March 2003 election, Seats #2, #4, #6, and #8 shall be  
9 filled. Trustees may succeed themselves in office. The term of  
10 the newly elected trustees shall commence at the Board of  
11 Trustees' organizational meeting which shall be held within 7  
12 days following the election. Trustees shall serve until their  
13 successors take office, except as otherwise provided herein.  
14 The trustees whose seats are filled pursuant to the trustees'  
15 election in December 1999 (Seats #1, #3, #5, #7, and #9) shall  
16 serve until their successors take office following the March  
17 2002 trustees' election. The trustees whose seats are filled  
18 pursuant to the trustees' election in December 2000 (Seats #2,  
19 #4, #6, and #8) shall serve until their successors take office  
20 following the March 2003 trustees' election.

21 Section 6. The Supervisor of Elections of Sarasota  
22 County shall canvass the returns of the election and shall  
23 announce the result thereof no later than the day following  
24 the election. The expenses of the Supervisor of Elections for  
25 conducting each election shall be paid out of general funds of  
26 the district.

27 Section 7. The Board of Trustees shall have the right,  
28 power, and authority to levy a special assessment known as a  
29 "recreation district tax" against all taxable real estate  
30 situated within said district for the purpose of providing  
31 funds for the operation of the district. The trustees shall,

1 on or before August 1 of each year, by resolution fix the  
2 amount of the assessment for the next ensuing fiscal year and  
3 shall direct the Property Appraiser of Sarasota County to  
4 assess and the Tax Collector of Sarasota County to collect  
5 such tax as assessed upon each improved residential parcel of  
6 property within the district. Prior to the adoption of the  
7 resolution fixing the amount of the assessment, the trustees  
8 shall hold a public hearing at which time property owners  
9 within the district may appear and be heard. Notice of the  
10 time and place of the public hearing shall be published once  
11 in a newspaper of general circulation within the County of  
12 Sarasota at least 21 days prior to the said public hearing.  
13 The county Property Appraiser shall include on the Sarasota  
14 County tax roll the special assessment for park and recreation  
15 district benefits thus made by the Board of Trustees of the  
16 district, and the same shall be collected in the manner and  
17 form as provided for collection of county taxes. The offices  
18 of the county Tax Collector and the county Property Appraiser  
19 shall each receive compensation for their services regarding  
20 such special assessments of 1 1/2 percent of the gross tax  
21 receipts instead of the commissions and fees usually earned  
22 for the assessment and collection of county taxes. Further,  
23 the services of the Property Appraiser and the Tax Collector  
24 under this act are hereby declared to be special services  
25 performed directly for the district, and any payment therefor  
26 shall not be personal income of such official but shall be  
27 income to said official's office. After deducting therefrom  
28 the said fees, the Tax Collector shall deposit the funds into  
29 a depository designated by the Board of Trustees of the  
30 district for the account of the district. For the purpose of  
31 determining property subject to the district tax, an "improved

1 residential parcel" shall be construed to mean a platted lot  
2 or lots on which a mobile home may be erected. The district  
3 tax shall be levied against each lot or proportionally against  
4 any fraction thereof which is part of an improved residential  
5 parcel. The district tax shall not be an ad valorem tax but  
6 rather shall be a unit tax assessed equally against all  
7 improved residential parcels.

8 Section 8. The district may acquire and hold property,  
9 sue and be sued, enter into contracts, and perform other  
10 functions necessary or desirable to the carrying out of the  
11 provisions and intent of this act. No debt shall be created  
12 without the approval of the Board of Trustees.

13 Section 9. The district tax shall be a lien upon each  
14 improved residential parcel of land so assessed until said tax  
15 has been paid, and shall be considered a part of the Sarasota  
16 County tax, subject to the same penalties, charges, fees, and  
17 remedies for enforcement and collection as provided by the  
18 laws of the State of Florida for the collection of such taxes.

19 Section 10. The proceeds of said tax and the funds of  
20 the district shall be deposited in the name of the district in  
21 a bank or savings and loan association or building and loan  
22 association authorized to receive deposits of county funds,  
23 which depository shall be designated by resolution of the  
24 Board of Trustees. No funds of the district shall be disbursed  
25 save and except by check or draft signed by the chair and  
26 treasurer of the board or, in the absence of either, by  
27 another trustee designated for that purpose by the board.

28 Section 11. All vacancies occurring in the Board of  
29 Trustees from any cause shall be filled for the unexpired term  
30 by the remaining trustees by the appointment of a successor  
31 trustee or trustees from among the registered voters residing

1 in the district who are freeholders within said district. Any  
2 trustee failing to discharge the duties of the trustee's  
3 position may be removed for cause by the Board of Trustees,  
4 after due notice and an opportunity to be heard upon charges  
5 of malfeasance or misfeasance.

6 Section 12. The fiscal year of the district shall  
7 commence October 1 of each year and end on September 30 of the  
8 following year. The trustees shall, on or before April 1 of  
9 each year, prepare an annual financial statement of income and  
10 disbursements during the prior fiscal year. On or before July  
11 1 of each year, the trustees shall prepare and adopt an  
12 itemized budget showing the amount of money necessary for the  
13 operation of the district for the next fiscal year and the  
14 district tax to be assessed and collected upon the taxable  
15 property of the district for the next ensuing year. Such  
16 financial statement shall be published once during the month  
17 of April each year in a newspaper of general circulation  
18 within the County of Sarasota. A copy of said statement and a  
19 copy of said budget shall also be furnished by mail to each  
20 taxpayer within said district within 30 days of its  
21 preparation and a copy made available for public inspection at  
22 the principal office of the district at reasonable hours.

23 Section 13. The "property" of the district shall  
24 consist of property and improvements now or hereafter erected  
25 or purchased by the trustees for the district as well as any  
26 other real or personal property which the trustees of the  
27 district may, in their discretion, determine to be necessary  
28 or convenient for the purposes of the district; in addition  
29 thereto, for the comfort and convenience of taxpayers within  
30 the district, the trustees may in their discretion assume the  
31 cost of installing and maintaining entrance parkways and



1 street lighting within the district and may acquire and  
2 dispose of any other facilities for the general purposes of  
3 the district.

4 Section 14. Persons entitled to use the facilities and  
5 property of the district shall be limited to property owners  
6 within the district, their family members and guests, and to  
7 such other persons and groups as the trustees may authorize  
8 from time to time.

9 Section 15. The trustees shall supervise all real and  
10 personal property owned by the district, and shall have the  
11 following powers in addition to those already herein  
12 enumerated:

13 (a) To negotiate purchases and to purchase real and  
14 personal property on behalf of the district and to pay for  
15 such purchases either with cash or by the issuance of bonds or  
16 revenue certificates.

17 (b) To determine and fix the tax to be assessed  
18 annually within the district.

19 (c) To enter into contracts on behalf of the district.

20 (d) To incur obligations on behalf of the district,  
21 including the power to issue bonds, notes, and other evidence  
22 of indebtedness of the district for the purpose of obtaining  
23 funds for the operation of the district including the purchase  
24 of lands, buildings, and other improvements, provided,  
25 however, that the aggregate amount of all obligations of the  
26 district payable in any calendar year shall not exceed the  
27 aggregate amount of all revenue received by the district from  
28 all sources during such calendar year; bonds, notes, or other  
29 certificates of indebtedness issued by the district may be  
30 secured by the pledge of tax revenues obtained by the district  
31 as well as by mortgage of property owned by the district.

1       (e) To issue its bonds to finance, in whole or in  
2 part, the cost of construction, acquisition, or improvement of  
3 real and personal property of the district. The trustees, in  
4 determining such costs, may include all costs and estimated  
5 costs of the issuance of said bonds, all engineering,  
6 inspection, fiscal, and legal expenses, all costs of  
7 preliminary surveys, plans, maps, and specifications, initial  
8 reserve funds for debt service, the costs of the services of  
9 persons, firms, corporations, partnerships, or associations  
10 employed, or consultants, advisors, engineers, or fiscal,  
11 financial, or other experts hired in the planning,  
12 preparation, and financing of the district. The trustees are  
13 hereby authorized to employ and to enter into agreements or  
14 contracts with consultants, engineers, attorneys, and fiscal,  
15 financial, or other experts for the planning, preparation, and  
16 financing of the district, or any asset thereof, upon such  
17 terms and conditions as the trustees shall deem desirable and  
18 proper. The district may pledge to the punctual payment of  
19 bonds or revenue certificates issued pursuant to this act, and  
20 interest thereon, an amount of the revenue derived from the  
21 facilities and services of the district, including  
22 acquisitions, extensions, and improvements thereof sufficient  
23 to pay said bonds and the interest thereon as the same shall  
24 become due and to create and maintain reasonable reserves  
25 therefor.

26       (f) To buy, sell, rent, or lease real and personal  
27 property in the name of the district; to deliver purchase  
28 money notes and mortgages or to assume the obligation of  
29 existing mortgages in connection with the acquisition of  
30 property of the district; and to receive gifts of real or  
31 personal property.

1       (g) To promulgate reasonable rules and regulations  
2 governing the use of the facilities of the district.

3       (h) To use district funds in the administration and  
4 enforcement of the deed restrictions as filed in the Sarasota  
5 County public records for properties within the district.

6       (i) To regulate the use of roads within Holiday Park  
7 Park and Recreation District by adoption of the provisions of  
8 chapter 316, Florida Statutes, as currently enacted and  
9 subsequently amended.

10       (j) To contract with the City of North Port, Florida,  
11 for the enforcement of the provisions for the regulation of  
12 the use of roads within Holiday Park Park and Recreation  
13 District, as set forth in paragraph (i).

14       (k) To provide trash and garbage collection and cable  
15 television or other centralized television antenna signals and  
16 services for the benefit of all persons residing within the  
17 district; to own, operate, and maintain the necessary  
18 equipment and apparatus or to contract with others to provide  
19 such services; and to hold such franchises as may be necessary  
20 or desirable to provide such services.

21       Section 16. The construction, acquisition, or  
22 improvement of real or personal property of the district, or  
23 the refunding of any bonds or other obligations issued for  
24 such purposes, may be authorized under this act. Bonds may be  
25 authorized to be issued under this act to provide funds for  
26 such purposes by resolution or resolutions of the Board of  
27 Trustees, which may be adopted at the same meeting at which  
28 they were introduced and may be adopted by a majority of the  
29 members thereof, and shall take effect immediately upon  
30 adoption and need not be published or posted. Said bonds shall  
31 bear interest at a rate pursuant to section 215.84, Florida

1 Statutes, payable semiannually, may be in one or more series,  
2 may bear such date or dates, may mature at such time or times  
3 not exceeding 40 years from their respective dates, may be  
4 made payable in such medium of payment, at such place, within  
5 or without the state, may carry such registration privileges,  
6 may be subject to such terms of redemption, with or without  
7 premium, may be executed in such manner, may contain such  
8 terms, covenants, and conditions, and may be in such form,  
9 either coupon or registered, as such resolution or subsequent  
10 resolution may provide. Said bonds may be sold all at one time  
11 or in blocks from time to time, at public or private sale, or  
12 if refunding bonds, may also be delivered and exchanged for  
13 the outstanding obligations to be refunded thereby, in such  
14 manner as the Board of Trustees shall determine by resolution,  
15 and at such price or prices computed according to standard  
16 tables of bond value as will yield to the purchasers or the  
17 holders of the obligations surrendered in exchange in the case  
18 of refunding bonds, income at a rate pursuant to section  
19 215.84, Florida Statutes, to the maturity dates of the several  
20 bonds so sold or exchanged on the money paid or the principal  
21 amount of obligations surrendered therefor to the district.  
22 Pending the preparation of the definitive bonds, interim  
23 certificates or receipts or temporary bonds in such form and  
24 with such provisions as the Board of Trustees may determine  
25 may be issued to the purchaser or purchasers of the bonds sold  
26 pursuant to this act. Said bonds, and such interim  
27 certificates or receipts or temporary bonds, shall be fully  
28 negotiable.

29 Section 17. A record shall be kept of all meetings of  
30 the Board of Trustees and in such meetings a concurrence of a  
31 majority of said trustees shall be necessary to any

1 affirmative action taken by the board. Said Board of Trustees  
2 may adopt such rules and regulations, not inconsistent with  
3 any portion of this act, as it may deem necessary or  
4 convenient in and about the transaction of its business and in  
5 carrying out the provisions of this act.

6 Section 18. For the general purposes of this act, each  
7 parcel of property in said district is hereby declared to be  
8 uniformly and generally benefitted by the provisions hereof.

9 Section 19. The district hereby created may be  
10 abolished by a majority vote of the registered voters residing  
11 in the district at an election called by the Board of Trustees  
12 of the district for such purpose, which election shall be held  
13 and notice thereof given under the same requirements as are  
14 set forth hereunder for the election of trustees and the  
15 levying and collecting of the district tax, provided that the  
16 district shall not be abolished while it has outstanding  
17 indebtedness without first making adequate provision for the  
18 liquidation of such outstanding indebtedness.

19 Section 20. Trustees not guilty of malfeasance in  
20 office shall be relieved of any personal liability for any  
21 acts done by them while holding office in the district. Any  
22 trustee who is made a party to any action, suit, or proceeding  
23 solely by reason of holding office in the district shall be  
24 indemnified by the district against reasonable expenses,  
25 including attorneys' fees incurred by said trustee in  
26 defending such suit, action, or proceeding, except with  
27 respect to matters wherein it shall be adjudged in such  
28 proceeding that such trustee is liable for negligence or  
29 misconduct in the performance of the trustee's duties.

30 Section 21. The word "district" shall mean the  
31 political subdivision of the State of Florida and special park

1 and recreation district hereby organized. The words "board,"  
2 "trustees," and "Board of Trustees" shall mean the Board of  
3 Trustees of and for the special park and recreation district  
4 hereby created when used in this act, unless otherwise  
5 specified.

6 Section 22. Notwithstanding any provisions to the  
7 contrary, as may now appear in sections 8, 13, or 15, the  
8 trustees of Holiday Park Park and Recreation District shall  
9 not enter into any future contracts involving the purchase,  
10 lease, conveyance, or other manner of acquisition of real or  
11 tangible personal property in any instance when the cost,  
12 price, or consideration therefor exceeds \$40,000, including  
13 all obligations, proposed to be assumed in connection with  
14 such acquisition, unless:

15 (a) Such acquisition relates to the repair or  
16 replacement of assets previously owned by the district; or

17 (b)(1) The trustees by two-thirds vote have approved  
18 the terms and conditions of such acquisition by written  
19 resolution;

20 (2) Within not less than 30 days nor more than 60 days  
21 of the date of the resolution, the trustees certify the  
22 resolution to the Supervisor of Elections of Sarasota County  
23 for a referendum election; and

24 (3) The registered voters residing in the district  
25 approve the resolution by a majority vote of said voters in a  
26 referendum election in which the qualifications of voters,  
27 notice, and procedure shall be the same as set forth herein  
28 for the election of trustees and for special referendum  
29 elections.

30 Section 23. If any clause, section, or provision of  
31 this act shall be declared to be unconstitutional or invalid

1 for any cause or reason, the same shall be eliminated from  
2 this act, and the remaining portion of said act shall be in  
3 force and effect and be as valid as if such invalid portion  
4 thereof had not been incorporated therein.

5 Section 24. All laws or parts of laws in conflict  
6 herewith are, to the extent of such conflict, hereby repealed.

7 Section 25. The provisions of this act shall be  
8 liberally construed in order to effectively carry out the  
9 purposes of this act in the interest of the public.

10 Section 4. Chapters 81-441, 82-380, and 87-445, Laws  
11 of Florida, are repealed.

12 Section 5. This act shall take effect upon becoming a  
13 law.

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