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April 13, 2022

Hon. Danny Burgess
Florida State Senate
38507 Fifth Avenue, FL 33542

**Re: Lake Padgett Estates Independent Special District
Board of Supervisors Resolution (attached)**

Dear Senator Burgess:

During the 2005-06 legislative session the Florida Legislature passed special enacting legislation (Senate Bill 1316 & House Bill 1316) forming the Lake Padgett Estates Independent Special District (LPEISD). LPEISD was established on June 23, 2006, under the Uniform Special District Accountability Act of 1980, otherwise known as Chapter 189, Florida Statutes.”

The primary purpose of this special district is to manage the extensive parks and recreational facilities within the Lake Padgett Estates subdivision (Pasco County) for the benefit of the district’s residents. This subdivision pre-dated mandatory homeowner’s associations.

LPEISD is governed by a board of five (5) supervisors who are all elected simultaneously to two (2) year terms of office every even numbered year.

I have had the privilege of serving as district counsel and legal advisor for LPEISD since 2009, during which time on two occasions, 2012 and 2020, we had an insufficient number of candidates that timely qualified to run for office. For purposes of holding meetings LPEISD must have a quorum of Supervisors (3 out of 5). In 2012 only two candidates qualified in time to run. In 2020 only one candidate qualified in time to run. The first time this happened in 2012 we were able to get Governor Scott to re-open the registration period in time to qualify additional candidates for the 2012 November general election. In 2020 we were not able to get Governor DeSantis to re-open qualifying period or appoint the additional four supervisors needed. As a result, LPEISD was without a governing board for several months while we awaited a special election to fill the remaining four seats.

In an attempt to prevent this from occurring in the future, the current board of supervisors recently passed a resolution (see attached copy) requesting that the Florida Legislature consider amending the LPEISD enacting legislation to allow for staggered four-year terms so that on each even numbered year not all five supervisor positions would

be open for re-election. On one even numbered year two supervisor positions would be up for election to a four-year term and on the next preceding even numbered year the remaining three supervisor positions would be up for election. This would reduce the number of candidates necessary for each election cycle and would avoid the cost of a special election if an insufficient number of candidates qualified during any one election cycle.

The intention is to introduce this resolution to the Pasco County Legislative Delegation in the Fall of 2022 in hope that they will endorse and initiate the process to amend the LPEISD enacting legislation during the 2023 legislative session. Because you serve as Lake Padgett Estates representative both in the State Legislature and in the Pasco County Legislative Delegation the LPEISD Board of Supervisors has asked that I reach out to you in hopes that you would support this request and assist in the shepherding of this proposed change through both the local delegation and the Florida Legislature.

Should you have any questions or concerns regarding this matter please don't hesitate to contact me for further clarification.

As an aside, the LPEISD Board of Supervisors meets every 3rd Thursday of the month in Lake Padgett Estates and you are certainly welcome to attend any of their meetings to make a presentation. With the changes in the laws of Florida each year it is important for LPEISD to be informed of any changes that might impact their community and it is important for our board members to have a working relationship with both you and your office staff.

Respectfully,

Tim Hayes

Tim Hayes
LPEISD District Counsel

TGH/mj

cc: LPEISD Chair Steve Yarborough
Lynn Hayes, Rizzetta

Attachments

RESOLUTION 2022-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF LAKE PADGETT ESTATES INDEPENDENT SPECIAL DISTRICT (hereinafter the "District") REQUESTING THE FLORIDA LEGISLATURE TO EXPAND THE TERM OF OFFICE FROM TWO TO FOUR YEARS AND STAGGER THE TERMS OF THE BOARD OF SUPERVISORS OF THE DISTRICT.

WHEREAS, the District is a local unit of special-purpose government created and existing pursuant to Chapter 189, Florida Statutes, being situated entirely within Pasco County, Florida; and

WHEREAS, the Board of Supervisors of the District (hereinafter the "Board"), consists of five (5) elected officials who all serve two year terms which expire in November of every even numbered year; and

WHEREAS, on two separate occasions, one in 2012 and again in 2020, insufficient numbers of candidates failed to register in time to run for the five open Board positions in order to constitute a quorum (3) as required for the District to function; and

WHEREAS, in 2012 to resolve this matter then Florida Governor Scott was required to re-open the registration period; and

WHEREAS, in 2020 to resolve this matter Florida Governor DeSantis was required to call for a special election; and

WHEREAS, the Board finds that it is in the best interest of the District and its residents to request that the Florida Legislature consider amending the District's enacting legislation (Florida Senate Bill 1316 & House Bill 479 (2005-2006).) to allow for four year staggered terms for Board members.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LAKE PADGETT ESTATES INDEPENDENT SPECIAL DISTRICT TO REQUEST THAT THE PASCO COUNTY LEGISLATIVE DELEGATION CONSIDER SUPPORTING THE FOLLOWING PROPOSED CHANGES TO THE TERMS OF OFFICE OF THE DISTRICT'S BOARD:

1. Effective November 2024 candidates seeking to run for the District's Board will be elected in the following manner and terms:
 - A. Two of five Board positions shall be elected on a one time basis for an initial term of two years, after which these two seats on the Board will be expanded to four year terms commencing in 2026.

- B. Three of five Board positions shall be elected for a term of four years.
2. This will result in staggered terms for District Board members with two Board members being elected on one even numbered year and the other three Board members being elected on the subsequent even numbered year.


PASSED AND ADOPTED this 17 of March, 2022.

ATTEST:



Secretary/Assistant Secretary

**LAKE PADGETT ESTATES INDEPENDENT
SPECIAL DISTRICT**



Chairperson, Board of Supervisors