

By Senator Crist

12-345-06

See HB 479

1 A bill to be entitled
2 An act relating to Pasco County; creating the
3 Lake Padgett Estates Independent Special
4 District; providing a popular name; providing
5 definitions; stating legislative policy
6 regarding creation of the district; providing
7 for creation and establishment of the district
8 and legal boundaries of the district; providing
9 for the jurisdiction and charter of the
10 district; providing for an initial governing
11 board, a board of supervisors, and board
12 membership, meetings, organization, powers,
13 duties, terms of office, per diem, salary, and
14 election requirements; providing for
15 administrative duties of the board, district
16 employees, selection of a public depository,
17 district budgets, financial reports, and
18 reviews; providing for the general powers of
19 the district; providing for the special powers
20 of the district to maintain, operate, and
21 improve community recreational amenities and
22 associated infrastructure and services within
23 the district; providing for borrowing and
24 revenue sources including a referendum to allow
25 for the levying of an ad valorem tax within the
26 district; providing for competitive
27 procurement; providing for required notices to
28 purchasers of real property within the
29 district; providing severability; providing an
30 effective date.
31

1 Be It Enacted by the Legislature of the State of Florida:

2
3 Section 1. This act may be cited as the "Lake Padgett
4 Estates Independent Special District Act."

5 Section 2. Definitions; policy.--

6 (1) DEFINITIONS.--As used in this act:

7 (a) "Assessable improvements" means, without
8 limitation, any and all improvements and community facilities
9 that the district is empowered to provide in accordance with
10 this act that provide a special benefit to property within the
11 district.

12 (b) "Assessments" means those nonmillage district
13 assessments that include special assessments and maintenance
14 special assessments.

15 (c) "Board of supervisors" or "board" means the
16 governing board of the district after all members of the board
17 of supervisors have been elected pursuant to the provisions of
18 section 5 or, if such board has been abolished, the board,
19 body, or commission assuming the principal functions thereof
20 or to whom the powers given to the board by this act have been
21 given by law.

22 (d) "Cost" or "costs," when used with reference to any
23 project, includes, but is not limited to:

24 1. The expenses of determining the feasibility or
25 practicability of acquisition, construction, or
26 reconstruction.

27 2. The cost of surveys, estimates, plans, and
28 specifications.

29 3. The cost of maintenance, operations, and
30 improvements.
31

- 1 4. Engineering, fiscal, and legal expenses and
- 2 charges.
- 3 5. The cost of all labor, materials, machinery, and
- 4 equipment.
- 5 6. The cost of all lands, properties, rights,
- 6 easements, and franchises acquired.
- 7 7. Financing charges.
- 8 8. The creation of initial reserve and debt service
- 9 funds.
- 10 9. Working capital.
- 11 10. Interest charges incurred or estimated to be
- 12 incurred on money borrowed prior to and during construction
- 13 and acquisition and for such reasonable period of time after
- 14 completion of construction or acquisition as the board may
- 15 determine.
- 16 11. The cost of any tax referendum held pursuant to
- 17 this act.
- 18 12. Administrative expenses.
- 19 13. Such other expenses as may be necessary or
- 20 incidental to the acquisition, construction, or reconstruction
- 21 of any project, to the financing thereof, or to the
- 22 development of any lands within the district.
- 23 14. Payments, contributions, dedications, and any
- 24 other exactions required as a condition of receiving any
- 25 governmental approval or permit necessary to accomplish any
- 26 district purpose.
- 27 (e) "District" means the Lake Padgett Estates
- 28 Independent Special District.
- 29 (f) "District recreational amenities and associated
- 30 infrastructure" means all existing and future parks,
- 31 open-space areas, lakes, signage, structures, and future

1 improvements of all kinds to said amenities located within the
2 district.

3 (g) "Initial governing board" means the Pasco County
4 Board of Commissioners, which shall govern the district until
5 the election of the board of supervisors pursuant to section
6 5.

7 (h) "Lake Padgett Estates Independent Special
8 District" means the unit of special and single-purpose local
9 government created and chartered by this act, including the
10 creation of its charter, and limited to the performance, in
11 implementing its single purpose, of those general and special
12 powers authorized by its charter under this act, the
13 boundaries of which are set forth by the act, the governing
14 head of which is created and authorized to operate with legal
15 existence by this act, and the purpose of which is as set
16 forth in this act.

17 (i) "Landowner" means the owner of a freehold estate
18 as it appears on the deed record, including a trustee, a
19 private corporation, and an owner of a condominium unit.
20 "Landowner" does not include a reversioner, remainderman,
21 mortgagee, or any governmental entity, who shall not be
22 counted and need not be notified of proceedings under this
23 act. "Landowner" also means the owner of a ground lease from a
24 governmental entity, which leasehold interest has a remaining
25 term, excluding all renewal options, in excess of 50 years.

26 (j) "Maintenance special assessments" means
27 assessments imposed, levied, and collected pursuant to the
28 provisions of section 7.

29 (k) "Non-ad valorem assessment" means only those
30 assessments which are not based upon millage and which can
31

1 become a lien against a homestead as permitted in s. 4, Art. X
2 of the State Constitution.

3 (l) "Powers" means powers used and exercised by the
4 board of supervisors to accomplish the single, limited, and
5 special purpose of the district, including:

6 1. "General powers," which means those organizational
7 and administrative powers of the district as provided in this
8 charter in order to carry out its single special purpose as a
9 local government public corporate body politic.

10 2. "Special powers," which means those powers
11 enumerated by the district charter to maintain, operate, and
12 improve recreational amenities and associated infrastructure
13 and related functions in order to carry out its single
14 specialized purpose.

15 3. Any other powers, authority, or functions set forth
16 in this act.

17 (m) "Project" means any improvement, property,
18 facility, enterprise, service, works, or infrastructure now
19 existing or hereafter undertaken or established under the
20 provisions of this act.

21 (n) "Qualified elector" means any registered voter
22 residing within the district boundaries.

23 (o) "Signage" means any entranceway signage or
24 features and all signage within the district associated with
25 the recreational amenities of the district.

26 (p) "Special assessments" means assessments as
27 imposed, levied, and collected by the district for the costs
28 of assessable improvements pursuant to the provisions of this
29 act, chapter 170, Florida Statutes, and the additional
30 authority under section 197.3631, Florida Statutes, or other
31 provisions of general law, now or hereinafter enacted, which

1 provide or authorize a supplemental means to impose, levy, or
2 collect special assessments.

3 (g) "Taxes" or "tax" means those levies and
4 impositions, authorized by a vote of the qualified electors of
5 the district, of the board of supervisors that support and pay
6 for government and the administration of law and that may be
7 ad valorem or property taxes based upon both the appraised
8 value of property and millage at a rate uniform within the
9 jurisdiction.

10 (2) POLICY.--Based upon its findings, ascertainments,
11 determinations, intent, purpose, and definitions, the
12 Legislature states its policy expressly:

13 (a) The district and the district charter, as created
14 in this act, with its general and special powers, are
15 essential and the best alternative for maintaining, operating,
16 and improving the recreational amenities and associated
17 infrastructure in the district.

18 (b) The district, which is a local government and a
19 political subdivision, is limited to its special purpose as
20 expressed in this act, with the power to maintain, operate,
21 improve, and finance as a local government management entity
22 its recreational amenities and associated infrastructure and
23 services, and possess financing powers to fund its management
24 power over the long term and with sustained levels of high
25 quality.

26 (c) The creation of the Lake Padgett Estates
27 Independent Special District by and pursuant to this act, and
28 its exercise of its management and related financing powers to
29 implement its limited, single, and special purpose, is not a
30 development order and does not trigger or invoke any provision
31 within the meaning of chapter 380, Florida Statutes, and all

1 applicable governmental planning, environmental, and land
2 development laws, regulations, rules, policies, and ordinances
3 apply to all development of the land within the jurisdiction
4 of the district as created by this act.

5 Section 3. Legal description of the Lake Padgett
6 Estates Independent Special District.--The metes and bounds
7 legal description of the district is as follows:

8
9 A portion of Sections 19, 20 & 30, Township 26
10 South, Range 19 East, Pasco County, Florida
11 being described as follows:

12
13 Begin at the Northwest corner of said Section
14 19, run thence South 00°43'18" West, along the
15 West line of said Section 19, a distance of
16 5,119.41 feet; Thence South 88°50'58" East, a
17 distance of 1,102.22 feet; Thence South
18 00°51'34" West, a distance of 100.01 feet;
19 thence South 88°51'24" East, along the South
20 line of said Section 19, a distance of 181.42
21 feet; Thence South 18°44'16" East, a distance
22 of 526.27 feet; to the West line of the
23 Northeast 1/4 of the Northwest 1/4 of Section
24 30, Township 26 South, Range 19 East; thence
25 South 01°14'05" West, along the West line of
26 the Northeast 1/4 of the Northwest 1/4 of said
27 Section 30, a distance of 823.69 feet to the
28 South line of the Northeast 1/4 of the
29 Northwest 1/4 of said Section 30, run thence
30 South 88°59'33" East, a distance of 1343.37
31 feet; to the West line of Park Tract of Lake

1 Padgett Estates South Unit Two as recorded in
2 Plat Book 13, Pages 137-139 of the Public
3 Records of Pasco County, Florida, also being
4 the West Boundary of the Northwest 1/4 of the
5 Northeast 1/4 of said Section 30; Thence North
6 00°49'49" East along said West line, a distance
7 of 1,315.26 feet to the South line of said
8 Section 19, also being the South boundary line
9 of Valencia Gardens Phase Three as recorded;
10 Thence North 88°47'25" West along said South
11 line of Section 19, a distance of 11.84 feet to
12 the West boundary of said Valencia Gardens
13 Phase Three, Thence run North 00°16'12" East
14 along said West boundary of Valencia Gardens
15 Phase Three, a distance of 1,317.39 feet to the
16 North boundary of said Valencia Gardens Phase
17 Three; Thence South 88°44'56" East along said
18 North boundary of Valencia Gardens Phase Three,
19 a distance of 2,662.48 feet; Thence South
20 89°27'44" East, a distance of 651.97 feet to
21 the West line of the right-of-way of Collier
22 Parkway as recorded in the Official Records
23 Book 1824, Page 1234; Thence run North
24 05°16'09" East along said West Line of the
25 right-of-way of Collier Parkway, a distance of
26 297.38 feet; Thence North 86°18'32" West, a
27 distance of 66.02 feet; Thence North 89°42'44"
28 West to the Westerly Boundary of Collier Place
29 as recorded in Plat Book 35, Pages 37-39 of the
30 Public Records of Pasco County, Florida, a
31 distance of 817.90 feet; Thence North 27°08'25"

1 West, a distance of 88.63 feet; Thence North
2 00°25'14" East, a distance of 391.01 feet;
3 Thence North 37°00'57" East, a distance of
4 520.22 feet; Thence North 35°41'05" East, a
5 distance of 138.96 feet; Thence North 00°57'10"
6 East, a distance of 379.43; Thence North
7 50°28'38" East, a distance of 205.65 feet;
8 Thence North 00°40'29" East, a distance of
9 106.14 feet; Thence North 45°39'30" West, a
10 distance of 348.39 feet; Thence North 89°41'20"
11 West, a distance of 598.63 feet; Thence South
12 00°55'00" West, a distance of 100.01 feet;
13 Thence North 89°20'18" West, a distance of
14 1,255.51 feet; Thence N00°54'33 East, a
15 distance of 1270.03 feet; Thence South
16 89°17'01" East, a distance of 99.98 feet;
17 Thence North 00°55'14" East, a distance of
18 150.02 feet to the North line of Section 19,
19 Township 26 South, Range 19 East; Thence along
20 said North line of said Section 19 North
21 88°42'23" West, a distance of 155.04 feet;
22 Thence South 00°13'06" West, a distance of
23 49.87 feet; Thence North 89°34'34" West, a
24 distance of 50.00 feet; Thence North 00°17'06"
25 East, a distance of 50.25 feet to North line of
26 said Section 19; Thence along the North line of
27 said Section 19 North 89°11'04" West, a
28 distance of 3,455.90 feet; Thence North
29 89°27'48" West; a distance of 13.88 feet to the
30 POINT OF BEGINNING.
31

1 AND

2
3 A portion of Sections 24 & 25, Township 26
4 South, Range 18 East, Pasco County, Florida
5 being described as follows:

6
7 Begin at the Northwest corner of Section 19
8 Township 26 South, Range 19 East, run thence
9 South 00°43'18" West, along the West line of
10 said Section 19, a distance of 5,097.53 feet;
11 to the South line of Section 24, Township 26
12 South, Range 18 East also being the North line
13 of Section 25, Township 26 South, Range 18
14 East, Thence run along South line of said
15 Section 24, North 89°29'16" West, a distance of
16 1,672.72 feet; Thence South 00°24'04" West; a
17 distance of 659.90 feet; Thence South 89°24'42"
18 East, a distance of 328.18 feet; Thence South
19 00°20'51" West, a distance of 329.89 feet;
20 Thence North 89°23'22 West, a distance of
21 656.92 feet; Thence North 00°26'49" East, a
22 distance of 989.53 feet to the South line of
23 said Section 24, also being the said North line
24 of said Section 25; Thence run along North
25 89°29'16" West, a distance of 655.25 feet;
26 Thence North 01°20'40" East; a distance of
27 1,998.05 feet to the South line of the
28 Northwest 1/4 of the North 1/4 of the Southeast
29 1/4 of Section 24, Township 26 South, Range 18
30 East; thence along the said South line South
31 89°09'28" East, a distance of 688.44 feet to

1 the East line of the said Northwest 1/4; Thence
2 along said East line North 01°19'43" East, a
3 distance of 664.55 feet to the South line of
4 the Northeast 1/4 of Section 24, Township 26
5 South, Range 18 East to the West line of the
6 East 1/2 of the Northeast 1/4 of Section 24,
7 Township 26 South, Range 18 East; Thence S
8 88°56'38" East, a distance of 651.04 feet;
9 thence along said West line North 00°39'22"
10 East, a distance of 1,326.47 feet; Thence South
11 88°45'13" East, a distance of 626.59 feet;
12 Thence North 00°40'31 East, a distance of
13 695.05 feet; Thence South 88°34'46" East, a
14 distance of 25.01 feet; Thence North 00°40'23"
15 East, a distance of 600.91 feet the North line
16 of Section 24, Township 26 South, Range 18
17 East; Thence along said North line South
18 88°45'18 East, a distance of 655.33 feet;
19 Thence South 01°48'11" West, a distance of
20 160.83 feet; Thence North 89°27'48" West, a
21 distance of 13.88 feet to the POINT OF
22 BEGINNING.

23
24 Containing 33,768,142 square feet or 775.21
25 acres more or less.

26
27 Section 4. Initial governing board; board of
28 supervisors; members and meetings; organization; powers;
29 duties; terms of office; related election requirements.--

30 (1)(a) Upon the effective date of this act, the Pasco
31 County Board of Commissioners shall become the initial

1 governing board of the district and remain so until the
2 succeeding board of supervisors is elected at the general
3 election of November 2006 as provided for in this section. The
4 transition process described herein is intended to be in lieu
5 of the process set forth in section 189.4051, Florida
6 Statutes.

7 (b) The governing board may exercise the following
8 powers:

9 1. Levy annual assessments not to exceed \$250 per
10 parcel lying within the district.

11 2. Accept the transfer of property owned by Pasco
12 County and lying within the boundaries of the district as same
13 is transferred to the district from Pasco County.

14 3. Maintain and operate the recreational amenities and
15 associated infrastructure of the district.

16 4. Approve and adopt a budget for the fiscal year
17 2006-2007.

18 5. Accept the transfer of all Lake Padgett Estates
19 Municipal Service Unit funds and assets purchased with said
20 fund moneys held by Pasco County as same is transferred to the
21 district from Pasco County.

22 (2)(a) The board of supervisors shall exercise the
23 powers granted to the district pursuant to this act. The board
24 shall consist of five members, each of whom shall hold office
25 for a term of 2 years or until a new board is elected by the
26 qualified electors of the district at the general election in
27 November every 2 years. Members of the board must be citizens
28 of the United States and qualified electors residing within
29 the district.

30 (b) Elections of board members by qualified electors
31 held pursuant to this subsection shall be conducted by the

1 supervisor of elections and comply with the Florida Election
2 Code, chapters 97-106 and chapter 189, Florida Statutes, and
3 the Rules of the Division of Elections. Board members shall
4 assume office on the second Tuesday following their election.

5 (3) Members of the board of supervisors shall be known
6 as supervisors and, upon entering into office, shall take and
7 subscribe to the oath of office as prescribed by section
8 876.05, Florida Statutes. Members of the board shall be
9 subject to ethics and conflict of interest laws of the state
10 that apply to all local public officers. They shall hold
11 office for terms of 2 years each and until their successors
12 are chosen and qualified. If, during the term of office, a
13 vacancy occurs, the remaining members of the board shall fill
14 each vacancy by an appointment for the remainder of the
15 unexpired term.

16 (4) Any member of the board of supervisors may be
17 removed by the Governor for malfeasance, misfeasance,
18 dishonesty, incompetency, or failure to perform the duties
19 imposed upon him or her by this act, and any vacancies that
20 may occur in such office for such reasons shall be filled by
21 the Governor as soon as practicable.

22 (5) A majority of the members of the board constitutes
23 a quorum for the purposes of conducting its business and
24 exercising its powers and for all other purposes. Action taken
25 by the district shall be upon a vote of a majority of the
26 members present, but not less than three votes, unless general
27 law or a rule of the district requires a greater number.

28 (6) As soon as practicable after each election, but by
29 the first Monday in December, the board shall organize by
30 electing one of its members as chair and one of its members as
31 vice chair, and by electing a secretary, who need not be a

1 member of the board, and such other officers as the board may
2 deem necessary. Business of the board shall be conducted
3 pursuant to Robert's Rules of Order and the chair's powers
4 shall be as described in said rules.

5 (7) The board shall keep a permanent record book
6 entitled "Record of Proceedings of Lake Padgett Estates
7 Independent Special District," in which shall be recorded
8 minutes of all meetings, resolutions, proceedings, bonds given
9 by all employees, and any and all corporate acts. The record
10 book and all other district records shall at reasonable times
11 be opened to inspection in the same manner as state, county,
12 and municipal records pursuant to chapter 119, Florida
13 Statutes. The record book shall be kept at the office or other
14 regular place of business maintained by the board in a
15 designated location within the district.

16 (8) Each member of the board shall be entitled to
17 receive for his or her services an amount not to exceed \$50
18 per meeting of the board of supervisors, not to exceed \$1,200
19 per year per member, or an amount established by the
20 district's qualified electors at referendum. In addition, each
21 member shall receive travel and per diem expenses as set forth
22 in section 112.061, Florida Statutes.

23 (9) All meetings of the board shall be open to the
24 public and governed by the provisions of chapter 286, Florida
25 Statutes.

26 (10) The board shall, by December 31, 2006, enter into
27 intergovernmental agreements, as authorized by chapter 163,
28 Florida Statutes, with the Pasco County Property Appraiser and
29 the Pasco County Tax Collector for the assessment, collection,
30 and distribution of ad valorem taxes, special assessments, and
31

1 maintenance special assessments as may be imposed by the board
2 pursuant to this act.

3 Section 5. Board of supervisors; administrative
4 duties; general and special powers.--

5 (1) DISTRICT MANAGER, EMPLOYEES, AND TREASURER.--The
6 board may employ and fix the compensation of a district
7 manager, employees, and a treasurer pursuant to the
8 requirements of section 190.007, Florida Statutes.

9 (2) PUBLIC DEPOSITORY.--The board is authorized to
10 select as a depository for its funds any qualified public
11 depository as defined in section 280.02, Florida Statutes,
12 which meets all the requirements of chapter 280, Florida
13 Statutes.

14 (3) BUDGET; REPORTS AND REVIEWS.--The district shall
15 provide financial reports in such form and such manner as
16 prescribed pursuant to this act, chapters 189 and 218, Florida
17 Statutes, and section 190.008, Florida Statutes.

18 (4) DISCLOSURE OF PUBLIC FINANCING.--The district
19 shall take affirmative steps to provide for the full
20 disclosure of information relating to the public financing of
21 the maintenance, operation, and improvement of the
22 recreational amenities and associated infrastructure
23 undertaken by the district. Such information shall be made
24 available to all existing residents and all prospective
25 residents of the district. The district shall furnish each
26 landowner within the district a copy of that information.

27 (5) GENERAL POWERS.--The district shall have, and the
28 board may exercise, the general powers as provided for in
29 section 190.011, Florida Statutes, where not inconsistent with
30 the following:

31

1 (a) To contract for the services of consultants to
2 perform planning, engineering, legal, or other appropriate
3 services of a professional nature. Such contracts shall be
4 subject to public bidding or competitive negotiation
5 requirements as set forth in general law applicable to
6 independent special districts.

7 (b) To maintain an office at such place or places as
8 the board of supervisors designates in Pasco County, and
9 within the district when facilities are available.

10 (c) To borrow money and issue certificates, warrants,
11 notes, or other evidence of indebtedness as hereinafter
12 provided; to levy such taxes and assessments as may be
13 authorized; and to charge, collect, and enforce fees and other
14 user charges.

15 (d) To determine, order, levy, impose, collect, and
16 enforce assessments pursuant to this act and chapter 170,
17 Florida Statutes, pursuant to authority granted in section
18 197.3631, Florida Statutes, or pursuant to other provisions of
19 general law which provide or authorize a supplemental means to
20 order, levy, impose, or collect special assessments. Such
21 special assessments, in the discretion of the district, may be
22 collected and enforced pursuant to the provisions of sections
23 197.3632 and 197.3635, Florida Statutes, and chapters 170 and
24 173, Florida Statutes, or as provided by this act, or by other
25 means authorized by general law now or hereinafter enacted.

26 (e) To exercise such special powers and other express
27 powers as may be authorized and granted by this act in the
28 charter of the district, including powers as provided in any
29 interlocal agreement entered into pursuant to chapter 163,
30 Florida Statutes.
31

1 (f) The district shall not have the power of eminent
2 domain.

3 (7) SPECIAL POWERS.--The district shall have, and the
4 board may exercise, the following special powers to implement
5 its lawful and special purpose and to provide, pursuant to
6 that purpose, recreational amenities and to operate, maintain,
7 and improve said amenities and associated infrastructure, each
8 of which constitutes a lawful public purpose when exercised
9 pursuant to this charter, subject to, and not inconsistent
10 with, the regulatory jurisdiction and permitting authority of
11 all other applicable governmental bodies, agencies, and any
12 special districts having authority with respect to any area
13 included therein, and to plan, establish, acquire, construct
14 or reconstruct, enlarge or extend, equip, operate, finance,
15 fund, and maintain improvements, systems, facilities,
16 services, works, projects, and infrastructure. Any or all of
17 the following special powers are granted by this act in order
18 to implement the special purpose of the district:

19 (a) To provide district parks and open space and the
20 continued maintenance, operation, and improvement thereof.
21 This special power includes, but is not limited to, passive
22 and active recreational areas, lakes, and canals, containing
23 picnic shelters, boat ramps and docks, volleyball, basketball,
24 tennis, horseshoe, and shuffleboard courts, playgrounds and
25 open space, wildlife habitat, including the maintenance of any
26 plant or animal species, mitigation areas, landscaping and
27 irrigation, bicycle lanes, jogging paths, riding trails,
28 regulatory or informational signage, and all other customary
29 elements of such park and open-space areas and any related
30 interest in real or personal property.

1 **(b) To provide buildings, structures, and like**
2 **improvements and the continued maintenance, operation, and**
3 **improvement thereof. This special power includes, but is not**
4 **limited to, bathroom facilities, maintenance buildings,**
5 **lighting and security facilities such as walls and**
6 **guardhouses, parking areas, wildlife observation towers,**
7 **stables, and stormwater facilities necessary and incidental to**
8 **the recreational amenities, and associated infrastructure or**
9 **any other project authorized or granted by this act.**

10 **(c) To establish and create, at noticed meetings, such**
11 **governmental departments of the board of supervisors of the**
12 **district, as well as committees, task forces, boards, or**
13 **commissions, or other agencies under the supervision and**
14 **control of the district, as from time to time the members of**
15 **the board may deem necessary or desirable in the performance**
16 **of the acts or other things necessary to exercise the board's**
17 **general or special powers to implement an innovative project**
18 **to carry out the special purpose of the district as provided**
19 **in this act and to delegate the exercise of its powers to such**
20 **departments, boards, task forces, committees, or other**
21 **agencies and such administrative duties and other powers as**
22 **the board may deem necessary or desirable, but only if there**
23 **is a set of expressed limitations for accountability, notice,**
24 **and periodic written reporting to the board that shall retain**
25 **the powers of the board.**

26
27 **The enumeration of special powers herein shall not be deemed**
28 **exclusive or restrictive but shall be deemed to incorporate**
29 **all powers express or implied necessary or incident to**
30 **carrying out such enumerated special powers, including also**
31 **the general powers provided by this charter to the district to**

1 implement its single purpose. Further, the provisions of this
2 subsection shall be construed liberally in order to carry out
3 effectively the special purpose of this district under this
4 act.

5 Section 6. Borrowing; revenue.--

6 (1) BORROWING.--The district at any time may obtain
7 loans, in such amount and on such terms and conditions as the
8 board may approve, for the purpose of paying any of the
9 expenses of the district or any costs incurred or that may be
10 incurred in connection with any of the projects of the
11 district, which loans shall bear interest as the board
12 determines, not to exceed the maximum rate allowed by general
13 law, and may be payable from and secured by a pledge of such
14 funds, revenues, taxes, and assessments as the board may
15 determine. For the purpose of defraying such costs and
16 expenses, the district may issue negotiable notes, warrants,
17 or other evidences of debt to be payable at such times and to
18 bear such interest as the board may determine, not to exceed
19 the maximum rate allowed by general law, and to be sold or
20 discounted at such price or prices not less than 95 percent of
21 par value and on such terms as the board may deem advisable.
22 The board shall have the right to provide for the payment
23 thereof by pledging the whole or any part of the funds,
24 revenues, taxes, and assessments of the district. The approval
25 of the electors residing in the district shall not be
26 necessary except when required by the State Constitution.

27 (2) AD VALOREM TAXES; ASSESSMENTS, MAINTENANCE SPECIAL
28 ASSESSMENTS, AND SPECIAL ASSESSMENTS.--

29 (a) Ad valorem taxes.--The board of supervisors shall
30 have the power to levy and assess an ad valorem tax on all the
31 taxable property in the district to maintain, operate, and

1 perform improvements of recreational amenities and associated
2 infrastructure. An ad valorem tax levied by the board for
3 operating purposes shall not exceed 3 mills. The ad valorem
4 tax provided for herein shall be in addition to county and all
5 other ad valorem taxes provided for by law. Such tax shall be
6 assessed, levied, and collected in the same manner and at the
7 same time as county taxes and as provided for by the
8 intergovernmental agreements required in section 4 of this
9 act. The levy of ad valorem taxes must be approved by
10 referendum as required by Section 9 of Article VII of the
11 State Constitution.

12 (b) Enforcement of taxes.--The collection and
13 enforcement of all taxes levied by the district shall be at
14 the same time and in like manner as county taxes; and the
15 provisions of the laws of the state relating to the sale of
16 lands for unpaid and delinquent county taxes, the issuance,
17 sale, and delivery of tax certificates for such unpaid and
18 delinquent county taxes, the redemption thereof, the issuance
19 to individuals of tax deeds based thereon, and all other
20 procedures in connection therewith shall be applicable to the
21 district to the same extent as if such statutory provisions
22 were expressly set forth herein. All taxes shall be subject to
23 the same discounts as county taxes. All taxes provided for in
24 this act shall become delinquent and bear penalties on the
25 amount of such taxes in the same manner as county taxes.

26 (c)1. Maintenance special assessments.--To maintain
27 and preserve the recreational amenities and associated
28 infrastructure of the district, the board may levy a
29 maintenance special assessment.
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1 2. Special assessments.--To operate and improve the
2 recreational amenities and associated infrastructure of the
3 district, the board may levy a special assessment.

4
5 Assessment may be evidenced to and certified to the property
6 appraiser by the board of supervisors by a date each year as
7 determined by interlocal agreement and shall be entered by the
8 property appraiser on the county tax rolls and shall be
9 collected and enforced by the tax collector in the same manner
10 and at the same time as county taxes, and the proceeds
11 therefrom shall be paid to the district. However, this
12 subsection shall not prohibit the district in its discretion
13 from using a method prescribed in section 197.363, section
14 197.3631, section 197.3632, or section 197.3635, Florida
15 Statutes, or chapter 173, Florida Statutes, for collecting and
16 enforcing these assessments. These maintenance special
17 assessments shall be a lien on the property against which
18 assessed until paid and shall be enforceable in like manner as
19 county taxes. The amount of the maintenance special assessment
20 for the exercise of the district's powers under this section
21 shall be determined by the board based upon a report of the
22 district's engineer and assessed by the board upon such lands,
23 which shall be all of the lands within the district benefited
24 by the maintenance thereof, apportioned between the benefited
25 lands in proportion to the benefits received by each tract of
26 land.

27 (d) Land owned by governmental entity.--Except as
28 otherwise required by law, the district shall not levy ad
29 valorem taxes or non-ad valorem assessments under this act or
30 chapter 170 or chapter 197, Florida Statutes, on property of a
31 governmental entity located within the district.

1 (3) TAX LIENS; PAYMENT OF TAXES AND REDEMPTION OF TAX
2 LIENS BY THE DISTRICT; SHARING IN PROCEEDS OF TAX SALE;
3 FORECLOSURE OF LIENS.--The foregoing shall be as prescribed in
4 sections 190.024, 190.025, and 190.026, Florida Statutes, and
5 subject to all other requirements of law.

6 (4) FEES, RENTALS, AND CHARGES; PROCEDURE FOR ADOPTION
7 AND MODIFICATIONS.--The district is authorized to prescribe,
8 fix, establish, and collect reasonable user fees, rentals, or
9 other charges, and to revise the same from time to time, for
10 the use of the recreational amenities and associated
11 infrastructure furnished by the district pursuant to the
12 adoption procedure prescribed by section 190.035, Florida
13 Statutes. Such user fees, rentals, and charges shall be just
14 and equitable and uniform for users of the same class and,
15 when appropriate, may be based or computed either upon the
16 amount of service furnished, upon the average number of
17 persons residing or working in or otherwise occupying the
18 premises served, or upon any other factor affecting the use of
19 the facilities furnished, or upon any combination of the
20 foregoing factors, as may be determined by the board on an
21 equitable basis.

22 (5) RECOVERY OF DELINQUENT CHARGES.--In the event that
23 any rates, fees, rentals, charges, or delinquent penalties
24 shall not be paid as and when due and shall be in default for
25 60 days or more, the unpaid balance thereof and all interest
26 accrued thereon, together with reasonable attorney's fees and
27 costs, may be recovered by the district in a civil action.

28 (6) ENFORCEMENT AND PENALTIES.--The board or any
29 aggrieved person may have recourse to such remedies in law and
30 at equity as prescribed in section 190.041, Florida Statutes.
31

1 Section 7. Procurement; suits; exemption of district
2 property; modifications to district boundaries; notice to
3 purchasers.--

4 (1) PROCUREMENT.--Competitive procurement, bids, and
5 negotiations shall be as prescribed in section 190.033,
6 Florida Statutes, and subject to all other requirements of
7 law.

8 (2) SUITS.--Suits against the district as described in
9 section 190.043, Florida Statutes, and shall be subject to the
10 limitations provided in section 768.28, Florida Statutes.

11 (3) EXEMPTION OF DISTRICT PROPERTY FROM
12 EXECUTION.--All district property shall be exempt from levy
13 and sale by virtue of an execution, and no execution or other
14 judicial process shall issue against such property, nor shall
15 any judgment against the district be a charge or lien on its
16 property or revenues.

17 (4) TERMINATION, CONTRACTION, OR EXPANSION OF THE
18 DISTRICT.--

19 (a) The board may ask the Legislature through its
20 local legislative delegations in and for Pasco County to amend
21 this act to contract, to expand or to contract, and to expand
22 the boundaries of the district by amendment of this act.

23 (b) The district shall remain in existence until:

24 1. The district is terminated and dissolved pursuant
25 to amendment to this act by the Legislature.

26 2. The district has become inactive pursuant to
27 section 189.4044, Florida Statutes.

28 (5) INCLUSION OF TERRITORY.--The inclusion of any or
29 all territory of the district within a municipality does not
30 change, alter, or affect the boundary, territory, existence,
31 or jurisdiction of the district.

1 (6) SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED
2 DISCLOSURE TO PURCHASER.--Subsequent to the creation of the
3 district under this act, each contract for the sale of a
4 parcel of real property within the district shall include,
5 immediately prior to the space reserved in the contract for
6 the signature of the purchaser, the following disclosure
7 statement in boldfaced and conspicuous type which is larger
8 than the type in the remaining text of the contract: "THE LAKE
9 PADGETT ESTATES INDEPENDENT SPECIAL DISTRICT MAY IMPOSE AND
10 LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON
11 THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE
12 OPERATION, MAINTENANCE, AND IMPROVEMENT COSTS OF CERTAIN
13 RECREATIONAL AMENITIES AND ASSOCIATED INFRASTRUCTURE AND
14 SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE BOARD OF
15 SUPERVISORS OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE
16 IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND
17 ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR
18 BY LAW."

19 (7) NOTICE OF CREATION AND ESTABLISHMENT.--Within 30
20 days after the election of the first board of supervisors, the
21 district shall cause to be recorded in the grantor-grantee
22 index of the property records of Pasco County a "Notice of
23 Creation and Establishment of the Lake Padgett Estates
24 Independent Special District." The notice shall, at a minimum,
25 include the legal description of the property covered by this
26 act.

27 Section 8. If any provision of this act is determined
28 unconstitutional or otherwise determined invalid by a court of
29 law, all the rest and remainder of the act shall remain in
30 full force and effect as the law of this state.

1 Section 9. This act shall take effect July 1, 2006,
2 except that the provisions of this act which authorize the
3 levy of ad valorem taxation shall take effect only upon
4 express approval by a majority vote of those qualified
5 electors of the Lake Padgett Estates Independent Special
6 District voting in a referendum election held at such time as
7 all members of the board of supervisors are qualified electors
8 who are elected by qualified electors of the district as
9 provided in this act.

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