

CHAPTER 2001-342

HB No. 1855 (2001) as amended by HB 617 (2020)*

An act relating to the Holiday Park Park and Recreation District, Sarasota County; amending, codifying, reenacting, and repealing special acts relating to the district; providing boundaries of the district; providing for a Board of Trustees; providing for election and organization of the board; providing powers and duties of the board; providing for a tax; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; providing an effective date.

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

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

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 Chapters 81-441, 82-380, and 87-445, Laws of Florida, are codified, amended, reenacted, and repealed as provided herein.

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

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

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

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

Section 3. The business and affairs of said district shall be conducted and administered by a board of nine trustees, hereinafter referred to as the "trustees," who shall organize by electing from their number a chair, a first vice chair, a second vice chair, a secretary, and a treasurer after each election. The meeting at which the trustees elect the officers shall be called the "organizational meeting." Said trustees shall not receive any compensation for their services but shall be entitled to be reimbursed from funds of the district for any authorized disbursements they may properly incur on behalf of the district. Each trustee authorized to sign checks of the district or otherwise designated to handle its funds shall, before said trustee enters upon such duties, execute to the Governor of the State of Florida, for the benefit of said district, a good and sufficient bond

approved by a circuit judge of Sarasota County in the sum of \$10,000 with a qualified corporate surety conditioned to faithfully perform the duties of such trustee and to account for all funds which may come into his or her hands as such trustee. All premiums for such surety on all bonds shall be paid from the funds of said district.

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

Section 5. Any registered voter residing in the district may vote in a district election. Application for absentee ballots may be requested from the Supervisor of Elections of Sarasota County within 1 year prior to each election, and shall be counted if received by the Supervisor of Elections' office by 7:00 P.M. on the day of each such election pursuant to the Florida Election Code. All election ballots shall be prepared by the Supervisor of Elections of the County of Sarasota. A person desiring to have the person's name placed on the ballot for election as a trustee of the district shall be a registered voter residing in the district and a freeholder within the district and shall pay a filing fee of \$25, or in the alternative, the person may qualify by fulfilling the requirements of section 99.095, Florida Statutes. Notice of said election setting forth the names of the persons proposed as trustees of the district shall be given by the district in writing addressed to each resident within the district not less than 15 days before the date of each election, and shall also be published one time at least 10 days prior to such election, in a newspaper of general circulation published in the county, and if no newspaper be published in said county, then they shall cause written or printed notices of said election to be posted in five public places within said district.

Notwithstanding the provisions of section 101.20, Florida Statutes, the publication of a sample ballot is not required. The Supervisor of Elections of Sarasota County shall appoint inspectors and clerks for the election whose duties shall be the same as similar officers in general elections, except as herein stated. Said election may be by ballot or by other electronic or electromechanical voting system, and if by ballot the same shall be written or printed in black ink on plain paper and shall be substantially in the following form:

Board of Trustees of the Holiday Park Park and Recreation District
(stating their names)

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

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

Section 7. The Board of Trustees shall have the right, power, and authority to levy a special assessment known as a "recreation district tax" against all taxable real estate situated within said district for the purpose of providing funds for the operation of the district. The trustees shall, on or before August 1 of each year, by resolution fix the amount of the assessment for the next ensuing fiscal year and shall direct the Property Appraiser of Sarasota County to assess and the Tax Collector of Sarasota County to collect such tax as assessed upon each improved residential parcel of property within the district. Prior to the adoption of the resolution fixing the amount of the assessment, the trustees shall hold a public hearing at which time property owners within the district may appear and be heard. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within the County of Sarasota at least 21 days prior to the said public hearing. The county Property Appraiser shall include on the Sarasota County tax roll the special assessment for park and recreation district benefits thus made by the Board of Trustees of the district, and the same shall be collected in the manner and form as provided for collection of county taxes. The offices of the county Tax Collector and the county Property Appraiser shall each receive compensation for their services regarding such special assessments of 1½ percent of the gross tax receipts instead of the commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the Property Appraiser and the Tax Collector under this act are hereby declared to be special services

performed directly for the district, and any payment therefor shall not be personal income of such official but shall be income to said official's office. After deducting therefrom, the said fees, the Tax Collector shall deposit the funds into a depository designated by the Board of Trustees of the district for the account of the district. For the purpose of determining property subject to the district tax, an "improved residential parcel" shall be construed to mean a platted lot or lots on which a mobile home may be erected. The district tax shall be levied against each lot or proportionally against any fraction thereof which is part of an improved residential parcel. The district tax shall not be an ad valorem tax but rather shall be a unit tax assessed equally against all improved residential parcels.

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

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

Section 10. The proceeds of said tax and the funds of the district shall be deposited in the name of the district in a bank or savings and loan association or building and loan association authorized to receive deposits of county funds, which depository shall be designated by resolution of the Board of Trustees. No funds of the district shall be disbursed save and except by check or draft signed

by the chair and treasurer of the board or, in the absence of either, by another trustee designated for that purpose by the board.

Section 11. All vacancies occurring in the Board of Trustees from any cause shall be filled for the unexpired term by the remaining trustees by the appointment of a successor trustee or trustees from among the registered voters residing in the district who are freeholders within said district. Any trustee failing to discharge the duties of the trustee's position may be removed for cause by the Board of Trustees, after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

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

Section 13. The "property" of the district shall consist of property and improvements now or hereafter erected or purchased by the trustees for the district as well as any other real or personal property which the trustees of the district may, in their discretion, determine to be necessary or convenient for the purposes of the

district; in addition thereto, for the comfort and convenience of taxpayers within the district, the trustees may in their discretion assume the cost of installing and maintaining entrance parkways and street lighting within the district and may acquire and dispose of any other facilities for the general purposes of the district

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

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

- (a) To negotiate purchases and to purchase real and personal property on behalf of the district and to pay for such purchases either with cash or by the issuance of bonds or revenue certificates.
- (b) To determine and fix the tax to be assessed annually within the district.
- (c) To enter into contracts on behalf of the district.
- (d) To incur obligations on behalf of the district, including the power to issue bonds, notes, and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district including the purchase of lands, buildings, and other improvements, provided, however, that the aggregate amount of all obligations of the district payable in any calendar year shall not exceed the aggregate amount of all revenue received by the district from all sources during such calendar year; bonds, notes, or other certificates of indebtedness issued by the district may be secured by the pledge of tax revenues obtained by the district as well as by mortgage of property owned by the district.

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

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

(g) To adopt and enforce reasonable rules and regulations governing the use of the facilities of the district as provided in chapter 418, Florida Statutes, and to prescribe penalties for violations of such rules and regulations.

1.a. The rate of such penalties shall be fixed by a resolution of the board of trustees, as hereinafter provided,

but may not exceed \$100 per violation against any property owner, or any authorized licensee or invitee of the property owner, for the failure of the property owner or its occupant, licensee, or invitee to comply with any provision of the rules and regulations of the district.

b. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, not to exceed a cumulative total maximum of \$1,000.

c. A fine may not become a lien against the property.

2.a. Penalties for the failure of the property owner or its occupant, licensee, or invitee to comply with any provision of the rules and regulations of the district may include suspension, for a reasonable period of time, of the right of the property owner, or any authorized licensee or invitee of the property owner, to use common areas and facilities. A suspension may not exceed 10 days per violation.

b. A suspension may not prohibit an owner or occupant of a property from having vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park a vehicle.

c. This subparagraph does not apply to that portion of common areas used to provide access or utility services to the property.

3.a. A fine or suspension levied by the board of trustees may not be imposed unless the board first provides at least 14 days' notice to the property owner and, if applicable, to any occupant, licensee, or invitee of the property owner sought to be fined or suspended and an opportunity for a hearing before a committee of at least three property owners appointed by the board who are not officers, trustees, or employees of the district, or the spouse, parent, child, brother, or sister of an officer, trustee, or employee.

b. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board.

c. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the property owner and, if applicable, to any occupant, licensee, or invitee of the property owner. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed.

d. If a property owner and, if applicable, any occupant, licensee, or invitee of the property owner is more than 90 days delinquent in paying the fine, the district may suspend the rights of the property owner, or the occupant, licensee, or invitee of the property owner, to use common areas and facilities until the fine is paid in full. This sub-subparagraph does not apply to that portion of common areas used to provide access or utility services to the property. A suspension may not prohibit an owner or occupant of a property from having vehicular and pedestrian ingress to and egress from the property, including, but not limited to, the right to park a vehicle. The notice and hearing requirements in this paragraph do not apply to a suspension imposed under this sub-subparagraph.

(h) To use district funds in the administration and enforcement of the deed restrictions as filed in the Sarasota County public records for properties within the district, and to prescribe such penalties or exercise such enforcement remedies as may be provided for in the deed restrictions.

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

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

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

Section 16. The construction, acquisition, or improvement of real or personal property of the district, or the refunding of any bonds or other obligations issued for such purposes, may be authorized under this act. Bonds may be authorized to be issued under this act to provide funds for such purposes by resolution or resolutions of the Board of Trustees, which may be adopted at the same meeting at which they were introduced and may be adopted by a majority of the members thereof, and shall take effect immediately upon adoption and need not be published or posted. Said bonds shall bear interest at a rate pursuant to section 215.84, Florida Statutes, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may be made payable in such medium of payment, at such place, within or without the state, may carry such registration privileges, may be subject to such terms of redemption, with or without premium, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Said bonds may be sold all at one time or in blocks from time to time, at public or private sale, or if refunding bonds, may

also be delivered and exchanged for the outstanding obligations to be refunded thereby, in such manner as the Board of Trustees shall determine by resolution, and at such price or prices computed according to standard tables of bond value as will yield to the purchasers or the holders of the obligations surrendered in exchange in the case of refunding bonds, income at a rate pursuant to section 215.84, Florida Statutes, to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the district. Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the Board of Trustees may determine may be issued to the purchaser or purchasers of the bonds sold pursuant to this act. Said bonds, and such interim certificates or receipts or temporary bonds, shall be fully negotiable.

Section 17. A record shall be kept of all meetings of the Board of Trustees and in such meetings a concurrence of a majority of said trustees shall be necessary to any affirmative action taken by the board. Said Board of Trustees may adopt such rules, regulations, and penalties, not inconsistent with any portion of this act and applicable law, as it may deem necessary or convenient in and about the transaction of its business and in carrying out this act.

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

Section 19. The district hereby created may be abolished by a majority vote of the registered voters residing in the district at an election called by the Board of Trustees of the district for such purpose, which election shall be held and notice thereof given under the same requirements as are set forth hereunder for the election of trustees and the levying and collecting of the district

tax, provided that the district shall not be abolished while it has outstanding indebtedness without first making adequate provision for the liquidation of such outstanding indebtedness.

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

Section 21. The word "district" shall mean the political subdivision of the State of Florida and special park and recreation district hereby organized. The words "board", "trustees," and "Board of Trustees" shall mean the Board of Trustees of and for the special park and recreation district hereby created when used in this act, unless otherwise specified.

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

- (a) Such acquisition relates to the repair or replacement of assets previously owned by the district; or
- (b)(1) The trustees by two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

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

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

Section 23. If any clause, section, or provision of this act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this act, and the remaining portion of said act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

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

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

*"Includes all amendments through July, 2020."