

*File  
Boyette  
Springs*  
FINAL  
12/10/93  
HGE

ORDINANCE # 93-27

AN ORDINANCE CREATING A DEPENDENT SPECIAL DISTRICT FOR THE PURPOSE OF CONTINUED DEVELOPMENT, ADMINISTRATION, AND MAINTENANCE OF THE UNINCORPORATED AREA KNOWN AS BOYETTE SPRINGS, AS SET FORTH ACCORDING TO THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY; PROVIDING FOR THE ADMINISTRATION OF THE AFFAIRS OF SAID DISTRICT BY A BOARD OF TRUSTEES; PROVIDING FOR ELECTION PROCEDURES FOR THE TRUSTEES; PROVIDING FOR THE LENGTH OF THE TERMS OF OFFICE OF THE TRUSTEES AND PROCEDURES FOR FILLING VACANCIES; PROVIDING FOR THE PROCEDURES FOR THE ASSESSMENT AND COLLECTION OF A SPECIAL DISTRICT ASSESSMENT; PROVIDING THE ASSESSMENT SHALL BECOME A LIEN UPON EACH PARCEL ASSESSED; PROVIDING FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS OF THE DISTRICT; PROVIDING A FISCAL YEAR AND PROCEDURES FOR ANNUAL FINANCIAL STATEMENTS AND AN ANNUAL BUDGET; DEFINING THE POWERS AND DUTIES OF THE TRUSTEES; PROVIDING THAT EACH PARCEL ASSESSED IS BENEFITED; PROVIDING PROCEDURES FOR THE ABOLITION OF THE DISTRICT; RELIEVING INDIVIDUAL TRUSTEES FROM PERSONAL LIABILITY FOR OBLIGATIONS OF THE DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the creation of a dependent special district in the unincorporated area of Hillsborough County to be known as the Boyette Springs Special Dependent District for the purpose of continued improvement, administration and maintenance of properties, is the best alternative available for the delivery of such services; and

WHEREAS, the Board of County Commissioners of Hillsborough County has the power, pursuant to its home rule powers and Chapter 189, Florida Statutes, to create a dependent special district by ordinance; and

WHEREAS, the Board of County Commissioners of Hillsborough County, finds that the creation of a dependent special district in the unincorporated area of Hillsborough County to be known as the Boyette Springs Special Dependent District, promotes the public health, safety, and welfare; and

WHEREAS, the Board of County Commissioners of Hillsborough County passed Resolution No. R85-0175 describing the steps to be taken to establish a special dependent district.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 9TH DAY OF DECEMBER, 1993, AS FOLLOWS:

SECTION 1. There is hereby created a Special Dependent District consisting of all property located within the referenced boundaries described in Exhibit "A" attached hereto and incorporated herein by reference; which District shall be designated as the Boyette Springs Special Dependent District, hereinafter referred to as the "District."

SECTION 2. The Boyette Springs Special Dependent District shall be dependent on the county for purposes of establishing its budget, but is otherwise amenable to separate special district government.

SECTION 3. The business and affairs of the district shall be conducted and administered by a board of seven trustees, hereinafter referred to as the "trustees," who shall be elected for 2-year terms of office. However, seven persons shall be appointed by the Hillsborough County Board of County Commissioners to serve as trustees of the district from the effective date of this Ordinance until the election and taking of office of their successors as hereinafter provided: Four of such appointed trustees shall serve until the first regular election and three of such persons shall serve until the second regular election. After each annual election of trustees, the trustees shall organize by electing from their members a president, a vice-president, a recording secretary, a corresponding secretary, and a treasurer. At the same time they shall establish and publish in a newspaper of general circulation, a regular monthly meeting date, time, and place which shall be adhered to. Five trustees shall constitute a quorum, and a majority of that quorum shall be required for the passage of any resolution coming under consideration by the board of trustees. The trustees shall not be entitled to 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. The president, the vice-president, and the treasurer shall be the only trustees authorized to execute checks and documents on behalf of the district. Such trustees authorized to sign checks of the district or otherwise designated to handle its funds shall, before they enter upon such duties, execute to the Board of County Commissioners of Hillsborough County for the benefit of the district, a good and sufficient bond approved by the Board of County Commissioners of Hillsborough County in the sum of \$5,000 with a qualified corporate surety conditioned to faithfully perform the duties of such trustees and to account for all funds which may come into their hands as such trustees. All premiums for such surety on all bonds shall be paid

from funds of the district.

SECTION 4. Elections shall be held annually at a designated polling place for the district. The election in even-numbered years will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes. The election in odd-numbered years will be held on the first Tuesday after the sixth day of September, or at the discretion of the board, may be held in conjunction with any other election held that month. At each election, either three or four trustees, as the case may be, shall be elected for a term of 2 years. The candidates receiving the highest number of votes cast shall be declared elected to fill the number of vacancies to be filled on the board and shall receive a certificate of election from the Supervisor of Elections. Each trustee shall serve until his successor is duly elected and qualified. Elections shall be held between the hours of 7 a.m. and 7 p.m. and shall be conducted and supervised by the Supervisor of Elections of Hillsborough County. All matters relating to the calling, conduct, and regulation of elections not provided for in this ordinance shall be governed by the state election code. Elected trustees shall take office on October 1 following election. All qualified electors residing within the district shall be eligible to vote prior to the closing of the registration books for such election. All election ballots shall be prepared by the Supervisor of Elections. The Supervisor of Elections shall canvass the returns of the election and shall announce the results upon completion of the count. If two persons receive an equal and highest number of votes for the last position to be filled, such persons shall draw lots to determine who shall be elected to the office. The necessary and proper costs of holding, conducting, and regulating such elections and referendums, including compensation for inspectors, clerks, and other employees required therefor shall be fixed by the Supervisor of Elections with the approval of the board of trustees and shall be paid by the district.

SECTION 5. Persons desiring to have their names placed on the ballot for election as trustees of the district shall be qualified electors residing within the district who shall present a written petition to the Supervisor of Elections in even-numbered years during the time period specified by Section 99.061(2), Florida Statutes, and in odd-numbered years at any time after noon of the 50th day prior to the election, but not later than noon of the 46th day prior to the election. Such petition shall be signed by not less than 15 qualified electors within the district. Candidates who collect or expend campaign contributions shall conduct their campaigns in accordance with the provisions of Chapter 106, Florida Statutes. At the time of qualifying, candidates who submit a written statement to the Supervisor of Elections stating that they do not anticipate collecting or expending campaign contributions other than expenditures for verification of signatures on petitions are exempt from the provisions of Chapter 106, Florida Statutes, requiring establishment of a bank account, appointment of a

campaign treasurer, and the filing of period reports. Written notice of the election setting forth the names of the candidates for trustees shall be given by the district, addressed to each resident within the district, not less than 15 days before the date of each election, and shall also be published by the district one time at least 10 days prior to such election in a newspaper of general circulation published in the county. The ballot shall be substantially in the following form:

Board of Trustees of the Boyette Springs Special Dependent District  
(stating their names and residence addresses).

SECTION 6. Trustees shall hold office for a term of 2 years and may succeed themselves. All vacancies occurring in the board of trustees from any cause shall be filled for the unexpired term from among the qualified electors of the district by vote of the remaining trustees. Vacancies which occur due to lack of candidates qualifying for election shall be filled by appointment of the Board of County Commissioners of Hillsborough County. Any trustee failing to discharge the duties of his 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. Any trustee missing three consecutive meetings may be considered for removal by the board.

SECTION 7. The board of trustees shall have the right, power and authority to levy a special assessment against all parcels of property situated within the district for the purpose of providing funds for the operation of the district. The board of trustees shall, annually, by resolution, fix the amount of the assessment for the next ensuing year and shall follow the applicable procedures established in Chapter 197, Florida Statutes. The board of trustees shall direct the Property Appraiser of Hillsborough County to assess and the Tax Collector of Hillsborough County to collect such assessment as is assessed upon each parcel of property within the district. The assessment shall not exceed seventy-five (\$75.00) dollars per annum per parcel except upon approval by referendum of qualified voters of the district. The county Property Appraiser shall include on the Hillsborough County tax roll the special assessment for special 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 Property Appraiser and Tax Collector shall receive commissions as provided by general law for performing duties required of them by this ordinance. The Tax Collector shall deposit the funds into a depository designated by the board of trustees in accordance with Section 10 for the account of the district. For the purpose of determining property subject to the district assessment, a "parcel" shall be construed to mean a lot improved and platted within the district. The district assessment shall not be an ad valorem tax, but rather shall be a unit special

assessment.

SECTION 8. The district may acquire and hold property, lease property as lessor or lessee, 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 ordinance. No debt shall be created without the approval of the board of trustees.

SECTION 9. The district assessment shall be a lien upon each parcel of land so assessed until paid, and shall be considered a part of the Hillsborough County tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

SECTION 10. The proceeds of the assessment 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. The depository shall treat the funds in accordance with the legal requirements imposed upon such depositories with respect to public funds. No funds of the district shall be disbursed except by check or draft signed by two of the three authorized trustees.

SECTION 11. (1) The fiscal year of the district shall commence October 1. The trustees shall, on or before November 15 of each year, prepare an annual financial statement of revenue and expenditure during the prior fiscal year. Such financial statement shall be prepared and audited in accordance with Section 11.45, Florida Statutes. 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 assessment to be for the next ensuing year. Prior to the adoption of the budget 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 Hillsborough County at least 21 days prior to the public hearing.

(2) The trustees of the district shall submit its proposed budget each year to the Board of County Commissioners of Hillsborough County for approval. The Board of County Commissioners of Hillsborough County may increase or decrease the budget on a line by line basis or in total. The assessment set by the trustees of the district shall not be set at a rate in excess of that required by the budget of the district as approved by the Board of County Commissioners of Hillsborough County.

SECTION 12. The "property" of the district shall consist of all property hereinafter deeded to or purchased by or leased as lessor

or lessee by the board of trustees, improvements now or hereafter made or erected, which the board of trustees, in their discretion, determine to be necessary or convenient for the purpose of the district; in addition thereto, the trustees may in their discretion assume the cost of installing and maintaining other facilities and lighting within the district and may acquire and dispose of any other facilities for the general purpose of the district.

SECTION 13. 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 such other persons and groups as the trustees may authorize from time to time upon such terms and conditions as determined by the board.

SECTION 14. The trustees shall supervise all real and personal property owned or leased as lessor or lessee by the district, and shall have the following powers in addition to those already herein enumerated:

(1) To negotiate purchases and to purchase and lease as lessor or lessee real and personal property on behalf of the district and to pay for such purchases with cash or revenue certificates;

(2) To determine and fix the assessment to be assessed annually within the district.

(3) To enter into contracts on behalf of the district;

(4) To incur obligations on behalf of the district, including the power to issue notes and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district; provided, however, that the aggregate amount of all obligations of the district payable in any fiscal year shall not exceed the aggregate amount of all revenues received by the district from all sources during such fiscal year; notes or other certificates of indebtedness issued by the district may be secured by the pledge of tax revenues obtained by the district subject to referendum approval where required by the constitution;

(5) To pledge to the punctual payment of revenue certificates issued pursuant to this ordinance, and interest thereon, an amount of the revenue sufficient to pay said revenue certificates and the interest thereon as it shall become due;

(6) To buy, sell, rent, or lease, as lessor or lessee, real and personal property in the name of the district; to deliver purchase money notes; to receive gifts of personal property;

(7) To promulgate reasonable rules and regulations governing the use of the facilities of the district;

(8) To expend funds to maintain property not owned by the district; and

(9) To employ and pay necessary costs associated with security officers.

SECTION 15. The construction, acquisition, or improvement of personal property of the district, or the refunding of obligations issued for such purposes, is authorized under this ordinance.

SECTION 16. A record shall be kept of all meetings of the board of trustees and in such meetings a concurrence of a majority of the trustees shall be necessary to any affirmative action taken by the board. The board may adopt such rules and regulations, not inconsistent with this ordinance, as it may deem necessary or convenient in and about the transaction of its business.

SECTION 17. For the general purposes of this ordinance, each parcel of residential property in the district is hereby declared to be uniformly and generally benefited by the provisions hereof.

SECTION 18. The district hereby created may be abolished by a resolution adopted by the board of trustees, a copy of which shall be filed within thirty (30) days after the effective date of the dissolution with the Special District Information Program and the County. The district shall not be abolished while it has outstanding indebtedness without first providing that such abolishment will not impair the obligation of the district to the holders of such outstanding indebtedness.

SECTION 19. Any trustee who is made a party to any action, suit, or proceeding solely by reason of his holding office in the district shall be relieved of any personal liability and shall be indemnified by the district against a judgment and reasonable expenses, including attorney's fees incurred by him in defending such suit, action, or proceeding, unless it is adjudged in such proceedings that the trustee acted outside the scope of his duties, acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

SECTION 20. The word "district" means the special district hereby organized; the word "board," "trustees," and "board of trustees," means the board of trustees of and for the special district hereby created.

SECTION 21. If any section, subsection, sentence, clause, provision, or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 22. This Ordinance shall become effective upon receipt of

official acknowledgment of filing with the Secretary of State.

STATE OF FLORIDA )

COUNTY OF HILLSBOROUGH )

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its meeting of December 9, 1993, as the same appears of record in Minute Book 211, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of December, 1993.

RICHARD AKE, CLERK

BY: *Linda Lopez*  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

By: *[Signature]*  
Approved as to form and  
legal sufficiency



Exhibit "A"

