

ORDINANCE # 04- 7

AN ORDINANCE CREATING A DEPENDENT SPECIAL DISTRICT FOR THE PURPOSE OF CONTINUED DEVELOPMENT, ADMINISTRATION, AND MAINTENANCE OF THE UNINCORPORATED AREA KNOWN AS LAKE MAGDALENE 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 AUDITED FINANCIAL STATEMENTS AND AN ANNUAL BUDGET; DEFINING THE POWERS AND DUTIES OF THE TRUSTEES; PROVIDING THAT EACH PARCEL ASSESSED IS UNIFORMLY BENEFITTED; PROVIDING PROCEDURES FOR THE DISSOLUTION 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 Special Dependent District in the unincorporated area of Hillsborough County to be known as the LAKE MAGDALENE SPECIAL DEPENDENT DISTRICT for the purpose of continued improvement, administration, and maintenance of a body of water in unincorporated Hillsborough County known as Lake Magdalene

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 LAKE MAGDALENE 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 21st DAY OF January, 2004, 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 LAKE MAGDALENE SPECIAL DEPENDENT DISTRICT, hereinafter referred to as the "district."

**SECTION 2.** The 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 in even numbered years for 4-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. Such trustees shall be appointed upon receipt of Justice Department pre-clearance, and shall serve until their successors have been elected and taken office as hereinafter provided: Three of such appointed trustees should serve until the first regular election in year 2004 and four of such persons shall serve until the second regular election in 2006. After the first and second regular elections, trustees shall serve four year terms as provided herein. After each 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. A quorum of the board of trustees for conducting the board's business shall require the presence of at least five (5) 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 at one or more polling places designated for the district by the Supervisor of Elections. The election will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes or any amended or successor statute. Trustees shall run on a non-partisan

basis. At each election, trustees shall be elected for a term of 4 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. 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. 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. 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 Canvassing Board shall canvass the returns of the election and shall announce the results upon completion of the count. 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 during the time period specified by Section 99.061(2), Florida Statutes. Such petition shall be signed by not less than (7) qualified electors within the district. Candidates shall conduct their campaigns in accordance with the provisions of Chapter 106, Florida Statutes. Notice of the election setting forth the names of the candidates for trustees shall be given by the district, one time, at least 10 days before the date of each 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 district:

(stating their names).

The Supervisor of Elections shall verify that each candidate is a registered voter and resident of the district.

**SECTION 6.** Trustees shall hold office for a term of 4 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 unless a quorum cannot be obtained. In that case, the vacancy shall be filled for the unexpired term 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 Dollars (\$75.00) 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 mean any of the parcels, improved or unimproved, listed in Exhibit A.

The maximum non-ad valorem assessment for a parcel which meets any one of the following criteria shall be zero (\$0):

1. Lying beneath the waters of a body of water in Hillsborough County known as Lake Magdalene and which is shown on the Property Appraiser's Parcel System data base with Department of Revenue code 95 Rivers/Lakes;  
or,
2. Categorized with the Department of Revenue code 00 Vacant or 99 and the entire parcel is designated by the Property Appraiser's Office as low or submerged land;  
or,
3. A parcel categorized with Department of Revenue code 00 Vacant and without private or public road access.

The per unit non-ad valorem assessment on parcels listed in Exhibit A which do not meet the above criteria shall not exceed seventy-five dollars (\$75) per annum per parcel. If any of the parcels in the district are divided, those parcels created by this division shall be subject to the non-ad valorem assessment unless the new parcel no longer has lake frontage or meets any



one of the criteria for the zero (\$0) maximum 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, and the Board of County Commissioners of Hillsborough County.

**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 other financial institution 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 30 of each year, prepare an annual audited financial statement of revenue and expenditure during the prior fiscal year without regard to the amount of funds held by the district. Such financial statement shall be prepared 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 a quorum 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 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 dissolved 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, pursuant to Section 189.4043, Florida Statutes.

**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 filing with the Department 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 January 21, 2004, as the same appears of record in Minute Book 332, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 28th day of January, 2004.

RICHARD AKE, CLERK

BY: *Mildred H. Dym*  
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: *Debra A. Minnerf*  
Approved as to form and  
legal sufficiency

**Exhibit A**

The district shall consist of those parcels as described below as found in the Hillsborough County Property Appraiser's Parcel System. If any of these parcels are divided in the future, those parcels will also be included in the district if they contain frontage on Lake Magdalene and will be subject to the assessment based on the conditions outlined in Section 7 of the Ordinance.

<b>Folio Number</b>	<b>Parcel ID Number</b>
16445.0000	182734ZZZ000000731300U
16458.0000	182734ZZZ000000732500U
16462.0000	182734ZZZ000000732700U
16462.0100	182734ZZZ000000732900U
16463.0000	182734ZZZ000000733200U
16463.0100	182734ZZZ000000733300U
16506.0200	182735ZZZ000000738700U
16511.0000	182735ZZZ000000739100U
16511.0100	182735ZZZ000000739200U
16511.0200	182735ZZZ000000739300U
16513.0000	182735ZZZ000000739400U
16513.5000	182735ZZZ000000739500U
16516.0000	182735ZZZ000000739600U
16516.0100	182735ZZZ000000739700U
16518.0000	182735ZZZ000000739800U
16519.0000	182735ZZZ000000739900U
16520.0000	182735ZZZ000000740000U
16521.0000	182735ZZZ000000740100U
16526.0000	182735ZZZ000000740700U
16529.0000	182735ZZZ000000740800U
16532.0000	182735ZZZ000000740900U
16535.0000	182735ZZZ000000741000U
16538.0000	182735ZZZ000000741100U
16541.0000	182735ZZZ000000741200U
16545.0000	182735ZZZ000000741300U
16553.0000	182735ZZZ000000742000U
16554.0000	182735ZZZ000000742200U
16557.0000	182735ZZZ000000742700U
16559.0000	182735ZZZ000000742900U
16562.0000	182735ZZZ000000743000U
16575.0000	182735ZZZ000000743300U
16578.0000	182735ZZZ000000743400U
16581.0000	182735ZZZ000000743500U
16584.0000	182735ZZZ000000743600U
16587.0000	182735ZZZ000000743700U



Folio Number	Parcel ID Number
16683.0000	1827350RP000000000260U
16684.0000	1827350RP000000000270U
16685.0000	1827350RP000000000280U
16686.0000	1827350RP000000000290U
16687.0000	1827350RP000000000300U
16688.0000	1827350RP000000000310U
18287.0000	182802ZZZ000000779100U
18288.0000	182802ZZZ000000779200U
18290.0000	182802ZZZ000000779300U
18293.0100	182802ZZZ000000780000U
18293.0200	182802ZZZ000000780100U
18301.5026	1828020TM000001000130U
18301.5028	1828020TM000001000140U
18301.5030	1828020TM000001000150U
18301.5032	1828020TM000001000160U
18301.5034	1828020TM000001000170U
18301.5036	1828020TM000001000180U
18301.5038	1828020TM000001000190U
18301.5040	1828020TM000001000200U
18301.5042	1828020TM000001000210U
18301.5044	1828020TM000001000220U
18301.5046	1828020TM000001000230U
18301.5048	1828020TM000001000240U
18301.5050	1828020TM000001000250U
18301.5052	1828020TM000001000260U
18301.5054	1828020TM000001000270U
18301.5056	1828020TM000001000280U
18301.5058	1828020TM000001000290U
18301.5060	1828020TM000001000300U
18301.5062	1828020TM000001000310U
18301.5064	1828020TM000001000320U
18301.5066	1828020TM000001000330U
18301.5068	1828020TM000001000340U
18301.5070	1828020TM000001000350U
18301.5072	1828020TM000001000360U
18301.5074	1828020TM000001000370U
18301.5076	1828020TM000001000380U
18301.5084	1828020TM000001000420U
18301.5085	1828020TM000001000430U
18301.5086	1828020TM000001000431U
18301.5088	1828020TM000001000440U
18301.5090	1828020TM000001000000U
18311.0000	1828020TN000000000070U

Folio Number	Parcel ID Number
18312.0000	1828020TN000000000080U
18313.0000	1828020TN000000000090U
18314.0000	1828020TN000000000100U
18315.0000	1828020TN000000000110U
18316.0000	1828020TN000000000120U
18317.0000	1828020TN000000000130U
18318.0000	1828020TN000000000140U
18319.0000	1828020TN000000000150U
18320.0000	1828020TN000000000160U
18384.0000	1828020TT000000000490U
18384.0100	1828020TT000000000510U
18385.0000	1828020TT000000000520U
18386.0010	1828020TT000000000531U
18387.0000	1828020TT000000000550U
18388.0000	1828020TT000000000590U
18389.0000	1828020TT000000000610U
18390.0000	1828020TT000000000630U
18391.0000	1828020TT000000000650U
18392.0000	1828020TT000000000660U
18393.0000	1828020TT000000000690U
18394.0000	1828020TT0000000THAT0U
18395.0000	1828020TT000000000710U
18396.0000	1828020TT000000000740U
18397.0000	1828020TT000000000741U
18398.0000	1828020TT000000000760U
18399.0000	1828020TT000000000790U
18400.0000	1828020TT000000000770U
18401.0000	1828020TT000000000800U
18403.0100	1828020TT000000000850U
18404.0000	1828020TT000000000820U
18404.0100	1828020TT000000000851U
18408.0000	1828020TT000000000830U
18710.0000	182803ZZZ000000781300U
18711.0000	182803ZZZ000000781400U
18712.0100	182803ZZZ000000781600U
18714.0000	182803ZZZ000000782000U
18716.0000	182803ZZZ000000782100U
18718.0000	182803ZZZ000000782200U
18721.0000	182803ZZZ000000782300U
18727.0000	182803ZZZ000000782600U
18728.0000	182803ZZZ000000782700U
18731.0000	182803ZZZ000000782800U
18733.0000	182803ZZZ000000782900U

Folio Number	Parcel ID Number
18735.5500	182803ZZZ000000783300U
18736.0000	182803ZZZ000000783400U
18739.0100	182803ZZZ000000783500U
18739.0200	182803ZZZ000000783600U
18740.0000	182803ZZZ000000783700U
18742.0000	182803ZZZ000000783800U
18744.0000	182803ZZZ000000783900U
18744.0010	182803ZZZ000000784000U
18744.0200	182803ZZZ000000784200U
18757.0000	182803ZZZ000000785000U
18759.0000	182803ZZZ000000785100U
18760.0000	182803ZZZ000000785200U
18762.0000	182803ZZZ000000785300U
18765.0000	182803ZZZ000000785400U
18768.0000	182803ZZZ000000785700U
18768.0500	182803ZZZ000000785800U
18770.0000	182803ZZZ000000785900U
18782.0000	182803ZZZ000000786300U
18843.0000	182803ZZZ000000792700U
18845.1086	1828030U7000001000430U
18845.1088	1828030U7000001000440U
18845.1090	1828030U7000001000450U
18845.1092	1828030U7000001000460U
18845.1094	1828030U7000001000470U
18845.1096	1828030U7000001000480U
18845.1098	1828030U7000001000490U
18847.0000	1828030UB000000000010U
18850.0000	1828030UB000000000011U
18853.0000	1828030UB000000000020U
18854.0000	1828030UB000000000030U
18855.0000	1828030UB000000000040U
18856.0000	1828030UB000000000050U
18857.0000	1828030UB000000000060U
18858.0000	1828030UB000000000070U
18859.0000	1828030UB000000000080U
18860.0000	1828030UB000000000090U



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. D-4

Meeting Date May 20, 2009

Consent Section

Regular Section

Public Hearing

Subject:  
Amendments to 9 Special Dependent District Ordinances.

Department Name: County Attorney's Office

Contact Person: Paul D. Johnston

Contact Phone: 272-5670

Sign-Off Approvals:

**Mary Helen Farris** 05/11/2009  
Managing County Attorney Date

**Don Odom** 05/12/2009  
County Attorney Date

**Don Odom** 05/12/2009  
Joint Department Director Date

**Eric Johnson** 05/12/2009  
Management and Budget - Approved as to Financial Impact Accuracy Date

**Paul Johnston** 05/11/2009  
Assistant County Attorney Date

Staff's Recommended Board Motion:

Conduct a public hearing to consider the attached amendments to nine (9) Hillsborough County Ordinances creating Dependent Taxing Districts\*.

\*See attached list of Districts and Ordinances to be considered for amendment.

The proposed amendments will not result in any significant impact to the County.

Financial Impact Statement:

The proposed amendments will not result in any significant impact to the County.

Background:

Per the direction of the Board of County Commissioners staff has drafted attached amendments to 9 Ordinances creating Special Dependent Taxing Districts. Each amendment deletes the positions of recording secretary and corresponding secretary, combing the positions to one secretary; deleting the requirement of BOCC approval of bonds executed by District Board Officers; establishing a date for taking office; providing districts under certain circumstances to forego the requirement of producing an annual audited financial statement; and providing for the advertisement of public hearing of the districts 14 days prior to the hearing.

SH/WH 5 to 0  
Hi/N OUT

ORD # 09-46

List Attachments:  
List of Districts and Ordinances to be amended; 9 proposed amendments to the Ordinances.

**BRANDON HILLS SPECIAL DEPENDENT DISTRICT, ORD. 02-21.**  
**COUNTRY VILLAGE SPECIAL DEPENDENT DISTRICT, ORD. 00-41.**  
**EAST LAKE PARK SPECIAL DEPENDENT DISTRICT, ORD. 98-53.**  
**KEYSTONE GROVE LAKES SPECIAL DEPENDENT DISTRICT, ORD. 03-38.**  
**LAKE MAGDALENE SPECIAL DEPENDENT DISTRICT, ORD. 04-07.**  
**LAKE STRAWBERRY SPECIAL DEPENDENT DISTRICT, ORD. 02-20.**  
**PINE MEADOWS SPECIAL DEPENDENT DISTRICT, ORD. 98-55.**  
**TAMPA SHORES SPECIAL DEPENDENT DISTRICT, ORD. 99-27.**  
**WESTCHESTER SPECIAL DEPENDENT DISTRICT, ORD. 05-03.**

**ORDINANCE 09-46**

**AN ORDINANCE RELATING TO THE LAKE MAGDALENE SPECIAL DEPENDENT DISTRICT, AMENDING HILLSBOROUGH COUNTY ORDINANCE 04-7; PROVIDING FOR THE DELETION OF THE POSITIONS OF RECORDING SECRETARY AND CORRESPONDING SECRETARY; PROVIDING FOR THE CREATION OF THE POSITION OF SECRETARY; PROVIDING FOR THE DELETION OF APPROVAL BY BOCC OF BONDS EXECUTED BY DISTRICT BOARD OFFICERS; PROVIDING FOR A DATE FOR TAKING OFFICE; PROVIDING FOR THE ABILITY OF THE DISTRICT TO FOREGO AN ANNUAL AUDITED FINANCIAL STATEMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR NOTICES OF PUBLIC HEARINGS TO BE ADVERTISED 14 DAYS PRIOR TO THE HEARING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Hillsborough County, Florida created the Lake Magdalene Special Dependent District, and established by Ordinance the boundaries of the District;

**WHEREAS**, the Board of County Commissioners desires to amend provisions relating to the secretarial positions of the district board;

**WHEREAS**, the Board of County Commissioners desires to amend provisions relating to BOCC approval of the bonds required by certain district board officers;

**WHEREAS**, the Board of County Commissioners desires to amend provisions relating to the requirement of the district board to submit an annual audited financial statement; and

**WHEREAS**, the Board of County Commissioners desires to amend provisions relating to the time period for advertising notices of public hearings.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 20<sup>th</sup> DAY OF May, 2009, AS FOLLOWS:**

**SECTION 1.** Section 3 of the Hillsborough County Ordinance 04-7 is amended to read as follows:

**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 4-year terms of office in even numbered years. After each election of trustees, the trustees shall organize by electing from their members a president, a vice-president, a 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. No meeting of the district board, nor any discussion of district business among the trustees, shall take place without a quorum present. The trustees shall not be entitled to compensation for their services, but shall be entitled to be reimbursed from the funds of the district for any authorized disbursements they may properly incur on behalf of the district. The president, 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 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 2.** Section 4 of the Hillsborough County Ordinance 04-7 is amended to read as follows:

**SECTION 4.**

Elections shall be held at one or more polling places designated for the district by the Supervisor of Elections. The election will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes or any amended or successor statute. Trustees shall run on a non-partisan basis. At each election, trustees shall be elected for a term of 4 years with said term beginning on October 1<sup>st</sup> after each election. 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. 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. 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. 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 Canvassing Board shall canvass the returns of the

election and shall announce the results upon completion of the count. The necessary and proper costs of holding, conducting, and regulating such elections and referendums, including compensation for inspectors, clerks, and other employees required therefore shall be fixed by the Supervisor of Elections with the approval of the board of trustees and shall be paid by the district.

**SECTION 3.** Section 11 of the Hillsborough County Ordinance 04-7 is amended to read as follows:

**SECTION 11.**

(1) The fiscal year of the district shall commence October 1.

(2) Financial Reporting:

(a) The Trustees shall, before November 30 of each year, prepare audited a financial statement for the prior fiscal year on forms and to standards prescribed by the County. The financial statement shall be submitted to the County's Clerk of the Circuit Court by November 30<sup>th</sup>.

(b) Beginning in FY 2009, if the district board determines during the process of adopting the budget for the next fiscal year that the total of current fiscal year's actual revenues (not including funds actually carried over from the previous year to the current fiscal year) is \$50,000 or more, it shall submit an audited financial statement to the Clerk of the Circuit Court on which a financial audit has been conducted as specified in subsection (d) of this section.

(c) While the County encourages the district to have its annual financial statement audited, if, during the process described in (b), the amount of current fiscal year's revenues as determined by the district board is less than \$50,000, the district

board may vote to prepare an unaudited financial statement for that year on forms and to standards prescribed by the County. In order to prepare and submit an unaudited financial statement, the district board must (1) send a letter by first class mail to each property owner in the district and to the County informing them that the district board has chosen not to have the financial statement for the current fiscal year audited; (2) the letters must be postmarked no later than September 30<sup>th</sup>. The County will provide the district with a sample standard letter which the district will use. If the district does not send the standard letter by September 30<sup>th</sup>, the district will be required to submit to the Clerk of the Circuit Court an audited financial statement by November 30<sup>th</sup>. (d) The preparation of an audited financial statement shall conform with generally accepted government auditing standards, pursuant to Chapter 10.550, *Rules of the Auditor General* and §11.45, Florida Statutes. The audit must be performed by an independent Certified Public Accountant holding an active license issued by the Florida Board of Accountancy and with current continuing education in government auditing.

(3) Budgets:

(a) On or before July 1 of each year, the district board shall prepare and adopt by resolution an itemized budget on forms and to standards prescribed by the County. The budget will show the amount of revenues, including estimated fund balance and expenditures (including transfers and reserves), necessary for the operation of the district in the next fiscal year and the non-ad valorem assessment rate to be levied on the tax roll to support that budget. Prior to the adoption of the budget, the trustees shall hold a public hearing at which time the public may appear and be heard. Beginning May, 2009, 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 14 calendar days prior to the public hearing.

(b) Each year, the trustees of the district shall submit the budget it adopted pursuant to paragraph (a) above 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 and adjust the non-ad valorem assessment rate for that fiscal year. 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 4. SEVERABILITY**

If any section, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby, but shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE**

The provisions of this ordinance shall become effective upon filing with the office of the Secretary of State.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, Pat Frank, 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 the Ordinance adopted by the Board at its meeting of May 20, 2009, as the same appears of record in Minute Book 396, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of May, 2009.

PAT FRANK, CLERK

BY: Mica Ok. Di  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY  
As To Form and Legal Sufficiency

BY: [Signature]  
Senior Assistant County Attorney





## FLORIDA DEPARTMENT *of* STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

May 28, 2009

Honorable Pat Frank  
Clerk of the Circuit Court  
Hillsborough County  
P. O. Box 1110  
Tampa, Florida 33601-1110

Attention: Gail M. Letzring, Manager BOCC Records

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated May 22, 2009, and certified copy of Hillsborough County Ordinance Nos. 09-5 through 09-50, which were filed in this office on May 26, 2009.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

RECEIVED  
2009 JUN -1 PM 2:28  
BLANK TO  
THE BOARD (B)

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dhis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
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STATE ARCHIVES OF FLORIDA  
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RECORDS MANAGEMENT SERVICES  
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ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

**NOTICE OF INTENT TO CONSIDER COUNTY ORDINANCE**

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment, the following ordinance at a meeting on **May 20, 2009** at 2:00 p.m. in the Board of County Commissioners Board Room, County Center Second Floor, 601 East Kennedy Boulevard, Tampa, Florida:

**9 ORDINANCES RELATING TO THE BELOW LISTED DEPENDENT SPECIAL DISTRICTS AS CREATED BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS; AMENDING THE HILLSBOROUGH COUNTY ORDINANCES CREATING SAID DISTRICTS, AS AMENDED; PROVIDING FOR THE DELETION OF THE POSITIONS OF RECORDING SECRETARY AND CORRESPONDING SECRETARY; PROVIDING FOR THE CREATION OF THE POSITION OF SECRETARY; PROVIDING FOR THE DELETION OF APPROVAL BY BOCC OF BONDS EXECUTED BY DISTRICT BOARD OFFICERS; PROVIDING FOR A DATE FOR TAKING OFFICE; PROVIDING FOR THE ABILITY OF THE DISTRICT TO FOREGO AN ANNUAL AUDITED FINANCIAL STATEMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR NOTICES OF PUBLIC HEARINGS TO BE ADVERTISED 14 DAYS PRIOR TO THE HEARING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

- BRANDON HILLS SPECIAL DEPENDENT DISTRICT, ORD. 02-21.**
- COUNTRY VILLAGE SPECIAL DEPENDENT DISTRICT, ORD. 00-41.**
- EAST LAKE PARK SPECIAL DEPENDENT DISTRICT, ORD. 98-53.**
- KEYSTONE GROVE LAKES SPECIAL DEPENDENT DISTRICT, ORD. 03-38.**
- LAKE MAGDALENE SPECIAL DEPENDENT DISTRICT, ORD. 04-07.**
- LAKE STRAWBERRY SPECIAL DEPENDENT DISTRICT, ORD. 02-20.**
- PINE MEADOWS SPECIAL DEPENDENT DISTRICT, ORD. 98-55.**
- TAMPA SHORES SPECIAL DEPENDENT DISTRICT, ORD. 99-27.**
- WESTCHESTER SPECIAL DEPENDENT DISTRICT, ORD. 05-03.**

..... ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12TH FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL. 33602.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS Hillsborough County, Florida

#6124

5/9/09

# The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }  
County of Hillsborough } SS.

Before the undersigned authority personally appeared J. Elghali, who on oath says that she is the Advertiser Accounting Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

05/09/2009

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

*[Signature]*

Sworn to and subscribed by me, this 11 day of May, A.D. 2009

Personally Known  or Produced Identification   
Type of Identification Produced \_\_\_\_\_



Ana Maria Hodel  
Commission #00551367  
Expires: MAY 11, 2010  
WWW.AARONNOTARY.COM

*[Signature]*

RECEIVED BY

MAY 12 2009

COUNTY ATTORNEYS OFFICE  
ACCOUNTANT