

CHAPTER

2002-373

HB 1047, First Engrossed/ntc

House Bill No. 1047

A bill to be entitled

An act relating to the Municipal Service District of Ponte Vedra Beach, St. Johns County; amending chapter 82-375, Laws of Florida, as amended; providing for District Trustees to notify the Board Chair and Governor in the case of resignation; providing for a notice of a vacancy in the Board of Trustees; providing for appointment of a District Trustee in case of vacancy; providing for creation of subdistricts; providing for taxation of subdistricts; providing that expenditures over a certain amount on capital projects must be approved by electors of the district; providing a limit on amount that may be spent on an unbudgeted capital project; providing a definition; providing for public hearings for proposed amendments to the act every 10 years; providing for a referendum; providing an effective date.

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

Section 1. Section 2 of chapter 82-375, Laws of Florida, as amended by chapter 90-463, Laws of Florida, is amended to read:

Section 2. The following is the charter of the Municipal Service District of Ponte Vedra Beach:

(1) The purpose of the district is to provide services to the public of the district independent of, as well as

1 supplemental to, those services provided by St. Johns County
2 and in cooperation with the function of the county.

3 (2) (a) The governing body of the district shall
4 consist of a board of seven District Trustees. The original
5 Board of District Trustees shall consist of seven persons
6 residing within the district who are qualified electors of the
7 State of Florida.

8 (b) At the 1990 general election, seven District
9 Trustees shall be elected by the qualified voters of the
10 district, with three for 2-year terms and four for 4-year
11 terms, and they shall be elected to serve until their
12 successors are elected and qualified. The seats shall be
13 numbered consecutively one through seven. In the 1990 general
14 election, the odd numbered seats shall be elected for terms of
15 4 years, the even numbered seats for terms of 2 years. The
16 term of office of the District Trustees elected at each
17 succeeding election shall be 4 years. To be eligible for
18 election, a person must reside in the district and be
19 qualified to vote in the district. A trustee may not serve
20 more than two consecutive 4-year terms.

21 (c) District Trustee candidates seeking election may
22 qualify anytime after noon on the 50th day prior to the first
23 primary, but not later than noon on the 46th day prior to the
24 date of the first primary by filing, without political party
25 affiliation, with the St. Johns County Supervisor of
26 Elections, a petition upon a form approved by the supervisor
27 of elections in accordance with rules adopted by the Division
28 of Elections and signed by not less than 25 eligible voters
29 within the district. Candidates shall specify the seat which
30 they seek by number. The district shall pay all costs of the
31 district elections.

1 (d) In all elections for District Trustees, which
 2 shall be held in conjunction with the first primary and
 3 general election, qualified voters shall be persons who reside
 4 within the district who are qualified to vote in any general
 5 or special election.

6 (e) Each District Trustee elected pursuant to this
 7 section shall take office at the same time as members of the
 8 Board of County Commissioners. Each District Trustee, before
 9 entering upon his duties, shall take and subscribe to the oath
 10 or affirmation required by the State Constitution.

11 (f) Any District Trustee may be removed from office by
 12 the Governor for misfeasance, malfeasance, or willful neglect
 13 of duty. In the event of a vacancy in office due to any
 14 cause, the Governor shall appoint a qualified successor
 15 District Trustee to hold office until the next ensuing general
 16 election. A District Trustee who voluntarily resigns his
 17 position shall notify the Board Chair and the Governor of said
 18 resignation. Upon receipt of notice of a vacancy in any
 19 District Trustee position, the remaining District Trustees
 20 shall cause a notice of such vacancy to be published in a
 21 newspaper of general circulation in the County and a newspaper
 22 circulated within the Ponte Vedra Community, not later than 14
 23 days following receipt of notification of a vacancy for any
 24 reason. The Governor shall not appoint a successor District
 25 Trustee until publication of the notice of said vacancy by the
 26 District.

27 (3) (a) The District Trustees from their number shall
 28 annually elect a Chairman, Vice Chairman, and Treasurer, and
 29 shall appoint a Secretary who shall serve at the pleasure of
 30 the District Trustees. The Secretary, who shall not be a
 31 District Trustee, shall receive such compensation as may be

1 fixed by the Board of District Trustees, and shall be the
2 custodian of all books and records of the district. The first
3 meeting in January of each year shall be the Board of District
4 Trustees' organizational meeting.

5 (b) The Board of District Trustees shall meet at least
6 once a month at a time, date, and place established by the
7 District Trustees. All meetings shall be held at a public
8 place within the district, or outside the district within 1
9 mile of the boundary of the district, and shall be open to the
10 public. The board shall give reasonable notice of all of its
11 meetings. The board shall keep a record of its meetings, and
12 the record must be available for public inspection.

13 (c) Four District Trustees shall constitute a quorum
14 at Board of District Trustees' meetings. The affirmative vote
15 of a majority of the District Trustees present shall be
16 necessary for any action taken by the District Trustees;
17 however, no vacancy in the membership of the District Trustees
18 shall impair the right of a quorum to exercise all of the
19 rights and perform all of the duties hereunder.

20 (d) No District Trustee shall receive compensation,
21 but each District Trustee shall be paid his necessary expenses
22 incurred while engaged in the performance of his duties as
23 prescribed by state statutes.

24 (e) The St. Johns County Tax Collector shall be
25 ex-officio tax collector for the district and the St. Johns
26 County Supervisor of Elections shall be the ex-officio
27 supervisor of elections of the district.

28 (f) The Board of District Trustees may appoint such
29 other officers of the district as it deems appropriate and
30 necessary.

(g) Subdistricts may be created within the district in order to provide localized public services. Such subdistricts may be created by formal resolution of the Board of District Trustees, at its discretion, at a regularly scheduled meeting upon receipt by the District Trustees of verified petition(s) signed by at least 2/3 of the registered voters residing in the proposed subdistrict who are qualified to vote in any general or special election, identifying the boundaries of said subdistrict, specifying a project or service requiring establishment of the subdistrict, and including an estimate of the cost thereof prepared by a qualified professional. Creation of said subdistrict is further conditioned upon a determination by the District Trustees that the service or function is within the services and functions authorized herein for the District Trustees, and that the service or function will uniquely benefit the residents of said subdistrict. The Board of District Trustees may, at its discretion, set a separate ad valorem tax rate for the subdistrict, providing that the special levy combined with the general levy for the entire district does not exceed the millage limitation set forth in subsection (4)(j) herein. Upon determination-by-the-Board-of-District-Trustees-at-a-regularly scheduled-meeting-that-certain-areas-within-the-district-do not-receive-equal-benefit-for-taxes-levied,-the-board-may-by formal-resolution-create-a-subdistrict-within-the-district-for the-purpose-of-levying-a-uniform-tax-rate-within-the subdistrict-different-from-the-rate-within-the-district. However,-the-tax-rate-in-any-subdistrict-shall-never-exceed the-general-rate-set-for-the-district-

(4) The district is authorized and empowered:

(a) To sue and be sued;

(b) To contract;

(c) To adopt and use a common seal and alter the same at pleasure;

(d) To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property and interest therein as may be necessary or proper to carry out the purpose of this act;

(e) To make rules and regulations for its own government and proceedings;

(f) To employ engineers, attorneys, accountants, financial, or other consultants and such other agents and employees as the Board of District Trustees may require or deem necessary to accomplish the purposes of this law, or to contract for any such services;

(g) To supplement within the district the performance of the following specialized services and functions of the Board of County Commissioners of St. Johns County:

1. The provision of personnel, equipment, and facilities for civil defense, emergency ambulance and rescue service, or funds therefor;

2. Parking restrictions and traffic control;

3. Refuse collection and disposal;

4. Beautification;

5. Cable television;

6. Fire protection;

7. Utilities, including, but not limited to, sewage, water, and lighting; and

8. Recreation facilities.

1 All rules and regulations of the district dealing with parking
2 restrictions and traffic control shall be adopted in
3 conformity with chapter 316, Florida Statutes.

4 (h) To acquire, construct, operate, maintain, equip,
5 improve, extend, enlarge, or improve capital projects within
6 or without the district for the purposes of enabling the
7 district to perform the specialized public functions or
8 services as herein provided. However, expenditures on any
9 individual capital project, including acquisition of real or
10 personal property, that exceeds a total cost of \$150,000 must
11 first be approved by a voting majority of qualified voters in
12 the district. The Board of District Trustees shall determine
13 the method to be used to determine whether voters approve a
14 capital expenditure or expenditures exceeding \$150,000 and
15 approval of a majority of those voters participating in or
16 responding to the method used by the District Trustees to
17 decide the issue shall be sufficient to approve expenditure of
18 funds exceeding \$150,000 for the project. Whatever method is
19 used to determine voter approval of such expenditure, the
20 District Trustees in presenting the issue to be decided shall
21 generally describe the project to be undertaken by the
22 expenditure and the estimated cost thereof. In addition, the
23 Board of District Trustees shall not expend more than \$50,000
24 from contingency reserves for any unbudgeted capital project
25 in any fiscal year;

26 (i) To issue tax anticipation notes and revenue
27 certificates secured only by the anticipated revenues of the
28 district;

29 (j) To levy and assess ad valorem taxes to pay the
30 cost of such specialized public functions or services
31 authorized in this act; however, such rate of taxation may not

1 exceed three mills, provided that such rate of taxation may
2 not exceed one mill unless such rate is approved by a majority
3 vote of the qualified electors of the district voting at an
4 election called by the District Trustees;

5 (k) To fix and collect rates, fees, and other charges
6 for the specialized public functions or services authorized by
7 this act;

8 (l) To restrain, enjoin, or otherwise prevent the
9 violation of this act or of any resolution or rule adopted
10 pursuant to the powers granted by this act;

11 (m) To join with any other district, municipality,
12 county, or other political subdivision, public agency, or
13 authority in the exercise of common powers;

14 (n) To contract with municipalities or other private
15 or public corporations or persons to provide or receive such
16 specialized public functions or services, including by way of
17 nonexclusive franchise;

18 (o) To enter into contracts with the government of the
19 United States or any agency or instrumentality thereof, or
20 with any state, county, municipality, district, authority, or
21 political subdivision, private corporation, partnership,
22 association, or individual to effect the purposes of this act,
23 and to receive and accept from any state or federal agency,
24 grants or loans for or in aid of the specialized public
25 functions or services authorized herein;

26 (p) To provide a police department, consisting of one
27 or more police officers with full arrest powers, together with
28 necessary administrative personnel, facilities, and equipment,
29 in addition to and independent of any law enforcement services
30 provided by the Sheriff of St. Johns County. Persons employed
31 by the district as law enforcement officers must meet the

1 qualifications and standards prescribed by general law for
2 such employment;

3 (q) To contract with the Sheriff of St. Johns County
4 to provide law enforcement services supplemental to those
5 services provided by the Sheriff of St. Johns County; and

6 (r) To issue bond anticipation notes and revenue bonds
7 in the manner provided by general law for the issuance of
8 revenue bonds and notes by counties to finance projects of the
9 district. Revenue bonds and notes shall be, and shall be
10 deemed to be, for all purposes, negotiable instruments,
11 subject only to the provisions of the revenue bonds and notes
12 for registration.

13 (5) "Contingency reserves," defined as the amount of
14 funds remaining at the end of the fiscal year less the amount
15 required to operate the district at the beginning of the next
16 fiscal year, shall not exceed \$200,000 in any fiscal year. Any
17 amount of contingency reserves exceeding \$200,000 at the end
18 of any fiscal year must be used to reduce the ad valorem tax
19 levy for the entire district for the following fiscal year.

20 (6)~~(5)~~ The creation and existence of the district
21 shall not affect the obligations and responsibilities of St.
22 Johns County as to the area encompassed by the district.

23 (7)~~(6)~~ The charter of the district may be amended, and
24 the district may be dissolved, only by law.

25 (8)~~(7)~~ The debts of the district shall not constitute
26 a debt of St. Johns County or the State of Florida and shall
27 not be construed to constitute a lien on any real or personal
28 property or income of the county or state. The debts of the
29 district are the sole responsibility of the district.

30 (9)~~(8)~~ The district may not rescind or modify any
31 contracts, franchises, or ordinances of St. Johns County, and

1 the county shall not have the power to rescind or modify any
 2 validly enacted contracts or franchises or ordinances of the
 3 district. However, no act, franchise, or regulation of the
 4 district shall be deemed to prevent the county from acting,
 5 granting franchises, levying taxes, or regulating similar or
 6 the same subject matter within the district.

7 (10)~~(9)~~ Unless specifically reserved in this act, St.
 8 Johns County shall have no power of review over validly
 9 enacted fees, charges, and rules of the district that are
 10 enacted pursuant to this act, but to the extent that such
 11 fees, charges, or rules are in conflict with an ordinance,
 12 franchise, charge, fee, regulation, or rule of the county
 13 which also affects areas which are not within the boundaries
 14 of the district, such fees, charges, or rules, are void.

15 (11)~~(10)~~ Any person who is authorized by the district
 16 to write checks or otherwise receive, expend, or handle
 17 district funds shall be bonded at the district's expense by a
 18 good and sufficient fidelity bond in at least the amount of
 19 \$25,000.

20 (12)~~(11)~~ The district shall be audited annually at its
 21 expense. The district shall comply with financial disclosure
 22 and reporting requirements imposed by general law, including
 23 chapter 189, Florida Statutes.

24 (13)~~(12)~~ For planning and budget purposes, the fiscal
 25 year of the district shall commence on October 1 of each year
 26 and end on September 30 of the succeeding year.

27 (14)~~(13)~~ The budget of the district is not subject to
 28 approval by the Board of County Commissioners of St. Johns
 29 County.

30 (15) The District Trustees shall conduct a public
 31 hearing to review and consider proposed amendments to this act

1 every 10 years following adoption of this act as amended,
2 provided this does not preclude the District Trustees at their
3 discretion from reviewing this act at other times.

4 Section 2. This section shall take effect upon
5 becoming a law. Section 1 of this act shall take effect on
6 October 1, 2002, if approved by a majority vote of the
7 electors voting at an election called by the District Trustees
8 and held in conjunction with the first primary election in
9 2002. A person is eligible to vote at such election if he or
10 she is a qualified elector of the county and resides within
11 the boundaries of the Municipal Service District of Ponte
12 Vedra Beach. The question presented at such election shall be
13 substantially in the following form:

14
15 Do you favor amending the Ponte Vedra Municipal Service
16 District charter to provide for:

17
18 (1) Reducing the ability of the District Trustees to
19 levy ad valorem taxes to one mill, unless voters approve an
20 expenditure of greater than one mill, up to the maximum of
21 three mills already authorized in the charter;

22 (2) A \$150,000 limit on capital expenditures for a
23 single project by District Trustees unless a voting majority
24 of district voters approve expenditure of a greater amount;

25 (3) A limit of \$200,000 on the amount of contingency
26 reserves that may be budgeted by the District Trustees in any
27 fiscal year and requiring that contingency reserves exceeding
28 \$200,000 be used to reduce ad valorem taxes in the following
29 fiscal year;

30 (4) A prohibition on expenditure of more than \$50,000
31 on unbudgeted capital projects from contingency reserves;

(5) Discretion for the District Trustees to establish subdistricts having a tax rate greater than the general rate, upon petition for a single project signed by 2/3 of registered voters within a proposed subdistrict;

(6) A notification process for vacancies in District Trustee positions; and

(7) Mandatory review by the District Trustees of the charter once every 10 years.

..... FOR the amendments

..... AGAINST the amendments

If section 1 of this act is not approved by a majority vote of the electors voting at the election required by this section, chapter 90-463, Laws of Florida, shall remain in effect.

Approved by the Governor APR 23 2002

Filed in Office Secretary of State APR 23 2002