

AN ORDINANCE RELATING TO HILLSBOROUGH COUNTY; CREATING A DEPENDENT SPECIAL DISTRICT FOR THE PURPOSE OF CONTINUED DEVELOPMENT, ADMINISTRATION, AND MAINTENANCE OF PROPERTIES FOR THE UNINCORPORATED AREA KNOWN AS BLOOMINGDALE SUBDIVISION, 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 SEVEN TRUSTEES; DEFINING THE POWERS AND DUTIES OF THE BOARD; PROVIDING FOR THE QUALIFICATION OF ELECTORS IN THE DISTRICT AND THE MANNER OF CONDUCTING THE FIRST ELECTION OF THE BOARD OF TRUSTEES AND FOR ANNUAL ELECTION OF TRUSTEES THEREAFTER; PROVIDING FOR REMOVAL OF TRUSTEES AND APPOINTMENT TO FILL VACANCIES; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A SPECIAL DISTRICT TAX; PROVIDING FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS OF THE DISTRICT; ESTABLISHING A FISCAL YEAR AND PROVIDING FOR PUBLICATION OF ANNUAL FINANCIAL STATEMENTS; RELIEVING INDIVIDUAL TRUSTEES FROM PERSONAL LIABILITY FOR OBLIGATIONS OF THE DISTRICT; PROVIDING A PROCEDURE FOR THE ABOLITION OF THE DISTRICT; DEFINING TERMS; PROVIDING A PUBLIC HEARING; 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 for the unincorporated area of Hillsborough County known as Bloomingdale Subdivision, for the purpose of continued development, 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 desires to apportion the cost of such services equitably among benefited property owners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has the power, pursuant to Chapter 165, 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 for the unincorporated area of Hillsborough County known as Bloomingdale Subdivision, promotes the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 18TH DAY OF DECEMBER 1985, AS FOLLOWS:

SECTION 1. There is hereby created a Special Dependent District consisting of all property located within the following described lands:

1. The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, the Southeast $\frac{1}{4}$, the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$, the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ if the Southwest $\frac{1}{4}$, and the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 30 South, Range 20 East, Hillsborough County, Florida.
2. Section 12, Township 30 South, Range 20 East, Hillsborough County, Florida, LESS the East of the North $\frac{1}{4}$.
3. The North $\frac{1}{2}$, and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{2}$ LESS the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of section 13, Township 30 South, Range 20 East, Hillsborough County, Florida.
4. The North $\frac{1}{4}$ of the East $\frac{1}{2}$ of section 14, Township 30 South, Range 20 East, Hillsborough County, Florida.
5. The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the North $\frac{1}{4}$ of the Southwest $\frac{1}{4}$

and that part of the South $\frac{1}{4}$ of the East $\frac{1}{2}$ lying South of Lithia Road, of Section 7, Township 30 South, Range 21 East, Hillsborough County, Florida, LESS right-of-way for Culbreath Road, as recorded in O.R. Book 847, Page 391 of the Public Records of Hillsborough County, Florida.

6. The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 7, Township 30 South, Range 21 East, Hillsborough County, Florida, LESS the East 25 feet.

7. The Northwest $\frac{1}{4}$ of Section 18, Township 30 South, Range 21 East, LESS the South 600.00 feet of the North 1,162.31 feet of the East 425.00 feet, and LESS the East 25 feet.

8. All that part of the Southwest $\frac{1}{4}$ of Section 18, lying North of Alafia River.

9. West $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 30 South, Range 21 East, Hillsborough County, Florida.

LESS the following: From the Southeast corner of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 14, Township 30 South, Range 20 East, Hillsborough County, Florida, run thence S.89°49'24" w. along the South boundary of said North $\frac{1}{2}$, 30.00 feet to the Point-of-Beginning; thence continue S.89°49'24" W. a long said South boundary, 1301.71 feet; thence S.89 °42'20"W., 1324.40 feet; thence N. 00°19'28"W., along the west boundary of said Southeast $\frac{1}{4}$, 751.77 feet; thence N.89°40'32" E., 158.96 feet; thence N.45°40'18"E., 319.96 feet; thence N.70°46'52" E., 55.65 feet; thence N.43°45'56"E., 710.00 feet; thence N. 86°4 9'10"E., 369.20 feet; thence S.83°01'50 "E., 627.14 feet; thence N .52°21'48"E., 255.00 feet; thence N. 12° 14'43" E., 64.17 feet; thence N. 49°48'04"E., 345.30 feet; thence N.01°21'33"W., 551.45 feet; thence N. 79°24'08"E., 218.87 feet; thence N.89°54'19"E., 20.00 feet to the Westerly right-of-way of Bell Shoals Road (60' r/w); thence S.00°05'41" E. along said Westerly right-of-way , 1142.62 feet; thence remaining with said Westerly right-of-way, run S00°11'31" E., 1331.13 feet to the Point-of-Beginning and containing 87.510 acres, more or less.

AND LESS the following: From the Southeast corner of the Northeast $\frac{1}{4}$ of Section 14, Township 30 South, Range 20 East, Hillsborough County, Florida, run thence N. 00°05'41"W. along the East boundary of said Section 14, 1142.69 feet; thence S.89°54'19"W., 30.00 feet to the Point-of-Beginning; thence continue S.89°54'19" W., 20.00 feet; thence S.79°24'08" W., 218.87 feet; thence S. 01°21'33" E., 551.45 feet; thence S. 49°48'04" W., 345.30 feet; thence S.12°14'43 "W., 64.17 feet; thence S.52°21'48" W., 255.00 feet; thence N.83°01'50" W., 627.14 feet; thence S.86°49'10" W., 369.20 feet; thence S.43°45'S6" W., 710.00 feet; thence S.70°46'52" W., 55.65 feet; thence S.45°40'18" W., 319.96 feet; thence S.89°40'32" W., 158.96 feet to the West boundary of the southeast $\frac{1}{4}$ of said Section 14; thence N.00°19'28" W., along said west boundary, 591.55 feet; thence N.00°03'59 "W. along the West boundary of the Northeast $\frac{1}{4}$ of said Section 14, 1889.34 feet; thence N. 89°56'01" E., 830.89 feet; thence S.69°56'36"E., 769.67 feet; thence S.63°19'48" E., 730.75 feet; thence S.89°14'32" E., feet to the Westerly right-of-way of Bell Shoals Road (60' r/w); thence s.00°05'41"E., along said Westerly right-of-way, 151.49 feet to the Point of Beginning and containing 92.855 acres, more or less.

which said District shall be designated as the Bloomingdale Special District, hereinafter referred to as the "District."

SECTION 2. The Bloomingdale Special 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 two 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 disbursement 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 such duties, execute to the governor of the state for the benefit of the district, a good and sufficient bond approved by a circuit judge 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 in 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. Elections in even-numbered years will be held in conjunction with the first primary election as designated in Section 100.061, Florida Statutes, as amended. Elections 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 7:00 a.m. and 7:00 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 act 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 in district elections, provided that such electors have registered 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 referenda, including compensation for inspectors, clerks, and other employees required therefor, in excess of those

costs already required by virtue of any county-wide primary, general or special election being held on the same date, 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, as amended, 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 fewer 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 periodic reports as required by section 106.07(8), Florida Statutes. 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 fewer 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 Bloomingdale Special 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 on 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. 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 known as a special district tax against all improved residential parcels and improved residential units of property situated within the district for the purpose of providing funds for the operation of the district. The board of trustees shall, on or before August 1 of each year, by resolution, fix the amount of the assessment for the next ensuing year and shall direct the property appraiser of Hillsborough County to assess, and the tax collector of Hillsborough County to collect, such tax as is assessed upon each improved residential parcel or improved residential unit of property within the district. The tax assessed shall not exceed \$80 per annum per improved residential parcel or improved residential unit 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 act. The tax collector shall deposit the funds into a depository designated by the board of trustees in accordance with section 11 for the account of the district. For the purpose of determining property subject to the district tax, the following definitions shall control:

"Improved residential parcel" shall mean one or more lots on which a home has been erected as of January 1 of the taxable year.

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. Upon enactment of this ordinance, and the receipt of the proceeds of the first assessment, the district's trustees shall maintain the common areas of the district. This board shall have the right, with regard to such common areas, (1) to landscape, (2) to review previously installed landscaping and remove or correct it as deemed appropriate to achieve a unified effect, and (3) to review proposed landscaping.

SECTION 10. The district tax shall be a lien upon each improved residential 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 11. The proceeds of the tax and the funds of the district shall be deposited in the name of the district in a commercial bank, savings and loan association, or savings bank 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 12.

(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 financial statement of revenue and expenditures 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. 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 taxes 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 13. The "property" of the district shall consist of all property hereafter 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 its 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 14. Persons entitled to use the facilities and property of the district shall be limited to residential 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 15. 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 amount to be collected as an annual special assessment 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 evidences 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 revenue 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 as well as by mortgage of the property owned by the district, subject to referendum approval where required by the Florida 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 of the district;
- (9) to employ and pay necessary costs associated with security officers.

SECTION 16. 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 17. Trustees shall hold meetings which are open to all residents of the district each January and July. Additional meetings may be held in the discretion of the trustees. 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 present 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 and in carrying out the provisions of this ordinance.

SECTION 18. For the general purposes of this ordinance, each parcel or unit of improved residential property (condominiums, cooperatives and rental apartments included) in the district is hereby declared to be uniformly and generally benefited by the provisions hereof.

SECTION 19. The district hereby created may be abolished by a majority vote of the qualified electors in the district at an election called for by a petition signed by 25 percent of the registered voters in the district, or by the board of trustees, 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. 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. Such election for abolishment cannot be held more often than once in a 12-month period.

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 his holding office in the district shall be indemnified by the district against a judgment and reasonable expenses, including attorneys' fees, incurred by him in defending such suit, action, or proceeding, except with respect to matters wherein it is adjudged in such proceeding that the trustee is liable for negligence or other misconduct in the performance of his duties.

SECTION 21. The word "district" means the special district hereby organized; the words "board," "trustees," and "board of trustees," mean the board of trustees of and for the special district hereby created.

SECTION 22. 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 23. A certified copy of this ordinance shall be filed in the Office of the Secretary of State of Florida by the Clerk of the Board of County Commissioners within ten (10) days after adoption of this ordinance pursuant to Part II of Chapter 125, Florida Statutes. This ordinance shall become effective upon receipt of official acknowledgment from that office that said ordinance has been filed.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, RICHARD L. 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 regular meeting of December 18, 1985, as the same appears of record in Minute Book 115 of the public records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of December, 1985.

RICHARD L. AKE, CLERK
BY: *J. E. Smith*
CHIEF DEPUTY CLERK

APPROVED BY COUNTY ATTORNEY
BY *Amelia Brown*
Approved As To Form And
Legal Sufficiency.