

1 A bill to be entitled
 2 An act relating to Jackson County; creating the
 3 Compass Lake in the Hills Independent Special
 4 District; providing legislative findings and intent,
 5 definitions, and policy; providing jurisdiction and
 6 construction; providing boundaries; providing for a
 7 governing board and powers, duties, terms of office,
 8 and election requirements; providing that service on
 9 the board is without compensation other than
 10 reimbursement for authorized travel and per diem
 11 expenses; providing for public records and meetings
 12 and disclosure of public financing of district
 13 projects; providing for a district manager, employees,
 14 and a treasurer; providing authority to issue bonds
 15 and related instruments and borrow money; providing
 16 for the levy of ad valorem taxes, special assessments,
 17 and service charges; specifying a fiscal year and
 18 providing budget requirements; providing severability;
 19 requiring a referendum; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Short title.—This act may be cited as the
 24 "Compass Lake in the Hills Independent Special District Act."

25 Section 2. Legislative findings and intent; definitions;
 26 policy.—

27 (1) LEGISLATIVE FINDINGS AND INTENT.—

28 (a) The Compass Lake in the Hills Independent Special

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29 District (the "district") is unique and special with a need to:

30 1. Protect natural resources;

31 2. Maintain existing development, facilities, recreational
32 facilities, and roadways for the special benefit of the
33 landowners in the district but not to the remainder of Jackson
34 County as a whole; and

35 3. Ensure that municipal services, including recreational
36 services, law enforcement, and road maintenance, may continue to
37 be borne by the individual landowners of the district without
38 visiting any portion of that burden on the taxpayers of Jackson
39 County as a whole.

40 (b) The district created by this act with its general and
41 special powers is essential and, for the reasons set forth
42 herein, is the best alternative for planning, constructing,
43 maintaining, operating, financing, and improving the provision
44 of systems, facilities, and services necessary to meet the
45 infrastructure and municipal service needs of the district.

46 (c) There is a particular need to implement a specialized
47 and limited-purpose independent special district unit of local
48 government in connection with the development of the district in
49 order to replace the Compass Lake in the Hills Municipal
50 Services Taxing Unit adopted by Jackson County, to prevent urban
51 sprawl by providing sustaining and freestanding infrastructure,
52 and to prevent the needless duplication, fragmentation, and
53 proliferation of local government services.

54 (d) The best alternative for creating the district is by
55 special act of the Legislature of a single independent special
56 district meeting the minimum requirements of chapter 189,

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57 Florida Statutes, and the applicable district accountability
58 general law.

59 (e) The existence and use of a limited, specialized local
60 government for the district, subject to the Jackson County
61 comprehensive plan and land development regulations, will result
62 in a higher propensity to provide for orderly development and
63 prevent urban sprawl; protect and preserve environmental and
64 conservation uses and assets; potentially enhance the market
65 value for both present and future landowners of the property
66 consistent with the need to protect private property;
67 potentially enhance the net economic benefit to Jackson County,
68 including an enhanced tax base to the benefit of all present and
69 future taxpayers in Jackson County; and result in the sharing of
70 costs of providing certain systems, facilities, and services in
71 an innovative, sequential, and flexible manner within the area
72 to be serviced by the district.

73 (f) The district created and established by this act shall
74 not exercise or have any comprehensive planning, zoning, or
75 development permitting power; the establishment of the district
76 shall not be considered a development order within the meaning
77 of chapter 380, Florida Statutes; and all applicable planning
78 and permitting laws, rules, regulations, agreements, and
79 policies of Jackson County shall control the development of the
80 land within the district.

81 (g) The creation by this act of the district is not
82 inconsistent with the Jackson County comprehensive plan.

83 (h) Jackson County does not object to the creation of the
84 district.

85 (i) It is the legislative intent and purpose of this act
 86 that no debt or obligations of the district constitute a debt or
 87 obligation on any local general-purpose government without its
 88 consent.

89 (j) It is the legislative intent and purpose of this act
 90 that no local general-purpose government be under any obligation
 91 or duty to assume any obligation or commitment made by the
 92 district.

93 (2) DEFINITIONS.—As used in this act, the term:

94 (a) "Compass Lake in the Hills Independent Special
 95 District" or "district" means the unit of special-purpose local
 96 government created and chartered by this act, including the
 97 creation of its charter, and limited to the performance, in
 98 implementing its single purpose, of those general and special
 99 powers authorized by its charter under this act, the boundaries
 100 of which are more specifically set forth in section 4, the
 101 governing head of which is created and authorized to operate
 102 with legal existence by this act, and the purpose of which is as
 103 set forth in this act.

104 (b) "Landowner" means the owner of a freehold estate as it
 105 appears on the deed record, including a trustee and a private
 106 corporation, or the owner of a ground lease from a governmental
 107 entity, which leasehold interest has a remaining term, excluding
 108 all renewal options, in excess of 50 years. The term does not
 109 include a reversioner, remainderman, mortgagee, or governmental
 110 entity, which shall not be counted and need not be notified of
 111 proceedings under this act.

112 (c) "Qualified elector" means any person at least 18 years

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113 of age who is a citizen of the United States, a permanent
114 resident of the state, and a freeholder or freeholder's spouse
115 and resident of the district who registers with the Supervisor
116 of Elections of Jackson County.

117 (3) POLICY.—Based upon its findings, ascertainments,
118 determinations, intent, purpose, and definitions, the
119 Legislature states its policy expressly:

120 (a) The district created by this act with its general and
121 special powers is essential and the best alternative for the
122 residential, commercial, and other community uses, projects, or
123 functions in the included portion of Jackson County consistent
124 with the effective comprehensive plans and serves a lawful
125 public purpose.

126 (b) The district, which is a government of special
127 purpose, is limited to its special purpose as expressed in this
128 act, with the power to provide, plan, implement, construct,
129 maintain, and finance as a government of special purpose for its
130 systems, facilities, services, municipal services, improvements,
131 infrastructure, and projects and possessing financing powers to
132 fund its management powers over the long term and with sustained
133 levels of high quality.

134 (c) The creation of the district by and pursuant to this
135 act, and its exercise of its management and related financing
136 powers to implement its limited special purpose, does not
137 constitute a development order and does not invoke any provision
138 within the meaning of chapter 380, Florida Statutes, and all
139 applicable governmental planning, environmental, and land
140 development laws, regulations, rules, policies, and ordinances

141 apply to all development of the land within the jurisdiction of
 142 the district as created by this act.

143 (d) The district shall operate and function subject to,
 144 and not inconsistent with, the Jackson County comprehensive plan
 145 and any applicable development orders, zoning regulations, and
 146 other land development regulations.

147 (e) The special purpose of the district will not have the
 148 powers of a general-purpose local government to adopt a
 149 comprehensive plan or related land development regulations as
 150 those terms are defined in part II of chapter 163, Florida
 151 Statutes.

152 (f) This act may be amended, in whole or in part, only by
 153 subsequent special act of the Legislature. No amendment to this
 154 act that alters the district boundaries or the general or
 155 special powers of the district may be considered by the
 156 Legislature unless it is accompanied by a resolution or official
 157 statement as provided for in section 189.404(2)(e)4., Florida
 158 Statutes.

159 Section 3. Creation and establishment; jurisdiction;
 160 construction; charter with legal description.—

161 (1) The Compass Lake in the Hills Independent Special
 162 District is created and incorporated as a public body corporate
 163 and politic, an independent, limited, special-purpose local
 164 government, an independent special district under section
 165 189.404, Florida Statutes, and as defined in this act and
 166 section 189.403(3), Florida Statutes, in and for a certain
 167 portion of Jackson County. All notices for the enactment by the
 168 Legislature of this special act have been provided pursuant to

169 the State Constitution, laws of the state, and the Rules of the
 170 Florida House of Representatives and of the Florida Senate.

171 (2) The territorial boundary of the district shall embrace
 172 and include all of that certain real property described in
 173 section 4.

174 (3) The jurisdiction of this district, in the exercise of
 175 its general and special powers, and in the carrying out of its
 176 special purposes, is both within the external boundaries of the
 177 legal description of this district and extraterritorially only
 178 when expressly authorized by this act or by applicable general
 179 law. This special-purpose district is created as a public body
 180 corporate and politic, with local government authority and power
 181 limited by its charter and this act and subject to the
 182 provisions of other general laws, in particular chapter 189,
 183 Florida Statutes, except that in the event that a conflict
 184 arises between the provisions of applicable general laws and
 185 this act, the provisions of this act shall control, and the
 186 district has jurisdiction to perform such acts and exercise such
 187 authorities, functions, and powers as shall be necessary,
 188 convenient, incidental, proper, or reasonable for the
 189 implementation of its limited, single, and specialized purpose
 190 as set forth in this act.

191 (4) The exclusive charter of the district is this act,
 192 which may be amended, terminated, or repealed only by special
 193 act of the Legislature.

194 Section 4. The boundaries of the district are as follows:

195

196 COMPASS LAKE HILLS UNIT ONE, according to the Plat

197 thereof as recorded in Plat Book A-4, Pages 94A
 198 through 97A inclusive, of the public records of
 199 Jackson County, Florida.

201 CORRECTED PLAT OF COMPASS LAKE HILLS UNIT TWO,
 202 according to the Plat thereof, as recorded in Plat
 203 Book A-4, Pages 111A through 115A inclusive, of the
 204 public records of Jackson County, Florida.

206 COMPASS LAKE HILLS UNIT THREE, according to the Plat
 207 thereof, as recorded in Plat Book A-4, Pages 116A
 208 through 123A inclusive, of the public records of
 209 Jackson County, Florida.

211 COMPASS LAKE HILLS UNIT FOUR, according to the plat
 212 thereof, as recorded in Plat Book A, Pages 124 through
 213 129 inclusive, of the public records of Jackson
 214 County, Florida.

216 COMPASS LAKE HILLS UNIT FIVE, according to the Plat
 217 thereof, as recorded in Plat Book A-4, Pages 130
 218 through 140 inclusive, of the public records of
 219 Jackson County, Florida.

221 COMPASS LAKE HILLS UNIT SIX, according to the Plat
 222 thereof, as recorded in Plat Book A-4, Pages 141
 223 through 150 inclusive, of the public records of
 224 Jackson County, Florida.

225
 226 COMPASS LAKE HILLS UNIT 3-A, according to the Plat
 227 thereof, as recorded in Plat Book A-4, Page 156-A, of
 228 the public records of Jackson County, Florida.

229
 230 COMPASS LAKE HILLS UNIT 3-B, according to the Plat
 231 thereof, as recorded in Plat Book A-4, Page 157-A, of
 232 the public records of Jackson County, Florida.

233
 234 COMPASS LAKE HILLS UNIT 4-A, according to the Plat
 235 thereof, as recorded in Plat Book A-4, Page 158-A, of
 236 the public records of Jackson County, Florida.

237
 238 COMPASS LAKE HILLS UNIT 6-A, according to the Plat
 239 thereof, as recorded in Plat Book A-4, Page 159-A, of
 240 the public records of Jackson County, Florida.

241
 242 Section 5. Governing board; members and meetings;
 243 organization; powers; duties; terms of office; related election
 244 requirements.-

245 (1) The board shall exercise the powers granted to the
 246 district pursuant to this act. The board shall consist of five
 247 members. Each member shall hold office for a term of 4 years,
 248 except as otherwise provided herein for initial board members,
 249 and until a successor is chosen and qualified.

250 (2) Within 20 days after the effective date of the
 251 provisions of this act creating the district, notice of a
 252 landowners' and qualified electors' meeting and election shall

253 be given pursuant to section 298.11, Florida Statutes. At the
254 election and meeting, those eligible to vote may vote in person
255 or by absentee ballot. The two persons receiving the highest
256 number of votes in the landowner election shall be elected for
257 terms expiring November 30, 2016, and the two persons receiving
258 the next highest number of votes in that election shall be
259 elected for terms expiring November 30, 2014. The qualified
260 elector receiving the highest number of votes in the qualified
261 elector election shall be elected for a term expiring on
262 November 30, 2014. The terms of office for each successful
263 person shall commence upon election.

264 (3) Unless specified otherwise herein, notice for and the
265 conduct of the landowners' meetings shall be pursuant to
266 sections 189.4051, 298.11, and 298.12, Florida Statutes.

267 (4) The initial board shall consist of four persons
268 elected by the landowners on a one-acre/one-vote basis and one
269 qualified elector elected by qualified electors on a one-
270 person/one-vote basis.

271 (a) After more than 1,000 qualified electors reside within
272 the district, two board members shall be qualified electors
273 elected by the qualified electors and three board members shall
274 be persons elected by the landowners.

275 (b) After more than 2,000 qualified electors reside within
276 the district, three board members shall be qualified electors
277 elected by the qualified electors and two board members shall be
278 persons elected by the landowners.

279 (c) After more than 3,000 qualified electors reside within
280 the district, four board members shall be qualified electors

281 elected by the qualified electors and one board member shall be
282 a person elected by the landowners.

283 (d) After more than 4,000 qualified electors reside within
284 the district, all board members shall be qualified electors
285 elected by the qualified electors.

286 (5) All elections shall be held at the general election in
287 November and shall be conducted by the supervisor of elections.
288 Any landowner or qualified elector may vote in person or by
289 absentee ballot; however, there shall be no proxy voting. The
290 board shall adopt a resolution if necessary to implement this
291 requirement and process.

292 (6) Board members shall assume the office upon the
293 expiration of the previous term or immediately if the seat is
294 vacant.

295 (7) Any member of the board may be removed by the Governor
296 for malfeasance, misfeasance, dishonesty, incompetency, or
297 failure to perform the duties imposed upon him or her by this
298 act, and any vacancies that may occur in such office for such
299 reasons shall be filled by the Governor as soon as practicable.

300 (8) A majority of the members of the board constitutes a
301 quorum for the purposes of conducting its business and
302 exercising its powers and for all other purposes. Action taken
303 by the district shall be upon a vote of a majority of the
304 members present unless general law or a rule of the district
305 requires a greater number.

306 (9) The board shall keep a permanent record book entitled
307 "Record of Proceedings of Compass Lake in the Hills Independent
308 Special District," in which shall be recorded minutes of all

309 meetings, resolutions, proceedings, certificates, bonds given by
 310 employees, and any and all corporate acts. The record book and
 311 all other district records shall at reasonable times be opened
 312 to inspection in the same manner as state, county, and municipal
 313 records pursuant to chapter 119, Florida Statutes. The record
 314 book shall be kept at the office or other regular place of
 315 business maintained by the board in a designated location in
 316 Jackson County.

317 (10) A member of the board is not entitled to any
 318 compensation for his or her services but is entitled to
 319 reimbursement for travel and per diem expenses as set forth in
 320 section 112.061, Florida Statutes.

321 (11) All meetings of the board shall be open to the public
 322 and governed by chapter 286, Florida Statutes.

323 Section 6. Governing board; general duties.-

324 (1) DISTRICT MANAGER AND EMPLOYEES.-The board shall employ
 325 and fix the compensation of a district manager, who shall have
 326 charge and supervision of all of the services and works of the
 327 district. It shall not be a conflict of interest under chapter
 328 112, Florida Statutes, for a board member, the district manager,
 329 or another employee of the district to be a qualified elector, a
 330 landowner, or a stockholder, officer, or employee of a qualified
 331 elector or landowner. The district manager may hire or otherwise
 332 employ and terminate the employment of such other persons as may
 333 be necessary and authorized by the board. The compensation and
 334 other conditions of employment of the officers and employees of
 335 the district shall be as provided by the board.

336 (2) TREASURER.-The board shall designate a resident of the

337 state as treasurer of the district, who shall have charge of the
338 funds of the district. The board may give the treasurer such
339 other or additional powers and duties as the board may deem
340 appropriate and may fix his or her compensation. The financial
341 records of the board shall be audited by an independent
342 certified public accountant at least once a year.

343 (3) PUBLIC DEPOSITORY.—The board may select as a
344 depository for its funds any qualified public depository or
345 depositories as defined in section 280.02, Florida Statutes,
346 that meet all the requirements of chapter 280, Florida Statutes.

347 (4) DISCLOSURE OF PUBLIC FINANCING.—The district shall, in
348 accordance with all applicable general law, provide for the full
349 disclosure of information relating to the public financing and
350 maintenance of improvements to real property undertaken by the
351 district.

352 (5) BOARD MEETINGS.—The district shall notice and conduct
353 board meetings in accordance with chapter 189, Florida Statutes.

354 (6) ISSUANCE OF BOND ANTICIPATION NOTES; BORROWING AND
355 BONDS.—The district shall have the authority to issue bond
356 anticipation notes and bonds and to borrow money as provided in
357 chapter 189, Florida Statutes.

358 (7) GENERAL AND SPECIAL POWERS.—

359 (a) The district shall have all express and implied powers
360 permitted by law for the government, management, and operation
361 of the district, including, but not limited to, the power to
362 levy and collect ad valorem taxes, special assessments, and
363 service charges on real and tangible personal property; to issue
364 bonds, revenue certificates, and other obligations of

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365 indebtedness, which power shall be exercised in such manner and
366 subject to such limitations as are provided by general law; to
367 provide for fire protection, law enforcement, recreation service
368 and facilities, water, streets, sidewalks, street lighting,
369 garbage and trash collection and disposal, waste and sewage
370 collection and disposal, drainage, transportation, and other
371 essential facilities and municipal services to landowners and
372 residents of the district; and to enter into appropriate
373 contracts for the exercise of these powers. The district,
374 through the board, shall have the specific authority to hire and
375 employ such attorneys, accountants, and engineers, or to hire
376 employees, firms, or corporations, as shall be necessary, in the
377 discretion of the board, to carry out the purposes for which the
378 district was created. The district, through the board, shall
379 also be authorized to contract for the provision of services,
380 material, labor, goods, or other necessities directly with the
381 Board of County Commissioners of Jackson County, with the
382 governing body of any municipality or governmental subdivision,
383 with the state or any of its departments or agencies, or with
384 any private person, firm, or for-profit corporation.

385 (b) The board may exercise all of the general and special
386 powers necessary to carry out its special purpose as a local
387 government public corporate body politic, including those
388 necessary to implement its specialized systems, facilities,
389 services, projects, improvements, and infrastructure and related
390 functions in order to carry out its single specialized purpose,
391 including any and all other powers, authority, or functions set
392 forth in this act or in chapter 189 or chapter 190, Florida

393 Statutes, including, but not limited to, sections 190.011 and
 394 190.012, Florida Statutes.

395 (8) SPECIAL ASSESSMENTS; RATE OF ASSESSMENT.—The district
 396 shall have the authority to levy special assessments as provided
 397 in chapter 189, Florida Statutes. For the purpose of levying
 398 special assessments against the property in the district, it is
 399 conclusively determined and declared that a special benefit is
 400 conferred on each lot and subdivided parcel that is appraised by
 401 the Jackson County Property Appraiser for ad valorem taxation
 402 purposes in excess of \$1,000. Such special benefit, which is a
 403 valuable appurtenance to lots and subdivided parcels appraised
 404 in excess of \$1,000, shall be deemed to accrue equally to each
 405 of such lots and subdivided parcels, and, accordingly, the rate
 406 of assessment for each of such lots and subdivided parcels shall
 407 be equal. Lots and subdivided parcels with an appraised value of
 408 \$1,000 or less shall be conclusively deemed to receive no
 409 benefit, and no special assessment shall be levied against such
 410 lots and subdivided parcels.

411 (9) AD VALOREM TAXES.—The district shall have the
 412 authority to levy ad valorem taxes as provided in chapter 189,
 413 Florida Statutes. An ad valorem tax of not more than 10 mills
 414 may be levied and collected on all taxable real and tangible
 415 personal property within the district for the provision of
 416 services, facilities, and benefits as specified herein. For the
 417 purpose of levy by the district of ad valorem taxes against
 418 property in the district, it is conclusively determined and
 419 declared that the inclusion in the district of the property
 420 described in section 4 confers a special benefit on such

421 property that is different in type and degree from benefits
 422 provided in Jackson County as a whole.

423 (10) LIMITATIONS.—For a period of 5 years after creation
 424 of the district, no lot or subdivided parcel shall be subject to
 425 special assessments and ad valorem taxes that, combined, would
 426 be in excess of \$165 for any given tax year. After the 5 years,
 427 no increase of the combined special assessments and ad valorem
 428 taxes shall exceed 4 percent in any given year.

429 (11) METHOD OF LEVY AND COLLECTION OF AD VALOREM TAXES AND
 430 SPECIAL ASSESSMENTS.—All ad valorem taxes and special
 431 assessments of the district shall be levied and collected as
 432 provided in chapter 189, Florida Statutes, and in the manner
 433 provided by law for the levy and collection of county ad valorem
 434 taxes and county and municipal special assessments. All special
 435 assessments and taxes of the district shall constitute a lien,
 436 as of January 1 of each tax year, of equal dignity with the lien
 437 for county taxes, upon all the real and personal property
 438 against which such special assessments and taxes shall be
 439 levied. All of the provisions of general law relating to the
 440 sale of lands for unpaid and delinquent county taxes, the
 441 issuance, sale, and delivery of tax certificates for such unpaid
 442 and delinquent county taxes, the redemption thereof, the
 443 issuance to individuals of tax deeds thereon, and all other
 444 procedures in connection therewith shall be applicable to the
 445 district to the same extent as if such provisions therefor were
 446 expressly set forth herein. All special assessments and taxes
 447 shall be subject to the same discounts as county taxes.

448 (12) FISCAL YEAR.—The district's fiscal year shall begin

449 on October 1 and end on September 30 of each year and as
 450 provided in chapter 189, Florida Statutes. Any excess funds from
 451 any previous fiscal year shall be carried over into the
 452 subsequent fiscal year, as generally provided by law, and shall
 453 not be returned directly to landowners.

454 (13) BUDGET; REPORTS AND REVIEWS.—The district shall
 455 provide financial reports and adopt budgets in such form and
 456 manner as prescribed pursuant to this act and chapter 218,
 457 Florida Statutes. A proposed annual budget for each fiscal year
 458 after the initial fiscal year shall be prepared by the board,
 459 which proposed budget shall outline in detail the specific
 460 services and budgeted costs therefor to be expended by the board
 461 on behalf of the district. The proposed budget shall be prepared
 462 and made available for inspection and copying in the board's
 463 office by July 1 of each year. Any input of information or
 464 request for services or expenditures from the landowners and
 465 qualified electors shall be made, in writing, to the board on or
 466 before June 1 of each year. The board shall also hold a public
 467 hearing to consider the proposed budget. The board shall, at
 468 that meeting, or at any recommencement thereof after adjournment
 469 thereof, pass its resolution adopting a budget and assessing
 470 such ad valorem taxes, special assessments, or service charges,
 471 or any combination thereof, as shall be necessary in the
 472 discretion of the board to produce sufficient revenues to
 473 provide the services and make the expenditures provided for in
 474 the budget. Upon passing such resolution, the board shall
 475 certify to the Jackson County Tax Collector the ad valorem taxes
 476 or special assessments to be levied on each lot or subdivided

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477 parcel within the district for that tax year.

478 Section 7. Severability.—If any provision of this act is
479 determined unconstitutional or otherwise determined invalid by a
480 court of law, all the rest and remainder of the act shall remain
481 in full force and effect.

482 Section 8. This act shall take effect only upon its
483 approval by a majority vote of those qualified electors of
484 Jackson County voting in a referendum to be called by the
485 Jackson County Supervisor of Elections in conjunction with the
486 next primary, general, special, or other election to be held in
487 the county, except that this section shall take effect upon
488 becoming a law.