

ORDINANCE NO. 08-13

AN ORDINANCE REPEALING ORDINANCE NO. 95-4, AS AMENDED BY ORDINANCE NOS. 95-20 AND 97-4, AND RECONSTITUTING THE CRESCENT LAKES MAINTENANCE DISTRICT AS A COMMON FACILITIES DISTRICT UNDER ORDINANCE NO. 06-44, AS AMENDED; REPEALING ORDINANCE NO. 94-7, AS AMENDED BY ORDINANCE NO. 99-14, AND RECONSTITUTING THE INDIAN POINT SPECIAL MAINTENANCE DISTRICT AS A COMMON FACILITIES DISTRICT UNDER ORDINANCE NO. 06-44, AS AMENDED; REPEALING ORDINANCE NO. 94-8 AND RECONSTITUTING THE INDIAN RIDGE VILLAS SPECIAL MAINTENANCE DISTRICT AS A COMMON FACILITIES DISTRICT UNDER ORDINANCE NO. 06-44, AS AMENDED; PROVIDING FOR THE ELECTION OF COMMON FACILITIES DISTRICT SUPERVISORS; REQUIRING COMMON FACILITIES DISTRICTS TO LEASE PROPERTY INSTEAD OF ACQUIRING PROPERTY; MODIFYING THE TERMS FOR DISSOLUTION OF A COMMON FACILITIES DISTRICT; REQUIRING THE COUNTY TO PROVIDE CLERK SERVICES TO COMMON FACILITIES DISTRICTS AT THE COST OF SUCH COMMON FACILITIES DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. CRESCENT LAKES MAINTENANCE DISTRICT.

(A) Ordinance No. 95-4, as amended by Ordinance Nos. 95-20 and 97-4, is hereby repealed and the Crescent Lakes Maintenance District is hereby reconstituted and created as the Crescent Lakes Common Facilities District for the purpose of acquiring, constructing, operating and maintaining the "Common Facilities" listed in subsection (C). This Ordinance shall constitute an "Implementing Ordinance," as defined in the Common Facilities District Master Ordinance No. 06-44 (the "Master Ordinance"). All terms capitalized and not otherwise defined in this Section 1 shall have the meanings set forth in the Master Ordinance. The Crescent Lakes Common Facilities District shall include the following subdivisions:

(1) Allamanda Grace at Crescent Lakes, as recorded in Plat Book 11, Pages 177 and 178 of the Public Records of Osceola County, Florida;

(2) Aster Cove at Crescent Lakes, as recorded in Plat Book 9, Pages 135 and 136 of the Public Records of Osceola County, Florida;

(3) Calla Lily Cove Crescent Lakes, as recorded in Plat Book 15, Page 41 of the Public Records of Osceola County, Florida;

(4) Crepe Myrtle Cove Crescent Lakes, as recorded in Plat Book 15, Page 42 of the Public Records of Osceola County, Florida;

(5) Dahlia Reserve at Crescent Lakes, as recorded in Plat Book 10, Pages 161 through 163 of the Public Records of Osceola County, Florida;

(6) Heatherstone at Crescent Lakes, as recorded in Plat Book 8, Pages 61 through 64 of the Public Records of Osceola County, Florida;

(7) Jasmine Pointe at Crescent Lakes, as recorded in Plat Book 10, Pages 17 and 18 of the Public Records of Osceola County, Florida;

(8) Laurel Run at Crescent Lakes, as recorded in Plat Book 9, Pages 12 and 13 of the Public Records of Osceola County, Florida;

(9) Orchid Edge Crescent Lakes, as recorded in Plat Book 9, Pages 137 and 138 of the Public Records of Osceola County, Florida;

(10) Orchid Edge Crescent Lakes Unit 2, as recorded in Plat Book 10, Pages 186 and 187 of the Public Records of Osceola County, Florida;

(11) Willow Bend at Crescent Lakes, as recorded in Plat Book 13, Pages 35 through 37 of the Public Records of Osceola County, Florida.

(B) It is hereby ascertained, determined and declared that:

(1) The Master Ordinance was enacted to provide a uniform system of creating dependent special districts for the purpose of providing special services to the property located within such districts.

(2) To provide uniformity in the delivery of special services to property located within the County's dependent special districts, it is in the public interest to repeal the various ordinances creating dependent districts that enacted prior to the Master Ordinance and reconstitute such districts as "Common Facilities Districts" under the Master Ordinance.

(3) Accordingly, reconstituting the Crescent Lakes Maintenance District as the Crescent Lakes Common Facilities District under the Master Ordinance, which is amended by Section 5 hereof to provide for the election of Boards of Supervisors, is the best alternative for providing the acquisition, construction, operation and maintenance of Common Facilities located on the property described in subsection (A).

(C) Common Facilities for the Crescent Lakes Common Facilities District shall include landscaping, trees, shrubs, grass, sprinkler heads, walks, drives, street lighting, parking areas, perimeter walls, buffers or berms located on the following parcels of property:

(1) Tract "A-1" (upland buffer, stormwater management, and conservation area), Tract "A-2" (landscape and stormwater management), Tract "B" (recreation), Tract "C" (stormwater management and landscaping), Tracts "D" (landscaping), Tract "E" (landscaping), and Tract "F" (signage and landscaping) of Heatherstone at Crescent Lakes, as recorded in Plat Book 8, Pages 61 through 64 of the Public Records of Osceola County, Florida;

(2) Tract "A" (stormwater management), Tract "B" (landscape and subdivision wall), Tract "C" (landscape and subdivision wall) of Laurel Run at Crescent Lakes, recorded in Plat Book 9, Pages 12 and 13 of the Public Records of Osceola County, Florida;

(3) Tract "A" (stormwater management), Tract "B" (landscaping, signage and subdivision wall), Tract "C" (landscaping, signage and subdivision wall), Tract "D" (landscaping and signage), Tract "E" (landscaping and signage) of Aster Cove at Crescent Lakes, recorded in Plat Book 9, Pages 135 and 136 of the Public Records of Osceola County, Florida;

(4) Tract "A" (stormwater management), Tract "B" (landscaping, signage and subdivision wall), Tract "C" (landscaping, signage and subdivision wall), Tract "D" (recreation), Tract "E" (buffer and drainage) of Orchid Edge at Crescent Lakes, recorded in Plat Book 9, Pages 137 and 138 of the Public Records of Osceola County, Florida;

(5) Tract "A" (landscaping, signage and subdivision wall), Tract "B" (landscaping, signage and subdivision wall), Tract "C" (landscaping, signage and subdivision wall), Tract "D" (upland buffer and conservation area) of Jasmine Point at Crescent Lakes, recorded in Plat Book 10, Pages 17 and 18 of the Public Records of Osceola County, Florida;

(6) Tract "A" (stormwater management), Tract "B" (stormwater management), Tract "C" (landscaping), Tract "D" (recreation), Tract "E" (conservation area), Tract "F" (landscaping), Tracts "G" (landscaping and signage), Tract "H" (landscaping and signage) and Tract "I" (landscaping) of Dahlia Reserve at Crescent Lakes, recorded in Plat Book 10, Pages 161 through 164 of the Public Records of Osceola County, Florida;

(7) Tract "A" (stormwater management), Tract "B" (landscaping, signage and subdivision wall), Tract "C" (buffer and drainage) of Orchid Edge at Crescent Lakes, Unit Two, recorded in Plat Book 10, Pages 186 and 187 of the Public Records of Osceola County, Florida;

(8) Tracts "A" (landscaping and subdivision wall), Tract "B" (landscaping and subdivision wall), Tracts "C" (open space, landscaping and buffer), Tract "D" (open space, landscaping and buffer), Tract "E" (drainage and buffer) of Allamanda Grace at Crescent

Lakes, recorded in Plat Book 11, Pages 177 and 178 of the Public Records of Osceola County, Florida;

(9) Tract "A" (stormwater management), Tract "B" (stormwater management), Tract "C" (upland buffer area) and Tract "D" (buffer area) of Willow Bend at Crescent Lakes, recorded in Plat Book 13, Pages 35 and 36 of the Public Records of Osceola County, Florida;

(10) Tract "A" (landscaping, buffer, subdivision wall and signage), Tract "B" (landscaping, buffer, subdivision wall and signage), Tract "C" (landscaping, buffer and subdivision wall), Tract "D" (landscaping, subdivision wall and signage), Tract "E" (water management) of Calla Lily Cove at Crescent Lakes, recorded in Plat Book 15, Page 41 of the Public Records of Osceola County, Florida; and

(11) Tract "A" (landscaping, buffer, subdivision wall and signage), Tract "B" (landscaping, buffer and subdivision wall), Tract "C" (landscaping, buffer, sidewalk, signage and subdivision wall), Tract "D" (landscaping), Tract "E" (landscaping), Tract "F" (landscaping, buffer, sidewalk, signage and subdivision wall), and Tract "G" (landscaping, buffer and subdivision wall) of Crepe Myrtle Cove at Crescent Lakes, recorded in Plat Book 15, Page 42 of the Public Records of Osceola County, Florida.

The District shall lease each of the foregoing parcels of property from its respective owner on or before October 1, 2008.

(D) The Board of Supervisors for the Crescent Lakes Maintenance District shall serve as the Board of Supervisors for the Crescent Lakes Common Facilities District until their successors have been elected and taken office, as described in Section 5 of this Ordinance. Notwithstanding Section 3.02 of the Master Ordinance, the officers elected by the Crescent Lakes Maintenance District Board of Supervisors pursuant to Ordinance No. 95-4, as amended by Ordinance Nos. 95-20 and 97-4, shall remain in office until the first elected Board of Supervisors takes office pursuant to Section 3.01(A) of the Master Ordinance, as amended by Section 5 hereof.

(E) All assets of the Crescent Lakes Maintenance District are hereby transferred to the Crescent Lakes Common Facilities District. The Crescent Lakes Common Facilities District shall assume all liabilities and obligations of the Crescent Lakes Maintenance District.

(F) Actions heretofore taken by the Board of Supervisors for the Crescent Lakes Maintenance District are hereby ratified and confirmed. Such actions shall remain in full force and effect until modified by the Board of Supervisors for the Crescent Lakes Common Facilities District.

(G) Any special assessments imposed pursuant to Ordinance No. 95-4, as amended by Ordinance Nos. 95-20 and 97-4, that are unpaid on the effective date of this Ordinance shall remain due and payable and shall be subject to enforcement and collection in the manner provided in Ordinance No. 95-4, as amended by Ordinance Nos. 95-20 and 97-4, or as otherwise provided by law. The priority of any lien created pursuant to Ordinance No. 95-4, as amended by Ordinance Nos. 95-20 and 97-4, is hereby preserved.

SECTION 2. INDIAN POINT SPECIAL MAINTENANCE DISTRICT.

(A) Ordinance No. 94-7, as amended by Ordinance No. 99-14, is hereby repealed and the Indian Point Special Maintenance District is hereby reconstituted and created as the Indian Point Common Facilities District for the purpose of acquiring, constructing, operating and maintaining the "Common Facilities" listed in subsection (C). This Ordinance shall constitute an "Implementing Ordinance," as defined in the Common Facilities District Master Ordinance No. 06-44 (the "Master Ordinance"). All terms capitalized and not otherwise defined in this Section 2 shall have the meanings set forth in the Master Ordinance. The Indian Point Common Facilities District shall include the following subdivisions:

(1) Indian Point Phase One, as recorded in Plat Book 8, at Pages 27 and 28 of the Public Records of Osceola County, Florida;

(2) Indian Point Phase Two, as recorded in Plat Book 8, at Pages 93 and 94 of the Public Records of Osceola County, Florida;

(3) Indian Point Phase Three, as recorded in Plat Book 9, at Pages 47 and 48 of the Public Records of Osceola County, Florida;

(4) Indian Point Phase Four, as recorded in Plat Book 10, at Page 7 of the Public Records of Osceola County, Florida;

(5) Indian Point Phase Five, as recorded in Plat Book 10, at Pages 54 and 55 of the Public Records of Osceola County, Florida;

(6) Indian Point Phase Six, as recorded in Plat Book 10, at Pages 105 and 106 of the Public Records of Osceola County, Florida; and

(7) Indian Point Phase Seven, as recorded in Plat Book 11, at Pages 98 and 99 of the Public Records of Osceola County, Florida.

(B) It is hereby ascertained, determined and declared that:

(1) The Master Ordinance was enacted to provide a uniform system of creating dependent special districts for the purpose of providing special services to the property located within such districts.

(2) To provide uniformity in the delivery of special services to property located within the County's dependent special districts, it is in the public interest to repeal the various ordinances creating dependent districts that enacted prior to the Master Ordinance and reconstitute such districts as "Common Facilities Districts" under the Master Ordinance.

(3) Accordingly, reconstituting the Indian Point Special Maintenance District as the Indian Point Common Facilities District under the Master Ordinance, which is amended by Section 5 hereof to provide for the election of Boards of Supervisors, is the best

alternative for providing the acquisition, construction, operation and maintenance of Common Facilities located on the property described in subsection (A).

(C) Common Facilities for the Indian Point Common Facilities District shall include a community pool with cabana, tennis courts, parking areas, children's playground, landscaping, entrance median and signage located on the following parcels of property:

(1) Tract "A" (stormwater management, landscaping, signage and recreational purposes), Tract "B" (stormwater management, landscaping, signage and recreational purposes), Tract "C" (landscaping, signage and subdivision wall), Tract "D" (landscaping, signage and subdivision wall), Tract "E" (landscaping) and Tract "F" (landscaping, signage and subdivision wall) of Indian Point Phase One, recorded in Plat Book 8, Pages 27 and 28 of the Public Records of Osceola County, Florida;

(2) Tract "A" (stormwater management, landscaping, signage and recreational purposes) of Indian Point Phase Three, recorded in Plat Book 9, Pages 47 and 48 of the Public Records of Osceola County, Florida;

(3) Tract "A" (stormwater management, landscaping and signage), Tract "B" (conservation area) and the 20 foot easement (landscape buffer) along the northerly boundary of lots 525 and 526 adjacent to Yowell Road of Indian Point Phase Five, recorded in Plat Book 10, Pages 54 and 55 of the Public Records of Osceola County, Florida; and

(4) The 20 foot easement (landscape buffer) along the northerly boundary of lots 623 and 624 adjacent to Yowell Road of Indian Point Phase Six, as shown on the plat of Indian Point Phase Six, recorded in Plat Book 10, at Pages 105 and 106 of the Public Records of Osceola County, Florida;

(5) Tract "I" (stormwater management, landscaping, signage and recreational purposes), Tract "K" (stormwater management and recreational purposes) and the 20 foot easement (landscape buffer) along the northerly boundary of lots 701, 737 and 738 adjacent to Yowell Road of Indian Point Phase Seven, recorded in Plat Book 11, Pages 98 and 99 of the Public Records of Osceola County, Florida.

The District shall lease each of the foregoing parcels of property from its respective owner on or before October 1, 2008.

(D) The Board of Supervisors for the Indian Point Special Maintenance District shall serve as the Board of Supervisors for the Indian Point Common Facilities District until their successors have been elected and taken office, as described in Section 5 of this Ordinance. Notwithstanding Section 3.02 of the Master Ordinance, the officers elected by the Indian Point Maintenance District Board of Supervisors pursuant to Ordinance No. 94-7, as amended by Ordinance No. 99-14, shall remain in office until the first elected Board of Supervisors takes office pursuant to Section 3.01(A) of the Master Ordinance, as amended by Section 5 hereof.

(E) All assets of the Indian Point Special Maintenance District are hereby transferred to the Indian Point Common Facilities District. The Indian Point Common Facilities District shall assume all liabilities and obligations of the Indian Point Special Maintenance District.

(F) Actions heretofore taken by the Board of Supervisors for the Indian Point Special Maintenance District are hereby ratified and confirmed. Such actions shall remain in full force and effect until modified by the Board of Supervisors for the Indian Point Common Facilities District.

(G) Any special assessments imposed pursuant to Ordinance No. 94-7, as amended by Ordinance No. 99-14, that are unpaid on the effective date of this Ordinance shall remain due and payable and shall be subject to enforcement and collection in the manner provided in Ordinance No. 94-7, as amended by Ordinance No. 99-14, or as otherwise provided by law. The priority of any lien created pursuant to Ordinance No. 94-7, as amended by Ordinance No. 99-14, is hereby preserved.

SECTION 3. INDIAN RIDGE VILLAS SPECIAL MAINTENANCE DISTRICT.

(A) Ordinance No. 94-8 is hereby repealed and the Indian Ridge Villas Special Maintenance District is hereby reconstituted and created as the Indian Ridge Villas Common Facilities District for the purpose of acquiring, constructing, operating and maintaining the "Common Facilities" listed in subsection (C). This Ordinance shall constitute an "Implementing Ordinance," as defined in the Common Facilities District Master Ordinance No. 06-44 (the "Master Ordinance"). All terms capitalized and not otherwise defined in this Section 3 shall have the meanings set forth in the Master Ordinance. The Indian Ridge Villas Common Facilities District shall include the following subdivisions:

(1) Indian Ridge Villas Phase 1, as recorded in Plat Book 7, at Pages 141 and 142 of the Public Records of Osceola County, Florida;

(2) Indian Ridge Villas Phase 2, as recorded in Plat Book 8, at Pages 160 and 161 of the Public Records of Osceola County, Florida;

(3) Indian Ridge Villas Phase 3, as recorded in Plat Book 9, at Page 70 of the Public Records of Osceola County, Florida;

(4) Indian Ridge Villas Phase 4, as recorded in Plat Book 10, at Pages 44 and 45 of the Public Records of Osceola County, Florida; and

(5) Indian Ridge Villas Phase 5, as recorded in Plat Book 10, at Page 51 of the Public Records of Osceola County, Florida.

(B) It is hereby ascertained, determined and declared that:

(1) The Master Ordinance was enacted to provide a uniform system of creating dependent special districts for the purpose of providing special services to the property located within such districts.

(2) To provide uniformity in the delivery of special services to property located within the County's dependent special districts, it is in the public interest to repeal the various ordinances creating dependent districts that enacted prior to the Master Ordinance and reconstitute such districts as "Common Facilities Districts" under the Master Ordinance.

(3) Accordingly, reconstituting the Indian Ridge Villas Special Maintenance District as the Indian Ridge Villas Common Facilities District under the Master Ordinance, which is amended by Section 5 hereof to provide for the election of Boards of Supervisors, is the best alternative for providing the acquisition, construction, operation and maintenance of Common Facilities located on the property described in subsection (A).

(C) Common Facilities for the Indian Ridge Villas Common Facilities District shall include landscaping, parking areas, a community pool and cabana, tennis courts, picnic tables, benches, entrance wall & signage, median islands and landscaping located on the following parcels of property:

(1) Tract "A" (recreational, drainage, stormwater management, signage, subdivision wall and landscaping), Tract "B" (drainage, stormwater management, landscaping and recreational purposes), Tract "C" (landscaping, signage and subdivision wall), Tract "D" (landscaping, signage and subdivision wall), and Tract "E," (landscaping, signage and subdivision wall) of Indian Ridge Villas Phase I, as recorded in Plat Book 7, Page 141 of the Public Records of Osceola County, Florida; and

(2) Tract "A" (reserved for drainage, stormwater management, landscaping and recreational purposes) of Indian Ridge Villas Phase II, as recorded in Plat Book 8, Pages 160 and 161 of the Public Records of Osceola County, Florida; and

(3) The 5 foot easement (subdivision wall) along the rear of lots 431 through 442 of Indian Ridge Villas Phase 4, as shown on the plat of Indian Ridge Villas Phase 4, recorded in Plat Book 10, at Pages 44 and 45 of the Public Records of Osceola County, Florida.

The District shall lease each of the foregoing parcels of property from its respective owner on or before October 1, 2008.

(D) The Board of Supervisors for the Indian Ridge Villas Special Maintenance District shall serve as the Board of Supervisors for the Indian Ridge Villas Common Facilities District until their successors have been elected and taken office, as described in Section 5 of this Ordinance. Notwithstanding Section 3.02 of the Master Ordinance, the officers elected by the Indian Ridge Villas Special Maintenance District Board of Supervisors pursuant to Ordinance No. 94-8 shall remain in office until the first elected Board of Supervisors takes office pursuant to Section 3.01(A) of the Master Ordinance, as amended by Section 5 hereof.

(E) All assets of the Indian Ridge Villas Special Maintenance District are hereby transferred to the Indian Ridge Villas Common Facilities District. The Indian Ridge Villas Common

Facilities District shall assume all liabilities and obligations of the Indian Ridge Villas Special Maintenance District.

(F) Actions heretofore taken by the Board of Supervisors for the Indian Ridge Villas Special Maintenance District are hereby ratified and confirmed. Such actions shall remain in full force and effect until modified by the Board of Supervisors for the Indian Ridge Villas Common Facilities District.

(G) Any special assessments imposed pursuant to Ordinance No. 94-8 that are unpaid on the effective date of this Ordinance shall remain due and payable and shall be subject to enforcement and collection in the manner provided in Ordinance No. 94-8 or as otherwise provided by law. The priority of any lien created pursuant to Ordinance No. 94-8 is hereby preserved.

SECTION 4. DEFINITIONS. Section 1.01 of Ordinance No. 06-44 is hereby amended by amending the definitions of "Board of Supervisors" and "Common Facilities," deleting the definition of "Homeowners' Association" and adding a definition of "Supervisor of Elections" as follows:

"Board of Supervisors" means the District's Board of Supervisors elected or appointed pursuant to Section 3.01 hereof.

"Common Facilities" means the common facilities ~~owned~~ leased by each District and identified in its Implementing Ordinance.

~~**"Homeowners' Association"** means the homeowners' association created pursuant to Chapter 617, Florida Statutes, having jurisdiction over the property located within the District.~~

"Supervisor of Elections" means the Osceola County Supervisor of Elections.

SECTION 5. ELECTION OF SUPERVISORS. Section 3.01 of Ordinance No. 06-44 is hereby amended as follows:

SECTION 3.01. ~~APPOINTMENT~~ ELECTION AND COMPENSATION OF SUPERVISORS.

~~(A) The governing body of the District shall consist of three members constituting the Board of Supervisors for the District. Upon enactment of each Implementing Ordinance, the Board of County Commissioners shall appoint the initial members of the Board of Supervisors for the District created by such Implementing Ordinance.~~

CODING: Underscore indicates addition; ~~strike through~~ indicates deletions.

~~(1) One initial Supervisor shall be designated to serve a term that expires on September 30 of the first full Fiscal Year following his or her appointment.~~

~~(2) The second initial Supervisor shall be designated to serve a term that expires on September 30 of the second full Fiscal Year following his or her appointment.~~

~~(3) The third initial Supervisor shall be designated to serve a term that expires on September 30 of the third full Fiscal Year following his or her appointment.~~

~~(B) Following expiration of the initial terms, the subsequent term for each Supervisor shall be for a period of three years. Supervisors shall hold office for the term of their appointment or until their successor is appointed and qualified as provided herein. Except as provided in subsection (A), there shall be no limit upon the number of successive terms to be served by any Supervisor.~~

~~(C) Other than the initial Supervisors, all subsequent appointments shall be made by majority vote of the Board of Supervisors as provided in this subsection. Not less than 60 days prior to each appointment or reappointment, the President of the Board of Supervisors shall provide written notice to the Homeowners' Association of each vacancy and request a list of three nominees for each vacancy. The notice shall include the meeting date of the Board of Supervisors at which the vacancy will be filled. A copy of the notice shall be provided to the County. If a list of nominees is received from the Homeowners' Association prior to the meeting identified in the notice, the Board of Supervisors shall fill the vacancy from the list of nominees. In the event a quorum of a constituted Board of Supervisors cannot exist or the Board of Supervisors fails to fill a vacancy within 90 days of such notice, the Board of County Commissioners may make the appointment in the manner provided in this subsection.~~

~~(D) All Supervisors shall be owners of residential property within the District or designated representatives of owners of nonresidential property within the District. If at any time three qualified persons are not willing to serve as Supervisors, the Board of Supervisors shall notify the Board of County Commissioners. In such event, the Board of County Commissioners may appoint any qualified elector residing within the County or dissolve the District.~~

(A) The business and affairs of the District shall be conducted and administered by a three-member Board of Supervisors elected at-large from the qualified electors of the District on a non-partisan basis for four-year terms; provided

however, that upon creation of a District, the Board of County Commissioners may appoint three persons to serve as the initial Supervisors until their successors have been elected and taken office. The appointment of all persons serving as Supervisors on the effective date of this Ordinance is hereby ratified and confirmed. Elections shall be held for all existing Districts on November 4, 2008. Elections for Districts created after the effective date of this Ordinance shall be held at the next general election following the creation of such Districts. At the initial election for each District, the candidate receiving the largest number of votes shall be elected to serve a four-year term and the candidates receiving the second and third largest number of votes shall be elected to serve two-year terms. Terms shall commence on the second Tuesday following each general election.

(B) Supervisors shall be elected at each general election and may succeed themselves. The candidate or candidates receiving the highest number of votes cast shall be declared elected to fill the number of vacancies on the Board of Supervisors and shall receive a certificate of election from the Supervisor of Elections. If the vacancies to be filled have different remaining terms, the candidate receiving the largest number of votes shall serve the longest remaining term. Each Supervisor shall serve until his or her successor is duly elected and qualified. Elections shall be conducted by the Supervisor of Elections. Except as expressly provided herein, elections shall be governed by the Florida Election Code.

(C) The office of a Supervisor shall become vacant upon his or her death, resignation, forfeiture or removal from office by the Board of County Commissioners. A Supervisor shall forfeit his or her office if he or she lacks at any time during his or her term of office any qualifications for the office required by law or this Ordinance. Any Supervisor failing to discharge his or her duties of office may be removed for cause by the Board of Supervisors, after due notice and an opportunity to be heard, upon charges of malfeasance or misfeasance. Any Supervisor missing three consecutive meetings may be considered for removal by the Board of Supervisors. All vacancies occurring in the Board of Supervisors shall be filled for the unexpired term from among the qualified electors of the District by vote of the remaining Supervisors unless a quorum cannot be obtained, in which event, the vacancy shall be filled by appointment of the Board of County Commissioners from the qualified electors of the County.

(D) Each Supervisor shall be subject to removal by the Board of County Commissioners during the period of that Supervisor's unexpired term of office. ~~If a vacancy occurs for any reason during a term of office, the Board of Supervisors shall fill the vacancy for the remainder of the unexpired term, using the procedure set forth in subsection (B).~~

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(E) If the Board of Supervisors fails to fill a vacancy within ninety days of its occurrence or if an insufficient number of candidates qualify for election to replace the Supervisors whose terms are scheduled to expire, the Board of County Commissioners may (1) appoint any qualified elector residing within the County to fill such vacancy or replace the Supervisors whose term is scheduled to expire, or (2) dissolve the District.

(F) Supervisors shall serve without compensation, but shall be entitled to ~~be reimbursed~~ reimbursement from funds of the District for any authorized disbursements they may properly incur on behalf of the District, including travel outside the County in the course of their duties and responsibilities as Supervisors. Any such reimbursement for travel or per diem expenses shall be in amounts authorized pursuant to Chapter 112, Florida Statutes.

SECTION 6. DISSOLUTION. Subsection (B) of Section 2.03 of Ordinance No. 06-44 is hereby amended as follows:

SECTION 2.03. DISSOLUTION.

* * *

(B) Any District dissolved by ordinance shall cease its operations at midnight on September 30. The dissolution of the District shall transfer title to all personal property owned by the District as well as all other District assets, responsibilities and indebtedness to the County, ~~provided however, that the ordinance dissolving the District may direct the transfer of all or a part of the District's property to the Homeowners' Association or any other entity that will succeed the District or conveyed such property to the District.~~ All leases entered into by the District shall terminate on the date of dissolution. The ordinance dissolving the District shall also provide for completion of the final District audit.

SECTION 7. GENERAL POWERS. Subsection (D) of Section 3.05 is hereby deleted and subsections (E) through (K) are hereby redesignated as (D) through (J). Subsection (G), formerly subsection (H) of Section 3.05 of Ordinance No. 06-44 is hereby amended as follows:

SECTION 3.05. GENERAL POWERS. The Board of Supervisors shall have all powers to carry out the purposes of this Master Ordinance, including the following powers:

* * *

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(H) to ~~acquire~~ lease real property using a form lease approved by the County Attorney; to acquire personal property and improvements to real property, by purchase, gift, ~~devise~~ or otherwise; and to dispose of ~~real or~~ personal property;

SECTION 8. DISTRICT CLERK. Ordinance No. 06-44 is hereby amended to add a new Section 3.13 as follows:

SECTION 3.13. DISTRICT CLERK. The County Manager shall assign County personnel to serve as District Clerk, provided that any person previously contracted to provide the services described below shall continue in such capacity for the remaining term of the contract, which shall not be extended by the District.

(A) The District Clerk shall perform the following duties under the direction of the President and Secretary/Treasurer:

(1) publish notices and prepare agendas and other necessary documents for meetings of the Board of Supervisors;

(2) record meetings and prepare draft minutes for approval of the Board of Supervisors;

(3) maintain all District records in the County's administrative offices on behalf of the Board of Supervisors;

(4) coordinate with the County's Office of Risk Management to procure insurance for Common Facilities;

(5) prepare checks or drafts for signature by the President and Secretary/Treasurer, if requested by the Secretary/Treasurer;

(6) maintain financial records of the District;

(7) prepare quarterly and annual financial statements, which include all income and expenses and reflect the net cash position of the District;

(8) provide information to the independent certified public accountant selected by the Board of Supervisors to perform the District's annual audit; and

(9) prepare and provide required reports to the State of Florida Special District Information Program.

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(B) The District Clerk is hereby prohibited from performing any of the following services:

(1) provide policy direction, legal advice or other guidance to the Supervisors in the performance of their duties hereunder, except as provided in subsection (A), above;

(2) correspond or otherwise communicate with the owners or occupants of property within the District or others interested in the District's business, except to provide meeting information and copies of District records;

(3) solicit or accept quotations or bids for goods and services to be procured by the District, except to provide meeting information and copies of District records.

(C) The County may allocate all or any portion of its cost to provide District Clerk services among the Districts receiving the service. The cost allocable to each District shall be included in the District's annual budget and paid to the County on a quarterly basis, within 10 days following the end of each calendar quarter.

SECTION 9. SEVERABILITY. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 10. EFFECTIVE DATE. The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

CODING: Underscore indicates addition; ~~strike through~~ indicates deletions.

DULY ENACTED this 21st day of April, 2008.

OSCEOLA COUNTY, FLORIDA

By: _____

Chairman/Vice Chairman
Board of County Commissioners



ATTEST:

Jimmy Ross
Clerk/Deputy Clerk to the Board
(SEAL)
Ordinance 08-13

THIS ORDINANCE HAS BEEN
FILED WITH THE FLORIDA STATE BUREAU
OF ADMINISTRATIVE CODE.

ON 04-28, 2008

BY *Lina P. ...*
DEPUTY CLERK OF THE BOARD