

ORDINANCE NO. \_\_\_\_\_

**BOCA ROYALE RECREATION DISTRICT CHARTER**

**AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, REGARDING RECREATION; PROVIDING FINDINGS; ESTABLISHING ARTICLE \_\_\_\_ OF CHAPTER OF THE SARASOTA COUNTY CODE OF ORDINANCES; ESTABLISHING THE CHARTER FOR AND CREATING THE BOCA ROYALE RECREATION DISTRICT UNDER SECTIONS 418.20-418.26, FLORIDA STATUTES; PROVIDING DEFINITIONS; PROVIDING FOR ELECTIONS AND A BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR USE OF FACILITIES; PROVIDING FOR SHORT-TERM BORROWING; PROVIDING FOR BONDS; PROVIDING FOR TRUST AGREEMENTS; PROVIDING FOR TAXES AND ENFORCEMENT OF TAXES; PROVIDING FOR NON-AD VALOREM ASSESSMENTS AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; PROVIDING FOR FEES AND CHARGES; PROVIDING FOR BUDGETS AND FINANCIAL REPORTING; PROVIDING FOR STATUTORY COMPLIANCE; PROVIDING FOR COMPETITIVE SOLICITATION; PROVIDING FOR RECOVERY OF DELINQUENT CHARGES; PROVIDING FOR LIMITATIONS OF LIABILITY IN SUITS; PROVIDING FOR EXEMPTION OF PROPERTY FROM EXECUTION; PROVIDING FOR CONTRACTION, EXPANSION AND DISSOLUTION; MAKING OTHER CHANGES TO CODE CHAPTER FOR CLARITY AND CONSISTENCY; PROVIDING FOR FILING, EFFECTIVENESS AND RECORDING OF A NOTICE OF ESTABLISHMENT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, a majority of the Electors in the proposed Boca Royale Recreation District area have signed a petition requesting the establishment of the Boca Royale Recreation District (the “BRRD”) for the purpose of providing recreational facilities and services pursuant to Sections 418.20-418.26, Florida Statutes (the “Act”); and

**WHEREAS**, the area to be included in the BRRD is entirely within the Boca Royale Development of Regional Impact approved by Sarasota County, as amended; and

**WHEREAS**, the facilities and lands to be owned by the BRRD include -an 18- hole golf course and practice facilities, a pro shop, a clubhouse with kitchen, administrative and community facilities, tennis courts, pickleball courts, a fitness center, a golf cart storage facility, and associated facilities, as well as certain other facilities and certain parcels of land that are within the area to be covered by the BRRD (the “Boca Royale Country Club”); and

**WHEREAS**, the facilities of the Boca Royale Country Club are the major recreational facilities serving the residents of Boca Royale; and

**WHEREAS**, a majority of the Electors who reside in Boca Royale, as reflected in the petition to establish the BRRD, desire for the BRRD to purchase the Boca Royale Country Club from its current owners; and

**WHEREAS**, the establishment of the BRRD is the preferred mechanism whereby such purchase can be consummated and financed, to the benefit of the public and all residents of the community of Boca Royale; and

**WHEREAS**, it is in the best interests of the public health, safety and welfare, and serves the purposes of the Act, for the County to establish Article\_of Chapter of the Sarasota County Code of Ordinances (“Code”) to establish the BRRD as provided in this Ordinance, over the area described in Exhibit “A” attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:**

**SECTION 1. Findings.** The Board of County Commissioners makes the following findings:

- (a) The recitals stated above are incorporated herein as findings; and
- (b) Sarasota County has no capital improvement plan for recreational facilities within the BRRD; and
- (c) The creation of the BRRD is the best available alternative for delivering the above-described recreational services and facilities, because it provides flexible, cost-effective, funding mechanisms to assure the long-term availability of recreational facilities and services for the residents of the BRRD; and
- (d) The BRRD is amenable to separate special district government; and
- (e) All of the territory within the BRRD will be benefitted by the long-term operation and maintenance of the recreational facilities by the BRRD; and
- (f) The health and well-being of the public within the BRRD will be benefitted by the establishment of the BRRD; and
- (g) The creation of the BRRD serves a public purpose; and
- (h) The establishment of the BRRD pursuant to this Ordinance is consistent with the County’s local government plans, including without limitation the County’s Comprehensive Plan and Capital Improvement Plan; and
- (i) The County intends that the BRRD shall be an independent special district within the meaning of Chapters 189 and 418, Florida Statutes.

**SECTION 2. Code Amendments.** The Code is hereby amended as follows:

(a) Chapter 2-8 of the Code is hereby amended to add Article III, to read in its entirety as follows:

**Sec. \_\_\_\_\_.** - **Establishment of BRRD.** There is hereby created the Boca Royale Recreation District (“BRRD”), the boundaries of which are more particularly set forth in Exhibit A, attached to Ordinance No. \_\_\_\_\_, as a recreational district pursuant to Section 418.20, Florida Statutes, and as an independent special district within the meaning of Chapter 189, Florida Statutes. This article, as it may be amended from time to time, shall constitute the Charter for the BRRD as authorized in Chapter 418, Florida Statutes.

**Sec. \_\_\_\_\_.** - **Definitions.** For the purposes of this article, the following additional definitions shall apply:

(a) “Act” shall mean Sections 418.20-418.26, Florida Statutes, as amended, which provide for the creation and operation of recreation districts.

(b) “Board” shall mean the Board of Supervisors of the BRRD established pursuant to Section \_\_\_\_\_.

(c) “Bond” shall mean any general obligation bond, special assessment bond, refunding bond, revenue bond, and other such obligation in the nature of a bond. A “Bond” does not include short-term loans or lines of credit with a maturity of five year(s) or less.

(d) “Cost,” when used with reference to any Project, includes, but is not limited to: (1) the expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction; (2) the cost of surveys, estimates, plans, and specifications; (3) the cost of improvements; (4) engineering, fiscal, and legal expenses and charges; (5) the cost of all labor, materials, machinery, and equipment; (6) the cost of all lands, properties, rights, easements, and franchises acquired; (7) financing charges; (8) the creation of initial reserve and debt service funds; (9) working capital; (10) interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the Board may determine; (11) the cost of issuance of Bonds, including advertisements and printing; (12) the cost of any referendum held pursuant to this act and all other expenses of issuance of Bonds; (13) the discount, if any, on the sale or exchange of Bonds; (14) administrative expenses, including but not limited to trustee fees and expenses and dissemination agent fees; and (15) such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any Project or to the financing thereof, or to the development of any lands within the BRRD.

(e) “District Manager” means the person or entity appointed by the Board of Supervisors to oversee and, as appropriate, perform the day-to-day operations of the BRRD.

(f) “Elector” means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida, and who is registered to vote with the Sarasota County Supervisor of Elections at his or her address within the BRRD.

(g) “Owner” shall mean the owner of a subdivision residential lot of record or a parcel that has been developed for residential uses located in the BRRD, as appears by the deed of record, including a trustee, a private corporation or owner of a condominium unit; this definition does not include a reversioner, remainderman, mortgagee or any governmental entity, who shall not be counted and need not be notified of proceedings under this article or undertaken by the BRRD. Private corporations shall be considered a single ownership entity for voting purposes and shall have only one vote.

(h) “Project” means any development, improvement, property, utility, facility, works, enterprise, or service now existing or hereafter undertaken by the BRRD or established under the provisions of this article.

(i) “Resident” shall mean a person over eighteen (18) years of age who resides at one specific address, in the BRRD, for a period of at least six-months.

(j) “Qualified Voter” shall mean:

1. If permitted by Florida law, “Qualified Voter” shall mean Owners based on a one-vote for each residential lot or parcel developed for residential use; or

2. If voting, pursuant to 1) above, is not permitted by Florida law, then “Qualified Voter” shall mean the Residents (as defined in subsection (i) herein.

(k) “Supervisor” shall mean a member of the BRRD Board of Supervisors.

**Sec. \_\_\_\_\_. - Elections; Board of Supervisors.**

(a) The BRRD shall be governed by a five-member Board of Supervisors.

For the initial election, notice shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the BRRD. The last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The notice must state "The initial election of Supervisors for BRRD will take

place between the hours of 9:00 a.m. and 3:00 p.m., at the Boca Royale Country Club, 1601 Englewood Rd, Englewood, FL 34223 on, \_\_\_\_\_, 2022".

For the initial election, candidates who may be self-nominated, must be submitted to an independent third party appointed by the Boca Royale Club Advisory Board ("CAB Appointee") no less than 7 full days before the election date. The CAB Appointee may be any person who is resident in Boca Royale but NOT a candidate for supervisor at this election.

A Resident (as defined by Section 2(h)) may vote in person or by proxy in writing. Each proxy must be signed and must contain the typed or printed name of the individual who signed the proxy and the street address or tax parcel identification number. The signature on a proxy need not be notarized. Qualified Voters voting in person shall provide proof of residency through a voter registration card or driver's license with an address within the BRRD. On election day a room, monitoring staff and ballot forms will be provided for voting purposes. For the initial election proxy submissions shall be mailed to the CAB Appointee at the address provided on the form and must be received the day before the day of the election. Proxy forms shall be made available at the Country Club and on the Country Club website or BRRD website. Ballot voting will begin at 9:00 a.m. and the voting booths will close at 3:00 p.m. Results will be announced in the clubhouse upon completion of vote counting. For the initial election, the CAB Appointee shall conduct the election. At the initial election, each resident shall be entitled to one vote per home/parcel for each of up to five nominated candidates.

At the initial election, the five candidates receiving the most votes shall be elected. Beginning with the second election, and at each election thereafter, the candidate receiving the most votes for each available seat in any election shall be elected. The term of office for each successful candidate commences upon election. If, during the term of office, a vacancy occurs, the remaining members of the Board shall fill the vacancy by an appointment for the remainder of the unexpired term. Supervisors shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If no Resident qualifies for a seat to be filled in an election, a vacancy in that seat shall be declared by the Board effective on the second Tuesday following the election. Within 90 days thereafter, the Board shall use its best efforts to identify and appoint a Resident to fill the vacancy. Until such appointment, the incumbent Supervisor in that seat shall remain in office.

The second and subsequent elections, shall be held on the second Tuesday of the month in which the initial election of the Board of Supervisors is held. The BRRD District Manager (hired by the Board of Supervisors) shall oversee the election process. Beginning with the second election, and at each election thereafter, each Qualified Voter shall be entitled to one vote per board seat nominated at that election. The BRRD shall publish notice of the timeframe to register for each election once a week for two consecutive weeks in a newspaper of general circulation in the area of BRRD, the last date of publication to be not fewer than forty-five (45) days or more than seventy-five (75) days before the election. Beginning with the second election and each election thereafter, candidates for Supervisor shall file their candidacy with the BRRD District Manager not later than thirty (30) days

prior to the date of the election. A Resident may vote in person or by proxy in writing. Qualified Voters shall provide proof of residency through a voter registration card or driver's license with an address within the BRRD. Each proxy must be signed by a registered voter of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy and the street address or tax parcel identification number. The signature on a proxy need not be notarized. Beginning with the Second election and each election thereafter, the results will be announced at a public meeting upon the conclusion of the ballot counting. Ballots, including those for the initial election, shall be preserved in accordance with the Florida Public Records Act

(b) The Supervisors elected at the initial election shall each serve a two-year term. At the second election, the three candidates receiving the first, second and third highest vote totals shall serve four-year terms, and the two candidates receiving the fourth and fifth highest vote totals shall serve two-year terms. At all subsequent elections, each Supervisor shall be elected to a four-year term. Any tie in the number of votes cast for a Supervisor seat shall be resolved by a coin flip.

(c) To facilitate the Board's usage of the Supervisor of Elections during a general election year, the Board shall have the power by adoption of a resolution to shorten or lengthen all terms of office at the same time.

(d) Elections shall be nonpartisan.

(e) The cost of elections for the Board shall be borne by the BRRD.

(f) The Board shall use and rely upon the official records maintained by the Sarasota County Supervisor of Elections, Property Appraiser and/or Tax Collector in making the determination of whether a person qualifies as a Resident entitled to vote in an election of the Board.

(g) Upon entering into office, Supervisors shall take and subscribe to the oath of office as prescribed by Section 876.05, Florida Statutes.

(h) There shall be a limit of two consecutive terms, and a total limit of four terms, for each person elected as a Supervisor; provided, however the terms of Supervisor arising for the initial election shall not be counted in regard to this provision.

(i) Supervisors shall serve without compensation.

(j) As soon as practicable after each election or appointment, the Board shall organize by electing one of its members as chair and by electing a secretary, who need not be a Supervisor, and such other officers as the Board may deem necessary. The Board shall designate a person who is a resident of the state as treasurer of the BRRD, who shall have charge of the funds of the BRRD. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the Board by

warrant or check countersigned by two of the following: the Treasurer, the Assistant Treasurer, Chair or such other person as may be authorized by the Board.

(k) The Board shall conduct regular meetings and shall periodically solicit the views of Residents and Owners as to their concerns regarding any aspect of matters within the authority or purview of the Board. The Board shall be primarily responsible for developing policy and overseeing the implementation of such policy, but in no way does this expression of intent limit the Board's powers.

(l) A majority of the members of the Board shall constitute a quorum for the purposes of conducting its business, exercising its powers and for all other purposes. Action taken by the BRRD shall be upon a vote of a majority of the Supervisors present and voting unless general law or a rule of the BRRD requires a greater number.

**Sec. \_\_\_\_\_.- Authority and Powers.** The BRRD shall have all the authority and powers set forth in Section 418.22, Florida Statutes, and such further powers, as set forth below:

- (a) To sue and be sued; and
- (b) To have a corporate seal and authorize the use of a facsimile thereof;  
and
- (c) To contract and be contracted with and execute other instruments necessary or convenient to the exercise of its powers; and
- (d) To acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein; and
- (e) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by the Act and to make use of such easements, dedications, or reservations for any of the purposes authorized by the Act; and
- (f) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructure for recreational facilities of all kinds, including, but not limited to, real property, personal property, roads, parking lots, sidewalks, trails, paths, parks, ponds, lakes, preserves, conservation areas, open space, buffers, lighting, landscaping, drainage, irrigation, signage, water, sewer and parking within the BRRD (hereinafter, collectively the "Recreational Facilities"). Any acquisition may be by purchase, lease, gift, easement, license, assignment, other conveyance or exercise of the power of eminent domain; and
- (g) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any Projects of the type that the BRRD is

authorized to undertake and facilities or property of any nature for the use of the BRRD to carry out any of the purposes authorized by this article or the Act, including but not limited to the purpose of providing revenue to offset the expenses of the BRRD; and

(h) To construct and maintain security buildings and other structures needed to regulate access to, and to provide security for, the Recreation Facilities; and

(i) To assess and impose upon lands in the BRRD ad valorem taxes as provided by the Act; and

(j) To issue Bonds for public or private purchase, secured by ad valorem taxes or by pledge of both such taxes and other revenues of the BRRD, or by non-ad valorem assessment and to levy and collect such taxes and/or non-ad valorem assessments without limitation on all real properties subject to Sarasota County taxation within the BRRD in order to pay the principal of and interest on such Bonds as they shall come due or to accumulate a sinking fund for the payment of principal and interest, in accordance with Section 2-8-157; and

(k) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any legal purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any legal public purposes in accordance with the terms of such gift, grant, loan, or agreement; and

(l) To procure insurance and bonds for the Board, the BRRD, and its staff, contractors, facilities and property; and

(m) To operate and maintain Recreational Facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease or otherwise; and

(n) To employ all personnel deemed necessary for the operation and maintenance of the Recreational Facilities of the BRRD, including but not limited to professional management staff; and

(o) To determine, order, levy, impose, collect, and enforce non-ad valorem assessments or other revenues for the purchase, acquisition, repair, improvement, and construction of Recreational Facilities within the BRRD and for the operation and maintenance of the BRRD pursuant to the Act and Chapter 170, Florida Statutes. Such non-ad valorem assessments may, in the discretion of the BRRD, be collected and enforced pursuant to the provisions of Sections 197.3631, 197.3632, and 197.3635, Chapter 170, or Chapter 173, Florida Statutes, provided, however, that any non-ad valorem assessments shall not exceed the Consumer Price Index-Urban plus five (5%) percent from one year to the next unless provided by



referendum; and

(p) To pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the BRRD; to redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the BRRD; and in any sale of land pursuant to Section 197.542, Florida Statutes, and amendments thereto, to certify to the clerk of the circuit court of Sarasota County the amount of taxes due to the BRRD upon the lands sought to be sold; in which case the BRRD shall share in the disbursement of the sales proceeds in accordance with the provisions of the Act and applicable state laws.

(q) To establish, charge and collect fees for admission to or use of Recreational Facilities and to apply such fees to offset the expenses for the operation of the BRRD and/or the operation, maintenance, improvement, enlargement or acquisition of Recreational Facilities and/or to the payment of Bonds; and

(r) To adopt and enforce reasonable rules and policies for the use of the Recreational Facilities owned and operated by the BRRD; and

(s) To adopt, amend and rescind rules of procedure for the orderly conduct of the business of the BRRD; and

(t) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this article or the Act.

**Sec. \_\_\_\_\_ . - Recreational Facility Use.** Use of the Recreational Facilities of the BRRD shall be subject to reasonable fees, conditions, and rules prescribed by the Board, provided that such fees, conditions and rules shall not differentiate solely based on location within the BRRD.

**Sec. \_\_\_\_\_ . - Short-Term Borrowing.** The BRRD at any time may obtain short-term loans or lines of credit with a maturity of five years or less, in such amount and on such terms and conditions as the Board may approve, for the purpose of paying any of the expenses of the BRRD or any costs incurred or that may be incurred in connection with any of the Projects, which loans or lines of credit shall bear such interest as the Board may determine in compliance with Section 215.84, Florida Statutes, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the Board may determine, subject, however, to the provisions contained in any proceeding under which Bonds were previously issued and are then outstanding. For the purpose of defraying such costs and expenses, the BRRD may issue negotiable notes, warrants, or other evidences of debt to be payable at such times, to bear such interest as the Board may determine in compliance with Section 215.84, Florida Statutes, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as

the Board may deem advisable. The Board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the BRRD. The approval by referendum of short-term loans or lines of credit shall not be necessary except when required by the Act or State Constitution. Short-term borrowing authorized pursuant to this Section shall also be subject to the provisions of Section \_\_\_\_\_.

**Sec. \_\_\_\_\_. - Bonds.**

(a) The Board shall develop a detailed plan for the expenditure and repayment of the proceeds of each Bond issue. The repayment portion of each plan shall specify the annual amount of Bond repayment due from each Owner within the BRRD. The plan must be the subject of a referendum prior to the issuance of a proposed Bond. A majority vote of residents (50% +1 or more) is required for bond approval. Provided however, no referendum shall be required for refunding Bonds. The referendum required by this section may be held on the same day as any other referendum related to the BRRD. Bonds shall bear interest at a rate pursuant to Section 215.84, Florida Statutes, and be sold in accordance with law. In the event an offer of an issue of Bonds at public sale produces no bid, or in the event all bids received are rejected, or BRRD elects to sell pursuant to a private sale, if allowed by law, the BRRD is authorized to negotiate for the sale of such Bonds under such rates and terms as are acceptable; provided that no such Bonds shall be sold or delivered on terms less favorable than the terms contained in any bids rejected at the public sale thereof or the terms contained in the notice of public sale if no bids were received at such public sale.

(b) Bonds shall be authorized by resolution or resolutions of the Board which shall be adopted by a majority of all the Supervisors thereof then in office. Such resolution authorizing the issuance of bonds may be adopted prior to filing a complaint for validation of the Bonds, but the validation hearing shall not occur until after the referendum required by Section 418.22, Florida Statutes. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. Any resolution authorizing the issuance of Bonds may contain such covenants as the Board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the BRRD and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the Bond proceeds; the use and disposition of Project revenues; the pledging of revenues, taxes, and assessments; the obligations of the BRRD with respect to the operation of the Project and the maintenance of adequate Project revenues; the issuance of additional Bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding Bonds and obligations; restrictions on the establishing of competing Projects or facilities; restrictions on the sale or disposal of the assets and property of the BRRD; the priority of

assessment liens; the priority of claims by bondholders on the taxing power of the BRRD; the maintenance of deposits to assure the payment of revenues by users of BRRD facilities and services; the discontinuance of BRRD services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(c) Any Bond issued by the BRRD, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument.

(d) The BRRD shall have the power to issue Bonds to provide for the retirement or refunding of any Bonds or obligations of the BRRD at any time when in the judgment of the Board such issuance will be advantageous to the BRRD.

(e) Any two or more Projects may be combined and consolidated into a single Project and may be operated and maintained as a single Project. The Bonds authorized herein may be issued to finance any one or more of such Projects, regardless of whether or not such Projects have been combined and consolidated into a single Project. If the Board deems it advisable, the proceedings authorizing such Bonds may provide that the BRRD may thereafter combine the Projects then being financed or theretofore financed with other Projects to be subsequently financed by the BRRD, and that Bonds to be thereafter issued by the BRRD shall be on parity with the Bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original Bonds.

(f) If the Board determines to issue Bonds for more than one Project, the approval of the issuance of the Bonds for all such Projects may be submitted during one referendum process. The failure of the referendum to approve the issuance of Bonds for any one or more Projects shall not defeat the approval of Bonds for any Project which has been approved in such referendum process.

(g) All Bond issues, except for refunding bonds, shall be validated by appropriate court proceedings. No Bonds, short-term loans or lines of credit or other debt of the BRRD shall constitute debt of Sarasota County or the State of Florida, and Sarasota County does not make any legal representations with regard to any such indebtedness. BRRD shall be entitled to issue Bonds without the consent of the county. In furtherance thereof, the county shall not be requested to authorize any Bonds or other obligations secured by non-ad valorem assessments or taxes imposed by the BRRD pursuant to the Act or this article. The BRRD acting pursuant to the Act or this article shall not be empowered or authorized in any manner to create a debt as against the county and shall not be entitled to pledge the full faith and credit of the county in any manner whatsoever. No revenue bonds or debt

obligations of the BRRD acting pursuant to the Act shall ever pledge or imply any pledge that the county shall be obligated to pay the same or the interest thereon, nor state or imply that such obligations are payable from the full faith and credit or the taxing power of the state or the county. The issuance of Bonds by the BRRD under the Act or this article shall not be deemed in any manner, directly or indirectly or contingently, to obligate the county to levy or to pledge any form of ad valorem taxation or other county revenues or to make any appropriation for their payment whatsoever.

**Sec. \_\_\_\_\_ . - Trust agreements.** Any issue of Bonds shall be secured by a trust agreement by and between the BRRD and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state.

**Sec. \_\_\_\_\_ . - Taxes; Enforcement of Taxes.**

(a) The Sarasota County Property Appraiser's ownership records shall be the official property records for the BRRD. The tax collector for the BRRD shall be the Sarasota County Tax Collector.

(b) The assessment, levy, collection and enforcement of all taxes levied by the BRRD shall be at the same time and in like manner as county taxes, and the provisions of Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the BRRD to the same extent as if such statutory provisions were expressly set forth herein. All BRRD taxes shall be subject to the same discounts as county taxes. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. The levy of ad valorem taxes shall be approved by referendum when required by the Act or State Constitution. Pursuant to Article VII, Section 9 of the Florida Constitution, the maximum millage of taxation levied by the BRRD shall not exceed the millage approved by the Owners whose property is subject to taxation in the referendum approving such ad valorem taxation.

(c) All taxes provided for in this article shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

(d) All taxes provided for in this article, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real

property within the BRRD for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent BRRD taxes or installments of BRRD taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of Sections 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to BRRD taxes with the same force and effect as if such provisions were expressly set forth in the Ordinance.

**Sec. \_\_\_\_\_. – Non-Ad Valorem Assessments; Enforcement of Non-Ad Valorem Assessments.**

(a) The process for the levy and collection of non-ad valorem assessments for the construction, reconstruction, acquisition, or maintenance of BRRD facilities and operation of the BRRD, its facilities and property may follow the procedures for levy provided in Chapter 170 or Chapter 197, Florida Statutes, and the procedures for collection provided in Chapter 170 or Chapter 197, Florida Statutes.

(b) Non-ad valorem assessments authorized by the Act and this article shall constitute a lien on the property against which assessed from the date of imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. Such lien shall also include a reasonable attorney's fee for collection. A sale of any of the real property within the BRRD for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for past or subsequent BRRD non-ad valorem assessments or installments of BRRD non-ad valorem assessments not appearing on any tax certificate, which lien may be enforced against such property as though no such sale thereof had been made.

(c) Non-ad valorem assessments authorized by the Act and this article are non-ad valorem assessments as defined by Section 197.3632, Florida Statutes. The provisions of Sections 194.171, 197.122, 197.333, and 197.432, Florida Statutes, shall be applicable to BRRD non-ad valorem assessments certified for collection by the Sarasota County Tax Collector with the same force and effect as if such statutory provisions were expressly set forth in this article.

(d) The BRRD shall have the power to levy and collect non-ad valorem assessments authorized by Chapter 170, Florida Statutes. Any non-ad valorem assessment lien in favor of the BRRD may be foreclosed by the BRRD by foreclosure proceedings in the name of the BRRD in a court of competent jurisdiction as provided by general law in like manner as is provided in Chapter 170 or Chapter 173, Florida Statutes, and amendments thereto. The provisions of those chapters shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this article. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under Chapter 170 or Chapter 173, Florida Statutes, may be performed by such officer or agent of the BRRD as the Board may designate. No lien shall be foreclosed against any political subdivision or agency of the state. Other legal

remedies shall remain available.

**Sec. \_\_\_\_.** - **Budgets; Financial Reporting; Planning Requirements.** The Board shall develop and approve annually, by majority vote, an operating budget for the BRRD. The BRRD shall provide financial reports and audits in such form and such manner as prescribed pursuant to Chapter 218, Florida Statutes. The BRRD shall also comply with all registration, filing and reporting requirements of Chapter 189, Florida Statutes. The BRRD shall maintain a five-year plan for the operation and maintenance of the Recreational Facilities and the development of new Projects. All Projects of the BRRD shall be consistent with the county's comprehensive plan and land development code and the Florida Building Code.

**Sec. \_.** - **Statutory Compliance.** The BRRD shall comply with the applicable provisions of Chapters 112, 119, 189, and 286, Florida Statutes, and all other applicable provisions of Florida Statutes.

**Sec. \_\_\_\_.** - **Competitive Solicitation.**

(a) No contract shall be let by the Board for the purchase of any goods, supplies, materials or maintenance services when the amount thereof to be paid by the BRRD shall exceed the amount provided in Section 287.017, Florida Statutes, for category four, unless notice of bids or other competitive solicitation, including requests for proposals or qualifications, is advertised once in a newspaper in general circulation in Sarasota County.

(b) The procurement of a contract to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of Section 255.20, Florida Statutes, and other applicable general law.

(c) If the BRRD does not receive a response to its competitive solicitation, the BRRD may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the BRRD.

(d) The provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes, shall apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the Board.

(e) Contracts for other services shall not be subject to competitive solicitation unless the BRRD adopts a rule, policy, or procedure applying competitive solicitation procedures to said contracts. The BRRD may adopt rules, policies, or procedures establishing competitive solicitation procedures.

**Sec. \_.** - **Recovery of Delinquent Charges.** In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the BRRD in a civil action.

**Sec. \_\_\_\_.** – **Limitation of Liability in Suits Against the BRRD.** Any suit or action brought or maintained against the BRRD for damages arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in Section 768.28, Florida Statutes.

**Sec. \_\_\_\_.** – **Exemption of BRRD Property from Execution.** All BRRD property shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against the BRRD be a charge or lien on its property or revenues; however, nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the BRRD in connection with any of the Bonds or other debt obligations of the BRRD.

**Sec. \_\_\_\_.** – **Contraction or Expansion; Dissolution.**

(a) The Board may petition Sarasota County to contract or expand the boundaries of the BRRD, or dissolve the BRRD, subject to the referendum required by Section 418.20, Florida Statutes and, in the case of dissolution, subject to the provisions of subsection (b) hereof.

(b) Only if the BRRD has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the Board, the BRRD may be dissolved by a nonemergency ordinance of the Board of County Commissioners of Sarasota County in accordance with the requirements of Section 189.013, Florida Statutes.

**Sec. \_\_\_\_.** – **Amendments to Charter.** The Board of County Commissioners may amend this article by ordinance in accordance with applicable law, subject to first obtaining the prior approval of the Board of the BRRD. Upon approval of any amendment of this article by the Board of County Commissioners, such amendment shall thereafter be submitted for approval of the Electors in a referendum conducted pursuant to the provisions of Section 418.20, Florida Statutes.

(b) The title of Chapter \_\_\_\_ of the Code is hereby amended to read as follows (underlined language added):

**Chapter \_\_\_\_ - COMMUNITY DEVELOPMENT DISTRICTS AND OTHER SPECIAL DISTRICTS**

(c) Article \_\_\_\_ of Chapter \_\_\_\_ of the Code is hereby amended to add the following language at its conclusion:

**SECTION 3. Filing; Effectiveness; Recording of Notice of Establishment.** This Ordinance shall be filed in the minutes of the Board of County Commissioners of Sarasota County,

and certified copies shall be filed with the Sarasota County Clerk of the Circuit Court, the Sarasota County Property Appraiser, and the Florida Secretary of State. This Ordinance shall become effective upon its filing with the Florida Secretary of State. Within 90 days after the effective date of the Ordinance, the District Manager of BRRD shall cause to be recorded in the official records of Sarasota County a “Notice of Establishment of the Boca Royale Recreation District.” The notice shall, at a minimum, include the legal description of the lands within the BRRD.

**SECTION 4. Severability.** If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue to remain in full force and effect provided that the illegal, invalid, or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

**SECTION 5. Codification.** The publisher of the County’s Code, the Municipal Code Corporation, is directed to incorporate the amendments set forth in Section 2 of this Ordinance into the Code.

**PASSED AND DULY ADOPTED,** with a quorum present and voting, by the Board of County Commissioners of Sarasota County, Florida, this the \_\_\_ day of \_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: KAREN E. RUSHING  
CLERK OF THE CIRCUIT  
COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk



**EXHIBIT A- LEGAL DESCRIPTION**