

CHARTER OF THE
BAREFOOT BAY RECREATION DISTRICT

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ORDINANCE NO. 8405

AN ORDINANCE CREATING A MOBILE HOME PARK RECREATION DISTRICT FOR THE BAREFOOT BAY MOBILE HOME SUBDIVISION IN ACCORDANCE WITH SECTIONS 34 THROUGH 38, INCLUSIVE, OF CHAPTER 83204, LAWS OF FLORIDA; NAMING SUCH DISTRICT THE "BAREFOOT BAY RECREATION DISTRICT", SETTING FORTH A CHAPTER FOR SAID DISTRICT; ESTABLISHING THE BOUNDARIES OF SAID DISTRICT; ESTABLISHING THE POWERS OF SAID DISTRICT, INCLUDING, BUT NOT LIMITED TO, THE POWER TO BORROW MONEY, TO ESTABLISH AND ENFORCE ASSESSMENTS FOR IMPROVEMENTS AGAINST REAL PROPERTY LOCATED IN THE DISTRICT; AND TO PURCHASE AND ENCUMBER REAL PROPERTY; PROVIDING FOR THE COMPOSITION AND ELECTION OF A BOARD OF TRUSTEES; PROVIDING FOR THE ESTABLISHMENT OF AN ANNUAL BUDGET; PROVIDING FOR A REFERENDUM ELECTION BY THE ELECTORS IN SAID DISTRICT TO APPROVE THE CHARTER FOR SAID DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 1983 Florida Legislation has authorized the creation of independent special districts known as "mobile home park recreation districts" by the enactment of Sections 34 through 38 of Chapter 83204, Laws of Florida; and

WHEREAS, the residents of Barefoot Bay, a mobile home subdivision located in Brevard County, Florida, have petitioned the Board of County Commissioners of Brevard County to establish such a mobile home park recreation district for the said Barefoot Bay subdivision; and

WHEREAS, the formation of such a mobile home park recreation district for Barefoot Bay will enable the residents thereof to acquire, by and through the trustees of the district, ownership and operation of certain recreation facilities and common areas located within Barefoot Bay; and

WHEREAS, the Board of County Commissioners of Brevard County finds that it is desirable to create such a district for Barefoot Bay, subject to the approval of a majority of the electors residing in the proposed district; and

WHEREAS, Barefoot Bay, as described herein, is a "mobile home park" under Chapter 83204, Laws of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. Subject to the approval by the majority of the electors residing in the Barefoot Bay subdivision as hereinafter provided, the following charter for the Barefoot Bay Recreation District is hereby adopted.

CHARTER OF THE BAREFOOT BAY RECREATION DISTRICT

ARTICLE I

PURPOSE AND INTENT

It is the purpose and intent of this Charter to establish a mobile home park recreation district in accordance with Chapter 83204, Laws of Florida, for that subdivision of Brevard County known as Barefoot Bay. By the creation of the said district, the residents of Barefoot Bay shall be empowered to acquire, by and through the trustees of the said district, ownership of the recreation facilities and other common areas located within Barefoot Bay.

ARTICLE II

NAME OF DISTRICT

The mobile home park recreation district created by this Charter shall be known as the "Barefoot Bay Recreation District".

ARTICLE III

AREA INCLUDED WITHIN DISTRICT

The Barefoot Bay Recreation District shall include the following land areas in Brevard County, Florida:

The East of Section 9, Township 30 South, Range 38 East;

and

The Southeast of the Northwest , Section 9, Township 30 South, Range 38 East;

and

The West of Section 10, Township 30 South, Range 38 East;

and

The Southeast of Section 10, Township 30 South, Range 38 East;

and

The Northeast of the Northeast , Section 15, Township 30 South, Range 38 East;

and

The North 1320 feet of the Northwest of the Northeast , less the West 327.90 feet thereof

and

less the West 330 feet of the East 660 feet of the South 330 feet of the North 1320 feet

thereof,

Section 15, Township 30 South, Range 38 East;

and

The South of the Southwest of the Northeast , Section 15, Township 30 South, Range 38

East;

and

The North 261.75 feet of the Northwest of the Southeast , Section 15, Township 30

South, Range 38 East;

and

The East of the Northeast of the Northwest , Section 15, Township 30 South, Range 38 East;

and

The Southeast of the Northwest , Section 15, Township 30 South, Range 38 East;

and

Government Lot 1, Section 15, Township 30 South, Range 38 East;

and

The North 5 acres of tile West 10 acres of the Northwest of the Northeast , Section 15, Township

30 South, Range 38 East;

and

The North 28 acres of the Southeast of the Northeast of Section 15, Township 30 South, Range 38 East;

and

The South 909 feet of Government Lot 2 and the North 493 feet of Government Lot 3, Section 11,

Township 30 South, Range 38 East, less and except those parcels described in Official Records Book

2090, Page 638; Official Records Book 1966, Page 1025; Official Records Book 1966, Page 56; Official Records Book 1477, Page 45; and Official Records

Book 588, Page 726, of the public records of Brevard County, Florida;

and

The West 400 feet of the South 329 feet of Government Lot 3, Section 11, Township 30 South, Range 38 East;

and

The South 300 feet of Government Lots 4 and 5, Section 6, Township 30 South, Range 39 East, less and except that parcel described in Official Records Book 2232, Page 474, of the public records of Brevard County, Florida.

ARTICLE IV

POWERS OF DISTRICT

As provided in Section 36 of Chapter 83-204, Laws of Florida, the Barefoot Bay Recreation District shall have

the following powers, and all further or additional powers as may be necessary or useful in order to exercise the following powers:

1. To sue and be sued and to have a corporate seal.
2. To contract and be contracted with.
3. To acquire, purchase, construct, improve, equip and maintain streets and lights, recreation facilities and other common areas of all types, including real and personal property within the area set forth in Article III above, whether such acquisition is by purchase, lease, gift or otherwise.
4. To levy and assess a special assessment known as a "recreation district tax" against all improved residential parcels within the district for the purpose of providing funds to implement the powers of the district, subject to the provision of Article VI hereinbelow.
5. To issue bonds or notes to finance, in whole or in part, the cost of construction, acquisition or improvement of common real or personal property of the district. The trustees of the district, in determining such costs, may include all costs and estimated

costs of the issuance of the bonds or notes: all engineering, inspection, fiscal and legal expenses; all costs of preliminary surveys, plans, maps and specifications; initial reserve funds for debt service; the costs of the services of persons, firms, corporations, partnerships or associations employed, or consultants, advisors, engineers or fiscal, financial or other experts in the planning, preparation and financing of the district. The trustees are also hereby authorized to employ and to enter into agreements or contracts with consultants, engineers, attorneys, certified public accountants or fiscal, financial or other experts for the planning, preparation and financing of the district or any asset thereof upon such terms and conditions as the trustees deem desirable and proper. The district may pledge to the punctual payment of bonds, notes or revenue certificates and interest thereon an amount of the revenue from the special assessments known as recreation district taxes, as well as fees derived from the use of facilities and services of the district, including acquisitions, extensions and improvements thereof, sufficient to pay the bonds, notes and revenue certificates and the interest thereon, as the same shall become due, and to create and maintain reasonable reserves therefor.

6. To operate and maintain recreational facilities or to enter into arrangements with others for such operation and maintenance pursuant to contract, lease or otherwise.

7. To establish, charge and collect such reasonable fees as may be from time to time established by the trustees of the district for admission to or use of recreational facilities by residents and non-resident owners within the district, their family members, and guests, and such other persons and groups as the Trustees may authorize from time to time, and to apply such fees to the operation, maintenance, improvement, enlargement or acquisition of recreational facilities, or to the payment of bonds, notes or revenue certificates of the district.

8. To adopt and enforce rules for the use of the recreational facilities owned or operated by the district.

9. To employ all personnel, including private security guards deemed necessary for the operation and maintenance of the facilities of the district.

10. To adequately insure the facilities, properties and operations of the district, as well as the trustees of the district jointly and severally in the performance of their duties.

11. To buy, sell, rent or lease real and personal property, and to deliver purchase money notes and mortgages in connection with the acquisition of property.

12. To adopt rules and regulations not inconsistent with existing deed restrictions and to use district funds in the administration and enforcement of such rules, regulations and deed restrictions. The Barefoot Bay Recreation District shall have the specific power to enforce those restrictions appearing in the following deeds of restrictions and amended deeds of restrictions recorded in the official records of Brevard County, Florida, and all future amendments thereto:

Official Record Book Page

OR 1093 496

OR 1101 466

OR 1101 473

OR 1101 480

OR 1101 487

OR 1110 925

OR 1129 587

OR 1151 118
OR 1248 559
OR 2247 1359
OR 2391 2461

13. To enter into contracts involving the purchase, lease, conveyance or other manner of acquisition of common real or tangible personal property. In any instance when the cost, price or consideration for such acquisition exceeds Twenty-five Thousand Dollars (\$25,000.00), including all obligations proposed to be assumed in connection with such acquisition, such purchase, lease, conveyance or acquisition shall not be approved unless and until:

- (a) The trustees, by two-thirds (2/3) vote, have approved the terms and conditions of such acquisition by written resolution;
- (b) Within not less than thirty (30) nor more than sixty (60) days after the date of the resolution, the trustees certify the resolution to the Supervisor of Elections of Brevard County for a referendum election;
- (c) A majority of the qualified electors of the district approve the resolution by referendum election.

ARTICLE V

BOARD OF TRUSTEES

1. General Powers and Duties. The governing body of the Barefoot Bay Recreation District shall be known as the Board of Trustees. The Board of Trustees shall exercise all of the powers of the district set forth in Article IV above, and shall have all duties useful and necessary to the exercise of such powers. Except as otherwise provided in this Charter, no action of the Board of Trustees shall be taken except upon the vote of a majority of the entire membership of the board. A majority of the board shall also constitute a quorum for the official conduct of business by the board.

2. Composition and Qualifications. The Board of Trustees shall consist of nine (9) members elected by the electors of the district. Each member of the Board of Trustees shall be a resident of the district and shall be a qualified elector of the district.

3. Elections of Trustees.

(a) Qualified persons desiring to have their names placed on the ballot for election as trustees of the Barefoot Bay Recreation District shall present a written petition to the Supervisor of Elections of Brevard County not less than sixty (60) days prior to the date of each election, which petition shall be signed by the applicant and not less than twenty-five (25) other electors of the district.

(b) Elections for the Board of Trustees shall be held annually on the first Tuesday after the first Monday of November, beginning in 1984. Notice of an election setting forth the names of the persons who have qualified as candidates for the Board of Trustees shall be given by the Supervisor of Elections by mail addressed to each qualified elector not less than fifteen (15) days before the date of the election, and shall also be published one time at least ten days prior to such election in a newspaper of general circulation in Brevard County. Notwithstanding the provisions of Section 101.20, Florida Statutes, the publication of a sample ballot shall not be required. The Supervisor of Elections shall be entitled to a reasonable reimbursement for conducting each election, payable out of the general funds of the district.

(c) In the election to be held for the first Board of Trustees in 1984, the candidates

receiving the first, third, fifth, seventh and ninth highest number of votes shall be elected to serve for a term of two years; and the candidates receiving the second, fourth, sixth and eighth highest number of votes shall be elected to serve for a term of one year.

Thereafter, elections for the Board of Trustees shall be held annually as specified in Section 3(b) of this Article, and those persons elected after the initial election shall be elected to serve for a term of two years or until their successors are duly qualified. Any trustee may succeed himself in office.

4. Vacancies on the Board of Trustees. Any vacancy on the Board of Trustees shall be filled for the unexpired term by the appointment by the remaining trustees of a successor from among the qualified electors of the district.

5. Removal of Trustees. Any trustee who fails to discharge his duties may be removed for cause by the remaining members of the Board of Trustees after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

6. Organization of Board. The Board of Trustees shall organize itself within fourteen (14) days next after each election by electing from its number a chairman, two vice-chairmen, a secretary and a treasurer.

7. Compensation for Services. The trustees shall not receive any compensation for their services, but shall be entitled to be reimbursed from funds of the district for any authorized disbursements they may properly incur on behalf of the district.

8. Surety Bonds. Each trustee authorized to sign checks of the district or otherwise designated by the Board of Trustees to handle its funds shall, before he enters upon such duties, execute to the Governor of the State for the benefit of the district, a good and sufficient bond approved by a circuit judge of Brevard County in the sum of Ten Thousand Dollars (\$10,000.00) with the qualified corporate surety conditioned to faithfully perform the duties of his office and to account for all funds which may come into his hands as such trustee. All premiums for such surety on such bonds shall be paid from the funds of the district.

9. Conduct of Business. As a public body, the Board of Trustees collectively, and each individual member of the Board of Trustees, shall conduct their business as a public body and shall be subject to all laws of the State of Florida relating to open government, financial disclosure, avoidance of conflict of interest, and ethics.

10. Indemnity for Trustees. A trustee who is not guilty of malfeasance or misfeasance in office shall be relieved of any personal liability for acts done by him while holding office. Any trustee who is made a party to any action, suit or proceedings solely by reason of his holding office in the district shall be indemnified by the district against reasonable expenses, including attorneys fees incurred by him in defending such suit, action or proceeding, except with respect to matters wherein it is adjudged that such trustee is liable for gross negligence or misconduct in the performance of his duties.

ARTICLE VI

BUDGET AND LEVY OF ASSESSMENTS

1. Fiscal Year and Budget. The fiscal year of the district shall commence on October 1 of each year and end on September 30 of the following year. The trustees shall, on or before April 1 of each year, prepare an annual financial statement of income and disbursements during the prior fiscal year. On or before July 1 of each year, the trustees shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next ensuing fiscal year, and the special assessment to be assessed

and collected upon all improved residential parcels within the district for the next ensuing year. Such financial statement shall be published once during the month of April each year in a newspaper of general circulation within Brevard County. A copy of the statement and a copy of the budget shall also be furnished to each owner of an improved residential parcel within thirty (30) days after its preparation, and a copy made available for public inspection at the principal office of the district at reasonable hours.

2. Assessments. The trustees shall, on or before July 30 of each year, by resolution, fix the amount of the assessment for the next ensuing year. These special assessments may be collected in the manner provided for ad valorem taxes under Chapter 197, Florida Statutes, subject to the conditions of Section 197.0126. Prior to the adoption of the resolution fixing the amount or the assessment, the trustees shall hold a public hearing, at which time qualified electors of the district may appear and be heard. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation within Brevard County at least twenty-one (21) days prior to the public hearing. For purpose of determining the property subject to the district assessment an "improved residential parcel" means a platted lot on which a mobile home may be erected. The district assessment shall not be an ad valorem tax, but a special assessment assessed equally against all improved residential parcels. Each parcel of property in the district is hereby declared to be uniformly benefited by the services of the district.

3. Lien of Assessment. The district assessment shall be a valid lien upon each improved residential parcel of land so assessed until the assessment has been paid and shall be considered a part of the county tax subject to the same penalties, charges, fees and remedies for enforcement and collection, as provided by the laws of the State of Florida for collection of such taxes.

ARTICLE VII

BONDS AND BOND ISSUES

The trustees of the district may construct, acquire or improve real or personal property of the district, and may issue refunding bonds or other obligations for such purposes in conformance with the applicable provisions of Chapter 215, Florida Statutes. Public bonds, notes and other securities may be issued to provide funds for such purposes by resolution adopted by the trustees, which resolution may be adopted at the same meeting at which it is introduced, and may take effect immediately upon its adoption. The bonds shall bear interest payable semi-annually at a rate fixed in such resolution subject to Section 215.84, Florida Statutes, and may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may be made payable in such medium of payment at such place within or without the State of Florida, may carry such registration privileges, may be subject to such terms of redemption with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as provided in such resolution or a subsequent resolution. The bonds may be sold at one time or in blocks from time to time at public or private sale, or if refunding bonds, may also be delivered and exchanged for the outstanding obligations to be refunded thereby in such manner as the trustees determined by resolution and at such price or prices computed according to the standard table of bond value as will yield to the purchasers or the holders of the obligations surrendered in exchange in the case of

refunding bonds income at a rate pursuant to Section 215.84, Florida Statutes, to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of the obligations surrendered therefor to the district. Pending the preparation of the definitive bonds, interim certificates, or receipts or temporary bonds, in such form and with such provisions as the trustees may determine, may be issued to the purchaser or purchasers of the bonds. The bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable.

ARTICLE VIII ABOLISHMENT OF DISTRICT

The Barefoot Bay Recreation District may be abolished by a majority vote of the qualified electors of the district at an election called by the trustees of the district for such purpose, which election shall be held and notice thereof given as provided in Article V, Section 3(b) hereinabove. The district shall not be abolished while it has outstanding indebtedness unless adequate provision is made for the liquidation of such outstanding indebtedness.

ARTICLE IX SEVERABILITY

If any article or part of an article of this Charter shall be declared invalid by a court of competent jurisdiction, such declaration shall not effect the remainder of this Charter, nor the context in which such article or part of an article so held invalid may appear. All articles or parts of articles of this Charter not so declared invalid shall continue in full force and effect.

ARTICLE X REFERENDUM AND EFFECTIVE DATE

This Charter shall be submitted to the electors of the district in a referendum scheduled for that purpose by the Board of County Commissioners of Brevard County and the Supervisor of Elections of Brevard County. This Charter shall take effect immediately upon its adoption by a majority of the electors voting in such election.

Section 2. The Charter for the Barefoot Bay Recreation District shall be submitted to the electors of the proposed district at a referendum election to be held on the 13th day of March, 1984.

Section 3. This Ordinance shall take effect immediately upon its adoption.

DONE AND ADOPTED in Regular Session, this 23rd day of February, 1984.

ATTEST: BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

R.C. Winstead By: Val M. Steele

R. C. Winstead, Jr Clerk Val M. Steele, Chairman