

**CHAPTER 600. OVERLAY AND SPECIAL DISTRICT AREAS**

**SECTION 602. J. "BEN" HARRILL VILLAGES OF PASADENA HILLS STEWARDSHIP DISTRICT**

**602.1. Intent and Purpose**

- A. Pasco County has adopted the Pasadena Hills Area Plan as part of its Comprehensive Plan and in recognition of the unique and special characteristics of the area, the lands covered by this plan contain many opportunities for thoughtful, comprehensive, environmentally responsible, and consistent development and growth over a long period.
- B. There is a particular need to use a specialized and limited single-purpose, dependent, special district unit of local government for the district lands located within the County and covered by this Code to (a) prevent urban sprawl by providing sustainable and freestanding infrastructure and by preventing needless and counterproductive community development when the existing urban area is not yet developed; and (b) prevent the needless duplication, fragmentation, and proliferation of local government services in a proposed land use area.
- C. The establishment of such a limited, specialized, single-purpose local government for the district lands will serve a necessary and useful public purpose by providing an efficient and effective method of ensuring the long-term stewardship of environmental and conservation resources within the district through the comprehensive management of the district's ecosystem including, but not limited to, the implementation and administration of habitat protection and management plans approved by regulatory agencies having jurisdiction and Pasco County.
- D. The creation and establishment of the dependent district will constitute a timely, efficient, effective, responsive, and economical method to assist the County in the delivery of capital infrastructure, facilities, and services to accommodate the growth projected under the County's Comprehensive Plan for the extensive lands comprising the district by providing legitimate alternative methods for owning, operating, constructing, and financing such infrastructure, facilities, and services which will not overburden local, general-purpose governments and their taxpayers.
- E. There is a need to coincide the use and special attributes of various public and private alternatives for the provision of infrastructure to such a community development, including the limited, flexible, focused, and locally accountable management and related financing capabilities of a dependent, special-purpose, local government.
- F. The existence and use of such a limited, specialized, single-purpose, dependent district for the district lands, subject to the County's Comprehensive Plan, will result in a high propensity to provide for orderly development and prevent urban sprawl; protect and preserve environmental, conservation, and agricultural uses and assets; enhance the market value for both present and

future landowners of the property consistent with the need to protect private property; enhance the net economic benefit to the Pasco County area, including an enhanced and well-maintained tax base to the benefit of all present and future taxpayers in the County; and result in the sharing of costs of providing certain systems, facilities, and services in an innovative, sequential, and flexible manner within the developing area to be serviced by the district.

- G. The creation and establishment of the district will encourage local government financial self-sufficiency in providing public facilities and in identifying and implementing fiscally sound, innovative, and cost-effective techniques to provide and finance public facilities while encouraging development, use, and coordination of capital improvement plans by all levels of government.
- H. The creation and establishment of the district will encourage and enhance cooperation among communities that have unique assets, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly and environmentally and economically sound plan for current and future needs and growth.
- I. In order to be responsive to the critical timing required through the exercise of its special management functions, a dependent district requires financing of those functions, including bondable, lienable, and nonlienable revenue, with full and continuing public disclosure and accountability funded by landowners, both present and future, and funded also by users of the systems, facilities, and services provided to the land area by the district without unduly burdening the taxpayers and citizens of the State, the County, or any municipality therein.
- J. The district created and established by this Code shall not have or exercise any independent comprehensive planning, zoning, or development permitting power; the establishment of the district shall not be considered a development order (DO) within the meaning of Chapter 380, Florida Statutes; and all applicable planning and permitting laws, rules, regulations, and policies of the County control the development of the land to be serviced by the district, except as specifically set forth herein.
- K. The creation by this Code of the J. "Ben" Harrill Villages of Pasadena Hills Stewardship District (District) is consistent with the County Comprehensive Plan and the requirement of the Pasadena Hills Financial Plan as approved by the Board of County Commissioners (BCC).

602.2. **Definitions**

- A. **Ad Valorem Bonds.** Bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property and which are generally referred to as general obligation bonds.
- B. **Alternative Transportation Facilities.** Multipurpose lanes, multipurpose paths, and sidewalks to accommodate the appropriate use of bicycles, pedestrian micromobility devices, motorized scooters, mopeds, and electrical personal assistance devices.

- C. Assessable Improvements. Without limitation, any and all public improvements and community facilities that the District is empowered to provide, in accordance with this Code, that provide a special benefit to property within the District.
- D. Assessment Bonds. Special obligations of the District which are payable solely from proceeds of the special assessments or benefit special assessments levied for assessable improvements provided that, in lieu of issuing assessment bonds to fund the costs of assessable improvements, the District may issue revenue bonds for such purposes payable from special assessments.
- E. Assessments. Those nonmillage District assessments which include special assessments, benefit special assessments, and maintenance special assessments and a nonmillage, non-ad valorem maintenance tax if authorized by general law.
- F. Benefit Special Assessments. District assessments imposed, levied, and collected pursuant to the provisions of Section 602.8.J.2.
- G. Board of Supervisors or Supervisors. The governing board of the District, the BCC.
- H. Bonds. Includes certificates and the provisions that are applicable to bonds are equally applicable to certificates. The term "bond" includes any general obligation bond, assessment bond, refunding bond, revenue bond, and other such obligation in the nature of the bond as provided for in this Code.
- I. Committee. Shall mean the Pasadena Hills Planning and Policy Committee as established in Section 602.7.
- J. Cost or Costs. 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, maps, permitting, studies, specifications, bidding process, and bidding or contract document preparation.
  3. The cost of improvements.
  4. Planning, engineering, designing, surveying, fiscal, appraisal, legal, and other professional and consultant expenses and charges.
  5. The cost of all labor, materials, machinery, and equipment.
  6. The cost of all lands, properties, rights, easements, demolition, business interruption or other business damages, relocation costs, and

franchises acquired, including attorneys fees, appraisal fees, and related costs.

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 BCC may determine.
  11. The cost of issuance of bonds pursuant to this Code, including advertisements and printing.
  12. The cost of any bond or tax referendum held pursuant to this Code and all other expenses of issuance of bonds.
  13. The discount, if any, on the sale or exchange of bonds.
  14. Administrative expenses.
  15. Such other expenses as may be necessary or incidental to the acquisition, disposition, transfer, construction or reconstruction of any project, to the financing thereof, or to the development of any lands within the District.
  16. Payments, contributions, dedications, and any other exactions required as a condition of receiving any governmental approval or permit necessary to accomplish any District purpose.
- K. District. The J. "Ben" Harrill Villages of Pasadena Hills Stewardship District.
- L. District Manager. The manager of the District.
- M. District Roads. Highways, streets, roads, alleys, transit facilities, sidewalks, multipurpose lanes, multipurpose paths, landscaping, storm drains, bridges, and thoroughfares of all kinds, including water management and control facilities, wetland or floodplain mitigation areas, and other roadway, Alternative Transportation Facilities, or transit-related facilities associated with District roads.
- N. Entitled Property or Entitled Properties
1. Those properties in the District that are included within the boundaries of a rezoning that relies, in whole or in part, upon the entitlements within Villages as defined within the Pasadena Hills Area Plan;

2. Properties in the District that seek and obtain a concurrency management or other mitigation impact exemption or other relief based on the VOPH Financial Plan; or
  3. Properties in the District located outside of the Villages as defined within the Pasadena Hills Area Plan that after the effective date of the 2020 amendment to this Code, seek and obtain a modification of their existing zoning that results in a density of intensity increase greater than 100 daily trips per Pasco County Land Development Code Section 901.4 Exhibit A.
  4. By way of clarification, those approved MPUD Projects which pre-dated the District formation and/or which are specifically entitled as “Excluded Projects” in Section 602.2.W below, are not deemed Entitled Properties.
- O. Excluded Projects. The following MPUD Projects, which are physically located within the District that were rezoned MPUD prior to January 8, 2008, are deemed “Excluded Projects”: Chapel Creek, Chapel Hill, Farmington Hills, Oak Creek, and Watergrass. These Excluded Projects may develop pursuant to their prior approvals, may amend or extend their prior approvals and/or seek new approvals, including comprehensive plan amendments that increase non-residential intensity, in accordance with typical County rules, regulations and policies, including any County-required mitigation for such amendments, and without application of the VOPH overlay requirements or payment of VOPH Development Fee surcharges, so as long as they do not invoke or rely upon the terms and provisions of the VOPH overlay to achieve such density/intensity, buildout date, or other VOPH benefits. Excluded Projects that seek and obtain comprehensive plan amendments that increase residential density are not exempt from VOPH overlay requirements and payment of VOPH Development Fee surcharges. Notwithstanding the foregoing, the tax increment and segregation of base impact fee requirements in Sections 602.8.L and 602.8.M shall continue to apply to the Excluded Projects. In addition, Excluded Projects shall continue to be subject to LDC Section 901.1 Highway Vision Plan requirements. Pursuant to LDC Section 602.9.A, the VOPH Master Roadway Plan has the same regulatory effect as the County’s Map 7-36 Highway Vision Plan and Functional Classification Map.
- P. General Obligation Bonds. Bonds which are secured by, or provide for their payment by, the pledge of the full faith and credit and taxing power of the District, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance and for payment of which recourse may be had against the general fund of the District.
- Q. General Purpose Local Government. A County, municipality, or consolidated City-County government.
- R. J. "Ben" Harrill Villages of Pasadena Hills Stewardship District or Stewardship District or Pasadena Hills or District. The unit of special and single purpose local government created and chartered by this Code, including the creation of

this section and limited to the performance in implementing its single purpose of those general and special powers authorized by its charter under this Code, the boundaries of which are set forth by this Code, the governing head of which is created and authorized to operate with legal existence by this Code, and the purpose of which is as set forth in this Code.

- S. Land Development Codes. Those codes of the County adopted under the Community Planning Act, Part II, Chapter 163, Florida Statutes, as applied by the County to the District. Land development codes shall not mean specific management, engineering, planning, operating, and other criteria and standards needed in the daily management, implementation, and provision by the District of systems, facilities, services, works, improvements, projects, or infrastructure, including design criteria and standards, so long as they remain subject to, and are not inconsistent with, the applicable land development codes.
- T. Landowner. The owner of a freehold estate as it appears on the deed record, including a trustee, a private corporation, and an owner of a condominium unit. Landowner does not include the holder of a remainder or reversionary interest, mortgagee, or any governmental entity who shall not be counted and need not be notified of proceedings under this Code. Landowner also means the owner of a ground lease from a governmental entity which leasehold interest has a remaining term, excluding all renewal options, in excess of fifty (50) years.
- U. Maintenance Special Assessments. Assessments imposed, levied, and collected pursuant to the provisions of Section 602.8.J.4.
- V. Non-Ad Valorem Assessment. Only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s.4., Art. X, of the State Constitution.
- W. Pasadena Hills Financial Plan or Financial Plan. The Villages of Pasadena Hills (VOPH) Financial Plan originally adopted by the BCC on February 10, 2009, and readopted as amended, on June 5, 2012, and again concurrent herewith on the effective date of the 2020 Amendment to this Code as may be further amended from time to time by resolution of the Board of Supervisors.
- X. Powers. Powers used and exercised by the BCC to accomplish the single, limited, and special purpose of the District, including:
  - 1. General powers shall mean those organizational and administrative powers of the District as provided in this section in order to carry out its single special purpose as a local government, public, corporate body politic.
  - 2. Special powers shall mean those powers enumerated by the District charter to implement its specialized systems, facilities, services, projects, improvements, and infrastructure and related functions in order to carry out its single specialized purpose.

3. Any other powers, authority, or functions set forth in this Code or in Chapter 189, Florida Statutes.
- Y. Project. Any development, improvement, property, power, utility, facility, enterprise, service, system, works, or infrastructure now existing or hereafter undertaken or established under the provisions of this section.
- Z. Qualified Elector. Any person at least eighteen (18) years of age who is a citizen of the United States, a legal resident of the State and of the District, and who registers to vote with the Supervisor of Elections of Pasco County.
- AA. Refunding Bonds. Bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and may be payable in substantially the same manner as refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution or general law.
- BB. Revenue Bonds. Obligations of the District that are payable from revenues including, but not limited to, special assessments, benefit special assessments, service charges and fees, mobility/impact fees and surcharges, or other revenues derived from sources other than ad valorem taxes on real or tangible personal property and that do not pledge the property, credit, or general tax revenue of the District.
- CC. Sewer Systems. Any plant, system, facility, or property and additions, extensions, and improvements thereto, at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage including, but not limited to, industrial wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resource. Sewer system also includes treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer main laterals and other devices for the reception and collection of sewage from premises connected therewith; and all real and personal property and any interest therein; and rights, easements, and franchises of any nature relating to any such system and necessary or convenient for operation thereof.
- DD. Special Assessments. Assessments as imposed, levied, and collected by the District for the costs of assessable improvements pursuant to the provisions of this Code; Chapter 125, Florida Statutes, and the additional authority under Chapters 189 and 197, Florida Statutes; or other provisions of general law, special law, or applicable County home rule ordinance, now or hereinafter enacted, which provide or authorize a supplemental means to impose, levy, or collect special assessments.
- EE. State Constitution. The Constitution of the State of Florida, as amended from time to time in accordance with the laws of the State of Florida.

- FF. Supervisor. A member of the BCC sitting as a member of the Board of Supervisors of the District.
- GG. Taxes or Tax. Those levies and impositions of the BCC that support and pay for government and the administration of law and that may be:
1. Ad valorem or property tax based upon both the appraised value of property and millage at a rate uniform within the jurisdiction; or
  2. If and when authorized by general law, non-ad valorem maintenance taxes not based on millage that are used to administer or maintain District systems, facilities, and services.
- HH. Tax Increment Revenue. Shall mean the VOPH Tax Increment Revenues calculated pursuant to the County's Multi-Modal Tax Increment Ordinance (Ordinance No. 11-09), as it may be amended from time to time.
- II. VOPH Transportation Analysis. The VOPH-TA is a specific analysis to identify potential transportation needs and timing for those roadways shown on the VOPH Master Roadway Plan, which serve the subject parcel, and are consistent with the VOPH Comprehensive Plan Policies. The VOPH-TA will be used to determine the necessary conditions of approval for a MPUD zoning application within the PHSA to ensure consistency with the VOPH-CPA, COPH-MRP, VOPH-FP. See Section 602.10.
- JJ. Water Management and Control Facilities. Any lakes, canals, ditches, reservoirs, dams, impoundments, levees, sluiceways, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, and disposal of non-potable water and any purposes appurtenant, necessary, or incidental thereto. The term "water management and control facilities" includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water management and control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation or maintenance thereof.
- KK. Water System. Any plant, system, facility, or property and any addition, extension, or improvement thereto at any future time constructed or acquired as part thereof, useful, necessary, or having the present capacity for future use in connection with the development of sources, treatment, purification, or distribution of water. "Water system" also includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.

602.3. **Policy**

Based upon its findings, ascertainments, determinations, intent, purpose, and definitions, the BCC states its express policy as follows:



- A. The District and District charter, with its general and special powers as created in this Code, are essential and are the best alternative for the residential, commercial, and other community uses, projects, or functions within the Pasadena Hills Study Area, consistent with the County's effective Comprehensive Plan and are designed to serve a lawful public purpose.
- B. The District, which is a local government and political subdivision, is limited to its special purpose as expressed in this Code, with the power to provide, plan, implement, construct, operate, maintain, repair, improve, replace, manage, and finance as a local government management entity its systems, facilities, services, improvements, infrastructure, and projects and possessing financing powers to fund the District over the long-term with sustained levels of high quality.
- C. The creation of the District by and pursuant to this Code, and its exercise of its management and related financing powers to implement its special purpose, is not a DO and does not trigger or invoke any provision within the meaning of Chapter 380, Florida Statutes, and all applicable governmental planning, environmental, and land development laws, regulations, rules, policies, and ordinances apply to all development of the land within the jurisdiction of the District as created by this Code. Moreover, it is not the intent of this Code to cause a reclassification for assessment purposes of any agricultural lands within the District, nor prohibit or preclude the use of any land within the District for agricultural purposes or for any use related thereto.
- D. The District shall operate and function subject to, and not inconsistent with, the Comprehensive Plan of the County and any DOs, zoning regulations, and other land development codes as applicable to the Pasadena Hills Study Area.
- E. The special purpose District shall not have the power of a general purpose local government to adopt a comprehensive plan or related land development codes as those terms are defined in the Community Planning Act; provided, however, that the BCC may, from time to time, create and adopt specific land development codes designed to implement the specific planning concepts within the Pasadena Hills Study Area, which differ from the general land development codes applicable to other portions of the County.

602.4. **Creation, Establishment, Jurisdiction, and Construction**

- A. The J. "Ben" Harrill Villages of Pasadena Hills Stewardship District, which also may be referred to as the "Stewardship District," "Pasadena Hills," or "District," is created and incorporated as a public body corporate and politic, dependent, limited, special-purpose local government, a dependent special district, under Chapters 125 and 189, Florida Statutes, and as defined in this Code.
- B. The territorial boundary of the District shall include all of that certain real property as legally described and identified in Section 602.5 below.
- C. This special purpose District is created as a public body corporate and politic and local government authority and power is limited by this Code and subject to the provisions of other general laws, including Chapter 189, Florida Statutes,

and the District has jurisdiction to perform such acts and exercise such authorities, functions, and powers as shall be necessary, convenient, incidental, proper, or reasonable for the implementation of its limited, special purpose regarding the sound planning, provision, acquisition, development, operation, maintenance, and related financing of those public systems, facilities, services, improvements, projects, and infrastructure works as authorized herein, including those necessary and incidental thereto.

602.5. **Legal Identification of Real Estate Parcels Within the District**

The legal identification of all real estate parcels that constitute the District (which parcels are identified by their respective tax parcel identification numbers on the tax assessment roll of Pasco County, Florida) is attached hereto as Exhibit 602-A and the District boundaries also are graphically depicted on Exhibit 602-B. All tax parcels identified or depicted thereon shall be henceforth deemed a part of the District and thereby subject to the provisions of this section.

602.6. **Board of Supervisors**

A. **Members**

The BCC shall serve as the Board of Supervisors of the District. Membership of the Board of Supervisors shall be identical to the membership of the BCC and governed by the BCC's terms of service and commission districts pursuant to Article VIII, Section (1)(e), Florida Constitution, and Chapter 124, Florida Statutes. The Board of Supervisors shall exercise the powers granted to the District pursuant to this section.

B. **Quorum and Voting**

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

C. **Officers**

The Chair of the BCC shall serve as the Chair of the Board of Supervisors and the Vice Chair of the BCC shall serve as the Vice Chair of the Board of Supervisors.

D. **Records**

The Board of Supervisors shall keep a permanent record book entitled "Record of Proceedings of the J. 'Ben' Harrill Pasadena Hills Stewardship District" in which shall be recorded minutes of all meetings, resolutions proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book and all other District records shall, at reasonable times, be opened to inspection in the same manner as State, County, and municipal records pursuant to Chapter 119, Florida Statutes. The record book shall be kept at

the office or other regular place of business maintained by the Board of Supervisors in a designated location in the County.

E. Meetings

All meetings of the Board of Supervisors shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes. Meetings shall be held in a public building, in a Pasco County courthouse, or in a building in the County accessible to the public.

F. Meeting Schedule

In accordance with Section 189.417, Florida Statutes, the Board of Supervisors shall file annually a schedule of its regular meetings with the BCC. The schedule shall include the date, time, and location of each scheduled meeting and shall be published annually in a newspaper of general paid circulation in the manner required by Section 189.417, Florida Statutes.

602.7. **Pasadena Hills Planning and Policy Committee**

A. Establishment

There is hereby established an advisory planning and policy committee which shall be known as the Pasadena Hills Planning and Policy Committee or as the Committee.

B. General Role of the Committee

The Committee shall advise the Board of Supervisors on District matters relating to the District Manager selection and performance; District revenues and expenses; District infrastructure funding and financing; District fees and assessments, including the VOPH development review fees; District land use; District community planning; District services; District community design features; District Comprehensive Plan amendments; development regulations that only apply in the District; District property management and operation; and such other matters as the Supervisors deem appropriate.

C. Committee Duties

In addition to the general duties set forth above, the Committee shall have the following specific responsibilities with respect to District operations:

1. The Committee shall review the proposed annual budget of the District, as required in Section 602.8.B.2 below, and make recommendations on the same to the Supervisors; provided, however, that the Committee's recommendations shall be provided to the Supervisors prior to June 30 of each calendar year for the next budget year. After June 30 of each year, the Committee's comments, if any, shall be made at the scheduled public hearings of the BCC regarding adoption of the County's next annual budget.

2. The Committee shall act in lieu of the County Planning Commission (PC) (but not the Local Planning Agency [LPA]) as to all properties within the District and shall make advisory recommendations to the BCC on all such matters within the District that otherwise would be reviewed by the PC and also shall review and provide recommendations on any other matter respecting land use, project design, landscaping, community planning, and similar matters when requested by the Board of Supervisors.
3. The Committee shall review and make recommendations to the Board of Supervisors on the following items which shall be presented to the Committee by the County's Planning and Development Department:
  - a. Any proposed Comprehensive Plan amendment which includes lands within the District, even if such lands are not Entitled Properties. Such recommendation shall occur prior to the recommendation of the LPA.
  - b. Any proposed change to the Pasadena Hills Area Plan or the Pasadena Hills Financial Plan, this Pasadena Hills Stewardship District Ordinance or the Pasadena Hills Master Roadway Plan.
  - c. Any proposed zoning or substantial amendments thereto which specifically include lands within the District, even if such lands are not Entitled Properties.
  - d. Any proposed change to the District governance documents.
4. The Committee shall also review and make recommendations to the Board of Supervisors on the following financial matters which shall be presented by the District Manager or appropriate County staff members:
  1. Any proposed Development Agreement (DA) or agreement with the County, District, or District School Board of Pasco County (School Board) that relies on or pledges the impact fee surcharges, Tax Increment Revenue, or other District revenue sources identified in this Code, including any amendments to such agreements. Such recommendation shall occur prior to the recommendation of the LPA for matters required to be heard by the LPA.
  - b. The imposition of any new, or change to any existing, assessment, development fee surcharge, or service charge which may be levied by or within the District.
  - c. Any proposed bond financing for District infrastructure, District land acquisition, or improvement of District services.

- d. Any proposed Community Development District, or amendments thereto, for Entitled Properties within the District.

The Committee's review and advisory input on the foregoing matters shall be scheduled to occur in advance of the formal public hearings that are required by law for such matters. If the County fails to seek the Committee's input on any of the foregoing matters due to (1) a mistake or oversight, (2) an opinion of the County Attorney's Office that the matter is not subject to the Committee's review, or (3) inability to timely obtain a quorum of the Committee, then the failure to seek the Committee's input shall not affect the validity of the Board of Supervisors' final approval of the matter, unless the Committee Chair or Vice-Chair notifies the County Administrator or designee in writing of the Committee's desire and entitlement to hear the matter prior to the Board of Supervisors' final approval of the matter.

D. Committee Membership

The membership of the Committee shall be composed of seven (7) members appointed by the Board of Supervisors.

E. Appointments

Each Supervisor shall appoint one (1) member to the Committee and the remaining two (2) Committee members shall be appointed by majority vote of a quorum of the Board of Supervisors based upon recommendations of the respective Supervisor(s) whose commission district(s) includes lands which are part of the District.

F. Terms

The five (5) members appointed by an individual Supervisor shall serve terms coextensive with the term of the Supervisor making the appointment. The remaining two (2) members of the Committee who are appointed by a quorum of the Board of Supervisors shall serve four (4) year terms. Any vacancy shall be filled in the same manner as the original appointment was made but the successor Committee member shall only serve for the balance of the unexpired term, unless reappointed to the Committee as provided herein.

G. Qualifications

Each member of the Committee shall either reside within the District or own property within the District. A designated representative from a partnership, trust, limited liability company, corporation, or other business entity owning real property within the District shall be entitled to serve as a Committee member, even if such business-entity designee is not a resident or property owner within the District. During the first twenty-five (25) years of the Committee's existence, at least four (4) of the serving Committee members shall be representatives from the Pasadena Hills Property Ownership Group which has participated with the County in the financing and development of the Pasadena Hills Area Plan and Pasadena Hills Financial Plan and its periodic updates.

The Board of Supervisors may waive this requirement for a specific appointment if, at the time of an appointment, less than four (4) members of the Property Ownership Group wish to serve as members of the Committee. The remaining three (3) members of the Committee shall reside within the District; however, the Board of Supervisors may waive this requirement for a specific appointment if, at the time of appointment, less than three (3) qualified residents of the District wish to serve as members of the Committee based on responses to advertisements for members on the County's website.

H. Quorum

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

I. Officers

At its initial organizational meeting and annually thereafter, the Committee shall organize by electing one of its members as Chair and electing a Vice-Chair and such other officers as the Committee may deem necessary. If there is no elected Chair or Vice-Chair, or the Chair and Vice-Chair are not present at a meeting, the meeting shall be conducted by the longest tenured member of the Committee who is present at the meeting.

J. Meetings

All meetings of the Committee shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes. Meetings shall be held in a public building, in a County courthouse, or in a building in the County accessible to the public.

K. Meeting Schedule

The Committee may file a schedule of its regular meetings with the BCC. The schedule shall include the date, time, and location of each scheduled meeting and may be published in a newspaper of general paid circulation.

L. Other Committees

The Supervisors reserve the right to establish other advisory committees to address matters not within the express purview of the Planning and Policy Committee.

602.8. **Board of Supervisors, General Duties, and District Funding**

A. District Manager and Employees

The Board of Supervisors may employ and fix the compensation of a District Manager who shall have charge and supervision of the works of the District,

shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this Code, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed by the Board of Supervisors. The District Manager may hire or otherwise employ and terminate the employment of such other persons including, without limitation, professional, supervisory, and clerical employees as may be necessary and authorized by the Board of Supervisors. The compensation and other conditions of employment of the officers and employees of the District shall be as provided by the Board of Supervisors. In the absence of a District Manager, the County Administrator or designee shall fulfill the duties of the District Manager.

**B. Budget, Reports, and Reviews**

1. The District shall provide financial reports in such form and such manner as prescribed pursuant to this Code and Chapters 189 and 218, Florida Statutes, as amended from time to time.
2. On or before July 15 of each year, the County Administrator or designee or District Manager, if directed by the Board of Supervisors, shall prepare a proposed budget for the ensuing fiscal year to be submitted to the Supervisors for approval. The proposed budget shall include, at the direction of the Supervisors, an estimate of all necessary expenditures of the District for the ensuing fiscal year and an estimate of income to the District from the taxes, assessments, and fees provided in this Code. The Supervisors shall consider the proposed budget item by item, determine its compliance with the Pasadena Hills Financial Plan, and may either approve the budget as proposed by the District Manager or modify the same in part or in whole. The Board of Supervisors shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in accordance with the requirement for the County's other budget funds. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the Board of Supervisors shall hear all objections to the budget as proposed and may make such changes as the Board of Supervisors deems necessary. At the conclusion of the budget hearing, the Board of Supervisors shall, by resolution, adopt the budget as finally approved by the Supervisors. The budget shall be adopted prior to October 1 of each year. The budget, and any budget amendments, shall comply with the requirements of Section 189.418, Florida Statutes.

**C. Disclosure of Public Financing**

The District shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the District. Such information shall be made available to all existing residents and all prospective residents of the District. The District shall furnish each developer of a residential development within the District with sufficient copies of that information to provide each prospective

initial purchaser of property in that development with a copy if the developer requests that the District provide such information and pays the District any applicable copying fees. Any developer of a residential development within the District, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

D. General Powers

The District shall have, and the Board of Supervisors may exercise, the following general powers, together with all other general powers authorized under Chapter 189, Florida Statutes:

1. To sue and be sued in the name of the District; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to own and dispose of, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
2. To apply for coverage of its employees under the Florida Retirement System (FRS) in the same manner as if such employees were State employees, subject to necessary action by the District to pay employer contributions into the FRS Trust Fund.
3. To contract for the services of consultants to perform District management, planning, engineering, financial, appraisal, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in general law and County ordinance.
4. 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 District purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any District purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
5. To adopt and enforce rules and orders prescribing powers, duties, and functions of the officers of the District; the conduct of the business of the District; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the District. The Supervisors may also adopt and enforce administrative rules with respect to any of the projects of the District and define the area to be included therein. The Supervisors may also adopt resolutions which may be necessary for the conduct of District business.
6. To maintain an office at such place or places as the Board of Supervisors designates in the County, and within the District when facilities are available, and to designate either the Pasco County



Attorney, or the District Manager, as the registered agent for the District for service of process or other legal notifications to the District and to change such designation from time to time in accordance with applicable law.

7. To hold, control, and acquire by donation, purchase or condemnation, or dispose of, any public lands, public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this Code and to make use of such easements, dedications, or reservations for the purposes authorized by this Code.
8. To lease, as lessor or lessee, to or from any person, corporation, or other business entity, association, or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District to carry out the purposes authorized by this section.
9. To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such taxes and assessments as may be authorized herein; and to charge, collect, and enforce fees and other user charges.
10. To raise, by user charges or fees authorized by resolution of the Board of Supervisors, amounts of money which are necessary for the conduct of District activities and services and the maintenance of District facilities and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.
11. To exercise the right and power of eminent domain, pursuant to the provision of Chapters 73 and 74, Florida Statutes, over any property within the State for the uses and purpose of the District relating to park land, school land, public utilities, District roads, water management and control, and other public facilities contemplated by the Pasadena Hills Financial Plan or otherwise necessary to implement the Pasadena Hills Area Plan.
12. To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this section.
13. If and when authorized by general law, to determine, order, levy, impose, collect, and enforce maintenance taxes on Entitled Property.
14. To determine, order, levy, impose, collect, and enforce assessments pursuant to any applicable special act, or Chapter 125, Florida Statutes, as amended from time to time, pursuant to authority granted in Section 197.3631, Florida Statutes, or pursuant to other provisions of general or special law or applicable County home rule ordinance, now or hereinafter enacted, which provide for or authorize a supplemental means to order, levy, impose, or collect special

assessments. Such special assessments, in the discretion of the District, may be collected and enforced pursuant to the provisions of Sections 197.3632 and 197.3635, Florida Statutes, as they may be amended from time to time, or as provided by this Code or by other means authorized by general law now or hereinafter enacted. Notwithstanding any contrary provision of this Code, assessments imposed by the District shall only be imposed on Entitled Properties.

15. To exercise such special powers and other express powers as may be authorized and granted by this section, including powers as provided in any interlocal agreement entered into pursuant to Chapter 163, Florida Statutes, or which shall be required or permitted to be undertaken by the District pursuant to any Development Order (DO), including any interlocal service agreement with the County for proportionate, fair-share, or pipelining capital construction funding for any capital facilities or systems required of a developer pursuant to any applicable DO or agreement.
16. To exercise all of the powers necessary, convenient, incidental, or proper in connection with any other powers or duties or the special purpose of the District authorized by this section, except as specifically limited herein.
17. To collect and utilize any mobility/impact fees as may be authorized for collection and use in the District by the BCC in accordance with the District Financial Plan, this Code, and the County's generally applicable mobility/impact fee ordinances/regulations.
18. To collect and utilize any Tax Increment Revenue as may be authorized for collection and use in the District by the BCC in accordance with this Code, the MultiModal Tax Increment Ordinance, and the District Financial Plan.

E. Special Powers

The District shall have, and the Board of Supervisors may exercise, the following special powers to implement its lawful and special purpose and to provide, pursuant to that purpose, systems, facilities, services, improvements, projects, works, and infrastructure, each of which constitutes a lawful public purpose when exercised pursuant to this section, subject to, and not inconsistent with, the regulatory jurisdiction and permitting authority of all other applicable governmental bodies, agencies, and any special district having authority with respect to any area included therein and to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, finance, fund, and maintain improvements, systems, facilities, services, works, projects, and infrastructure. Any or all of the following special powers are granted by this section in order to implement the special purpose of the District:

1. To provide water management and control for the lands within the District and to connect some or any of such facilities with roads and bridges and to construct, acquire, and operate any dam, work,

appurtenant work, impoundment, or reservoir and any connecting, intercepting, or outlet mains and pipes in, along, or under any street, alley, highway, or other public place or ways including, but not limited to, acquiring, operating, maintaining, repairing, and improving water management and control facilities necessary for the collection, storage control, development, utilization, and distribution of nonpotable waters for irrigation purposes.

2. To provide bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract grade, fill, or cut and roadways over levees and embankments and to construct any and all such works and improvements across, through, or over any public right-of-way, highway, grade fill, or cut.
3. To provide public roads and related improvements, including Alternative Transportation Facilities, equal to or exceeding the specifications of the County and the Pasadena Hills Master Roadway Plan including, but not limited to, transportation improvements necessary to comply with conditions of development approval applicable to lands within the District. This special power includes, but is not limited to, roads; parkways; interchanges; bridges; transit facilities; landscaping; hardscaping; irrigation; multipurpose lanes; sidewalks; multipurpose paths; street lighting; traffic signals; regulatory or informational signage road striping; underground conduit; underground cable, fiber, or wire installation pursuant to an agreement with or tariff of a retail provider of services; and all other related improvements and the elements of a functioning, modern road system in general or as related to the conditions of development approval for the lands within the District, together with transportation improvements and facilities that are freestanding or that may be related to any innovative, strategic intermodal system of transportation pursuant to applicable Federal, State, and local law and ordinance.
4. To provide buses, trolleys, trains, transit shelters, ridesharing facilities and services, parking improvements, and related signage.
5. To provide investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the District under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the District and who caused or contributed to the contamination.
6. To protect core reserve and other conservation areas, mitigation areas, wilderness areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property, and to evaluate, acquire, enhance, manage, monitor, and maintain conservation, mitigation, and preservation lands and wildlife habitat.

7. Using its general and special powers as set forth in this section, to provide any other project within or outside the boundaries of the District when the project is the subject of an agreement between the District and the BCC or with any other applicable public or private entity if approved or required by a DO pursuant to Sections 380.06 or 380.0612, Florida Statutes, if such project is not inconsistent with the effective local Comprehensive Plan.
8. To provide parks and recreation facilities for indoor and outdoor recreational, cultural, and educational uses, including both active and passive recreational uses.
9. To provide fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.
10. To provide school buildings, athletic and recreation facilities, and related structures, which may be leased, sold, or donated to the school district for use in the educational system when authorized by the School Board.
11. To provide security; however, the District may not exercise any powers of a law enforcement agency but may contract with the appropriate, local, general-purpose government agencies for an increased level of such services within the District boundaries.
12. To provide control and elimination of mosquitoes and other arthropods of public health importance.
13. To provide waste collection and disposal.
14. To enter into impact fee, mobility fee, development fee, and other mitigation credit agreements pursuant to the Pasadena Hills Financial Plan and consistent with County policy.
15. To provide buildings and structures for District offices, maintenance facilities, meeting facilities, community centers, or any other project authorized or granted by this section.
16. To establish and create, at noticed meetings, such governmental departments of the Board of Supervisors of the District, as well as committees, task forces, boards, commissions, or other agencies under the supervision and control of the District, as from time to time the Board of Supervisors may deem necessary or desirable in the performance of the acts or other things necessary to exercise the Board of Supervisors' general or special powers to implement an innovative project and to carry out the special purpose of the District as provided in this Code, and to delegate the exercise of its powers to such departments, boards, task forces, committees, or other agencies and such administrative duties and other powers as the Board of Supervisors may deem necessary or desirable, but only if there is a set of expressed limitations for accountability, notice, and periodic written

reporting to the Board of Supervisors that shall retain the powers of the Board of Supervisors.

Except for the specific requirements set forth herein limiting mobility/impact fee surcharges, assessments, taxes and development review fees to Entitled Properties, the enumeration of special powers herein shall not be deemed exclusive or restrictive but shall be deemed to incorporate powers, express or implied, necessary or incident to carrying out such enumerated special powers, including also the general powers provided by this Code to the District to implement its single purpose. Further, the provisions of this subsection shall be construed liberally in order to carry out effectively the special purpose of this District under this Code. The District may exercise its powers to provide facilities for potable water, sewer, fire protection, mosquito control, waste collection, and waste disposal services only if such facilities are to be dedicated to and operated by the County, the County's contractors or licensees, or the County Mosquito Control District, as applicable, or if such entities decline or are unable to provide the service at the time the service becomes necessary. Nothing herein:

- a. Shall prevent the District from dedicating transportation or other capital facilities to the County if accepted by the County for operation and maintenance;
- b. Is intended to limit the power of the County to provide such facilities and to require landowners to utilize such facilities as a condition to development of lands within the District;
- c. Is intended to prohibit the District from providing additional services beyond those offered by the County; or
- d. Is intended to limit the power of the County to assess or tax land within the District in accordance with law.

F. Issuance of Bond Anticipation Notes

In addition to the other powers provided for in this section, and not in limitation thereof, the District shall have the power, at any time and from time to time after the issuance of any bonds of the District have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the Board of Supervisors may determine not to exceed the maximum rate allowed by general law, mature at such time or times not later than five (5) years from their applicable date or dates of issuance, and in such form and executed in such manner as the Board of Supervisors shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the Board of Supervisors shall determine. Such notes shall be paid from the proceeds of such bonds when

issued. The Board of Supervisors may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized shall not be issued.

G. Borrowing

The District, at any time, may obtain loans in such amount and on such terms and conditions as the Supervisors may approve for the purpose of paying any of the expenses of the District or any costs incurred or that may be incurred in connection with any of the projects of the District, which loans shall bear interest as the Board of Supervisors determines, not to exceed the maximum rate allowed by general law, and may be payable from and secured by a pledge of such funds, revenues, development fees, taxes, tax increment payments, and assessments as the Supervisors may determine, subject, however, to the provisions contained in any proceeding under which any bonds or notes were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the District may issue negotiable notes or other evidences of debt to be payable at such times and to bear such interest as the Board of Supervisors may determine, not to exceed the maximum rate allowed by general law, and to be sold or discounted at such price or prices and on such terms as the Supervisors may deem advisable. Such borrowings may be made by the District from the BCC for the County, subject to terms and conditions mutually approved by the Supervisors and the BCC. The Supervisors shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, development fees, taxes, and assessments of the District. The approval of the electors residing in the District shall not be necessary except when required by the State Constitution.

H. Bonds

1. Sale of Bonds

Bonds may be sold in blocks or installments at different times or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the Supervisors may deem advisable. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the District as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the Board of Supervisors in its discretion shall determine.

2. Authorization and Form of Bonds

Any general obligation bonds, special assessment bonds, or revenue bonds may be authorized by resolution or resolutions of the Board of Supervisors which shall be read by title only and adopted by a majority

of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The Supervisors may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended including, but not limited to, payment of costs as defined in Section 602.2.1; the rate or rates of interest, not to exceed the maximum rate allowed by general law; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed forty (40) years from their respective dates of issuance; the medium of payment; the place or places within or outside the State at which payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by Sections 159.825(1)(f) and (g), Florida Statutes, regardless of the tax treatment of such bonds being authorized, subject to the recommendation of the financial advisors to the District and the finding by the Supervisors of a financial advantage to the District resulting by reason thereof. The seal of the District may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. Electronic signatures may be utilized if allowed by State law.

3. Interim Certificates and Replacement Certificates

Pending the preparation of definitive bonds, the Board of Supervisors may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the Board of Supervisors may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Supervisors may also provide for the replacement of any bonds which become mutilated, lost, or destroyed.

4. Negotiability of Bonds

Any bond issued under this Code or any temporary bond, 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 within the meaning and for all purpose of the law merchant and the laws of the State.

5. Defeasance

The Board of Supervisors may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the District in any revenues, funds, or other properties by which such bonds are secured as the Board of Supervisors deems appropriate. Without limiting the foregoing, the Board of Supervisors may provide that when such bonds or obligations become due and payable or shall have been called for redemption, provision shall be made for paying all sums payable in connection with such bonds or other obligations and then in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void and the Board of Supervisors may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts (other than moneys held for the redemption or payment of the bonds or other obligations) to any lawful purpose of the District as the Board of Supervisors shall determine.

6. Issuance of Completion Bonds

If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the Board of Supervisors may authorize the issuance of additional completion bonds, upon such terms and conditions as the Supervisors may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

7. Refunding Bonds

The District shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the District for the purposes of debt service savings, release of covenants, or other governmental purpose. No approval of the qualified electors residing in the District shall be required for the issuance of refunding bonds except where required by the State Constitution.

8. Revenue Bonds

The District shall have the power to issue revenue bonds from time to time, without limitation as to amount, for any projects. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, tax increment, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the District; from special assessments; from benefit special assessments; or from any other source. Such bonds shall not constitute an indebtedness of the District and the approval of the qualified electors shall not be required unless the State Constitution requires a referendum.



9. General Obligation Bonds

- a. Subject to the limitations of this section, the District or County shall have the power from time to time to issue general obligation bonds, as may be authorized by State law, to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time. Except for refunding bonds issued at a lower net average interest cost rate, no General Obligation Bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the District by the BCC of the County upon the request of the Supervisors. The expenses of calling and holding an election shall be at the expense of the District and the District shall reimburse the County for any expenses incurred in calling or holding such election.
- b. The District may pledge its full faith and credit for the payment of the principal and interest on such General Obligations Bonds and for any reserve funds provided therefore, or pledge certain ad valorem taxes for the payment thereof, and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the District, to the extent necessary for the payment thereof, without limitation as to rate or amount.
- c. If the Board of Supervisors determines to issue General Obligation Bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for one or more capital projects shall not defeat the approval of any bonds for any capital project which has been approved by the electors. The estimated cost of any project approved may vary up to ten (10) percent from the initial amount in the referendum resolution and those costs may be reallocated to other approved projects so long as the total cost of all approved projects remains the same. Such provision shall be included in the referendum resolution if desired by the District.
- d. In arriving at the amount of General Obligation Bonds permitted to be outstanding at any one time pursuant to Subparagraph 602.8.H.9.b, there shall not be included any General Obligation Bonds which are additionally secured by the pledge of:
  - (1) Any assessments levied in an amount sufficient to pay the principal and interest on the General Obligation Bonds so additionally secured, which assessments have

been equalized and confirmed by resolution of the Board of Supervisors pursuant to this Code, the Pasco County Code of Ordinances, or Section 170.08, Florida Statutes.

- (2) Water revenues, sewer revenues, or water and sewer revenues of the District to be derived from user fees in an amount sufficient to pay the principal and interest on the General Obligation Bonds so additionally secured.
- (3) Any combination of assessments and revenues described in Subparagraphs 602.8.H.9.a. and b.

10. Bonds as Legal Investment or Security

- a. All bonds issued under the provisions of this Code shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, County, municipality, or other political subdivision of the State and shall be and constitute security which may be deposited by banks or trust companies as security for deposits of State, County, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.
- b. Any bonds issued by the District shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

11. Covenants

Any resolution authorizing the issuance of bonds may contain such covenants as the Board of Supervisors may deem advisable and all such covenants shall constitute valid, legally binding, and enforceable contracts between the District 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 District 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 establishment of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the District; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the District; the maintenance of deposits to ensure the payment of revenues by users of District facilities and services; the discontinuance of District services by reason of delinquent payments; acceleration upon default (excluding

bonds for self-liquidating projects secured by project revenues); 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.

12. Tax Exemption

To the extent allowed by general law, all bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the District from the projects provided by this Code shall be exempt from all taxes by the State or by any political subdivision, agency, or instrumentality thereof; however, any interest, income, or profits on debt obligations issued hereunder shall not be exempt from the tax imposed by Chapter 220, Florida Statutes.

13. Application of Section 189.4085, Florida Statutes

Bonds issued by the District shall meet the criteria set forth in Section 189.4085, Florida Statutes.

14. This Code Furnishes Full Authority for Issuance of the Bonds

This Code constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the District provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the Board of Supervisors, or any other board, officer, commission, department, agency, or instrumentality of the District, other than those required by this Code, shall be required to perform anything under this Code, except that the issuance or sale of bonds pursuant to the provisions of this Code shall comply with the general law requirements applicable to the issuance or sale of bonds by the District. Nothing in this Code shall be construed to authorize the District to utilize bond proceeds to fund the ongoing operations of the District.

15. Pledge by the County to the Bondholders of the District

The County pledges to the holders of any bonds issued under this Code that it will not limit or alter the rights of the District to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects; or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein, to the extent such limits or alterations impair the security of the bondholders; to fulfill the terms of any agreement made with the holders of such bonds or other obligations; and that it will not, in any way, impair the rights or remedies of such holders.

16. Default

A default on the bonds or obligations of a District shall not constitute a debt or obligation of the State or the County.

I. Trust Agreements

Any issue of bonds may be secured by a trust agreement by and between the District 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. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the District and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the Board of Supervisors may approve including, without limitation, those covenants set forth in Section 602.8.H.11 above. It shall be lawful for any bank or trust company within or without the State, which may act as a depository of the proceeds of bonds or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the District. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The Supervisors may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine, all in a manner consistent with general law. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

J. Ad Valorem Taxes; Benefit Special Assessments, Maintenance Special Assessments, and Special Assessments; and Maintenance Taxes

1. Ad Valorem Taxes

The Board of Supervisors shall have the power to levy and assess an ad valorem tax on all the taxable Entitled Property in the District to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any General Obligation Bonds of the District; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the Board of Supervisors for operating purposes, exclusive of debt serve on bonds, shall not exceed One Million and 00/100 Dollars (\$1,000,000.00). The ad valorem tax provided for herein shall be in addition to County and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and at the same time as County taxes.

2. Benefit Special Assessments

Subject to the limitations set forth in Section 602.8.D.14, the Board of Supervisors annually shall determine, order, and levy the annual

installment of the total benefit special assessments for bonds or notes issued and related expenses to finance assessable improvements. These assessments may be due and collected during each year that County taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the Property Appraiser by the Board of Supervisors not later than August 31 of each year. Such assessment shall be entered by the Property Appraiser on the County tax rolls and shall be collected and enforced by the Tax Collector in the same manner and at the same time as County taxes and the proceeds thereof shall be paid to the District. However, this subsection shall not prohibit the District in its discretion from using the method prescribed in Section 197.3632, Florida Statutes, as may be amended from time to time, for collecting and enforcing these assessments. Each annual installment of benefit special assessments shall be a lien on the Entitled Property against which assessed until paid and shall be enforceable in like manner as County taxes. Subject to the limitations set forth in Section 602.8.D.14, the amount of the assessment for the exercise of the District's powers shall be determined by the Supervisors based upon a report of the District's engineer and assessed by the Supervisors upon Entitled Properties, which may be part or all of the Entitled Properties in the District, apportioned between the Entitled properties in proportion to the benefits received by each entitled Property. The Supervisors may, if they determine it is in the best interest of the District, set forth in the proceedings initially levying such benefit special assessments or in subsequent proceedings a formula for the determination of an amount, which when paid by a taxpayer with respect to any tax parcel shall constitute a prepayment of all future annual installments of such benefit special assessments and that the payment of which amount with respect such tax parcel shall relieve and discharge such tax parcel of the lien of such benefit special assessments and any subsequent annual installment thereof. The Supervisors may provide further that upon delinquency in the payment of any annual installment of benefit special assessments, the prepayment amount of all future annual installments of benefit special assessments, as determined in the preceding sentence, shall become immediately due and payable together with such delinquent annual installment. Notwithstanding any contrary provision of this Code, assessments shall only be imposed on Entitled Properties. The Board of Supervisors shall grant development fees or other applicable credits to such owners of Entitled Properties to the extent such assessments may represent a prepayment of applicable Development Fees under the Pasadena Hills Financial Plan.

### 3. Non-Ad Valorem Maintenance Tax

If and when authorized by general law, to maintain and preserve the physical facilities and services constituting the works, improvements, or infrastructure provided by the District pursuant to this section; to repair and restore any one or more of them, when needed; and to defray the current expenses of the District, including any sum which may be required to pay State and County ad valorem taxes on any taxable

lands which may have been purchased and which are held by the District under the provision of this Code, the Board of Supervisors may, upon the completion of said systems, facilities, services, works, improvements, or infrastructure, in whole or in part, as may be certified to the Supervisors by the District engineer, levy annually a non-ad valorem and nonmillage tax upon each Entitled Property within the District, to be known as a "maintenance tax." This non-ad valorem maintenance tax shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from the original construction and shall be evidenced to and certified by the Board of Supervisors of the District, not later than June 1 of each year to the Property Appraiser of the County and shall be extended by the Property Appraiser on the tax roll of the Property Appraiser, as certified by the Property Appraiser to the Tax Collector, and collected by the Tax Collector on the merged collection roll of the Tax Collector in the same manner and at the same time as County ad valorem taxes and the proceeds therefrom shall be paid to the District. This non-ad valorem maintenance tax shall be a lien until paid on the Entitled Property against which assessed and enforceable in like manner and of the same dignity as County ad valorem taxes.

4. Maintenance Special Assessments

To maintain and preserve the facilities and projects of the District, the Board of Supervisors may levy a maintenance special assessment on Entitled Properties. This assessment may be evidenced to and certified to the Property Appraiser by the Board of Supervisors not later than August 31 of each year and shall be entered by the Property Appraiser on the County tax rolls and shall be collected and enforced by the Tax Collector in the same manner and at the same time as County taxes and the proceeds therefrom shall be paid to the District. However, this subsection shall not prohibit the District in its discretion from using the method prescribed in Section 197.363, Section 197.3631, or Section 197.3632, Florida Statutes, for collecting and enforcing these assessments. These maintenance special assessments shall be a lien on the Entitled Property against which assessed until paid and shall be enforceable in like manner as County taxes. The amount of the maintenance special assessment for the exercise of the District's powers under this section shall be determined by the Supervisors based upon a report of the District's engineer and assessed by the Supervisors upon such Entitled Properties, which may be part or all of the Entitled Properties within the District benefited by the maintenance thereof, apportioned between the properties in proportion to the benefit received by each Entitled Property.

5. Special Assessments

Subject to the limitations set forth in Section 602.D.14, to levy and impose any special assessments pursuant to this subsection.

6. Enforcement of Taxes

The collection and enforcement of all taxes levied by the District shall be at the same time and in like manner as County taxes and the provision of the laws of Florida 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 District to the same extent as if such statutory provision were expressly set forth herein. All taxes shall be subject to the same discounts as County taxes.

7. When Unpaid Tax is Delinquent and Penalty

All taxes provided for in this Code shall become delinquent and bear penalties on the amount of such taxes in the same manner as County taxes.

8. Status of Assessments

Benefit special assessments, maintenance special assessments, and special assessments are hereby found and determined to be non-ad valorem assessments as defined by Section 197.3632, Florida Statutes. Maintenance taxes are non-ad valorem taxes and are not special assessments.

9. Assessments Constitute Liens and Collection

Any and all assessments, including special assessments, benefit special assessments, and maintenance special assessments authorized by this section, and including special assessments as defined by Section 602.2 and granted and authorized by this subsection, and including maintenance taxes if authorized by general law, shall constitute a lien on the Entitled Property against which assessed from the date of levy and imposition thereof until paid, coequal with the lien of State, County, municipal, and School Board taxes. These assessments may be collected, at the District's discretion, under authority of Section 197.3631, Florida Statutes, as amended from time to time, by the Tax Collector pursuant to the provisions of Sections 197.3632 and 197.3635, Florida Statutes, as amended from time to time, or in accordance with other collection measures provided by law. In addition to, and not in limitation of, any powers otherwise set forth herein or in general law, these assessments may also be enforced pursuant to the provisions of Chapter 173, Florida Statutes, as amended from time to time.

10. Land Owned by Governmental Entity

Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this Code; Chapter 125, Chapter 170, or Chapter 197, Florida Statutes, as each may be amended from time to time; or otherwise by a board of a district, on

property of a governmental entity that is subject to a ground lease as described in Section 190.003(13), Florida Statutes, shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

K. Special Assessments

1. As an alternative method to the levy and imposition of special assessments pursuant to Chapter 170, Florida Statutes, pursuant to the authority of Section 197.3631, Florida Statutes, or pursuant to other provision of general law, now or hereafter enacted, or applicable County home rule ordinance, which provide a supplemental means or authority to impose, levy, and collect special assessments as otherwise authorized under this Code, the Board of Supervisors may, subject to the limitations in Section 602.8.D.14, levy and impose special assessments to finance and exercise any of its powers permitted under this Code using the following uniform procedures:

a. At a noticed meeting, the Board of Supervisors of the District may consider and review an engineer's report on the costs of the systems, facilities, and services to be provided; a preliminary assessment methodology; and a preliminary roll based on acreage or platted lands, depending upon whether platting has occurred.

(1) Subject to the limitations set forth in Section 602.8.D.14, the assessment methodology shall address and discuss, and the Supervisors shall consider, whether the systems, facilities, and services being contemplated will result in special benefits peculiar to the property, different in kind and degree than general benefits, as a logical connection between the systems, facilities, and services themselves and the property and whether the duty to pay the assessments by the property owners is apportioned in a manner that is fair and equitable and not in excess of the special benefit received. The assessment methodology shall recognize the special benefit to Entitled Properties associated with the Pasadena Hills Financial Plan infrastructure and apportion the acquisition costs or other costs of such infrastructure in a fair and equitable manner only among the Entitled Properties. It shall be fair and equitable to designate a fixed proportion of the annual debt service, together with interest thereon, on the aggregate principal amount of notes or bonds issued to finance such systems, facilities, and services which give rise to unique, special, and peculiar benefits to property of the same or similar characteristics under the assessment methodology so long as such fixed proportion does not exceed the unique, special, and peculiar benefits enjoyed by such property from such systems, facilities,



and services. The assessment methodology also shall take into consideration, where applicable, whether development fees or other credits are required for the Entitled Properties, under the adopted Pasadena Hills Financial Plan.

(2) The engineer's cost report shall identify the nature of the proposed systems, facilities, and services; their location; a cost breakdown plus a total estimated cost, including cost of construction or reconstruction, labor, and materials, lands, property, rights, easements, franchises, or systems, facilities, and services to be acquired; cost of plans and specifications; surveys of estimates of costs and revenues; costs of engineering, legal, and other professional consultation services; and other expenses or costs necessary or incident to determining the feasibility or practicability of such construction, reconstruction, acquisition, administrative expenses, relationship to the authority and power of the District in its charter, and such other expenses or costs as may be necessary or incident to the financing to be authorized by the Board of Supervisors.

(3) The preliminary assessment roll to be prepared will be in accordance with the method of assessment provided for in the assessment methodology and as may be adopted by the Board of Supervisors; shall be completed as promptly as possible and shall show the acreage, lots, lands, or plats assessed and the amount of the fairly and reasonably apportioned assessment based on special and peculiar benefit to the property, lot, parcel, or acreage of land; and, if the assessment against each such lot, parcel, acreage, or portion of land is to be paid in installments, the number of annual installments in which the assessment is divided shall be entered into and shown upon the assessment roll.

b. Subject to the limitations set forth in Section 602.8.D.14, the Board of Supervisors of the District may determine and declare by an initial assessment resolution to levy and assess the assessments with respect to assessable improvements stating the nature of the systems, facilities, and services; improvements; projects or infrastructure constituting such assessable improvements; the information in the engineer's cost report; the information in the assessment methodology as determined by the Board of Supervisors at the noticed meeting and referencing and incorporating as part of the resolution the engineer's cost report; the preliminary assessment methodology; and the preliminary assessment roll. If the Board of Supervisors determines to declare and levy the special assessments by the initial assessment resolution, the

Supervisors shall also adopt and declare a notice resolution which shall provide and cause the initial assessment resolution to be published once a week for a period of two (2) weeks in newspapers of general circulation published in the County and the Board of Supervisors shall, by the same resolution, fix a time and place at which the owner or owners of the property to be assessed or any other persons interested therein may appear before said Board of Supervisors and be heard as to the propriety and advisability of making such improvements, as to the costs thereof, as to the manner of payment therefore, and as to the amount thereof to be assessed against each property so improved. Thirty (30) days' notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each assessed property owner at his or her last known address, the names and addresses of such property owners being obtained from the records of the Pasco County Property Appraiser or from such other sources as the District Manager or engineer deems reliable. The proof of such mailing shall be made by affidavit of the Manager of the District or by the engineer and said proof is to be filed with the District Manager provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. It is provided further that the last publication shall be at least one (1) week prior to the date of the hearing on the final assessment resolution. Said notice shall describe the general areas to be improved and advise all interested persons that the description of each property to be assessed, and the amount to be assessed to each piece, parcel, lot, or acre of property, may be ascertained at the office of the Manager of the District. Such service by publication shall be verified by the affidavit of the publisher and filed with the Manager of the District. Moreover, the initial assessment resolution with its attached, referenced, and incorporated engineer's cost, report, preliminary assessment methodology, and preliminary assessment roll, along with the notice resolution, shall be available for public inspection at the office of the District Manager and the office of the engineer, or any other office designated by the Board of Supervisors in the notice resolution. Notwithstanding the foregoing, the landowners of all of the property which is proposed to be assessed may give the District written notice of waiver of any notice and publication provided for in this subparagraph and such notice and publication shall not be required; provided, however, that any meeting of the Board of Supervisors to consider such resolution shall be a publicly noticed meeting.

- c. At the time and place named in the noticed resolution as provided for in Section 602.8.K.1.b, the Board of Supervisors of the District shall meet and hear testimony from affected property owners as to the propriety and advisability of making the

systems, facilities, services, projects, works, improvements, or infrastructure and funding them with assessments referenced in the initial assessment resolution on the property. Following the testimony and questions from the Supervisors or any professional advisors to the District or the preparers of the engineer's cost report, the assessment methodology, and the assessment roll, the Board of Supervisors shall make a final decision on whether to levy and assess the particular assessments. Thereafter, the Board of Supervisors shall meet as an equalizing board to hear and to consider any and all complaints as to the particular assessments and shall adjust and equalize the assessments on the basis of justice and right.

- d. When so equalized and approved by resolution or ordinance by the Board of Supervisors, a final assessment roll shall be filed with the Clerk of the Board of Supervisors and such assessment shall stand confirmed and remain legal, valid, and binding first liens on the property against which such assessments are made until paid, equal in dignity to the first liens of ad valorem taxation of County and municipal governments and school boards. However, upon completion of the systems, facilities, service, project, improvement, works, or infrastructure, the District shall credit to each of the assessments the difference in the assessment as originally made, approved, levied, assessed, and confirmed and the proportionate part of the actual cost of the improvement to be paid by the particular special assessment as finally determined upon the completion of the improvement, but in no event shall the final assessment exceed the amount of the special and peculiar benefits as apportioned fairly and reasonably to the property from the system, facility, or service being provided as originally assessed. Promptly after such confirmation, the assessments shall be recorded by the Clerk of the District in the minutes of the proceedings of the District and the record of the lien in the minutes shall constitute prima facie evidence of its validity. The Board of Supervisors, in its sole discretion, may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of note or bond financing costs, such as capitalized interest, funded reserves, and note or bond discounts included in the estimated cost of the project, upon payment in full of any assessments prior to the time such financing costs are incurred and as may be specified by the Board of Supervisors in such resolution.
- e. District assessments may be made payable in installments over no more than thirty (30) years from the date of the payment of the first installment thereof and may bear interest at fixed or variable rates.

- 2. Notwithstanding any provision of this section or Chapter 170, Florida Statutes, that portion of Section 170.09, Florida Statutes, that provides

that assessments may be paid without interest at any time within thirty (30) days after the improvement is completed and a resolution accepting the same has been adopted by the governing authority shall not be applicable to any District assessments, whether imposed, levied, and collected pursuant to the provisions of this Code or other provision of general law including, but not limited to, Chapter 170, Florida Statutes.

3. Prior to the first record plat approval for any Entitled Property, or construction plan approval where no plat is required, the Entitled Property owner shall record a "Consent to Development Fee Surcharges and Special Assessments" in a form acceptable to the Pasco County Attorney's Office. In addition to the requirements of Subsection 602.8.M.4, the Consent to Development Fee Surcharges and Special Assessments shall:
  - a. Consent to and acknowledge the special benefit to the Entitled Property associated with the Pasadena Hills Financial Plan infrastructure, the Pasadena Hills Area Plan entitlements and zoning approvals, including the duration of such approvals, and/or the concurrency management exemption for Pasadena Hills; and
  - b. Waive any right to challenge the assessments of the District based on a lack of special benefit to the Entitled Property, or based on the District's failure to assess Non-Entitled Properties in the District or outside the District, for the costs of infrastructure identified in the Pasadena Hills Financial Plan, or for other operation and maintenance expenses.
4. If the District imposes special assessments on Entitled Properties for the costs of infrastructure identified in the Pasadena Hills Financial Plan, each Entitled Property required to pay such assessments shall be entitled to a credit against the applicable impact fees and/or mobility fees and the applicable development fee surcharges identified in Section 602.8.M, but only to the extent the special assessments are for the same infrastructure costs that were utilized to calculate the impact fees and/or mobility fees and applicable development fee surcharges in the Pasadena Hills Financial Plan.
5. Nothing in this Section 602.8.K, nor elsewhere in this section, shall preclude the imposition and collection of standard impact fees, mobility fees, or proportionate share revenue for new development or building construction upon Non-Entitled Properties within the District. Except for the transit portion of the mobility fee and impact or mobility fee administration fees, all standard impact fees, mobility fees, and proportionate share revenue related to school land, park land, and transportation/mobility impacts, and generated from new development or building construction on Non-Entitled Properties within the District, shall be utilized by the County and School Board only:

- a. Within the District; or
- b. For the designated District external mitigation project pursuant to the Financial Plan to mitigate impacts upon, or use of, District infrastructure and public facilities, as applicable.

The foregoing requirements shall apply notwithstanding any contrary provisions in this Code, Sections 1301 or 1302; however, the School Board shall not be bound by the foregoing requirements until such time that the applicable interlocal agreement(s) between the County and School Board are amended to reflect the additional restrictions required by this Code. The foregoing requirements shall not apply to impact or mobility fee credits or refunds awarded to Non-Entitled Properties prior to the effective date of this Code.

L. Tax Increment

- 1. In the MultiModal Tax Increment Ordinance (Ordinance No. 11-09, as amended), the County required a separate calculation of the Tax Increment Revenue that is generated from the real property in the District. This Tax Increment Revenue (defined as the VOPH Tax Increment Revenues) is required by the MultiModal Tax Increment Ordinance to be utilized exclusively for Transportation Capital Improvements that benefit the District, as determined by the Financial Plan (VOPH Transportation Capital Improvements). Specifically, the BCC and affected property owners in the District have determined in the Financial Plan that the planned future I-75/Overpass Interchange is a Transportation Capital Improvement that benefits the District. If any portion of the VOPH Tax Increment Revenues are utilized for a Mobility Fee Subsidy or Mobility Fee Subsidy Deficiency transfer (as defined in the MultiModal Tax Increment Ordinance), such revenues are required to be transferred to a fund earmarked for the "VOPH Fund," and such VOPH Fund must be utilized solely for VOPH Transportation Capital Improvements or for the reduction of any indebtedness for such improvements.
- 2. At such time as VOPH Tax Increment Revenues are generated, the priority of expenditures for such revenues shall be:
  - a. Repayment of any outstanding bonds for VOPH Transportation Capital Improvements;
  - b. Transfer of the Mobility Fee Subsidy and any Mobility Fee Subsidy Deficiency to the VOPH Fund, if required, which shall then be used for VOPH Transportation Capital Improvements; and
  - c. Other VOPH Transportation Capital Improvements or operation and maintenance expenses associated with such improvements. Expenditures for other purposes shall be

governed by the MultiModal Tax Increment Ordinance, as it may be amended from time to time.

3. Nothing herein shall preclude the County from adopting, by separate ordinance, additional tax increment allocations or revenue within the District.

M. Impact Fees, Mobility Fees, and Development Fee Surcharges

1. Upon the effective date of this section, all impact fees, mobility fees, and surcharge amounts collected by the County on all properties within the District for transportation/mobility, parks and recreation (land only), and schools (land only) shall be maintained in a separate fund, account, or subaccount for the District; provided, however, that the surcharges required herein shall be collected only on the Entitled Properties within the District. With the exception of the External Improvement Fee (as identified in the Pasadena Hills Financial Plan), the transit and Strategic Intermodal System (SIS) component of the mobility fee, and any impact or mobility fee administration fees, such funds, once collected, may only be expended in accordance with the requirements of law and the respective impact fee and/or mobility fee ordinances within the boundaries of the District and only in accordance with the approved Pasadena Hills Financial Plan. The foregoing requirements shall apply notwithstanding any contrary provisions in this Code, Sections 1301 or 1302; however, the School Board shall not be bound by the foregoing requirements until such time that the applicable interlocal agreement(s) between the County and School Board are amended to reflect the additional restrictions required by this Code. The foregoing requirements shall not apply to impact or mobility fee credits or refunds awarded to Non-Entitled Properties prior to the effective date of this section.
2. In accordance with the findings set forth in the Pasadena Hills Financial Plan, as amended concurrent herewith, there are hereby established the surcharges set forth in Exhibit 602-C, attached hereto, which shall be calculated by multiplying the County's generally applicable parks and recreation impact fees (land only), and school impact fees (land only), times the applicable percentage identified in Exhibit 602-C (surcharges). With respect to the surcharges applicable to mobility fees, the applicable surcharge percentage identified in Exhibit 602-C (surcharges) for any specific land use shall be multiplied times the amount allocated for incentives, if any, for such land use (rather than multiplied times the base mobility fee). If the County's generally applicable mobility fees, parks and recreation impact fees, or school impact fees change, the surcharges shall be automatically adjusted and recalculated (using the identified percentage) at the time Building Permits are issued for a specific use. In an effort to generate commerce and stimulate economic growth, diversity, and the County's tax base, and in recognition of the elasticity and economic impact of impact fees for nonresidential uses, the mobility fee surcharges have only been imposed on residential uses. In addition, the mobility fee surcharges

for residential uses in preferred forms of development. Including but not limited to Transit Oriented Development (TOD), Traditional Neighborhood Development (TND), and Mixed-Use Trip Reduction Measures (MUTRM) Development have been reduced relative to the surcharges for conventional residential development. Such reduction is consistent with the intent, purpose, and findings of the County's mobility fee regulations and Mobility Fee Study, which specifically encourage and subsidize the preferred forms of development based on the demonstrated reduction in vehicle miles traveled from such developments (as more fully set forth in the Mobility Fee Study), to help compensate for the additional infrastructure and development costs associated with such development. While the BCC supports the foregoing strategies for the mobility fee surcharges, the County shall have no obligation to subsidize or buy-down the mobility fee surcharges, except to the extent that the County is already subsidizing the base mobility fees.

3. In accordance with the findings of the Pasadena Hills Financial Plan, an amount equivalent to twenty (20%) percent of the total roadway and bicycle/pedestrian portion of the mobility fees and mobility fee surcharges collected on the Entitled Properties within the District after the effective date of this Code, designated in the Financial Plan as the "External Improvement Fee," shall be used by the County for improvements to the County and/or State roads located outside the geographic boundaries of the District but which are impacted by traffic generated from within the District or for other improvements inside or outside the District that provide a benefit to the District and the SIS. These funds shall be budgeted and allocated consistent with the County's mobility fee regulations and the findings of the Pasadena Hills Financial Plan and should, unless funded from other sources, be earmarked for the proposed I-75/Overpass Road interchange, which has been determined by the BCC and Florida Department of Transportation to provide a benefit to the District and the SIS. The County may budget and expend the entire transit portion of the mobility fee outside the geographic boundaries of the District. The calculation of the twenty (20%) percent External Improvement Fee shall be rounded to the nearest whole dollar amount and shall be exclusive of the transit portion of the mobility fee and any mobility fee administration fees. The SIS portion of the base mobility fee shall be a subset of, and not in addition to, the twenty (20%) percent of the base mobility fee allocated to the External Improvement Fee; accordingly, an amount equivalent to the SIS mobility fee shall be deposited in the SIS mobility fee account of the VOPH Fund, as established pursuant to the County's mobility fee regulations, and the remainder of the twenty (20%) percent of the base mobility fee, along with the entire twenty (20%) percent of the mobility fee Surcharge, shall be deposited in a separate "External Road Surcharge" account in the VOPH Fund. Except for the transit portion of the mobility fee, any base mobility fees and mobility fee surcharges remaining after the allocation of the twenty (20%) percent to the aforementioned accounts shall be deposited in the VOPH Fund roadway mobility fee account, bicycle/pedestrian mobility fee account

(up to the amounts identified in the Mobility Fee Schedule), and "Internal Road Surcharge" account.

The following example for a Suburban Standard, single-family detached dwelling, using May 2018 fees, is intended to illustrate the account allocations discussed above:

Single Family (Detached) (1,501 to 2,499 s.f.)														
Suburban Standard Fee Schedule (District B) 2018							VOPH Fees Calculated			Breakdown of VOPH Segregated Accounts				
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)
							= (i) / (b)	= (h) x (b)	= (g) + (i)	= (j) x 20%	= (e)	= (j) - (k) - (l)	= (m) - (o)	= (m) - (n)
Fee Before Incentive	Dollars Allocated for Incentive	Base Mobility Fee Unit Cost Road Share (Excl Int)	Base Mobility Fee Unit Cost Road Share	Base Mobility Fee Unit Cost Transit Share	Base Mobility Fee Unit Cost Bike/Ped Share	Net Mobility Fee	VOPH Development Fee % of Dollars Allocated for Incentive	VOPH Surcharge	VOPH Development Fee (Surcharge + Net Mobility Fee)	VOPH External Road Costs	VOPH External Transit Costs	VOPH Internal Road Costs	VOPH Internal Road Share	VOPH Internal Bike/Ped (Alternative Transportation) Share
\$11,615	\$3,045	\$7,043	\$1,180	\$150	\$197	\$8,570	8.51%	\$259	\$8,829	\$1,766	\$150	\$6,913	\$6,059	\$855
										20%	2%	78%	69%	10%

Note : (n) The Internal Road Share allocated for Roadways is equal to the Internal Road Costs (m) multiplied by the Internal Roadway CIP Costs divided by the sum of the Internal Roadway CIP Costs and the Alternative Transportation Facilities CIP Costs.

(o) The Internal Road Share allocated for Bike/Ped Facilities is equal to the Internal Road Costs (m) multiplied by the Alternative Transportation Facilities CIP Costs divided by the sum of the Internal Roadway CIP Costs and the Alternative Transportation Facilities CIP Costs.

Internal CIP Costs		
Internal Roadway Facilities	\$205,208,517	88%
Alternative Transportation Facilities	\$28,942,405	12%
<b>Internal CIP Costs</b>	<b>\$234,150,922</b>	<b>100%</b>

4. Prior to the first record plat approval for any Entitled Property, or construction plan approval where no plat is required, the Entitled Property owner shall record a "Consent to Development Fee Surcharges and Special Assessments" in a form acceptable to the Pasco County Attorney's Office. In addition to the requirements of Section 602.8.K.3, the Consent to Development Fee Surcharges and Special Assessments shall:
  - a. Consent to the mobility fee and impact fee surcharges required by this section;
  - b. Acknowledge the basis for the surcharges in the Financial Plan and this section;
  - c. Waive any right to challenge the surcharges based on any potential noncompliance with Florida law including, but not limited to, the dual rational nexus test for impact or mobility fees or equal protection; and
  - d. Consent to the imposition of special assessments on the property in the event that the surcharges and other revenue sources identified in the Financial Plan are insufficient or unavailable to fund the costs of infrastructure identified in the Financial Plan.
  
5. If an Entitled Property is required to pay the surcharges in this section, or County-approved land donations/acquisition, design, permitting, or construction in lieu of such surcharges, and has executed and recorded the Consent to Development Fee Surcharges and special assessments required by this section and Section 602.8.M, the Entitled Property shall be entitled to the concurrency management exemptions and credits set



forth in the Financial Plan and this Code, as amended. Specifically, such Entitled Properties are entitled to an exemption from the County's generally applicable parks and recreation concurrency management requirements. Such Entitled Properties shall also receive a credit against the County's generally applicable school concurrency requirements for any school impact fee payments, surcharges, or school land donations required by this Code or the applicable development approval for the Entitled Property. The foregoing exemptions and credits do not apply to the County's generally applicable access management, substandard road, transportation corridor, VOPH Transportation Analysis, or transit infrastructure requirements or to any concurrency public facility not specifically exempted or credited by this Code or included within the Financial Plan.

6. As of the adoption date of this section, the following Excluded Projects within the District are not Entitled Properties: Chapel Creek MPUD, Chapel Hill MPUD, Farmington Hills MPUD (AKA Lange Equestrian Village), Oak Creek MPUD, and Watergrass MPUD. Unless and until such projects become Entitled Properties, such projects shall continue to pay impact fees or mobility fees, as applicable, in accordance with this Code, as amended. The conversion of any of the foregoing projects, or any other Non-Entitled Property in the District, from a Non-Entitled Property to an Entitled Property shall not require an amendment to this Code and may be accomplished through:
  - a. A written request by the property owner to become an Entitled Property;
  - b. The property owner's written acceptance of a Concurrency Management Exemption Certificate for the property based on the Financial Plan and this Code, as amended; or
  - c. The Board of Supervisors' approval of an MPUD rezoning or zoning amendment increases the density/intensity or extends the duration of the MPUD based upon the invocation of the VOPH overlay benefits to achieve such density/intensity increases or extensions. Any such designation by the County as an Entitled Property may be subject to existing DA(s).

However, no property in the District can be converted from a Non-Entitled Property to an Entitled Property after a Final Concurrency Certificate of Capacity has been issued for the property.

7. All Entitled Properties shall receive the applicable mobility fee credits (including for Alternative Transportation Facilities), park (land) impact fee credits, and school (land) impact fee credits as provided for in the Pasadena Hills Financial Plan, as amended from time to time, for the designated land and infrastructure items and to the full extent specified therein. To encourage the Entitled Properties to front-end the required Pasadena Hills Financial Plan improvements applicable to their respective Entitled Properties and thereby to encourage development

in accordance with the VOPH Area Plan, the District shall have the authority by Resolution to establish a VOPH impact/mobility fee credit registry (the "VOPH Fee Credit Registry") whereby the Entitled Properties may, at their election, register their respective VOPH fee credit amounts as verified and approved by the County pursuant to the Pasadena Hills Financial Plan from time to time. Such Resolution may also require all developers/builders of Entitled Properties within the District first to purchase any available fee credits available in the VOPH Fee Credit Registry, at par value with the then-existing Development Fee rates within VOPH, prior to direct payment of such Development Fees to the County. The Resolution also may establish reasonable administrative fees for the County to maintain the VOPH Fee Credit Registry, the process for equitable rotation/apportionment of fee credit purchases/assignments among the Entitled Properties utilizing the VOPH Fee Credit Registry, and other procedures deemed appropriate by the District. Nothing herein shall prohibit or restrict any Entitled Property from the direct assignment of its VOPH fee credits to any third party without utilization of the VOPH Fee Credit Registry, for use of such credits on any project within the District.

8. Except as specifically set forth in this Code, or in a specific development approval or DA for an Entitled Property, the calculation, collection, administration, and expenditure of mobility/impact fees required by this Code shall be governed by this Code, Section 1302.

N. Issuance of Certificates of Indebtedness Based on Assessments for Assessable Improvements and Assessment Bonds

1. The Board of Supervisors may, after any special assessments or benefit special assessment for assessable improvements are made, determined, and confirmed as provided in this Code, issue Certificates of Indebtedness or Bonds (herein the Certificates) for the amount so assessed against the Entitled Property, as the case may be, and separate Certificates shall be issued against each part or parcel of land or property assessed, which Certificates shall state the general nature of the improvement for which the assessment is made. The Certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The Board of Supervisors may determine the interest to be borne by such Certificates, not to exceed the maximum rate allowed by general law, and may sell such Certificates at either private or public sale and determine the form, manner of execution, and other details of such Certificates. The Certificates shall recite that they are payable from the special assessment levied and collected from the part of parcel of land or property against which they are issued. The proceeds of such Certificates may be pledged for the payment of principal of, and interest on, any revenue bonds or General Obligation Bonds issued to finance in whole or in part such assessable improvement or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

2. The District may assign, for the benefit of the holders of such assessment bonds or other obligations or to a trustee of such bondholders, the assessment liens provided for in this Code. The proceeds of such assessment liens shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The District is authorized to covenant with the holders of such assessment bonds, revenue bonds, or other obligations that it will diligently and faithfully enforce and collect all the special assessments, interest, and penalties thereon; foreclose such assessment liens after they have become delinquent; and deposit the proceeds derived from such foreclosure, including interest and penalties, in a special fund and make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessments bonds or other obligations.
3. The assessment bonds, revenue bonds, or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the Board of Supervisors; however, the maturities of such assessment bonds or other obligations shall not be more than two (2) years after the due date of the last installment which will be payable on any of the special assessments.
4. Such assessment bonds, revenue bonds, or other obligations issued under this section shall bear such interest as the Board of Supervisors may determine, not to exceed the maximum rate allowed by general law; shall be executed; shall have such provision for redemption prior to maturity; shall be sold in the manner; and shall be subject to all of the applicable provisions contained in this Code for revenue bonds, except as the same may be inconsistent with the provisions of this section.
5. All assessment bonds, revenue bonds, or other obligations issued under the provisions of this section shall be, shall constitute, and shall have all the qualities and incidents of negotiable instruments under the law merchant and the law of the State.

O. Tax Liens

All taxes of the District provided for in this section, together with all penalties for default in the payment of the same and all costs in collecting the same, including reasonable attorney's fees and costs, from January 1 for each year the Entitled Property is liable to assessment and until paid, shall 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 Entitled Property within the District for State and County or other taxes shall not operate to relieve or release the Entitled Property so sold from the lien for subsequent District taxes or installments of District taxes, which lien may be enforced against such property as though no such sale thereof had been made. In addition to, and not in limitation of, the preceding sentence, for purposes of Section 197.552, Florida Statutes, the lien of all special assessment levied by the District shall

constitute a lien of record held by a County governmental unit or special district. The provision of Chapter 197, Florida Statutes, shall be applicable to District taxes with the same force and effect as if such provisions were expressly set forth in this Code.

P. Payment of Taxes and Redemption of Tax Liens by the District and Sharing in Proceeds of Tax Sales

1. The District shall have the power and right to:
  - a. Pay any delinquent State, County, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the District; and
  - b. 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 District.
2. Delinquent taxes paid, or tax sales certificates redeemed or purchased by the District, together with all penalties for the default in payment of the same and all costs in collecting the same, including reasonable attorney's fees and costs, shall constitute a lien in favor of the District of equal dignity with the liens of State and County taxes and other taxes of equal dignity with State and County taxes upon all the real property against which the taxes were levied. The lien of the District may be foreclosed in the manner provided in this Code.
3. In any sale of land pursuant to Section 197.542, Florida Statutes, the District may certify to the Clerk of the Circuit Court the amount of taxes due to the District upon the lands sought to be sold and the District shall share in the disbursement of the sales proceeds in accordance with the provisions of this Code and under the laws of the State.

Q. Foreclosure of Liens

Any lien in favor of the District arising under this Code may be foreclosed by the District by foreclosure proceedings in the name of the District in a court of competent jurisdiction as provided by general law. Other legal remedies shall all remain available to the District.

R. Competitive Procurement, Bids, Negotiations, and Related Provisions Required

1. All contracts let by the Board of Supervisors for any goods, supplies, or materials to be purchased shall be made in accordance with the requirements of the Pasco County Purchasing Ordinance. The Board of Supervisors may require the bidders to furnish bonds with a responsible surety to be approved by the Board of Supervisors. Nothing in this section shall prevent the Board of Supervisors from undertaking and performing the construction, operation, and

maintenance of any project or facility authorized by this Code by the employment of labor, material, and machinery.

2. The provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes, shall only apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the Board of Supervisors.
3. Contracts for maintenance services for any District facility or project shall be subject to competitive bidding requirements in accordance with the Pasco County Purchasing Ordinance.

S. Fees, Rentals, and Charges; Procedure for Adoption and Modifications; and Minimum Revenue Requirements

1. The District is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time for the systems, facilities, and services furnished by the District within the limits of the district including, but not limited to, recreational facilities, water management and control facilities, transit facilities, transportation facilities, public safety facilities, library facilities and services, and water and sewer systems; to recover the costs of making connection with any District service, facility, or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.
2. No such rates, fees, rentals, or other charges for any of the facilities or services of the District shall be fixed until after a public hearing at which all the users of the proposed facility or services, or owners, tenants, or occupants served or to be served thereby, and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative authority of the District, but shall not apply to District leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper of general circulation in the County at least once and at least ten (10) days prior to such public hearing. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the Board of Supervisors and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.
3. Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class and, when appropriate, may be based or computed either upon the amount of service furnished, upon

the average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the Board of Supervisors on an equitable basis.

4. The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:
  - a. To provide for all expenses of operation and maintenance of such facility or service.
  - b. To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose.
  - c. To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this Code.
5. The Board of Supervisors shall have the power to enter into contracts for the use of the projects of the District and with respect to the services, systems, and facilities furnished or to be furnished by the District.

T. VOPH Development and Administrative Review Fees

In recognition of the additional governmental review and oversight required for the proper administration of the District, the limited amount of development entitlements available within the District, and the need for future long-term planning and administration of such entitlements, a "Pasadena Hills Development Review and Administration Fee," is hereby established for Entitled Properties in an amount of Four Hundred and 00/100 Dollars (\$400.00) per residential unit or Fifty and 00/100 Dollars (\$50.00) per 1,000 square feet of building area for nonresidential uses. The foregoing amounts may be modified by resolution of the BCC, but shall not exceed the actual cost of administering, implementing, and planning for the District which may include costs that were incurred prior to the date of collection. For Entitled Properties this fee shall be in addition to all other applicable County review fees, including impact fee or mobility fee administration fees and rezoning and site plan review fees, and payable at the time of application for Preliminary Development Plan (PDP) approval, based upon the approved entitlements requested in the application, and shall be deposited in a separate account for the use and benefit of the District for the purpose of providing supplemental revenues in the planning and administration of the District. These revenues may be allocated or transferred to other County departments or funds based on the amount of time that each County department or fund contributes to the planning, administration, and implementation of the District. Those members of the Pasadena Hills Property Ownership Groups who have helped finance the

development of the original and updated Pasadena Hills Area Plan, the Pasadena Hills Financial Plan, and the Pasadena Hills governance documents shall receive a credit against this Development Review and Administration Fee in an amount equal to their financial contribution as specifically identified and set forth on Exhibit 602-D. The foregoing development review fee credits are personal property of the individuals/entities listed on Exhibit 602-D, who paid said expenses, and do not automatically run with the land owned or controlled by such individuals/ entities. To transfer the foregoing credits to another individual/entity for use within the District, the owner of the credits must submit to the County Administrator or designee a letter, signed and notarized by the owner of the credits listed on Exhibit 602-D, which specifies the name of the person/entity receiving the transfer of credits and the amount of the credit being transferred. Applicants for PDP approval that own development review fee credits shall present proof of ownership if not listed on Exhibit 602-D hereto, including the required transfer letter, where applicable, with the application for PDP approval. Payment of the applicable development review fees shall be deemed a waiver of any right to utilize credits for the particular PDP approval under review and development review fees shall be nonrefundable, once paid.

U. 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 six (6) 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 District in a civil action.

V. Enforcement and Penalties

The Board of Supervisors or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this section, including injunctive relief to enjoin or restrain any person violating the provisions of this Code or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this Code. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, land, or water is used in violation of this Code or of any code, order, resolution, or other regulation made under authority conferred by this Code or under law, the Board of Supervisors may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or avoid such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land or water.

W. Termination, Contraction, or Expansion of the District

1. Based on a request from the Pasadena Hills Planning and Policy Committee or based on the Board of Supervisor's own initiative, the BCC may amend this Code to contract, to expand, or to contract and expand the boundaries of the District.

2. The District shall remain in existence until the District is terminated and dissolved pursuant to amendment to this Code by the BCC, after retirement of any bonds, or other obligations of the District.

X. Inclusion of Territory

Unless this Code is amended pursuant to Section 602.8.W, the inclusion of any or all territory of the District within a municipality does not change, alter, or affect the boundary, territory, existence, or jurisdiction of the District.

Y. Notice of Creation and Establishment

Within thirty (30) days after the effective date of the 2020 amendment to this Code, the County shall cause to be recorded in the grantor-grantee index of the official records a "Notice of Creation and Establishment of the J. 'Ben' Harrill Villages of Pasadena Hills Stewardship District." The notice shall, at a minimum, include the legal identification of the property pursuant to Section 602.5 of this Code.

Z. District Property Public and Fees

Any system, facility, service, works, project, or other infrastructure owned by the District, or funded by Federal tax exempt bonding issued by the District, is public; and the District, by rule, may regulate and may impose reasonable charges or fees for the use thereof, but not to the extent that such regulation or imposition of such charges or fees constitutes denial of reasonable access.

602.9. **Detailing of Master Roadway Plan**

A. Status of Plan

Recognizing that the VOPH Overlay Plan has been crafted to provide the roadway network necessary to meet the mobility needs of the District, while maintaining community character, the VOPH Master Roadway Plan has been detailed in the graphics attached hereto as Exhibit 602-E. and shall have the same regulatory effect as the County's Map 7-36 Highway Vision Plan and Functional Class Map (see Section 901.1). The VOPH Master Roadway Plan shows the precise locations of the anticipated roadways throughout the District and shall supersede the County's Map 7-36 Highway Vision Plan and Functional Class Map, the County's Map 7-35 Transportation Corridor Preservation Map and Standards, and the County's arterial and major collector spacing standards for the District.

B. Modification of VOPH Master Roadway Plan

For parcels greater than twenty (20) acres, refinements to the VOPH Master Roadway Plan may be made with the approval of the County Engineer to permit relocation within the interior of the project, while maintaining the entry and exit locations detailed on the VOPH Master Roadway Plan.



On all parcels less than twenty (20) acres and in all cases where the entry and exit locations are proposed to change, the request to deviate from the VOPH Master Roadway Plan shall be presented to the Planning and Policy Committee for a recommendation and decided by the Board of Supervisors at noticed public hearings.

602.10. **VOPH-Transportation Analysis**

A. **Intent and Purpose**

The intent and purpose of this Section is to identify potential transportation needs and timing for those roadways shown on the VOPH-MRP, which serve the subject parcel, and are consistent with the Villages of Pasadena Hills Comprehensive Plan. The VOPH-TA will be used to determine the necessary conditions of approval for a MPUD zoning application to ensure consistency with the VOPH-CPA the VOPH-MRP, and the VOPH-FP.

B. **Applicability**

VOPH-TA shall be required for all Entitled Properties seeking a new or amended rezoning, or Entitled Properties proposing to eliminate or delay the timing of their existing road construction obligations.

C. **Exemptions**

1. Applications for amendments to Entitled Property zoning, where an increase in gross trips is less than 50 peak hour trips, AM or PM, whichever is higher.
2. Government buildings as defined in this Code, under the Mobility Fee definitions Appendix A.

D. **Methodology**

1. Prior to conducting any study, determine whether the County or applicant will conduct the study.
2. Set up a methodology meeting with the applicant or applicant's representative.

The date of the methodology meeting will be determined within one (1) week of distribution of the application of County staff. If the County is performing the analysis, the County will prepare and submit a methodology statement for the applicant's review no later than two (2) weeks after the methodology meeting. The purpose of the methodology statement is to establish agreed upon methodologies and assumptions prior to the start of the study and, if appropriate, to provide substantiation that the development's impacts are exempt (no net peak hour traffic impact) and further traffic study and review is not required. If the applicant chooses to perform the study, a County approved

methodology statement shall be required prior to submission of any transportation analysis. At a minimum, the following elements of the methodology, as listed below, will be specifically addressed:

1. Exemption assertions
2. Collection of traffic counts
3. Description of land uses, site location, build-out schedule, and phasing, including any interim uses generating traffic Study area
4. Study Area
5. Access locations
6. Trip generation
7. Internal capture/passerby
8. Background growth procedure
9. Distribution and assignment

If the County conducts the study, unless otherwise agreed to be the County, the applicant shall be required to obtain the traffic count data. If the County agrees to obtain the traffic counts, the time to complete these counts may delay the commencement of development review time frames in this Code, Table 303-1 Timelines for Zoning Actions. In addition, if the County acquires the traffic counts, the applicant remains responsible for paying for the associated costs. Consistent with the standards set forth in this Code, Section 901.12.E.4. Trip Counts, the County may use currently available counts. If new counts are needed, the County may choose to perform the counts in-house or through a third-party consultant.

To maintain the review schedule, if the County is performing the study, they will be required to respond to the draft methodology statement within four (4) business days. The applicant may request additional time for review, which will trigger an automatic extension of the review schedule. If the County is performing the study, the timeframe the County estimates to complete the analysis will be provided to the applicant in the methodology statement. Furthermore, if the applicant chooses not to have the County complete the analysis, the hearing timeframes provided in this Code, Section 303 Common Procedures shall be extended to permit completion of the analysis and review and comment by the County.

E. Standards for VOPH Transportation Analysis

1. Trip Generation

1. Institute of Transportation Engineers (ITE) Trip Generation Manual (ITE Manual). The latest version of the ITE Manual will be used to estimate project traffic and exempted trips traveling to and from the site and trips associated with existing entitlements. Other rates may be used by the County or may be used if requested by the applicant and approved by the County. Unless the applicant has requested a conditional approval identifying use density/intensity, rates associated with the highest trip generating use permitted by the existing/proposed zoning will be applied.
2. Interim uses. Separate trip generation estimates for interim traffic-generating uses shall also be considered.
3. Reasonable yield. Unless the applicant has requested a conditional approval identifying use density/intensity, a twenty-five (25%) percent reduction factor will be applied to the maximum allowable density/intensity to determine a reasonable assumption of trip yield from the site for both existing and proposed density/intensity. For example, a site with a proposed RES-6 (Residential – 6 du/ga) FLU Classification will be evaluated presuming a yield of 4.5 dwelling units per acre.
4. Heavy vehicles. If heavy vehicles are ten (10%) percent or more of the trips generated by the proposed land use, the total estimated trips for heavy vehicles shall be multiplied by two (2) unless ITE heavy vehicle data or other County-approved heavy vehicle trip generation data for the land use supports a different multiplier. In no event shall the multiplier be less than one (1). The multiplier will not be used in addition to the heavy vehicle adjustment factor used in the analysis software to determine the LOS.

2. Internal Capture

Internal capture estimates shall be based on ITE acceptable methodologies, and where the ITE data is not applicable, professional judgement. However, in no case will an overall internal capture of more than twenty (20%) percent be used unless a higher internal capture percentage based on verifiable documentation; e.g., field studies of comparable sites, is available. Internal capture shall include the trips associated with existing entitlements. Exempted uses are allowed in calculation of internal trip capture.

3. Passerby Capture

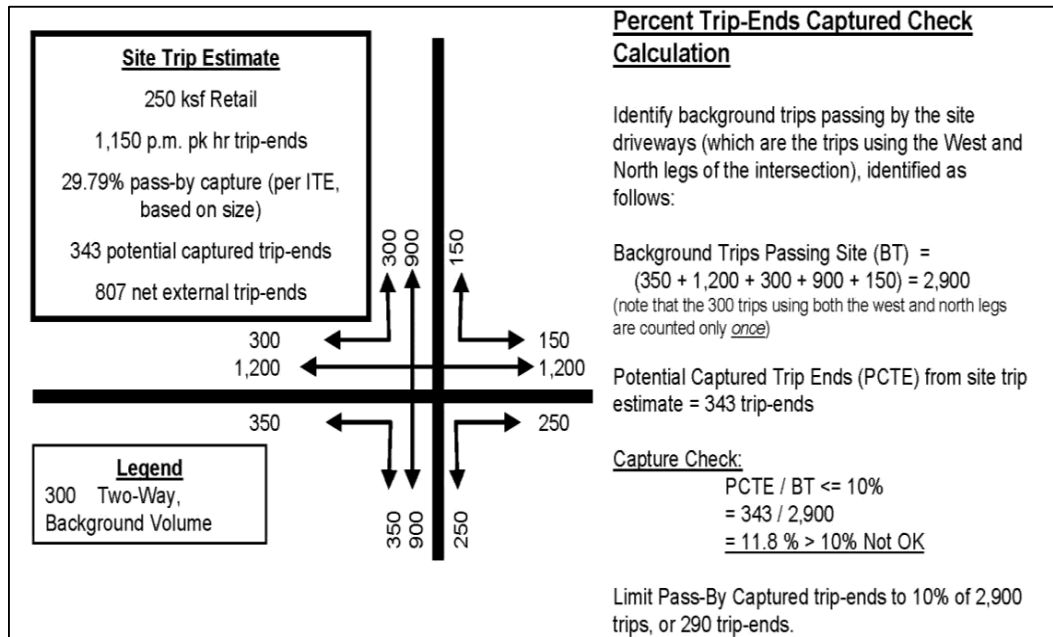
The total gross external trips of the project traffic may be reduced by a passerby factor to account for the project traffic that is already traveling on the adjacent roadway. Passerby capture will not exceed twenty

(20%) percent of the site generated traffic, unless data supporting higher rates are included in the current version of the ITE Manual reference, latest mobility fee study, or are otherwise approved by the County. In no event shall the total passerby trips entering and exiting a site exceed ten (10%) percent of the total background (existing plus future) traffic on the adjacent roadway.

In cases where median controls limit left-in/left-out access to the site, traffic on the far side of the road can be considered in assessing the upper limit on captured trips; however, the effects of that traffic in the associated necessary U-turn and added flow at the study area/impacted transportation system, the upstream and downstream median openings or intersections, should be identified as development traffic at those locations.

The passerby capture percentage shall be computed as the number of trips entering, plus exiting the site land uses claimed as captured, divided by the number of background trips passing by the site on Major County Roads directly abutting or passing through the site. An example of this computation is provided on Figure 602.10.-1

**Figure 601.10.-1**



The passerby trips shall include trips associated with the existing entitlements.

4. Trip Counts

- (1) General. All counts shall be conducted based on acceptable engineering standards. Raw turning movement counts shall be conducted during the a.m. and/or p.m. hours, consistent with

the analysis parameters. If daily tube counts are required, they shall be conducted for a minimum of forty-eight (48) hours at all intersections and road segments that are being analyzed in accordance with these provisions, unless other monitoring measures are in place. The raw counts shall be converted to the 100<sup>th</sup> highest hour of the year based on the Florida Department of Transportation's (FDOT) peak season adjustment factors. Other peak-season adjustment factors or adjustment methodologies that may result in different peak-season adjustment factors may be used at the discretion of the County.

- (2) Saturated intersections. To estimate turning movement counts for saturated intersections, the FDOT's methodology shall be followed by multiplying the average annual daily traffic tube count at appropriate locations by the directional factor and minimum K100 factors and by applying the percentage of turns obtained from the field-turning movement counts. The field-turning movement percentages may also be adjusted based on anticipated future development patterns in the area.
- (3) Tube counts at approximate locations should be provided for segment analysis using the FDOT procedure. The segment tube counts at mid-block locations should be checked against turning movements at nearby intersections. In general, the mid-block counts and turning-movement counts should not be significantly different, unless the difference can be logically explained.
- (4) Age of counts. Approved FDOT or County-maintained counts may be used if they are less than one (1) year old. However, new counts shall be performed if there are recent improvements to the transportation system causing significant changes in traffic patterns. Counts more than one (1) year old shall not be used unless the latest counts are representative of present conditions where little or no growth has occurred.

## 5. Background Traffic Growth / Future Traffic

The existing traffic counts shall be increased by a growth factor to the project's build-out date, which shall be reasonably determined.

Background traffic growth rates and background traffic volume estimates shall be based on a combination of the following techniques:

- (a) Historical growth rates (minimum of the past three [3] years) shall be used in areas where the expected growth is representative of the past growth.
- (b) Consideration of traffic from other developments shall be used in areas where the historical trend is judged by the County to be

inappropriate. This may be accomplished through application of the latest adopted Tampa Bay Regional Planning Model (TBRPM), the Metropolitan Planning Organization's (MPO) Urban Area Transportation System Planning Model, or by estimating the anticipated trips using the latest edition of the ITE Manual.

- (c) The growth/future traffic on roads that do not currently exist shall be based on the TBRPM, the latest adopted model, or other acceptable planning/engineering techniques or tools.
- (d) If the TBRPM is used, the background traffic growth for existing roads shall be determined as follows:
  - (1) Identify the validated year model volume and build-out year (future) model volume.
  - (2) Identify the growth rate between the validated year model volume and the build-out year (future) model volume.
  - (3) Apply this growth rate to the existing conditions traffic counts.

The build-out year (future) model volume is determined by applying the project's build-out year socioeconomic data to the committed and/or improved network. The build-out year socioeconomic data may be obtained by interpolating between MPO's or the County's adopted validated year and the adopted interim or future year, socioeconomic data, then adjusting to reflect the pending and approved developments.

The socioeconomic data of the model should reasonably represent, if appropriate, other developments in the vicinity of the development under review.

Minimum annual growth rates in all cases shall be two (2%) percent, unless other reasonable rates are deemed to be more appropriate by the County.

The connections of surrounding traffic analysis zones in the model shall be reviewed to reflect other approved and pending developments and to ensure appropriate network loading.

## 6. Level-of-Service (LOS) Standards

The following LOS standards shall be used:

- (1) The LOS standards for through movements on all major County road segments (facilities) shall be consistent with the standards in the Villages of Pasadena Hills Comprehensive Plan.
- (2) The volume over capacity (v/c) ratio of turning movements on Major County Roads and/or Primary and Intermediate Roadways within the VOPH-MRP cannot exceed 1.2, with a maximum delay of 120 seconds. Delays of up to 150 seconds area acceptable for turning movements with a v/c ratio less than 0.8.
- (3) For all access driveways and local street connections to Major County Roads and/or Primate and Intermediate Roadways within the VOPH-MRP, approach delays of up to 150 seconds will be acceptable.

#### 7. Study Area / Impacted Transportation System

The following roadway segments and intersections will be assumed to be within the study area and will be analyzed.

- (1) As a general rule, the study area will consist of those portions of the Primary and Intermediate Roadways (and associated intersections) that are needed to provide access to the roadways bordering the Villages of Pasadena Hills.
- (2) Roadway segments beyond those bordering the VOPH boundary will not be included in the analysis.

#### F. General Analysis Requirements and Software

1. The main focus of transportation analysis is to identify the roadways needed to serve the project, and the timing of the improvements.
2. All analysis shall be undertaken for conditions during the 100<sup>th</sup> highest hour of the year. Other analysis periods, including the a.m. peak hour, may also be conducted, if appropriate.
3. For uninterrupted road facilities (intersection spacing of more than two [2] miles), the capacity of upstream and downstream intersections may be analyzed, which may restrict the amount of traffic that can be allowed on the uninterrupted portion of the facility.
4. For purposes of analysis in *ArtPlan*, at major T-intersection, the dominant-turning movement will be assumed to be the through movement. At the County's option, FDOT Generalized Service Volumes Tables may be used for Segment Analysis.
5. Use of analysis software will be in accordance with the following:
  - (1) For unsignalized intersection, the latest version of *Highway Capacity Software* (HSC) is the preferred software.

- (2) For signalized intersections, the latest version of *Synchro* is the preferred software,
- (3) For interrupted road segments *ArtPlan* is the preferred software.
- (4) For uninterrupted flow roads (those with more than two [2] mile signal spacing), the latest version of the FDOT's Highplan is the preferred software.
- (5) Other analysis software acceptable to the County may be used to address situations not addressed by the above provisions.
- (6) Existing signal timing will be obtained from the County Traffic Operations Division. The existing signal timing, including minimum and maximum settings, will be used for the initial analysis of future conditions. Timing changes outside of the existing minimum and maximum settings may be used or timing splits may be modified, but the existing cycle length will generally remain the same.
- (7) Proposed or anticipated traffic signals may be considered in the future year condition, such as signals at development entrances.
- (h) Other parameters that govern the roadway/intersection capacity analysis should be based on the parameters described in the latest version of the HCM.

G. Analysis Scenarios

The following standards will be used in analysis.

- 1. The analysis scenarios listed below shall be applied in the following order, as necessary:
  - (1) The future scenario which includes the analysis of existing traffic, plus reasonable background traffic and project traffic at build-out on the Committed Network. If no failure occurs, the analysis stops.
  - (2) In circumstances where there is a failure, the applicant will work with the County to determine the improvements required to serve the project, in accordance with the VOPH-MRP.
- 2. For all locations which are estimated to fail, the analysis shall identify when each failure is expected as a fraction of development trips associated with on-site land quantities and the estimated year of the failure.

H. Analysis Timelines and Recommendations



## 1. Time to Complete Study

The estimated time to complete a study, including the methodology statement, is generally between one (1) to four (4) months, depending on the size of the project, associated complexities, and promptness in the applicant's responses to questions from the County.

If the County performs the analysis, applicants will have four (4) business days to comment on the methodology statement and seven (7) business days to comment on the draft analysis report. The applicant may request additional time for review which will trigger an automatic extension of the review schedule.

The County will address the applicant's comments and concerns in an efficient manner in order to complete the study within the one (1) to four (4) month period. If the applicant elects to conduct the study, the County will have 30 days from each submittal to review and respond with comments.

If there are any remaining unresolved issues with the methodology or analysis after the final study is forwarded to the applicant and the applicant chooses not to request a continuance to resolve the issues, the applicant will need to address the unresolved issues directly to the Planning and Policy Committee, Planning Commission (PC), and/or the Board of County Commissioner (BCC) at the appropriate public hearing.

- (1) When the County is conducting the analysis, the draft analysis report will be forwarded to the applicant no less than four (4) weeks prior total first public hearing and the final study will be forwarded to the applicant two (2) weeks prior to the first public hearing.
- (2) The review time/analysis period of 120 days for Entitled Property rezonings may be extended up to an additional 60 days for those projects that have outstanding issues as a result of the timing and phasing analysis.

## 2. Euclidean Rezoning

To maintain the review times provided in this Code, Section 202, the VOPH-TA shall be completed prior to submitting a Euclidean rezoning application.

## 3. Results and Recommendations

The results of the analysis will be used to provide a recommendation to the Planning and Policy Committee, PC and/or BCC. The report presented from the analysis will identify when failures are estimated to occur and to what degree the failure is as a result of the request for Entitled Property rezoning.

In circumstances where a failure is identified, recommendations shall be presented to the Planning and Policy Committee, PC and/or BCC, as appropriate. The recommendations shall be based on an evaluation of the proposed project and the total impact on the transportation network. The recommendation may be to:

- (1) Approve the project.
  - (2) Approve the project with limitations on the phasing of the project.
  - (3) Approve the project subject to the timing of improvements.
  - (4) Approve the project subject to advance payment of Development Fees.
  - (5) Approve the project with other mitigation requirements including but not limited to transit; golf carts, electric personal assistance mobility devices, mopeds, motorized scooters, micromobility devices, bicycle and pedestrian connectivity; changing the land use mix or incorporating MUTRM (Mixed Use Trip Reduction Measures), TND or TOD.
  - (6) Deny the project.
4. Deficiencies and/or Backlogs. Mitigation assessed pursuant to this section shall not assess for the additional cost of reducing or eliminating existing deficiencies or backlogs.

I. Waiver of the Requirements of this Section

The County Administrator or designee may waive any of the requirements of this section if it is determined that the requirement is not necessary to:

1. Ensure consistency with the Comprehensive Plan LOS Standards.
2. Ensure compliance with VOPH-MRP.
3. Ensure the safety of the traveling public.

J. Access Management

Access management analysis, in accordance with this Code, Section 901.3, is required for all sites that successfully become Entitled Properties.