

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 84-05 WHICH CREATED THE CHARTER OF THE BAREFOOT BAY RECREATION DISTRICT; SPECIFICALLY AMENDING ARTICLE IV TO AUTHORIZE THE BOARD OF TRUSTEES OF THE DISTRICT TO ENTER INTO CONTRACTS INVOLVING THE PURCHASE, LEASE, CONVEYANCE OR OTHER MANNER OF ACQUISITION OF COMMON REAL OR TANGIBLE PERSONAL PROPERTY WHERE THE COST, PRICE, OR CONSIDERATION FOR SUCH ACQUISITION DOES NOT EXCEED \$50,000 WITHOUT A TWO-THIRDS VOTE OF THE BOARD OF TRUSTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 1983 Florida Legislation has authorized the creation of independent special districts known as "mobile home park recreation districts" by the enactment of Sections 34 through 38 of Chapter 83-204, Laws of Florida; and

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

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

WHEREAS, the Board of County Commissioners of Brevard County created such a district for Barefoot Bay by way of Ordinance 84-05, which was approved of by a majority of the electors residing in the proposed district, and has since been amended by way of Ordinances 96-53, 08-03, 2012-01, and 18-22; and

WHEREAS, Barefoot Bay, as described herein, is a "mobile home park" under Chapter 83-204, Laws of Florida; and

WHEREAS, the Board of Trustees has recently voted to propose to the electors of the District certain amendments to the District Charter; and

WHEREAS, the electors have approved of certain amendments to the Charter so proposed in the general election held on November 8, 2022; and

WHEREAS, the 2007 Legislature of the State of Florida passed HB 1157 which provides authority for the amendments approved by the electors of the district;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. ARTICLE IV of the Charter of the Barefoot Bay Recreation District as established by Ordinance 84-05 and as amended by Ordinances 96-53, 08-03, 2012-01, and 18-22, shall be amended to read as follows, where strike-through indicates removal of language and underline indicates an addition of language:

ARTICLE IV

BOARD OF TRUSTEES

13. To enter into contracts involving the purchase, lease, conveyance, or other manner of acquisition of common real or tangible personal property. In any instance when the cost, price, or consideration for such acquisition exceeds ~~Twenty five Thousand Dollars (\$25,000.00)~~ Fifty Thousand Dollars (\$50,000), including all obligations proposed to be assumed in connection with such acquisition, such purchase, lease, conveyance, or acquisition shall not be approved unless and until:

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

Section 2. The above amendments were submitted to and approved by the electors of the district at a special election held on the 8th day of November, 2022.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

Section 4. This ordinance shall take effect immediately upon its adoption as provided by law.

[Signatures to Follow]

DONE AND ADOPTED in Regular Session, this _____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Rachel Sadoff, Clerk

By: _____
Rita Pritchett, Chair
As approved by the Board on: _____