

# Property Owners' Association of The Villages

CHAMPIONS OF RESIDENTS' RIGHTS SINCE 1975

## BULLETIN



Vol. II No. VIII

NOVEMBER 2001

# Thanksgiving

## The Silver Hair Legislature Passes Measures to Reform the Chapter 190 CDD Laws

The Florida Silver Hair Legislature (FSHL) completed its 2001 session in Tallahassee with the passage of bills that promote senior citizen interests and rights.

The FSHL is a state-wide, non-partisan, not-for-profit organization dedicated to meeting the needs of older Floridians as well as the general citizenry through advocacy and education.

Key bills were passed in the areas of elder care, nursing home regulations, teacher and education assistance, consumer affairs, housing, social security, health issues, etc.

Several bills dealing with reform of the Chapter 190 law that created the Community Development Districts (CDDs) were proposed by delegates from The Villages. These bills were consolidated successfully into what is known as House Bill HB-109. This addressed loopholes, abuses, and needed language clarification in the original CDD law.

The objective of this legislative proposal was to make the Chapter 190 law more resident-friendly in terms of rules and regulations. The eventual goal is for an even better living experience here in The Villages with improved protection for residents' rights.

These bills will now be prioritized, printed, and sent to the FSHL membership, Florida State Representatives, Florida State Senators, U.S. Congressmen, the Governor, and the Cabinet to advise them about the concerns of the FSHL.

Although not all FSHL bills are passed into official law by the actual legislators, some are. In the past, the Florida department of Elder Affairs, for example, was created as a direct

result of legislation passed in the FSHL.

The bills directed at the CDD loopholes and abuses were consolidated into one bill, HB-109, and the five main parts of the bill are summarized as follows:

**Part 1 - Calls for application of state conflict-of-interest regulations to CDD consultants.** Any person or organization, including attorneys, financiers, bankers, accountants, consultants, etc., shall be subject to all state conflict-of-interest regulations in their dealings with CDDs, landowners, developers, and any state, county, or local officials, and will not render services or advice (paid or unpaid) to any combination of these on any given issue.

*This bill addresses the conflict-of-interest situation in which advisors to developers and CDDs often advise the local and county officials that are responsible for overseeing CDD activities and operations.*

**Part 2 - This deals with the election of CDD supervisors.** In any family of CDDs, in which one of the CDDs can obligate or collect from residents in a related CDD for taxes, assessments, debt, or fees, then the supervisors in the controlling CDD shall be appointed by the developer initially for a term of two (2) years and then be elected thereafter for three (3) year terms by a popular vote of all homeowner residents living in all related CDDs in the family of CDDs.

*This bill addresses the problem, existing in the Villages, where residents cannot elect the VCCDD supervisors who buy property from the developer at inflated prices and obligate residents to pay the relate debt, now estimated*

## Remember our Veterans VETERANS DAY November 11

*at over \$250 million. This is a taxation-without-representation issue.*

**Part 3 - This deals with the approval to purchase facilities.** Whenever a CDD wishes to purchase facilities in excess of \$3 million in the aggregate, within any one twelve (12) month period, and incur related debt to be paid off by residents, it shall first obtain approval of the homeowner residents in the CDD or CDDs who shall be obligated to repay the debt, for the facilities to be purchased and the related debt obligation.

*This bill addresses the problem, existing in The Villages, where residents are not allowed to approved property purchases or the assumption of the related debt obligation. This is another taxation-without-representation issue.*

**Part 4 - This deals with the appraisal method and procedure used for the purchase of property from the developer.** Whenever a CDD wishes to purchase property or facilities in excess of \$3 million in the aggregate in any one twelve (12) month period, it shall obtain, before the purchase, at least three appraisals of the property or facilities using the "comparable properties" appraisal method, performed by independent licensed property appraisers, and it shall then pay no more than 25% above the average of the three appraisals for the property or facilities being purchased.

*This bill addresses the problem, existing in The Villages, in which inflated valuations are used by the developer to sell property to the VCCDD.*

**Part 5 - This deals with a dismissal/retention vote for the District Administrator.** Any CDD District Administrator, serving in his or her position for a total of at least twenty (20) months, shall be subject to, on the next CDD Supervisor Election Day, dismissal or retention by a popular vote of all homeowner residents eligible to vote in an election in the family of

Continued from page 1

CDDs administered by the District Administrator, when a petition requesting the vote, with proper signatures of at least 5% of all eligible voters in the family of CDDs, is filed with the local board of election commissioners on or before the deadline day for filing for candidates for any supervisor election in any CDD in the family of CDDs. Dismissed persons shall leave the District Administrator position within two (2) months of the vote and shall be ineligible for reappointment to any management position in the family of CDDs. A related bill calling for a popular election of the District Administrator was withdrawn in favor of this dismissal/retention bill.

*This bill addresses the problem in which a District Administrator is beholding to the developer who hired him or her, and is, furthermore, insensitive to the interests and needs of residents in the community.*

**Consolidation** - This consolidated bill, HB-109, was passed unanimously in both Senate and House committees, unanimously in the full House, and with only one dissenting vote in the full Senate. This is a remarkable record for any bill. This shows a high level of concern among delegates to the FSHL about the abuses and problems with the Chapter 190 law. Delegates recognized that this is a state-wide problem that affects all of us Floridians, not just residents in The Villages or in CDDs.

**Other Bills** - Another bill up for consideration dealt with censorship issues in the reporting of news in a community newspaper and other local news sources. This was withdrawn in a House committee after it was pointed out that we already have laws and constitutional guarantees addressing the issues of a free press and censorship.

Another bill seeking to prohibit persons with business, employment, or family ties to a developer from serving as a supervisor on a CDD board in the developer's CDD was defeated in committee on procedural grounds after being submitted as a supplemental bill. This bill will be considered again in future FSHL sessions. The POA plans to directly publicize to state and local officials the issues in this bill.

The HB-83 bill considered and passed by the FSHL last year was again considered this year. However, this bill, that addressed property tax reform, was not approved in committee. The primary reason was that this was a repeat of a bill from last year and delegates felt it received sufficient consideration at that time.

**Summary** - In summary, the POA is pleased with the outcome of its efforts in the FSHL session. The primary POA bills received strong support and were passed with almost no opposition.

The POA recognizes that the ultimate goal is to have a CDD Reform bill passed by the actual Florida Legislature and signed by the Governor.

But, as we pointed out in last month's issue of the Bulletin, there are strong state-wide lobbies of developers, lawyers, accountants, financiers, etc. that are well-financed and opposed to any changes in the status-quo.

However, with continued support from Village residents, and state-wide assistance from organizations like the Florida Silver Hair Legislature, we may be able to get some of these reforms passed into law.

Remember, the ultimate goal is to make The Villages an even better place in which to live. And, we can do it.

- Tom Poss -

### GOLF CARTS & TRAIL FEES

Every one who plays golf gets ripped off. Greed is such a terrible cancer. And the Villages has a bad case of Greed.

Trail fees are payed by each household who has and uses a golf cart to play golf. Well, that makes sense. Everyone pays the same amount? Questionable.

Effective January 2002, now, check this out: the amount paid covers two people in your household (you and your spouse). Now if one does not play golf you still pay the same amount. If you have someone, anyone even a resident or one of your visiting children ride with you who does not own a golf cart, they must pay a trail fee to ride with you or walk and leave the seat empty. Now comes the figures. I play once a week, at \$5. Each time that comes to \$260. a year. \$6. = \$312. a yr. And \$7. = 364. a yr. This is only for once a week, what happens if you love the game of Golf? And play two or three times a week. Wow, you had better take a mortgage out on your home.

What would happen is everyone who does not have a golf cart should start walking and leave the extra seat open? Would that back down the Developer? It would slow down all the Tee times and the Developer would not have any opening for his potential buyers and backers. Why don't we non golf cart owners start walking and start a slow down and?

Charlotte Poss-

### THE P.O.A. HAS FORMS FOR

#### FREE PRESCRIPTIONS

PLEASE COME TO A MEETING AND PICK UP COPIES OF ALL THE INFORMATION THAT YOU WILL NEED FOR THIS SERVICE. YOU CAN SEND A SELF ADDRESSED STAMPED ENVELOPE AND WE WILL MAIL YOU THE INFORMATION. —TOM POSS—

### NOMINATING COMMITTEE REPORT

At the Nov. 21<sup>st</sup> meeting of the P.O.A. the following slate of Officers and Directors will be presented to the membership. Elections will be held at this meeting, and the new slate will be sworn in at the Dec 19<sup>th</sup> meeting and the new officers will take office as of Jan. 2002.

#### OFFICERS

President Joe Gorman  
Vice Pres. Win Shook  
Secretary Monica Carter  
Treasurer Charlotte Poss

#### DIRECTORS

Tom Poss  
Frank Renner  
Ted Morris  
Dorothy Cheshire  
Paul Hiem  
Bill Snyder

Additional nominations may be made from the floor, or added to the slate, by phoning Win Shook, Sadie Woollard, or Ralph Yohn before the meeting. —Win Shook—

### HAVE I GOT A DEAL FOR YOU !

A couple times a year, I do my bit to help out. A month ago I went to Orlando, down to International Drive to shop, just to help out. This month I went to St. Petersburg Beach for a few days, because nobody is traveling. Boy, are the deals out there! I had a 20 oz T Bone Steak, with Ice Tea, and Pie for \$10.95. Another time I went to a fish house, and had a Fish Dinner and they threw in a boat ride on the Gulf of Mexico for \$10.95. The best deal is about to be put to you. I found a brand new Condo Hotel on the Gulf and I do mean new, a one or two bedroom, with living room, full kitchen, one or two boats, with washer and dryer, and a balcony looking out onto a swimming pool and the Gulf of Mexico. I was talking to Tom and said lets make a deal. OK 20% Off, so for \$99.00 a night you can spend three or four days in a new place were you can cook if you wish or go out to eat, look at TV in a living room all new, what a deal and it's only a couple hours away. Take 75 south onto 275 south to St. Petersburg, Exit 13, right to the Gulf of Mexico. Left onto Gulf Blvd., to "Carol Ann" Hotel 11360 Gulf Blvd., Treasure Island, FL 33706 Toll Free 866-367-1991.

So call today and say-Joe told me to call to help out. -Joe Gotfried Ex Pres POA-

**DON'T FORGET TO  
VOTE  
NOVEMBER 6**

## FLOWERS AND WEEDS

The Flowers and Weeds column is a good idea. And, the POA will not duck the hard issues that need to be mentioned. We ask readers to submit material for future columns.

**FLOWERS** - To the Daily Sun for the color photo layout on the second page of the daily Lifestyles section. The photos are great! What a superb way to document the activities of residents and our great way of life here in The Villages.

**WEEDS** - To the Villages street maintenance department for the re-painted white stop line at the intersection of Enrique and Cazaras going east on Enrique. Residents have complained that landscaping obscures the view south on Cazaras such that cars have to proceed into the intersection to see to the right. The maintenance department promised to move and re-paint the line, but the new line does little to solve the problem. It looks like the landscaping needs to be trimmed back to improve visibility.

**FLOWERS** - To all Villages resident for their generous outpouring of support in the fund drive for victims of the September 11 attack on the Twin Towers in New York.

**WEEDS** - To the maintenance department for letting the cats and the foxes run free and dine in the owl preserves. Maybe this is why we have so few owls in the preserves. The maintenance department needs to address this with a more deliberate and comprehensive effort.

**FLOWERS** - To the five Village residents, Tom and Charlotte Poss, Russ Day, Frank Renner, and Joe Gorman, for their recent service to the Florida Silver Hair Legislature and its recent annual session in Tallahassee. Proposals submitted by the FSHL delegates may be able to close some of the loopholes and abuses in the Chapter 190 law that created the Community Development Districts.

**WEEDS** - To all the pickup trucks that drive through The Villages and seldom, if ever, stop for stop signs.

**WEEDS** - To the "Gentleman" who was playing behind two young ladies, ages 83 & 86, on Chula Vista Golf Course early one morning in mid October. When one of the ladies was playing slowly, taking a third ball (of which we know is wrong), the gentleman was loud and sarcastic. But, Mr. Wonderful when you reach 86 I am sure you will be proud to be just perfect! By the way Mr. Wonderful quit on the 7<sup>th</sup> hole. A quitter never wins and a winner never quits. Guess he is a loser.

**WEEDS** - To the Developer, who keeps changing the Deed Restrictions and Covenants. How do you keep track of who fall under what rules, there are so many different ones?

**FLOWERS** - To all residents for showing the American Flag at their homes and on their cars.

**FLOWERS** - To Bichara Bakery and Deli for great soup and sandwiches and bakery rolls and cookies and cappuccino and clean tables and chairs and patio umbrellas, etc., etc., etc. They do a nice job.

**FLOWERS** - To Silver Lake Club for making the extra effort to bring back the atmosphere and residents to what we used to call "our club."

--Publius--

## Commission backing CHIP

Reprint from South Marion Citizen:

County Commissioner Larry Cretul told the members of Concerned Homeowners in Partnership (CHIP) last week that it's effort to change state law on the requirements for deed restricted developments on Financial reporting still has the commission's full support.

And, Cretul said, this year the board has hired a lobbyists to push its agenda including the proposed financial reporting bill in Tallahassee.

Cretul recounted the series of missteps and surprises last when Sen. Anna Cowin, R-Leesburg, said she would squire the bill through the legislature. "Little Did we know..." Cretul said.

The bill, filed late after much consternation on CHIP's part, died in committee, and fueled criticism for the senator from both CHIP and the commission, which had supported the bill.

The bill aims to require all deed restricted developments to report how money that residents are required to contribute is spent. Now many are exempt, there is no standard and there is no enforcement of violations. The county realized an ordinance it passed on the issue was ineffective because of exemptions in the state law.

One related issue CHIP is pursuing is full disclosure to potential buyers by deed restricted developments. Rep Dennis Baxley, R-Ocala, is helping CHIP get a form placed with the state that will inform potential buyers of all the information they would need to make an intelligent decision on whether to buy in a deed restricted community and what to expect.

Cretul, a builder himself, said upon reviewing a draft of the form that he didn't see what problem any developer would have with it. "It's straight forward," he said, adding that potential buyers have a right to know things such as: if any debt is being

incurred that the homeowners would have to assume what future development plans are, and what plans there may be for road improvement projects impacting the development.

Cretul said with major adjustments to the county's land use plan done, the county will now probably go to one Comprehensive Plan amendment cycle a year.

Cretul said though there is some resistance, he expects the county commission will soon adopt the first phase of a three year program to increase impact fees on new development for roads and emergency response to help pay for the cost of growth.

Finally, he asked for support with state legislators of the county's bid to have the authority to decide where manufactured housing can go with zoning. The state sued the county over the issue, noting manufactured housing now meets state building codes and so must be allowed in site-built owners in some developments. Cretul said that should be the county's decision, not the state's

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ANNUAL DUES: \$6.00

Donation: \$ \_\_\_\_\_

Due to the overhead of the Bulletin (P.O.A. Paper) any  
 contributions above the amount of membership will be appreciated.

**November 21 POA GENERAL  
 MEMBERSHIP MEETING**  
 Our next meeting is scheduled for Wed. Nov. 21,  
 7:00 PM Paradise Rec Center  
 Elections to be held  
 Update on FSHL Tallahassee

Rolls and coffee, Come and Join us  
 Nov. 21, 2001 7 pm  
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 Board of Directors - 7:00 PM  
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 Charlie Chaplin Rm - Paradise Center  
 (all POA members welcomed)  
 General Meeting - 7:00 PM  
 3<sup>rd</sup> Wednesday of the Month  
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