

House Bill No. 1707

An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Trailer Estates Fire Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against each taxable property in the district a special assessment not to exceed \$75.

Section 2. Chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, are codified, amended, reenacted, and repealed as provided herein.

Section 3. The Trailer Estates Fire Control District is re-created and the charter for the district is re-created and reenacted to read:

Section 1. Upon this act becoming a law, all of the lands in Manatee County, hereinafter described, became and were incorporated into and as a special fire control district, being an independent special taxing district, a political subdivision of the state, and having the powers and duties set forth herein under the name "Trailer Estates Fire Control District."

Section 2. The lands so incorporated being described as follows:

(a) Trailer Estates Subdivision as recorded in Plat Book 8, Page 138, of the Public Records of Manatee County, Florida.

(b) First Addition to Trailer Estates Subdivision as recorded in Plat Book 9, Page 71, of the Public Records of Manatee County, Florida.

(c) Second Addition to Trailer Estates Subdivision as recorded in Plat Book 9, Page 61, of the Public Records of Manatee County, Florida.

(d) Third Addition to Trailer Estates Subdivision as recorded in Plat Book 10, Page 69, of the Public Records of Manatee County, Florida.

(e) Fourth Addition to Trailer Estates Subdivision as recorded in Plat Book 11, Page 66, of the Public Records of Manatee County, Florida.

(f) Fifth Addition to Trailer Estates Subdivision as recorded in Plat Book 12, Page 55, of the Public Records of Manatee County, Florida.

(g) The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Twp. 35 S., Rge. 17 E.; LESS: Land Described in Deed Book 380, Page 451, Official Records Book 208, Page 156 & 157, Official Records Book 240, Pages 167 & 168, all of the Public Records of Manatee County, Florida; ALSO LESS: The South 133 feet and the East 290 feet of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$.

(h) A tract of land in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Twp. 35 S., Rge. 17 E., of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, run S. 88 degrees 30' East along the North line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 14.74 feet; thence run S. 1 degree 48' West, 100 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 50 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point; thence run N. 1 degree 48' East, 50 feet to the Point of Beginning.

(i) A tract of land in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Twp. 35 S., Rge. 17 E., of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, run S. 88 degrees 30' East along the North line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 14.74 feet; thence run S. 1 degree 48' West, 150 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 50 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point; thence run N. 1 degree 48' East, 50 feet to the Point of Beginning.

(j) A tract of land in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Twp. 35 S., Rge. 17 E., of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, run S. 88 degrees 30' East along the North line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 14.74 feet; thence run S. 1 degree 48' West, 200 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 50 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point; thence run N. 1 degree 48' East, 50 feet to the Point of Beginning.

(k) A tract of land in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Twp. 35 S., Rge. 17 E., of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, run S. 88 degrees 30' East along the North line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, 14.74 feet to the East Right-of-Way of American Way (as per plat of Trailer Estates, Third Addition, as recorded in Plat Book 10, Page 69, of the Public Records of Manatee County, Florida); thence run S. 1 degree 48' West, 270 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 100 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point on the East Right-of-Way of said

American Way; thence run N. 1 degree 48' East along the East Right-of-Way of said American Way, 100 feet to the Point of Beginning.

(1) A tract of land in the SW ¼ of the SE ¼ of the SE ¼ of Section 22, Twp. 35 S., Rge. 17 E., of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW ¼ of the SE ¼ of the SE ¼ of Section 22, run S. 88 degrees 30' East along the North line of said SW ¼ of the SE ¼ of the SE ¼, 14.74 feet; thence run S. 1 degree 48' West, 250 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 20 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point; thence run N. 1 degree 48' East, 20 feet to the Point of Beginning.

Section 3. The business and affairs of said district shall be conducted and administered by a board of five commissioners, hereinafter referred to as the "commissioners," who shall organize in January of each year by electing from their number a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one commissioner. The meeting at which the commissioners elect the officers shall be called the "organizational meeting." Said commissioners shall not receive any compensation for their services, but the secretary and treasurer may receive a salary not to exceed \$300 per annum from the funds of said district for said officers' services as secretary and/or treasurer. Each commissioner shall, before said commissioner enters upon such duties, execute to the Governor, for the benefit of said district, a good and sufficient surety bond in the sum of \$5,000 with a qualified corporate surety conditioned to faithfully perform the duties of commissioner and to account for all funds which may come into his or her hands as a commissioner. All premiums for such surety on all bonds shall be paid from the funds of said district. Each member shall, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution and section 876.05, Florida Statutes.

Section 4. All district elections shall be conducted and supervised by the Supervisor of Elections of Manatee County, under the rules governing general elections in the County of Manatee, except as otherwise provided herein. All elections shall be held at the Trailer Estates Recreation Hall in the district. Any registered voter residing in the district may vote in a district election. Application for absentee ballots may be requested from the Supervisor of Elections of Manatee County within 1 year prior to each election, and shall be counted once returned to the Supervisor of Elections' office by 7:00 p.m. on the day of each election pursuant to the Florida Election Code. All election ballots shall be prepared by the Supervisor of Elections of Manatee County. The commissioners shall be elected in nonpartisan elections. A person desiring to have his or her name placed on the ballot for election as a commissioner of the district shall be a freeholder and qualified elector residing within the district, as certified by the county property appraiser and the supervisor of elections of said county to be a freeholder and qualified elector according to the respective official records of such officers, and shall pay a filing fee of \$25 or, in the alternative, the person may qualify by obtaining the signatures of at least 25 registered electors of the district on petition forms provided by the supervisor of elections, which petitions shall be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section

105.035, Florida Statutes. Notice of said election setting forth the names of the persons proposed as commissioners of the district shall be in writing and posted at the principal office of the district not less than 15 days before the date of each election. Notwithstanding the provisions of section 101.20, Florida Statutes, the publication of a sample ballot is not required. The Supervisor of Elections of Manatee County shall appoint inspectors and clerks for the election whose duties shall be the same as similar officers in general elections, except as herein stated. Said election may be by ballot or by other electronic or electromechanical voting system, and if by ballot the same shall be written or printed in black ink on plain paper and shall be substantially in the following form:

Board of Commissioners of the Trailer Estates Fire Control
District
(stating their names)

,and if by other electronic or electromechanical voting system the requirements for the ballot herein described shall be adapted to the use of such voting system. Election of commissioners shall be held biannually on the second Tuesday of November or, in the alternative, on another Tuesday in November, in even years, in conjunction with any other special, primary, or general election to be conducted by the supervisor of elections, by electing two commissioners in 2008 and three commissioners in 2006 for 4-year terms. In the November 2008 election, Seats 2 and 4 shall be filled. In the November 2006 election, Seats 1, 3, and 5 shall be filled. Commissioners may succeed themselves in office. The term of newly elected commissioners shall commence on the first Tuesday of January following the election. Commissioners shall serve until their successors assume office, except as otherwise provided herein. The commissioners whose seats are filled pursuant to the commissioners' election in November 2004 in Seats 2 and 4 shall serve until their successors assume office following the November 2008 commissioners' election. The commissioners whose seats are filled pursuant to the commissioners' election in November 2002 in Seats 1, 3, and 5 shall serve until their successors assume office following the November 2006 commissioners' election. Each commissioner must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

Section 5. The Supervisor of Elections of Manatee County shall canvass the returns of elections and shall announce the result thereof no later than the day following the election. The expenses of the supervisor of elections for conducting each election shall be paid out of general funds of the district.

Section 6. All vacancies occurring in the board of commissioners from any cause shall be filled by the remaining commissioners by the appointment of a successor commissioner or commissioners from among the registered voters residing in the district who are freeholders within said district. An appointed commissioner shall serve until the next commissioners' election, at which time an election shall be held to fill the vacancy for the remaining term, if any. Any commissioner failing to discharge the duties of his or her position may be removed for cause by the board of commissioners, after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

Section 7. (1) The district shall have the right, power, and authority to levy special assessments against taxable real estate lying within its territorial bounds in order to provide funds for the purposes of the district. The rate of such assessments shall be fixed by a resolution of the board of commissioners, as hereinafter provided, but shall in no event exceed the sum of \$50 per annum on business firms and buildings, \$75 per annum on homes, \$0.50 per lot on vacant lots, and \$0.50 per acre or fraction thereof on unsubdivided acreage. Apartment buildings and tourist courts are to be construed as business buildings; provided, however, there shall be an additional assessment of \$0.50 for each rental unit. Trailers and mobile homes with or without cabanas, carports, or utility rooms shall be construed as homes.

(2) The county property appraiser shall furnish the commissioners with a tax roll covering all taxable properties within the territorial limits of said district upon which roll said commissioners will place the levy for each parcel of property shown thereon on or before the first day of June of each year and any property owner in said district shall have the right during the period between the tenth 10th day of June and the 20th day of June of each year to file written protest of the proposed assessments and the amount or rate thereof, and to appear before the board in support of such protest; and the board shall hold a meeting or meetings during said period to consider and act upon any such protests.

(3) Immediately after the expiration of the period last mentioned, the board of commissioners shall adopt a resolution fixing the rates of assessment and shall return the said tax roll to the county property appraiser, having first noted thereon the levy against each parcel of property described thereon, on or before the first day of July of each year. The county property appraiser shall then include in the Manatee County tax roll the assessments thus made by the Board of Commissioners of the Trailer Estates Fire Control District and the same shall be collected in the manner and form as is provided for the collection of county taxes and paid over by the county tax collector to the board of commissioners in the manner and form as is provided for the disbursement of county taxes. The county tax collector and the county property appraiser shall receive commissions and fees for assessing and collecting such assessments, of one and one-half percent to the tax collector and one and one-half percent to the property appraiser, instead of the same commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the property appraiser and the tax collector under this act are hereby declared to be special services performed directly for the district, and any payment therefor shall not be personal income of such official but shall be income to said official's office.

Section 8. Such special assessments shall be a lien upon the land so assessed along with the county taxes assessed against the same until said assessments and taxes have been paid, and if the same become delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

Section 9. The proceeds of said assessments and the funds of the district shall be deposited in the name of the district in a qualified public depository

as defined by Florida law, which depository shall be designated by resolution of the board of commissioners. No funds of the district shall be disbursed save and except by check or draft signed by any two commissioners.

Section 10. The fiscal year of the district shall commence October 1 of each year and end on September 30 of the following year. The commissioners shall, on or before April 1 of each year, prepare an annual financial statement of income and disbursements during the prior fiscal year. On or before September 1 of each year, the commissioners shall prepare and adopt an itemized budget showing the amount of money necessary for the operation of the district for the next fiscal year, and the district assessment to be assessed and collected upon the taxable property of the district for the next ensuing year. A copy of the annual financial statement and a copy of the budget shall be made available for public inspection at the principal office of the district at reasonable hours.

Section 11. The district may acquire and hold real and personal property, sue and be sued, enter into contracts, and perform other functions necessary or desirable to the carrying out of the provisions and intent of this act. No debt shall be created without the approval of the board of commissioners.

Section 12. The board of commissioners shall have the power and authority to borrow money for the purposes of the district in an amount not to exceed 50 percent of the total tax assessment of the year when such borrowing is done, provided, however, that the total accumulative debt of the district shall never exceed 50 percent of the total special assessment in any 1 year. Neither the district commissioners as a body nor any one of them as an individual shall be personally or individually liable for the repayment of such loan, such repayment shall be made out of tax receipts of the district. Except as provided in this paragraph, the district commissioners shall not create any indebtedness or incur obligations for any sum or amount which the commissioners are unable to repay out of district funds then in their hands, provided, that the district commissioners may make purchases of equipment together with funds for the erection or improvement of a fire station and/or ancillary structures of the district on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment or building loan plus the amount due in that year on any other installments and/or the repayment of any bank loan or other existing indebtedness which may be due that year.

Section 13. No funds of said district shall be used for any purposes other than the administration of the affairs and business of the district; the protection and preservation of life and property; the prevention and elimination of fires; the construction, care, maintenance, upkeep, operation, and purchase of fire fighting and rescue equipment or a fire station and any ancillary structures; installation of fire hydrants; payments of public utilities such as electric lights and water; and payments of salaries of a fire marshal and one or more firefighters as the board of commissioners may from time to time determine to be for the best interests of the district.

Section 14. The board of commissioners shall have the power and the authority to buy, sell, trade, rent, or lease real and personal property or

otherwise dispose of surplus real or personal property in the name of the district; to deliver purchase money notes and mortgages or to assume the obligation of existing mortgages in connection with the acquisition of property of the district; to mortgage real and personal property when necessary to carry out the district's duties and authority under this act; to receive gifts of real or personal property; and to acquire by gift or purchase a fire station and station site and such fire fighting and rescue equipment as is deemed necessary for the protection of said district. The board of commissioners shall have the power to cooperate or contract with other persons or entities, including other governmental agencies, as necessary, convenient, incidental, or proper in connection with providing effective mutual aid and furthering any power, duty, or purpose authorized hereunder.

Section 15. (1) The members of the board of commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of the board of commissioners, and in such meetings concurrence of a majority of said commissioners shall be necessary to any affirmative action taken by the board. The board of commissioners shall keep a permanent record book in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under Florida law. The record book shall be kept at the principal office of the district.

(2) The board of commissioners may adopt such bylaws and rules and regulations not inconsistent with any portion of this act, as it may deem necessary in and about the transaction of its business and in carrying out the provisions of this act.

(3) The board of commissioners shall have the right, power, and authority to employ by written contract the services of a technical advisor who is thoroughly familiar with the details and operations of a fire control district for any and all such technical advice as may be necessary to make the fire control district operative in accordance with this act, and fees for such services shall be payable from the funds of the said fire control district. The board of commissioners is hereby authorized to employ and to enter into agreements or contracts with consultants, engineers, attorneys, and fiscal, financial, or other experts to perform planning, engineering, legal, financial, or other professional services for the district, or any asset thereof, upon such terms and conditions as the commissioners shall deem desirable and proper.

Section 16. (1) The board of commissioners of said district may appoint a fire marshal, who shall be a person experienced in all types of fire fighting and fire prevention and who shall work with and cooperate with the Florida State Forestry Service in which the district is situated, in the prevention of fires of all types.

(2) Said fire marshal shall be required to inspect all places of business, apartment houses, hotels, motels, and other buildings within the territorial limits of the district wherein large groups of people might congregate to determine that such places have proper fire extinguishers and fire escapes,

at least two times each year, and shall submit a report on same to the board of commissioners.

Section 17. The special fire control district shall exist until dissolved by law. Should any part of the territory covered in this act be held not to be included herein, then this act shall continue in effect as to the balance of the said territory. The district may be abolished by a majority vote of the registered voters residing in the district at an election called by the board of commissioners for such purpose, which election shall be held and notice thereof given under the same requirements as are set forth hereunder for the election of commissioners and the levying and collecting of the district assessments. Provided that the district shall not be abolished while it has outstanding indebtedness without first making adequate provision for the liquidation of such outstanding indebtedness and provided, further, that the real and personal property of the district shall be conveyed or otherwise transferred by gift by the board of commissioners to the Trailer Estates Park and Recreation District, being a political subdivision of the state.

Section 18. Commissioners not guilty of malfeasance in office shall be relieved of any personal liability for any acts done by them while holding office in the district; and any commissioner who is made a party to any action, suit, or proceeding solely by reason of holding office in the district shall be indemnified by the district against reasonable expenses, including attorneys' fees, incurred by said commissioner in defending such suit, action, or proceeding, except with respect to matters wherein it shall be adjudged in such proceeding that such commissioner is liable for negligence or misconduct in the performance of the commissioner's duties.

Section 19. No suit, action, or proceeding shall be instituted or maintained in any court against said district or the commissioners, or any commissioner thereof, for or upon any claim, right, or demand of any kind or nature, unless the person or persons making such claim or demand or claiming such right shall have within 30 days after the alleged accrual of such claim, right, or demand, given to the commissioners, or one of them, a notice in writing setting forth the nature of the right, claim, or demand, the amount thereof, the place and manner in which such claim or right accrued, together with the names and addresses of all witnesses by whom such claims, rights, or demands are to be proved or established, all with sufficient detail to enable the district and the commissioners to fully investigate such claim, right, or demand; and no suit, action, or proceeding or any such demand shall be instituted within 3 months after such notice shall be given.

Section 20. The word "district" shall mean the special fire control district hereby organized; the words "board" and "board of commissioners" shall mean the board of commissioners of and for the special fire control district hereby created when used in this act, unless otherwise specified.

Section 21. If any clause, section, or provision of this act shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this act, and the remaining portion of said act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 22. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public.

Section 4. Paragraph (a) of subsection (1) of section 1 of chapter 93-352, Laws of Florida, is amended to read:

Section 1. Manatee County district boards of fire commissioners; membership.

(1)(a) The business affairs of the Cedar Hammock Fire Control District, Parrish Fire Control District, Southern Manatee Fire and Rescue District, ~~Trailer Estates Fire Control District~~, Westside Fire Control District, and Whitfield Fire Control District in Manatee County shall be conducted and administered by a five-member board that is elected by the electors of the respective districts in nonpartisan elections held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes. Each member shall be elected for a term of 4 years and shall serve until his successor is chosen and qualified, except that members elected to seats 2 and 4 in the first election held after the effective date of this act shall be elected for a term of 2 years.

Section 5. Chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, are repealed.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 2005.

Filed in Office Secretary of State June 14, 2005.