



*Res 100*

Office of  
**MANATEE COUNTY  
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

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**MEMORANDUM**

**TO:** Hon. Ron Getman—District 4 County Commissioner  
**FROM:** Robert Michael Eschenfelder—Assistant County Attorney *for file*  
**THROUGH:** Tedd N. Williams—County Attorney *9/27/06*  
**DATE:** 26 September 2006  
**RE:** Trailer Estates District Questions (RLS 06-358 & RLS 06-405) (CAO File No.: 1014B-016)

In RLS 06-358 and 06-405, you indicate that one of your constituents, a resident/owner within the Trailer Estates Park and Recreation District (the District), has brought several items of concern to you regarding the governance of Trailer Estates. Some of the specific items raised by the constituent include a concern over how vacancies on the District board are filled, and the authority of the Board to sell or lease common areas and charge user fees. Your constituent requests County intervention, if possible, and if not advice on what her recourse might be.

Trailer Estates is what the law calls an Independent Special District. It was most recently re-created by the Florida Legislature in a Special Act Charter, Chapter Law 2002-361, Laws of Florida. The Legislature granted the District, through a board of trustees, broad powers akin to that traditionally possessed by local governments. These include the authority to acquire and hold property, sue and be sued, enter into contracts, assume costs to install and maintain certain facilities and street lighting, acquire and dispose of facilities, purchase real and personal property, buy, sell, rent or lease real or personal property for the District, provide trash and garbage collection and central television signals, enforce deed restrictions, and to perform other functions necessary or desirable to carry out the intent of the Act and levy assessments and taxes to pay for the aforementioned. Under the terms of the Act and Florida's laws concerning Independent Special Districts in general, Manatee County government simply has no legal authority to assume an oversight role for those matters the Legislature placed in the hands of the District's Trustees.

With respect to this Office advising your constituent, it would be inappropriate to provide legal advice to her since this Office was created to provide advice and counsel to the Board of County Commissioners, and its subordinate boards and officers. We suggest that your constituent contact an attorney of her choosing who may advise her on the variety of administrative or legal options available to her to address her concerns with the District's governance.

I hope this response addresses your request. If I can be of further assistance, please let me know.

c: Hon. Chair and Members of the Manatee County Commission  
Ernie Padgett—County Administrator

\* Board Certified City, County & Local Government Law