

CHAPTER 2002-361

House Bill No. 981

An act relating to the Trailer Estates Park and Recreation District, Manatee County; codifying, reenacting, amending, and repealing special acts relating to the district; providing for the administration of the affairs of said district by a board of nine trustees and defining their powers and duties; providing for the qualification of electors in the district and for annual election of trustees; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district tax assessed against each improved residential parcel of real property within the district; providing that such district tax shall be a lien against each parcel of land so assessed and for the method of collecting such tax; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for publication of annual financial statements; authorizing the trustees of the district to issue bonds and other obligations of the district and to secure the same by pledge of tax revenues and other property of the district; authorizing the trustees of the district to acquire and dispose of real and personal property for the general purpose of the district; authorizing the trustees of the district to promulgate rules and regulations for the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof, and relieving individual trustees from personal liability for obligations of the district; defining terms; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Trailer Estates Park and Recreation 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.

Section 2. Chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

Section 3. The Trailer Estates Park and Recreation District is re-created and the charter is re-created and reenacted to read:

Section 1. Upon this act becoming a law, all lands described in Section 2 lying in Manatee County, hereinafter described, shall become and be incorporated into and as a park and recreation district, which shall be an independent special taxing district, having the powers and duties herein set forth, under the name of "Trailer Estates Park and Recreation District."

Section 2. The lands so to be 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. First Addition to Trailer Estates Subdivision as recorded in Plat Book 9, page 71, of the Public Records of Manatee County, Florida.
- (b) Second Addition to Trailer Estates Subdivision as recorded in Plat Book 9, page 61, of the Public Records of Manatee County, Florida.
- (c) Third Addition to Trailer Estates Subdivision as recorded in Plat Book 10, Page 69 of the Public Records of Manatee County, Florida.
- (d) Fourth Addition to Trailer Estates Subdivision as recorded in Plat Book 11, page 66, of the Public Records of Manatee County, Florida.
- (e) Fifth Addition to Trailer Estates Subdivision as recorded in Plat Book 12, page 55, of the Public Records of Manatee County, Florida.
- (f) The SW ¼ of the SE ¼ of the SE ¼ of Section 22, TWP. 35 S., Rge. 17 E.; LESS: Land Described in Deed Book 380, Page 451, Official Records Book 208, Pages 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 ¼ of the SE ¼ of the SE ¼.
- (g) 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, 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.
- (h) 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, 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.
- (i) 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, 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.

Section 3. The business and affairs of said district shall be conducted and administered by a board of nine trustees (hereinafter referred to as the

“trustees”) who, upon their annual election, shall organize by electing from their number a chair, two vice chairs, a secretary, and a treasurer. Said trustees shall not receive any compensation for their services but shall be entitled to be reimbursed from funds of the district for any authorized disbursements they may properly incur on behalf of the district. Each trustee authorized to sign checks of the district or otherwise designated to handle its funds shall, before he or she enters upon such duties, execute to the Governor for the benefit of said district, a good and sufficient bond approved by a circuit judge of Manatee County in the sum of \$5,000 with a qualified corporate surety conditioned to faithfully perform the duties of such trustee and account for all funds which may come into his or her hands as such trustee. All premiums for such surety on all bonds shall be paid from the funds of said district.

Section 4. Elections shall be held at the usual polling place within the district between the hours of 12 noon and 8 p.m. and shall be conducted and supervised by the supervisor of elections of Manatee County under the rules governing general elections in the county, except as may otherwise be provided herein. Election of the Board of Trustees shall be held annually on the first Tuesday after the first Monday of December, establishing 2-year terms for all trustees, five to be elected in even years to serve 2-year terms and four to be elected in odd years to serve 2-year terms in order of expiration of terms of office and as required to maintain a full board of nine trustees.

Section 5. The only persons qualified to vote in said election shall be owners of record of real property within said district, but they need not be actually residing in the district, nor be residents of the state. The term “owners of record” means record owners appearing on the current rolls of the tax assessor of Manatee County not less than 30 days prior to the date of each election. For the purpose of determining the qualifications of electors, the rolls of the tax assessor of Manatee County shall be presumptive evidence of the record of owners of property within the district, but such presumption may be rebutted by the voter furnishing a recorded deed or facsimile thereof to the supervisor of elections, or his or her designated agent at the polling place, at the time of voting at such election. Application for absentee ballots may be obtained from the supervisor of elections of Manatee County within 45 days prior to each annual election, and shall be counted if actually received by the supervisor of elections by 5 p.m. on the day before the date of each such election. All election ballots shall be prepared by the supervisor of elections of the county. Persons desiring to have their names placed on the ballot for election as trustee of the district shall be qualified electors as defined in this act and shall present a written petition to the supervisor of elections of Manatee County not less than 60 days prior to the date of each election, which petition shall be signed by the candidate and notarized, and signed by not less than 25 persons qualified to vote in said election within the district. Notice of said election setting forth the names of the persons proposed as trustees of the district for the next ensuing 2 years shall be given by the district in writing addressed to each record owner or owners of each parcel of property within the district, not less than 15 days before the date of each election, and shall also be published by the district one time at least 10 days prior to such election, in a newspaper of general circulation published in the county, and if no newspaper be published in said

county, then they shall cause written or printed notices of said election to be posted in five public places within said district. The trustees may 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 voting machine, 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 Trustees of the Trailer Estates Park and Recreation District
(stating their names and residence addresses)

and if by voting machine the requirements for the ballot herein described shall be adapted to the use of such voting machine. The nine persons receiving the highest number of votes shall be declared trustees of the district for the ensuing 2 years. Trustees may succeed themselves in office.

Section 6. The supervisor of elections of Manatee County shall canvass the return of election and shall announce the results thereon the day following the election. Should there be a deadlock in the balloting, a runoff election shall be held on the 3rd Tuesday of December next following the deadlocked election, except if a deadlock should occur in the first election as provided hereunder, a runoff election shall be held on the 3rd Tuesday following such deadlocked election. The supervisor of elections shall be entitled to a reasonable fee for conducting each election, payable out of general funds of the district.

Section 7. The Board of Trustees shall have the right, power, and authority to levy a special assessment known as a recreation district tax against all taxable real estate situated within said district for the purpose of providing funds for the operation of the district. The trustees shall, on or before April 1 of each year, by resolution, fix the amount of the assessment for the next ensuing year and shall direct the tax assessor of Manatee County to assess and the tax collector of Manatee County to collect such tax as assessed upon each improved residential parcel of property within the district. Prior to the adoption of the resolution fixing the amount of the assessment, the trustees shall hold a public hearing at which time property owners within the district may appear and be heard. Notice of the time and place of the public hearing shall be published once in a newspaper of general circulation within the county at least 21 days prior to the public hearing. The county tax assessor shall include on the Manatee County tax roll the special assessment for park and recreation district benefits thus made by the Board of Trustees of the district, and the same shall be collected in the manner and form as provided for collection of county taxes. The county tax collector and the county tax assessor shall each receive compensation for their services regarding such special assessment of 1-1/2 percent of the gross tax receipts instead of the commissions and fees usually earned for the assessment and collection of county taxes. Further, the services of the tax assessor 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 considered of the general income of such official nor come under sections 116.03 and 145.121, Florida Statutes. After deducting therefrom the said fees, the tax collector shall deposit the funds into a depository designated by the

Board of Trustees of the district for the account of the district. For the purpose of determining property subject to the district tax, an "improved residential parcel" shall be construed to mean a lot or lots on which a mobile home has been erected as of January 1 of the taxable year. The district tax shall not be an ad valorem tax but rather shall be a unit tax assessed equally against all improved residential parcels.

Section 8. The district may acquire and hold 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 Trustees.

Section 9. The district tax shall be a lien upon each improved residential parcel of land so assessed until said tax has been paid, and shall be considered a part of the Manatee 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 10. The proceeds for said tax and the funds of the district shall be deposited in the name of the district in a bank or savings and loan association or building and loan association authorized to receive deposits of county funds, which depository shall be designated by resolution of the Board of Trustees. No funds of the district shall be disbursed save and except by check or draft signed by the chair and treasurer of the board or, in the absence of either, by another trustee designated for that purpose by the board.

Section 11. Trustees shall hold office for a term of 2 years, and may succeed themselves. All vacancies occurring in the Board of Trustees for any cause shall be filled for the unexpired term by the remaining trustees by the appointment of a successor trustee or trustees from among the qualified electors of said district as herein defined. Any trustee failing to discharge the duties of his or her position may be removed for cause by the Board of Trustees, after due notice and an opportunity to be heard upon charges of malfeasance or misfeasance.

Section 12. The fiscal year of the district shall commence January 1. The trustees 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 April 1 of each year, the trustees 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 tax to be assessed and collected upon the taxable property of the district for the next ensuing year. Such financial statement shall be published once during the month of April each year in a newspaper of general circulation within the county. A copy of said statement and a copy of said budget shall also be furnished by mail to each taxpayer within the district within 30 days after its preparation and a copy made available for public inspection at the principal office of the district at reasonable hours.

Section 13. The property of the district shall consist of the recreational hall, shuffleboard courts, marina, playgrounds, walks, and other property and improvements now or hereafter erected or purchased by the trustees for

the district, as well as any other real or personal property which the trustees of the district may, in their discretion, determine to be necessary or convenient for the purposes of the district. In addition thereto, for the comfort and convenience of taxpayers within the district, the trustees may in their discretion assume the cost of installing and maintaining entrance parkways and street lighting within the district and may acquire and dispose of any other facilities for the general purpose of the district.

Section 14. Persons entitled to use the facilities and property of the district shall be limited to property owners within the district, their family members and guests, and such other persons and groups as the trustees may authorize from time to time.

Section 15. The trustees shall supervise all real and personal property owned by the district, and shall have the following powers in addition to those already herein enumerated:

(a) To negotiate purchases and to purchase real and personal property on behalf of the district and to pay for such purchases with either cash or by the issuance of bonds or revenue certificates.

(b) To determine and fix the tax to be assessed annually within the district.

(c) To enter into contracts on behalf of the district.

(d) To incur obligations on behalf of the district, including the power to issue bonds, notes, and other evidence of indebtedness of the district for the purpose of obtaining funds for the operation of the district, including the purchase of land, buildings, and other improvements; provided, however, that the aggregate amount of all obligations of the district payable in any fiscal year shall not exceed the aggregate amount of all revenue received by the district from all sources during such fiscal year. Bonds, notes, or other certificates of indebtedness issued by the district may be secured by the pledge of tax revenues obtained by the district, as well as by mortgage of property owned by the district.

(e) To issue its bonds to finance, in whole or in part, the cost of construction, acquisition, or improvements of real and personal property of the district. The trustees, in determining such costs, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal, and legal expenses, all costs of preliminary surveys, plans, maps, and specifications, initial reserve funds for debt service, the costs of the services of persons, firms, corporations, partnerships, or associations employed, or consultants, advisors, engineers, or fiscal, financial, or other experts in the planning, preparation, and financing of the district. The trustees are hereby authorized to employ and to enter into agreements or contracts with consultants, engineers, attorneys, or fiscal, financial, or other experts for the planning, preparation, and financing of the district, or any asset thereof, upon such terms and conditions as the trustees shall deem desirable and proper. The district may pledge to the punctual payment of bonds or revenue certificates issued pursuant to this act, and interest thereon, an amount of the revenue derived from the facilities and services of the district, including

acquisitions, extensions, and improvements thereof sufficient to pay said bonds and the interest thereon as the same shall become due and to create and maintain reasonable reserves therefor.

(f) To buy, sell, rent, or lease real and 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; and to receive gifts of real or personal property.

(g) To promulgate reasonable rules and regulations governing the use of the facilities of the district.

(h) To provide trash and garbage collection and central television antenna signals and services for the benefit of all persons residing within the district, to own, operate, and maintain the necessary equipment and apparatus, or to contract with others to provide such services, and to hold such franchises as may be necessary or desirable to provide such services.

(i) To use district funds in the administration and enforcement of the deed restriction as filed in the Manatee County public records for properties within the district.

(j) To recover all costs and reasonable attorney's fees in addition to other appropriate relief should the trustees be the prevailing party in any litigation, and in any appellate proceedings, involving the enforcement of this act and/or the deed restrictions as filed in the Manatee County public records.

Section 16. The construction, acquisition, or improvements of real or personal property of the district, or the refunding of any bonds or other obligations issued for such purposes, may be authorized under this act. Bonds may be authorized to be issued under this act to provide funds for such purposes by resolution or resolutions of the trustees, which may be adopted at the same meeting at which they were introduced and may be adopted by a majority of the members thereof, and shall take effect immediately upon adoption and need not be published or posted. Said bonds shall bear interest at such rate or rates not exceeding 6 percent per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may be made payable in such medium of payment, at such place, within or without the state, may carry such registration privileges, may be subject to such terms of redemption, with or without premium, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolution may provide. Said bonds may be sold all at one time or in blocks from time to time, at public or private sale, or if refunding bonds, may also be delivered and exchanged for the outstanding obligations to be refunded thereby, in such manner as the trustees shall determine by resolution, and at such price or prices computed according to standard tables of bond value as will yield to the purchasers or the holders of the obligations surrendered in exchange in the case of refunding bonds, income at a rate not exceeding 6 percent per annum to the maturity dates of the several bonds so sold or exchanged on the money paid or the principal amount of obligations surrendered therefor to the district. Pending the preparation of the

definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the trustees may determine may be issued to the purchaser or purchasers of the bonds sold pursuant to this act. Said bonds, and such interim certificates or receipts or temporary bonds, shall be fully negotiable.

Section 17. A record shall be kept of all meetings of the Board of Trustees and in such meetings a concurrence of a majority of said trustees shall be necessary for any affirmative action taken by the board. Said trustees may adopt such rules and regulations, not inconsistent with any portion of this act, as they may deem necessary or convenient in and about the transaction of the business of the board and in carrying out the provisions of this act.

Section 18. For the general purposes of this act, each parcel of improved residential property in said district is hereby declared to be uniformly and generally benefited by the provisions hereof.

Section 19. The district hereby created may be abolished by a majority vote of the qualified electors in the district at an election called by the trustees of the district 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 trustees and the levying and collecting of the district tax. However, the district shall not be abolished while it has outstanding indebtedness without first making adequate provisions for the liquidation of such outstanding indebtedness.

Section 20. Trustees 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; any trustee who is made a party to any action, suit, or proceeding solely by reason of his or her holding office in the district shall be indemnified by the district against reasonable expenses, including attorney's fees, incurred by him or her in defending such suit, action, or proceeding, except with respect to matters wherein it shall be adjudged in such proceeding that such trustee is liable for negligence or misconduct in the performance of his or her duties.

Section 21. The word "district" means the special park and recreation district hereby organized; the words "board," "trustees," and "Board of Trustees" mean the Board of Trustees of and for the special park and recreation district hereby created when used in this act, unless otherwise specified.

Section 22. (a) Notwithstanding any provisions to the contrary (as may now appear in section 8, section 13, or section 15), the trustees of Trailer Estates Park and Recreation District shall not enter into any contract involving the initial purchase, lease, conveyance, or other manner of acquisition of real or tangible personal property constituting recreational facilities, which presently exist within the territory included in the Trailer Estates Park and Recreation District, in any instance when the cost price or consideration therefor exceeds \$25,000 including all obligations proposed to be assumed in connection with such acquisition, unless:

(1) The trustees by two-thirds vote have approved the terms and conditions of such acquisition by written resolution;

(2) Within not less than 30 nor more than 60 days after the date of the resolution, the trustees certify the resolution to the supervisor of elections of Manatee County for a referendum election; and

(3) A majority of qualified electors of the district voting in a referendum election approve the resolution.

(b) The qualifications of voters, notice, and procedure for this referendum shall be the same as set forth herein for the election of trustees and for special referendum elections.

Section 4. Chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of Florida, are repealed.

Section 5. In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 6. The provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor April 24, 2002.

Filed in Office Secretary of State April 24, 2002.

