

ENROLLED

HB 1707

2005 Legislature

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A bill to be entitled

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

ENROLLED

HB 1707

2005 Legislature

29 the authority to annually assess and levy against each taxable  
 30 property in the district a special assessment not to exceed \$75.

31 Section 2. Chapters 63-1587, 65-1894, 65-1895, 72-613, 80-  
 32 534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, are  
 33 codified, amended, reenacted, and repealed as provided herein.

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

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

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

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

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

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

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

ENROLLED

HB 1707

2005 Legislature

- 57           (e) Fourth Addition to Trailer Estates  
 58           Subdivision as recorded in Plat Book 11, Page 66, of  
 59           the Public Records of Manatee County, Florida.
- 60           (f) Fifth Addition to Trailer Estates  
 61           Subdivision as recorded in Plat Book 12, Page 55, of  
 62           the Public Records of Manatee County, Florida.
- 63           (g) The SW 1/4 of the SE 1/4 of the SE 1/4 of  
 64           Section 22, Twp. 35 S., Rge. 17 E.; LESS: Land  
 65           Described in Deed Book 380, Page 451, Official Records  
 66           Book 208, Page 156 & 157, Official Records Book 240,  
 67           Pages 167 & 168, all of the Public Records of Manatee  
 68           County, Florida; ALSO LESS: The South 133 feet and the  
 69           East 290 feet of said SW 1/4 of the SE 1/4 of the SE  
 70           1/4.
- 71           (h) A tract of land in the SW 1/4 of the SE 1/4  
 72           of the SE 1/4 of Section 22, Twp. 35 S., Rge. 17 E.,  
 73           of Manatee County, Florida, more particularly  
 74           described as follows: From the NW corner of said SW  
 75           1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S.  
 76           88 degrees 30' East along the North line of said SW  
 77           1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence  
 78           run S. 1 degree 48' West, 100 feet for a Point of  
 79           Beginning; thence run S. 88 degrees 30' East, 130 feet  
 80           to a point; thence run S. 1 degree 48' West, 50 feet  
 81           to a point; thence run N. 88 degrees 30' West, 130  
 82           feet to a point; thence run N. 1 degree 48' East, 50  
 83           feet to the Point of Beginning.
- 84           (i) A tract of land in the SW 1/4 of the SE 1/4  
 85           of the SE 1/4 of Section 22, Twp. 35 S., Rge. 17 E.,

ENROLLED

HB 1707

2005 Legislature

86 of Manatee County, Florida, more particularly  
 87 described as follows: From the NW corner of said SW  
 88 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S.  
 89 88 degrees 30' East along the North line of said SW  
 90 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence  
 91 run S. 1 degree 48' West, 150 feet for a Point of  
 92 Beginning; thence run S. 88 degrees 30' East, 130 feet  
 93 to a point; thence run S. 1 degree 48' West, 50 feet  
 94 to a point; thence run N. 88 degrees 30' West, 130  
 95 feet to a point; thence run N. 1 degree 48' East, 50  
 96 feet to the Point of Beginning.

97 (j) A tract of land in the SW 1/4 of the SE 1/4  
 98 of the SE 1/4 of Section 22, Twp. 35 S., Rge. 17 E.,  
 99 of Manatee County, Florida, more particularly  
 100 described as follows: From the NW corner of said SW  
 101 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S.  
 102 88 degrees 30' East along the North line of said SW  
 103 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence  
 104 run S. 1 degree 48' West, 200 feet for a Point of  
 105 Beginning; thence run S. 88 degrees 30' East, 130 feet  
 106 to a point; thence run S. 1 degree 48' West, 50 feet  
 107 to a point; thence run N. 88 degrees 30' West, 130  
 108 feet to a point; thence run N. 1 degree 48' East, 50  
 109 feet to the Point of Beginning.

110 (k) A tract of land in the SW 1/4 of the SE 1/4  
 111 of the SE 1/4 of Section 22, Twp. 35 S., Rge. 17 E.,  
 112 of Manatee County, Florida, more particularly  
 113 described as follows: From the NW corner of said SW  
 114 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S.

ENROLLED

HB 1707

2005 Legislature

115 88 degrees 30' East along the North line of said SW  
 116 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet to the  
 117 East Right-of-Way of American Way (as per plat of  
 118 Trailer Estates, Third Addition, as recorded in Plat  
 119 Book 10, Page 69, of the Public Records of Manatee  
 120 County, Florida); thence run S. 1 degree 48' West, 270  
 121 feet for a Point of Beginning; thence run S. 88  
 122 degrees 30' East, 130 feet to a point; thence run S. 1  
 123 degree 48' West, 100 feet to a point; thence run N. 88  
 124 degrees 30' West, 130 feet to a point on the East  
 125 Right-of-Way of said American Way; thence run N. 1  
 126 degree 48' East along the East Right-of-Way of said  
 127 American Way, 100 feet to the Point of Beginning.

128 (1) A tract of land in the SW 1/4 of the SE 1/4  
 129 of the SE 1/4 of Section 22, Twp. 35 S., Rge. 17 E.,  
 130 of Manatee County, Florida, more particularly  
 131 described as follows: From the NW corner of said SW  
 132 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S.  
 133 88 degrees 30' East along the North line of said SW  
 134 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence  
 135 run S. 1 degree 48' West, 250 feet for a Point of  
 136 Beginning; thence run S. 88 degrees 30' East, 130 feet  
 137 to a point; thence run S. 1 degree 48' West, 20 feet  
 138 to a point; thence run N. 88 degrees 30' West, 130  
 139 feet to a point; thence run N. 1 degree 48' East, 20  
 140 feet to the Point of Beginning.

141  
 142 Section 3. The business and affairs of said district shall  
 143 be conducted and administered by a board of five commissioners,

ENROLLED

HB 1707

2005 Legislature

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

164 Section 4. All district elections shall be conducted and  
 165 supervised by the Supervisor of Elections of Manatee County,  
 166 under the rules governing general elections in the County of  
 167 Manatee, except as otherwise provided herein. All elections  
 168 shall be held at the Trailer Estates Recreation Hall in the  
 169 district. Any registered voter residing in the district may vote  
 170 in a district election. Application for absentee ballots may be  
 171 requested from the Supervisor of Elections of Manatee County  
 172 within 1 year prior to each election, and shall be counted once

## ENROLLED

HB 1707

2005 Legislature

173 returned to the Supervisor of Elections' office by 7:00 p.m. on  
174 the day of each election pursuant to the Florida Election Code.  
175 All election ballots shall be prepared by the Supervisor of  
176 Elections of Manatee County. The commissioners shall be elected  
177 in nonpartisan elections. A person desiring to have his or her  
178 name placed on the ballot for election as a commissioner of the  
179 district shall be a freeholder and qualified elector residing  
180 within the district, as certified by the county property  
181 appraiser and the supervisor of elections of said county to be a  
182 freeholder and qualified elector according to the respective  
183 official records of such officers, and shall pay a filing fee of  
184 \$25 or, in the alternative, the person may qualify by obtaining  
185 the signatures of at least 25 registered electors of the  
186 district on petition forms provided by the supervisor of  
187 elections, which petitions shall be submitted and checked in the  
188 same manner as petitions filed by nonpartisan judicial  
189 candidates pursuant to section 105.035, Florida Statutes. Notice  
190 of said election setting forth the names of the persons proposed  
191 as commissioners of the district shall be in writing and posted  
192 at the principal office of the district not less than 15 days  
193 before the date of each election. Notwithstanding the provisions  
194 of section 101.20, Florida Statutes, the publication of a sample  
195 ballot is not required. The Supervisor of Elections of Manatee  
196 County shall appoint inspectors and clerks for the election  
197 whose duties shall be the same as similar officers in general  
198 elections, except as herein stated. Said election may be by  
199 ballot or by other electronic or electromechanical voting  
200 system, and if by ballot the same shall be written or printed in

ENROLLED

HB 1707

2005 Legislature

201 black ink on plain paper and shall be substantially in the  
 202 following form:

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

206  
 207 ,and if by other electronic or electromechanical voting system  
 208 the requirements for the ballot herein described shall be  
 209 adapted to the use of such voting system. Election of  
 210 commissioners shall be held biannually on the second Tuesday of  
 211 November or, in the alternative, on another Tuesday in November,  
 212 in even years, in conjunction with any other special, primary,  
 213 or general election to be conducted by the supervisor of  
 214 elections, by electing two commissioners in 2008 and three  
 215 commissioners in 2006 for 4-year terms. In the November 2008  
 216 election, Seats 2 and 4 shall be filled. In the November 2006  
 217 election, Seats 1, 3, and 5 shall be filled. Commissioners may  
 218 succeed themselves in office. The term of newly elected  
 219 commissioners shall commence on the first Tuesday of January  
 220 following the election. Commissioners shall serve until their  
 221 successors assume office, except as otherwise provided herein.  
 222 The commissioners whose seats are filled pursuant to the  
 223 commissioners' election in November 2004 in Seats 2 and 4 shall  
 224 serve until their successors assume office following the  
 225 November 2008 commissioners' election. The commissioners whose  
 226 seats are filled pursuant to the commissioners' election in  
 227 November 2002 in Seats 1, 3, and 5 shall serve until their  
 228 successors assume office following the November 2006  
 229 commissioners' election. Each commissioner must be a qualified



ENROLLED

HB 1707

2005 Legislature

230 elector at the time he or she qualifies and continually  
 231 throughout his or her term.

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

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

249 Section 7. (1) The district shall have the right, power,  
 250 and authority to levy special assessments against taxable real  
 251 estate lying within its territorial bounds in order to provide  
 252 funds for the purposes of the district. The rate of such  
 253 assessments shall be fixed by a resolution of the board of  
 254 commissioners, as hereinafter provided, but shall in no event  
 255 exceed the sum of \$50 per annum on business firms and buildings,  
 256 \$75 per annum on homes, \$0.50 per lot on vacant lots, and \$0.50  
 257 per acre or fraction thereof on unsubdivided acreage. Apartment  
 258 buildings and tourist courts are to be construed as business

ENROLLED

HB 1707

2005 Legislature

259 buildings; provided, however, there shall be an additional  
 260 assessment of \$0.50 for each rental unit. Trailers and mobile  
 261 homes with or without cabanas, carports, or utility rooms shall  
 262 be construed as homes.

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

275 (3) Immediately after the expiration of the period last  
 276 mentioned, the board of commissioners shall adopt a resolution  
 277 fixing the rates of assessment and shall return the said tax  
 278 roll to the county property appraiser, having first noted  
 279 thereon the levy against each parcel of property described  
 280 thereon, on or before the first day of July of each year. The  
 281 county property appraiser shall then include in the Manatee  
 282 County tax roll the assessments thus made by the Board of  
 283 Commissioners of the Trailer Estates Fire Control District and  
 284 the same shall be collected in the manner and form as is  
 285 provided for the collection of county taxes and paid over by the  
 286 county tax collector to the board of commissioners in the manner  
 287 and form as is provided for the disbursement of county taxes.

ENROLLED

HB 1707

2005 Legislature

288 The county tax collector and the county property appraiser shall  
 289 receive commissions and fees for assessing and collecting such  
 290 assessments, of one and one-half percent to the tax collector  
 291 and one and one-half percent to the property appraiser, instead  
 292 of the same commissions and fees usually earned for the  
 293 assessment and collection of county taxes. Further, the services  
 294 of the property appraiser and the tax collector under this act  
 295 are hereby declared to be special services performed directly  
 296 for the district, and any payment therefor shall not be personal  
 297 income of such official but shall be income to said official's  
 298 office.

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

306 Section 9. The proceeds of said assessments and the funds  
 307 of the district shall be deposited in the name of the district  
 308 in a qualified public depository as defined by Florida law,  
 309 which depository shall be designated by resolution of the board  
 310 of commissioners. No funds of the district shall be disbursed  
 311 save and except by check or draft signed by any two  
 312 commissioners.

313 Section 10. The fiscal year of the district shall commence  
 314 October 1 of each year and end on September 30 of the following  
 315 year. The commissioners shall, on or before April 1 of each  
 316 year, prepare an annual financial statement of income and

ENROLLED

HB 1707

2005 Legislature

317 disbursements during the prior fiscal year. On or before  
 318 September 1 of each year, the commissioners shall prepare and  
 319 adopt an itemized budget showing the amount of money necessary  
 320 for the operation of the district for the next fiscal year, and  
 321 the district assessment to be assessed and collected upon the  
 322 taxable property of the district for the next ensuing year. A  
 323 copy of the annual financial statement and a copy of the budget  
 324 shall be made available for public inspection at the principal  
 325 office of the district at reasonable hours.

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

331 Section 12. The board of commissioners shall have the  
 332 power and authority to borrow money for the purposes of the  
 333 district in an amount not to exceed 50 percent of the total tax  
 334 assessment of the year when such borrowing is done, provided,  
 335 however, that the total accumulative debt of the district shall  
 336 never exceed 50 percent of the total special assessment in any 1  
 337 year. Neither the district commissioners as a body nor any one  
 338 of them as an individual shall be personally or individually  
 339 liable for the repayment of such loan, such repayment shall be  
 340 made out of tax receipts of the district. Except as provided in  
 341 this paragraph, the district commissioners shall not create any  
 342 indebtedness or incur obligations for any sum or amount which  
 343 the commissioners are unable to repay out of district funds then  
 344 in their hands, provided, that the district commissioners may  
 345 make purchases of equipment together with funds for the erection

ENROLLED

HB 1707

2005 Legislature

346 or improvement of a fire station and/or ancillary structures of  
 347 the district on an installment basis as necessary if funds are  
 348 available for the payment of the current year's installment on  
 349 such equipment or building loan plus the amount due in that year  
 350 on any other installments and/or the repayment of any bank loan  
 351 or other existing indebtedness which may be due that year.

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

363 Section 14. The board of commissioners shall have the  
 364 power and the authority to buy, sell, trade, rent, or lease real  
 365 and personal property or otherwise dispose of surplus real or  
 366 personal property in the name of the district; to deliver  
 367 purchase money notes and mortgages or to assume the obligation  
 368 of existing mortgages in connection with the acquisition of  
 369 property of the district; to mortgage real and personal property  
 370 when necessary to carry out the district's duties and authority  
 371 under this act; to receive gifts of real or personal property;  
 372 and to acquire by gift or purchase a fire station and station  
 373 site and such fire fighting and rescue equipment as is deemed  
 374 necessary for the protection of said district. The board of

ENROLLED

HB 1707

2005 Legislature

375 commissioners shall have the power to cooperate or contract with  
 376 other persons or entities, including other governmental  
 377 agencies, as necessary, convenient, incidental, or proper in  
 378 connection with providing effective mutual aid and furthering  
 379 any power, duty, or purpose authorized hereunder.

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

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

397 (3) The board of commissioners shall have the right,  
 398 power, and authority to employ by written contract the services  
 399 of a technical advisor who is thoroughly familiar with the  
 400 details and operations of a fire control district for any and  
 401 all such technical advice as may be necessary to make the fire  
 402 control district operative in accordance with this act, and fees  
 403 for such services shall be payable from the funds of the said

## ENROLLED

HB 1707

2005 Legislature

404 fire control district. The board of commissioners is hereby  
405 authorized to employ and to enter into agreements or contracts  
406 with consultants, engineers, attorneys, and fiscal, financial,  
407 or other experts to perform planning, engineering, legal,  
408 financial, or other professional services for the district, or  
409 any asset thereof, upon such terms and conditions as the  
410 commissioners shall deem desirable and proper.

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

417 (2) Said fire marshal shall be required to inspect all  
418 places of business, apartment houses, hotels, motels, and other  
419 buildings within the territorial limits of the district wherein  
420 large groups of people might congregate to determine that such  
421 places have proper fire extinguishers and fire escapes, at least  
422 two times each year, and shall submit a report on same to the  
423 board of commissioners.

424 Section 17. The special fire control district shall exist  
425 until dissolved by law. Should any part of the territory covered  
426 in this act be held not to be included herein, then this act  
427 shall continue in effect as to the balance of the said  
428 territory. The district may be abolished by a majority vote of  
429 the registered voters residing in the district at an election  
430 called by the board of commissioners for such purpose, which  
431 election shall be held and notice thereof given under the same  
432 requirements as are set forth hereunder for the election of

ENROLLED

HB 1707

2005 Legislature

433 commissioners and the levying and collecting of the district  
 434 assessments. Provided that the district shall not be abolished  
 435 while it has outstanding indebtedness without first making  
 436 adequate provision for the liquidation of such outstanding  
 437 indebtedness and provided, further, that the real and personal  
 438 property of the district shall be conveyed or otherwise  
 439 transferred by gift by the board of commissioners to the Trailer  
 440 Estates Park and Recreation District, being a political  
 441 subdivision of the state.

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

453 Section 19. No suit, action, or proceeding shall be  
 454 instituted or maintained in any court against said district or  
 455 the commissioners, or any commissioner thereof, for or upon any  
 456 claim, right, or demand of any kind or nature, unless the person  
 457 or persons making such claim or demand or claiming such right  
 458 shall have within 30 days after the alleged accrual of such  
 459 claim, right, or demand, given to the commissioners, or one of  
 460 them, a notice in writing setting forth the nature of the right,  
 461 claim, or demand, the amount thereof, the place and manner in



ENROLLED

HB 1707

2005 Legislature

462 which such claim or right accrued, together with the names and  
 463 addresses of all witnesses by whom such claims, rights, or  
 464 demands are to be proved or established, all with sufficient  
 465 detail to enable the district and the commissioners to fully  
 466 investigate such claim, right, or demand; and no suit, action,  
 467 or proceeding or any such demand shall be instituted within 3  
 468 months after such notice shall be given.

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

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

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

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

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

487 (1) (a) The business affairs of the Cedar Hammock Fire  
 488 Control District, Parrish Fire Control District, Southern  
 489 Manatee Fire and Rescue District, ~~Trailer Estates Fire Control~~  
 490 ~~District~~, Westside Fire Control District, and Whitfield Fire

## ENROLLED

HB 1707

2005 Legislature

491 Control District in Manatee County shall be conducted and  
492 administered by a five-member board that is elected by the  
493 electors of the respective districts in nonpartisan elections  
494 held at the time and in the manner prescribed for holding  
495 general elections in section 189.405(2)(a), Florida Statutes.  
496 Each member shall be elected for a term of 4 years and shall  
497 serve until his successor is chosen and qualified, except that  
498 members elected to seats 2 and 4 in the first election held  
499 after the effective date of this act shall be elected for a term  
500 of 2 years.

501 Section 5. Chapters 63-1587, 65-1894, 65-1895, 72-613, 80-  
502 534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, are  
503 repealed.

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