

# STATE OF FLORIDA DEPARTMENT OF STATE

## Division of Library and Information Services

I, GLENDA E. HOOD, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapters 25992-1949 and 29993-1949, Laws of Florida, Acts of 1949, as shown by the records of this office.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
3rd. day of June, A.D., 2005.



*Glenda E. Hood*

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 X 11" document.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1949.

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CHAPTER 25992--(No. 996)

HOUSE BILL NO. 840

AN ACT to Abolish the Present Municipal Government of the Town of Madeira Beach, Florida, and to Create and Organize a Municipality to be Known and Designated as the Town of Madeira Beach, Florida, and to Define Its Territorial Boundaries and to Provide for Its Government, Jurisdiction, Powers, Privileges, Franchise and Immunities and Confirm Its Title to All Town Property, Validating All Ordinances Heretofore Passed and Prescribing the General Powers to be Exercised by Said Town; to Provide for a Referendum Election to be Held to Determine Whether This Act Shall Take Effect, and to Repeal All Laws and Parts of Laws in Conflict Herewith.

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

Section 1. The present Town of Madeira Beach, Florida, as organized under the provisions of Chapter 165, Florida Statutes, 1941, be and the same is hereby abolished.

The inhabitants of the Town of Madeira Beach, Florida, within the boundaries hereinafter designated, or within such boundaries as may hereafter be established, shall continue to be a body politic and corporate under the name "TOWN OF MADEIRA BEACH, FLORIDA," and as such shall have perpetual succession, may use a common seal, may contract and be contracted with, and may sue and be sued and be impleaded in all courts of this state and in all matters whatsoever.

Section 2. The boundaries of the Town of Madeira Beach shall be as follows:

That area lying in Sections 9, 10 and 15, Township 31 South, Range 15 East, Pinellas County, Florida, and more particularly described as follows:

From the intersection of the centerline of County Highway No. 208 and the street centerline between Blocks 1 and 2 of LONE PALM BEACH as recorded in Plat Book 19, Page 99, Records of Pinellas County, Florida, said street now being known as 155th Avenue, as a point of beginning, run in a Southwesterly direction along said centerline of 155th Avenue to an intersection with the waters of the Gulf of Mexico; thence to a Southeasterly direction along said waters of the Gulf of Mexico to an intersection with an extension of the South Boundary line of Lot 14, Block 25, Mitchell's Beach, as recorded in Plat Book 3, Page 54, Records of Pinellas County, Florida; thence in a Northeasterly direction along said South line of Lot 14 to an intersection with the West right-of-way line of State Highway No. 233 to the most Westerly corner of Lot 1 of GULF SHORES HARBOR, a subdivision recorded in Plat Book 23, Page 51, Records of Pinellas County, Florida; thence in a Northeasterly direction along the North line of said Lot 1 and the Extension thereof to an intersection with the channel in Boca Ciega Bay between the SECOND ADDITION TO GULF SHORES, as recorded in Plat Book 21, Page 32, Records of Pinellas County, Florida, and the aforesaid GULF SHORES HARBOR; thence in an Easterly direction along said channel and the continuation thereof between the aforesaid Mitchell's Beach and the ISLAND ESTATES SUBDIVISION to the main government channel in Boca Ciega Bay; thence in a Northwesterly direction following said government channel to an intersection with aforesaid centerline of 155th Avenue extended Northeastward, thence in a Southwestward direction along said centerline of 155th Avenue and said centerline extension to the point of beginning.

### Section 3. SUCCESSION OF RIGHTS AND LIABILITIES.

The Town of Madeira Beach shall succeed to, own, possess and hold all property, real, personal or mixed, heretofore owned, possessed or held by the said Town; and shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, owned or held by it, or that can be con-

ferred by law upon municipal corporations under the laws of the State of Florida; and the rights, immunities, powers and privileges hereby conferred are, and shall be, held to be conferred with like legal effect as though conferred with like legal effect as though each right, immunity, power and privilege and the mode of exercise thereof was specifically enumerated, set forth and defined in this Charter; and said Town shall be subject to all the duties and obligations now pertaining to, or incumbent upon, said Town as a corporation.

#### Section 4. GENERAL POWERS.

Without denial or disparagement of other powers now held or that may hereafter be held or that may hereafter be given to the Town under the Constitution or Laws of the State of Florida, the Town of Madeira Beach shall have power:

(a) All the powers given to such corporations and the officers thereof under the General Laws of this State in existence or that may hereafter be passed, not inconsistent with the provisions of this Charter.

Also the power to purchase, lease, receive and hold property, real and personal and mixed, within the said Town, and may sell, lease or otherwise dispose of the same for the benefit of the Town and may purchase, lease, receive and hold property, real and personal, beyond the limits of the Town to be used for the burial of the dead, for the erection of water works, for the establishment of poorhouses, pest houses and houses of detention and correction, for public parks and promenades, recreation parks and pavilions, municipal hospitals, golf courses, air ports and building incident thereto.

The Town shall also have the power and authority to acquire, own, hold, build, construct and operate such garbage disposal equipment or garbage disposal plants as may to the governing authorities seem advisable and best and suitable to the best interests and protection of the Town.

The Town shall also have the power and authority to establish and impose by Ordinance a charge or fee for the service of garbage collection rendered by the Town of Madeira Beach.

In addition to the acquisition and ownership of real estate and personal property above provided for, the Town is authorized to

own and operate said property, for such other public purposes as the Board of Commissioners and Mayor-Commissioner may deem necessary and proper, and may sell, lease, or otherwise dispose of said property for the benefit of the Town to the same extent that natural persons may do, provided that before said Town shall lease any real property owned by the Town for a term exceeding ten years, such proposed lease for a term of more than ten years shall be submitted to a vote of those persons who are freeholders of property situated within the Town limits and are otherwise qualified to vote at town elections, at an election to be called by the Board of Commissioners of said Town, and a majority of the votes cast shall be in favor thereof, except as hereinafter provided for.

Also the power to fix a valuation upon the property within its limits both real and personal, for the purpose of taxation, independent of such valuation as may be fixed by the State.

To make a special assessment upon property benefited for the purpose of building sidewalks, seawalls, wharves and piers, and constructing sewers, and grading, paving and curbing streets, sidewalks, and promenades, and to subject itself to a bond indebtedness for the purpose of building sidewalks, seawalls, wharves and piers, and constructing sewers, and grading, paving and curbing streets, for water works, securing protection from fire, or for such other public municipal improvements as the Mayor-Commissioner and Board of Commissioners shall decide upon, provided that before any bonded indebtedness shall be incurred, the Board of Commissioners shall submit the same to a vote of those persons who are freeholders of property situated within the limits of the Town and are otherwise qualified to vote at Town elections, and a majority of the votes cast shall be in favor thereof, and provided further that said bond indebtedness shall never exceed fifteen per cent of the assessed value of the real and personal property within the corporate limits.

That said Town shall have and use a common seal and change it at pleasure, and said municipality shall also have the power, by ordinance, to require the owner or agent of vacant lots or other property in the Town of Madeira Beach to clean the same of weeds and remove therefrom any stagnant pools of water and other matter injurious to the public health, and to prescribe the penalty for the violation thereof, and in case such owners or their agent

fail to comply with the requirements of said ordinance, to have work done and to assess the cost thereof and constitute the same a lien against such property, and enforce the collection thereof in the same manner as taxes are collected that may be due upon such property.

(b) By ordinance or otherwise, to define, prevent or abate nuisances; to restrain and punish gambling or other disorderly conduct; to prevent running at large of cattle, horses, dogs, cats, fowl, sheep, hogs and goats in the streets of the Town or within the town limits; to provide for the purchasing or establishing of water works, electric or other lighting plants, and all the other plants necessary for the Town and to provide for the regulation thereof; to regulate the speed at which bicycles, automobiles or other vehicles may be ridden, driven or propelled through the streets of the Town; to regulate the speed at which street or other railway cars, locomotives or motors shall run in the Town limits; to license privileges, businesses, occupations, and professions carried on and engaged in within the Town limits and the amounts of such taxes shall not be dependent upon the general state revenue law; to establish quarantine and health regulations for the Town of Madeira Beach not inconsistent with the rules and regulations of the State Board of Health; to organize and provide a fire department and to regulate the same so as to protect the Town from fire; to establish fire limits and to prescribe the character and mode of construction of buildings to be erected or repaired therein and the materials to be used in the construction and repair thereof; to provide for and authorize Town planning and zoning and to regulate and control the agencies therefor; to establish hospitals, and, in conjunction with the Board of County Commissioners, to establish rules and regulations respecting the poor, indigent, infirm and insane, and to provide for their support and to fix the conditions upon which said persons coming into said Town shall be allowed to remain, and in conjunction with the Board of County Commissioners, to build bridges leading from the Town of Madeira Beach across any body of water to the other shore thereof, within the County of Pinellas, and in conjunction with the Board of County Commissioners, to make payment for said bridges and maintenance thereof, the cost of construction and maintenance to be such as may be agreed upon between said Board of Commissioners and Board of County Commissioners; to provide for the

punishment of persons who may at any time disturb the peace of the Town or violate any of its ordinances or any of the rules and regulations of the said Board of Commissioners; to fix and regulate, from time to time, the salaries of the appointed or hired employees of the Town, except, as herein provided; to provide, erect, construct and maintain a Town sewerage system and to compel property owners or occupants to connect with Town sewer, and to do and regulate any other matter or thing that may tend to promote the peace, health, prosperity, morals and general welfare of the Town and shall have the right and power of eminent domain for the purpose of condemning private property for the purpose of opening any street, alley, sidewalk or promenade, in said Town, or for constructing any sewer, or for parks, municipal docks for any public purpose.

#### Section 5. FORM OF GOVERNMENT.

(a) The government and corporate authority of said Town shall be vested in a Board of Commissioners which shall consist of five (5) members, one of whom shall be Mayor-Commissioner and said Town Commission shall constitute the governing body and shall be vested with all legislative and administrative powers and authority of the Town and shall have and exercise all powers conferred upon the Town except as herein otherwise provided.

(b) The Town Commission shall have power and authority to remove any member of the Town Commission for incompetency, corruption, misconduct, malfeasance in office or for other good and sufficient causes after due notice to said member and an opportunity to be heard in his defense.

(c) The Town Commission may determine its own rules of procedure, may punish its own members for misconduct, and may compel attendance of members. The majority of all members of the Town Commission shall constitute a quorum to do business. A smaller number may adjourn from time to time. The Town Commission shall hold regular meeting at such time and place as may be prescribed by ordinance or resolution. Special meetings may be called by the Mayor-Commissioners, when in the opinion of the majority of the commission such special meeting is necessary. All meetings of the Town Commission shall be open to the public.

**SECTION 6. ELECTIVE OFFICERS.**

(a) A Mayor-Commissioner and four Commissioners shall constitute the Board of Commissioners of the Town of Madeira Beach and shall be elected by the qualified electorate of such Town in the manner hereinafter provided; provided, however, the Mayor and all Town Councilmen holding office at the time this Act becomes effective shall continue to hold office until their present respective terms expire, unless such office be vacated by death, resignation or removal under paragraph "b" Section 5 of this Act. In the event of a vacancy, such vacancy will be filled by appointment until the next Election Day. All other officers of the Town shall be appointed by the Town Commission. The present Mayor shall be termed "Mayor-Commissioner" and shall be a member of the Board of Commissioners with power to vote.

**QUALIFICATION AND TENURE OF OFFICE OF ELECTIVE OFFICERS.**

(b) All elective officers of the Town shall be qualified electors and freeholders of said Town as provided for hereinafter in this Charter and in addition thereto shall be a resident of the Town of Madeira Beach. The term of office of all elective officers shall be for a term of two years from the date of their election to such office.

**VACANCY**

(c) If a vacancy shall occur in the office of Town Commissioner or Mayor-Commissioner and the unexpired term of such vacancy shall be for a period of less than six months, said vacancy shall be filled by the majority of the remaining members of said Town Commission, but in the event that the unexpired term of the vacated office is for more than six months, the Commission shall call an election within thirty (30) days from the date such vacancy occurs, to fill the office of the unexpired term.

**SECTION 7. SALARIES OF COMMISSIONERS**

The Mayor-Commissioner of the Town of Madeira Beach, Florida, may be paid a salary for his services, which salary shall not exceed the sum of \$1.00 per year, payable in equal monthly installments. The other commissioners of said Town may be paid a salary for their



services as such commissioners, which salary shall not exceed the sum of \$1.00 each per year, payable in equal monthly intallments.

#### SECTION 8. ELECTIONS

(a) An election shall be held in the Town of Madeira Beach on the First Tuesday in May of each year for the election of Commissioners whose terms have expired or the Mayor-Commissioner whose term has expired as the case may be. The Commissioners, including the Mayor-Commissioner, elected at such election as heretofore provided, shall each serve for a term of two years unless his office be vacated by death, resignation or removal under paragraph "b", Section 5, of this Act. All candidates offering themselves to the electors for election under the provisions of this Charter to the office of Mayor-Commissioner shall so announce and the ballot shall be so arranged that separate and distinct votes shall be cast for Mayor-Commissioner in all elections of the Town of Madeira Beach where a Mayor-Commissioner is to be elected.

(b) The Board of Commissioners of the Town of Madeira Beach shall by ordinance, prescribe the manner of holding both general and special elections not inconsistent with the provisions hereof; and shall provide registration books for the qualified electors of said Town, and said Board of Commissioners shall also by ordinance provide such polling place or places as they may deem expedient. The Commissioners shall be a canvassing board for all elections held under this Charter and as such Board shall meet on the Wednesday following every General Election, and on the day following any and every other election held under this Charter for the purpose of canvassing and declaring the results of said elections and they on said days of meeting shall declare the results of said elections.

#### *Qualifications of electors*

(c) All persons over the age of twenty-one years who have registered in the municipal election Register, as shall have been prescribed by ordinance, shall be qualified electors of the Town of Madeira Beach, in any election to be held for the selection of officers of said Town, or in otherwise administering the affairs of said Town. Any person not qualified, according to the provisions as set out in this section shall not be qualified or entitled to vote in any election where officers of the Town of Madeira Beach are to be elected, or any other matter or thing relative to the conduct or administration

of the affairs of the Town of Madeira Beach, are to be settled or determined, including the issuance of Bonds.

(d) The provisions of the general laws of the State of Florida pertaining to state and municipal elections relating to the qualification of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this Charter and the ordinances adopted hereunder pertaining to elections, shall so far as the same may be applicable, govern all Town elections.

#### SECTION 9. DUTIES OF TOWN OFFICERS.

(a) Mayor-Commissioner: The duties of the Mayor-Commissioner shall be to see that all ordinances of the Town are faithfully enforced. He shall be chairman of the Board of Commissioners and shall preside at all meetings and shall have the right to vote at said meetings. He shall have general supervision over all town officers except, the Board of Commissioners, and may examine into the condition of their offices and the books, records and papers therein and the manner of conducting their official business. He shall report to the Board of Commissioners all violations or neglect of duty, or any misfeasance, malfeasance or non-feasance in office, or other improper conduct on the part of any town official that may come to his knowledge.

(b) Vice-Mayor: A Vice-Mayor shall be appointed by the Commissioners at their first regular meeting of the Commissioners after this Charter shall become effective and his duties shall be to preside over the meetings of the Commissioners in the absence of the Mayor-Commissioner, and in general, during the absence or inability of the Mayor-Commissioner, to act, or during a vacancy in the office of the Mayor-Commissioner, he shall do and perform those acts and things provided in this Charter to be done by the Mayor-Commissioner.

(c) Town Clerk: The Town Clerk shall be appointed by the Board of Commissioners of the Town of Madeira Beach and he shall hold office at the pleasure of said Board. He shall act as Clerk of the Board of Commissioners and shall also act as Clerk of the Municipal Court. He shall give such bond as the Board of Commissioners shall fix, and shall perform all the duties imposed upon the Clerk by the Board of Commissioners not inconsistent with the provisions of this Charter, and shall receive such salary and fees therefor as may be provided by ordinance of the Town.

(d) Police Department: A Chief of Police and such policemen as the Town Commission deems necessary shall be appointed by the **Board of Commissioners of the Town of Madeira Beach**, and they shall hold office at the pleasure of the Board. It shall be the duty of the Chief of Police with advice and instructions of the Board of Commissioners to preserve order, to prevent violation of the terms and provisions of the Town Ordinances of the Town of Madeira Beach, to enforce such ordinances, and to perform such other duties as may be prescribed by orders of the Board of Commissioners, not inconsistent with this Charter. The Chief of Police or any policeman of the Town of Madeira Beach may arrest without warrant, any person violating any of the ordinances of said Town, committed in the presence of such officer, and, when knowledge of the violation of any ordinance shall come to said Chief of Police, or said policemen, not committed in his or their presence, he shall at once make affidavit before the Municipal Judge or clerk against the person charged with such violation, whereupon the said Municipal Judge or the Town Clerk shall issue a warrant for the arrest of such person or persons.

(e) Municipal Judge: There shall be appointed by the Town Commission a Municipal Judge who shall hold office at the pleasure of the Town Commission and shall receive such compensation as may be determined by the Board of Commissioners. The Mayor-Commissioner or any Commissioner may be appointed as such Municipal Judge.

(f) The Municipal Judge shall have power to try all cases involving violations of the Town Charter and ordinances, and for such violations to impose such penalties or fines as may be prescribed by ordinance, and shall have power to try cases upon affidavit filed by the complaining witness. The Municipal Judge shall have the right to administer oaths, and shall have the power to issue warrants for arrest upon proper information or affidavits, and to issue summons to compel the attendance of witnesses, and in the event any witness so summoned shall fail to appear and attend the Court, said Judge may compel his attendance by attachment for contempt. All summons to witnesses shall be attested by the Clerk of the Municipal Court, and may be served by any police officer.

(g) The Municipal Judge shall have the exclusive power to impose fines for the breach of any Town Ordinance, and shall have the exclusive power to grant pardons, releases, suspensions of judgments or

sentences, and to estreat and reinstate bonds, and to remit fines of persons convicted, and shall have the right to grant parole to persons confined in the Town jail or stockade.

*Contempt of court*

(h) The Judge of the Municipal Court shall have the power to punish any person for any contempt committed in the presence of the Court, but in no case shall such punishment exceed the imposition of a fine of fifty (\$50.00) dollars or imprisonment in the Town jail or stockade for a period not exceeding fifteen (15) days, or both such fine and imprisonment.

*Rules of court*

(i) The Municipal Judge is hereby authorized and empowered to promulgate rules and regulations for the government of such Municipal Court, to fix the time at which said Court shall convene, and to prescribe the sessions at which all persons within the jurisdiction of said Court shall have their cases set for trial.

*Costs of court*

(j) The costs of all prosecutions in said Court shall be made up by the Municipal Judge and set forth as a rule or regulation of said Municipal Court, and approved by Town Commissioners.

*Disposition of fines, etc.*

(k) All monies collected by the Clerk of the Municipal Court shall be deposited with the proper finance officer designated by the Town Council.

*Papers recorded*

(l) No papers or instruments once filed in the Municipal Court shall be taken therefrom by any attorney or other person, except by permission of the Municipal Judge, and upon giving a receipt to assure the return of such papers and instruments.

*Trial without jury*

(m) Trials in Municipal Court shall be without jury.

*Appeals*

(n) Appeals shall be to the Circuit Court in and for Pinellas County, State of Florida, from all final judgments and sentences of

the Municipal Court. Such appeals shall be taken only upon application of the party convicted, and under the restrictions imposed by the general law of the State of Florida in such cases made and provided.

(o) **Alternate Judge:** The Board of Commissioners shall also have the power to appoint an alternate judge who shall perform the duties of the municipal judge in case of his absence from the Town or inability to act in case of illness or disqualification, and he shall receive such compensation as may be fixed by the Board of Commissioners.

#### SECTION 10. APPOINTMENT OF OFFICERS IN GENERAL

(a) The Town Commission shall appoint a Fire Chief and assistants, subject to the approval of the Volunteer Fire Department, so long as the Fire Department is manned by volunteers.

(b) The Town Commission shall appoint a Town Clerk, Tax Collector, Tax Assessor, City Attorney, Building Inspector, Electrical Inspector, Sanitary Officer, and Board of Equalization and Adjustment, and all such officers and employees necessary in its opinion to carry out the functions and duties of the Town of Madeira Beach imposed under this Charter and the Ordinances of the Town and also appoint such board and commissions as may be deemed necessary and fix the duties and compensation to be paid to such officers and employees, provided, however, that the compensation paid any such officer or employee will not exceed any limitations specifically set forth in this Charter. Nothing herein contained shall prevent one employee or officer holding more than one office.

#### SECTION 11. ORDINANCES

(a) The Board of Commissioners of the Town of Madeira Beach shall have the power to make ordinances and establish for the government of said Town, such ordinances in writing not inconsistent with the Charter, Constitution and Laws of the State of Florida, or the United States, as they may deem necessary. Said ordinances to be passed and become effective as hereinafter provided for.

(b) No ordinance shall be passed until it has been read in open council meeting three times. At least one (1) week shall elapse between the first and second readings. Notice of the proposed ordinance shall be given by publishing the title of the ordinance by posting at the

door of the Town Hall and at one other public place in the Town or by publishing the title in a newspaper of general circulation published in Pinellas County, Florida, in one issue thereof, after its first and at least three (3) days prior to the second reading of the proposed ordinance. At least one week shall elapse between the second and third readings unless two-thirds of the Commissioners present at the second reading shall deem it expedient to dispense with this second reading. Emergency ordinances may, by a vote of two-thirds of the members present at a meeting, be passed by dispensing with the foregoing rule, and such emergency ordinance may be read three times and put on its final passage at one meeting. After an ordinance has been passed on third reading, it shall be submitted to the Mayor-Commissioner, if he is capable of service and, if not, to the Vice-Mayor, for his approval. If he shall approve, he shall sign the same and return it to the Board of Commissioners at or before its next regular meeting. If the Mayor-Commissioner shall disapprove, he shall return the ordinance with his objections in writing to the Board of Commissioners at or before its next regular meeting, at which meeting the Board of Commissioners shall enter into the consideration of the proposed ordinance and the objections thereto, if any, made by the Mayor-Commissioner or Vice-Mayor and if at said meeting the ordinance shall be approved by a majority of the Commissioners, the ordinance shall become a law, the Mayor-Commissioner's or the Vice-Mayor's veto, as the case may be, to the contrary notwithstanding. Any ordinance which shall not be returned to the Board of Commissioners with the written veto of the Mayor-Commissioner or the Vice-Mayor at or before the next regular meeting of the Board of Commissioners, shall become a law as effectively as though approved by the Mayor-Commissioner or the Vice-Mayor.

(c) An ordinance when approved, or when it shall have become a law by not being vetoed as hereinabove prescribed, shall become effective twenty (20) days from the date of its approval or becoming a law without such approval. Emergency ordinances passed as provided in Paragraph A of this section shall become effective immediately.

(d) The ordaining clause of every ordinance shall be as follows:  
Be it ordained by the Board of Commissioners of the Town of Madeira Beach, Florida.

(e) All ordinances heretofore passed by the Town Commissioners of the Town of Madeira Beach, not inconsistent with this Charter and the general laws of the State of Florida, shall be and remain in full force.

(f) The Board of Commissioners shall have the power to pass any and all ordinances not inconsistent with the provisions of this Act.

#### SECTION 12. MILLAGE

The Town of Madeira Beach shall have the right to raise by taxes such amounts as may be necessary for carrying on the government of said Town not to exceed ten mills on the dollar, on the fair cash value of all the property in said Town (real property), and out of the funds so raised the Commissioners shall have the right and authority to expend an amount not in excess of two mills on the dollar of all the taxable property in said Town for the purpose of giving publicity to the advantages, facilities and resources of said Town. In addition to the right to levy a tax of ten mills on the dollar as herein provided, said Town shall have the right to levy such additional taxes as may be necessary to pay the interest on the outstanding bonds of said Town, and such additional bonds as said Town may from time to time issue in accordance with law, and also to provide a sinking fund for the redemption of said bonds when the same mature. It shall be the duty of the Board of Commissioners at their next meeting after being notified of the amount of the sum total of the taxable property in the Town of Madeira Beach, to ascertain the amount of money needed for each department, which said estimate shall be submitted to the Mayor-Commissioner of the Town, and he shall have the right to increase or diminish the appropriation for any department. The Mayor-Commissioner shall then return said estimate to the Board of Commissioners and the Board of Commissioners shall not have the right to change any item in said estimate of the Mayor-Commissioner except by a two-thirds vote of the entire Board. The Board shall then make a levy in accordance with such estimates, and no part of the money raised by taxation shall be diverted from the object for which it was raised.

#### SECTION 13. ASSESSMENT ROLL

It shall be the duty of the Assessor of Taxes, immediately after the assessment of the property of the Town has been corrected and

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the amount to be raised for the various purposes hereinbefore mentioned has been determined, to calculate and carry out the several amounts of said taxes in separate columns provided for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of real property, the respective sums assessed for taxes thereon in dollars and cents, rejecting all fractional parts of a cent. He shall also add up all columns of the assessment and taxes contained in the assessment roll and make thereon such recapitulatory tables as may be required by the Board of Commissioners and he shall then attach to said assessment roll, the following affidavit, to-wit:

STATE OF FLORIDA  
COUNTY OF PINELLAS  
TOWN OF MADEIRA BEACH

Personally appeared before me .....  
Assessor of Taxes for the Town of Madeira Beach, who being duly sworn, says the foregoing assessment roll contains a true state and description of all real property in the Town of Madeira Beach, subject to taxation or liable to be assessed therein, and that the valuation so far as were made by him were just and correct.

.....  
Sworn to and subscribed before me this ..... day of .....  
A. D. 19....., and shall have the same completed by the first of June, of each and every year, at which time the Board of Commissioners shall examine the assessment roll, and, if found to be correct, shall so certify thereon, which certificate shall be signed by the Mayor-Commissioner and said Board of Commissioners, and the Board of Commissioners then shall direct the Collector of Taxes to proceed, on the first day of June in each year, to collect, said taxes, or as soon thereafter as said assessment roll shall be completed.

SECTION 14. TAX COLLECTION

The Board of Commissioners shall direct the Collector to collect said taxes by attaching to the assessment roll, the following warrant, to wit:

“To ....., Collector of the Town of Madeira



Beach: You are hereby commanded to collect from each of the persons and corporations named in the appended roll, and of the owners of the real estate described therein, the taxes set down in said roll opposite their names and to the several parcels of land therein described, and in case any person or corporation upon which any tax is imposed shall refuse or neglect to pay the same, you are to collect the same by law and sale of the goods and chattels so assessed, and all sum so collected you are to deposit in the town depository at such time as may be required by the ordinances of said Town. And you are further required to make all collections on or before the 1st day of December, next.

Given under our hand and seal of the Town, this ..... day of ....., A. D. 19.....

.....  
Chairman of the Board of Commissioners

Attest: ..... (Town Seal)

Town Clerk.

SECTION 15. TAXES DUE

All taxes shall be due and payable on the first day of October of each year. All taxes paid in full for the current year, during the month of October shall be subject to a discount of four (4%) per cent; such payments made during the month of November after they shall have become due in October, shall be subject to a discount of three (3%) per cent; and such taxes being paid during the month of December, after they shall become due, shall be subject to a discount of two (2%) per cent; and all taxes paid during the month of January after they shall fall due for that year, shall be subject to a discount of one (1%) per cent. All taxes payable after the month of February during the year in which they become due shall be entitled to no discount. All taxes remaining unpaid on April 1st shall be delinquent and shall bear interest at the rate of ten (10%) per cent per annum for the first year, and ten (10%) per cent per annum for any subsequent years, and such interest shall be added to the taxes collected.

SECTION 16. ENFORCEMENT OF TAXES

Taxes and assessments on real estate shall be and remain a lien on the property assessed superior to all other liens or claims, except

State and County taxes, and municipal improvement liens, and of equal dignity therewith, until the same shall be paid. Such liens may be enforced as other liens. All unpaid taxes and assessments may be collected by suits in courts at law or in equity.

The costs of all suits and proceedings for the collection of unpaid taxes and assessments, including a reasonable attorney's fee or solicitor's fee which shall be paid to the attorney or solicitor representing the Town, as his compensation in such suit, shall be recovered and collected by such suits.

#### SECTION 17. TAX CERTIFICATES

If the taxes on all real estate shall not be paid before the 1st day of April next, after the tax-roll shall have come into the hands of the Collector, he shall, as soon thereafter as possible, make from the assessment roll a separate copy of any assessment thereon remaining unpaid, using a special tax certificate the form of which shall be provided by resolution, showing the assessment of any lot, parcel or tract of land therein described and the amount of taxes due thereon, and that the lien thereby created is a first lien upon the property set forth therein, superior to all other liens, except State and County taxes and municipal improvement liens, and that such lien bears interest at the rate of (10%) per cent per annum for the first year and (10%) per cent per annum for any subsequent years until paid.

When the Collector shall have completed the preparation of the tax certificates, he shall make a record of the same in a suitable book provided for that purpose which shall show the number and date of the tax certificate, the amount of the tax and a description of the property, and a space shall be provided to enter the name of the purchaser of the certificate in the event the Board of Commissioners should sell the same, as hereinafter provided, and such record or certified copies thereof, either in whole or in part, shall be entitled to record in the office of the Clerk of the Circuit Court, Pinellas County, Florida.

When the Collector shall have completed the preparation of the tax certificates and the record thereon he shall so report, in writing, to the Board of Commissioners who shall, at any time thereafter, if they so desire, direct the Collector to deliver the aforesaid tax certificates to the Town Attorney or solicitor for collection, which

certified copies of tax certificates shall be prima facie evidence of the contents of the assessment roll and the levies made thereon in all suits to enforce the payment of the lien for such taxes as may appear upon said tax certificates.

The Town Attorney or solicitor shall search or cause to be searched the public records of Pinellas County and of the United States District Court to ascertain the names of all persons owning or having any interest or lien in said land and in the suits brought for the enforcement of said lien for taxes, he shall make all persons appearing upon said records to be owners or interested in said real estate, or having a lien thereon, parties defendant, and whenever service is sought to be had in such suit upon any defendant by publication the notice shall contain a description of the land upon which the tax lien is claimed.

The names of any persons other than the owners of said real estate may, at the discretion of the Town Attorney or Solicitor, be omitted from the list of defendants, but no persons having an interest in said property or holding a lien thereon apparent from said records and not brought into Court as a defendant, shall be, until so brought into Court as a defendant, deprived of his interest therein. The interest of all persons not apparent upon said public records shall be foreclosed by such suits without their being named or served as defendants.

Upon the collection of all moneys due the City after the same shall have been placed in the hands of the Town Attorney or solicitor, application shall be made, first, to payment of Court Costs, including clerk's, sheriff's, master's and advertising fees; second, the amount due the Town for taxes and interest, and last, the attorney's or solicitor's fees for services in connection with the collection of such taxes.

#### SECTION 18. SALE OF TAX CERTIFICATES

As a supplemental alternative, or additional method of realizing revenue from delinquent tax assessments, the Board of Commissioners may sell, for cash at public sale, its tax liens as evidenced by the tax certificates hereinbefore provided for, and the purchaser or purchasers of such tax certificates or tax liens shall have all the rights and remedies in law or equity of the Town respecting such liens, provided, however, that any suit, either in law or equity, brought to foreclose

the lien or to collect the indebtedness thereunder, in the event of such sale by the Town, shall be brought in the name of the Town for the benefit of the holder and owner of such tax lien as evidenced by such tax certificate.

In the event of such sale the Clerk or Collector of said Town shall record the name of the purchaser of such tax lien or certificate, in the record book provided for that purpose. In the event of sale by the Town, the purchaser, or his successors, legal representatives or assigns, shall have the right to bring any suit at law or in equity for the enforcement of same at any time within twenty years from the date of such sale by the Town. Provided, however, that no suit shall be brought until after the expiration of one year from the date of the sale of said certificates by the Town. Each tax certificate, when so sold by the Town, shall have thereon the assignment from the Town to the purchaser bearing the date of such sale and shall be signed by the Mayor-Commissioner, attested by the Town Clerk and the corporate seal of the Town affixed thereto, and such certificate shall then become a negotiable evidence of indebtedness without recourse against the Town, except in case assessment on which such certificate is based is an invalid assessment; provided for such purpose no such assessment shall be held invalid by any court of competent jurisdiction, unless and until the Town of Madeira Beach has been made a party of defendant to the cause of action in which validity is attacked, and may be reassigned, sold, hypothecated, and otherwise negotiated as any negotiable instrument, and in the event the purchaser or his legal representatives or assigns shall so desire he may accept partial payment of same or collect the interest thereon without in any way affecting the validity of the lien for the balance due thereon.

Such tax certificate or a certificate from the Town Clerk or Collector setting forth such sale and assignment and the property subject to lien thereunder shall be entitled to record in the office of the Clerk of the Circuit Court in Pinellas County, Florida, and in such event the cost of such recording shall be an additional lien against the property embraced in such certificate. Such tax certificate shall at all times, be redeemable at the office of the Town Clerk or Collector upon the payment of the principal and interest accrued thereon, plus a cancellation charge of Fifty Cents (50¢) payable to Attorney of the Town of Madeira Beach, for each cancellation, any time prior to the actual institution of legal proceedings for collection or foreclosure of same and upon such redemption

the Town Clerk or Collector shall enter upon the proper record the payment of such tax certificate and shall issue a proper receipt or recordable release showing the payment thereof which shall be delivered to the person or persons paying the tax certificate.

The Town Clerk or Collector shall then notify the purchaser or owner of such tax certificate appearing of record in his office that the same has been paid and upon the surrender of the tax certificate, so redeemed, the same shall be properly cancelled and the proceeds derived therefrom paid over to the person surrendering such tax certificate. Any tax certificate so redeemed shall immediately cease to bear interest regardless of by whom owned or held. Upon the institution of any suit in law or equity, the party so instituting same as herein provided for, shall file written notice thereof with the Town Clerk or Collector, who shall make the proper entry thereon on his records and shall allow no redemption of the tax certificates involved in such suit through the office of the Town Clerk or Collector.

#### Section 19. VALIDATION

That all tax levies and assessments, heretofore made by the Town of Madeira Beach are hereby declared to be legal and valid in all respects and any and all unpaid or delinquent assessments for taxes due the Town of Madeira Beach shall be subject to the provisions of this Act.

#### Section 20. TOWN MAY PURCHASE

That the Town of Madeira Beach may not become the purchaser at any foreclosure sale brought in the name of said Town for its use and benefit to enforce the collection or foreclosure of any tax lien or lien for any municipal improvements, and no bid shall be lower than the current lien and the Town shall provide public auction for said property and become owner of said property if no bid is made in an amount greater than that of the lien and costs.

In the event the Town becomes the purchaser and owner of any real estate under such proceedings, the Board of Commissioners may, at any time, sell the same at public sale for cash to any person or persons whomsoever, provided the same shall not be sold for less than paid therefor by the Town, and then only upon consent of four-fifths of the Town Council.

**Section 21. TAX EXEMPTIONS**

All property exempt under the Constitution and Laws of the State of Florida from county taxation is hereby exempt from taxation by the Town of Madeira Beach.

**Section 22. ERRONEOUS ASSESSMENT**

The Board of Equalization, at public meeting, is empowered to provide for the correction of any defect in the assessment.

**Section 23. STREETS AND SIDEWALKS**

The Board of Commissioners shall have the power to order the laying of sidewalks along the public streets or on any promenade or public thoroughfare of the Town and to prescribe the width thereof and the materials to be used, and after thirty days' notice to the abutting property owners and upon the failure of such property owners, within such time, to lay any such sidewalk, so ordered, shall have the power to cause such sidewalks to be laid and shall assess one-half the cost and expense of the same against such abutting property, which assessment shall constitute a lien against such property of equal dignity with tax certificates and enforceable in the manner provided for the enforcement of the lien of tax certificates, provided that such certificates shall be payable and the collection thereof enforceable in not less than one year from the issue of any such certificates, and the other one-half the cost and expense of the laying of such sidewalk shall be paid by the Town out of the general fund.

**Section 24. LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.**

(a) The Board of Commissioners shall have the power to establish grades and drains on all public streets and thoroughfares of the Town and shall have the power to pave, repave, curb, open, construct, lay out, repair or otherwise improve any street, alley, park or other public highway or any part thereof, and to lay out, construct, alter, repair or improve sewers, bulkheads, seawalls and all other necessary public improvements within the Town limits of the Town of Madeira Beach. Bulkheads, seawalls, retaining walls and other necessary structures in the construction, maintenance or protection of streets lying in the vicinity of, or along, or near, or abutting on, the waterfront may be constructed upon public or

private property where such bulkheads, seawalls, retaining walls and other necessary structures in connection therewith are necessary to hold, protect or retain the streets or public property of the Town of Maderia Beach.

(b) The Board of Commissioners shall have the power to assess not more than two-thirds of the cost of any of the improvements authorized in this section against the property especially benefited thereby, and the remaining cost shall be paid by the Town from the general fund. This assessment shall be made substantially in the manner hereinafter provided, to wit:

#### INITIAL PROCEEDING

1. The initial proceeding for a local improvement which is to be specially assessed against benefited property owners shall be the passage, at the regular or special meeting of the Town Council of a resolution ordering such local improvement to be made under this section, stating the nature of the proposed improvement, designating the location of the improvement, what part or portion of the expense thereof is to be paid for by special assessment, the manner in which said assessment shall be made, when said assessments are to be paid, what part, if any, shall be apportioned to be paid from the general improvement fund of the Town, and said resolution shall also designate the lands upon which the special assessment shall be levied.

#### RESOLUTION

2. The resolution may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made, for the cost of such improvement, shall be designated as a district followed by a letter or number of anything to distinguish it from other districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments except as hereinafter provided.

#### PLANS AND SPECIFICATIONS

3. Immediately after the passage of said resolution, the Town Clerk shall prepare and file in his office plans and specifications of each improvement ordered thereby and estimates of the cost thereof. There shall be included in the estimates of the cost of such im-

provements the cost thereof and all incidental expense to be assessed against property benefited thereby. Such plans, specifications and estimates shall be open to the inspection of the public.

#### PUBLICATION AND NOTICE OF RESOLUTION

4. The Town Clerk upon the filing by him of such plans, specifications and estimates, shall publish once in a daily or weekly newspaper published in the County of Pinellas and of general circulation in the Town of Madeira Beach, a notice stating that at a meeting of the Town Commission on a certain day and hour not earlier than ten (10) days from the date of such publication, the Town Commission will hear the objections of all interested persons to the confirmation of said resolution. Said notice shall state in brief and general terms a description of the proposed improvement with the location thereof and shall also state that plans, specifications and estimates or cost thereof are on file in the office of the Town Clerk.

#### CONFIRMATION

5. At the time named in said notice, or to which an adjournment may be taken, the Town Commission shall receive any objections of interested persons and may then and thereafter repeal or confirm said resolution with such amendments, if any, as may be described by the Town Commission and which do not change in any way the location or the improvement of improvements.

6. Upon the confirmation of said resolution ordering such improvements or any of them, the Board of Commissioners shall cause the Town Clerk to advertise for sealed bids for the doing of the work ordered, which said advertisement shall be published in a daily or weekly newspaper published in the County of Pinellas and of general circulation in the Town of Madeira Beach once a week for two consecutive weeks prior to the date designated for the receipt of such sealed bids.

7. Upon the receipt of the bids, the Board of Commissioners shall examine the same and shall award contract or contracts for such improvements to the lowest and best bidder, provided, however, nothing herein contained shall prevent the Board of Commissioners from rejecting any and all bids received and to re-advertise in the manner herein provided for original call for bids.



8. Upon completion of any of the improvements so ordered as heretofore provided, the Board of Commissioners shall, at its next regular meeting, proceed to assess the cost of such improvement or improvements against the property specially benefited thereby, which assessment shall be accomplished by resolution duly passed and adopted by a majority of the Board of Commissioners and which resolution shall set forth the nature of the improvement, the description of the property to be assessed, the names of the owners of such property and the amounts to be assessed against the respective properties therein listed, it being specifically provided that in making the assessment, not more than two-thirds of the total cost thereof shall be assessed against property especially benefited thereby, the remainder to be assumed and paid for by the Town of Maderia Beach from the public improvement fund.

9. Immediately following the passage and adoption of the resolution making such assessment, the Board of Commissioners shall publish once in a daily or weekly newspaper published in the County of Pinellas and of general circulation in the Town of Maderia Beach, a notice stating that the Town Commission on a certain day and hour not earlier than five (5) days from the date of such publication, will meet and hear the objections of all interested persons to the confirmation of said resolution. Said notice shall state in brief and general terms the description of the improvements, the location thereof, the owners, the property to be assessed and the amounts to be assessed against each property so described.

10. At the time named in said notice or to which an adjournment may be taken, the Town Commission shall receive any objection of interested persons and may then or thereafter repeal or confirm said resolution with such amendments, if any, as may be desired by the Commission. Upon confirmation of said resolution, whether in its original form or as amended, said resolution shall be in full force and effect.

#### Section 25. CERTIFICATES OF INDEBTEDNESS

The Board of Commissioners, as soon as said assessment is made shall issue certificates of indebtedness for the amount so assessed against the abutting property and separate certificates shall be issued against each tract of land assessed containing a description of the land and the amount of the assessment, together with the

general nature of the improvements for which the assessment is made and the date thereof, which assessment when made shall constitute and become a lien against said property prior to all other liens, except taxes and those for construction or repair to sidewalks and sewerage, with which liens they shall have equal dignity upon the real estate so assessed.

The said certificates shall be made payable to bearer in equal annual installments of not exceeding ten installments, to be determined by the Board of Commissioners, and shall bear interest to be fixed by the Board of Commissioners at a rate not greater than eight (8%) per cent per annum, payable annually from the date of issuance of such certificates, and the payment of said certificates and annual interest may be guaranteed by the Town of Madeira Beach, and in case of the non-payment of the annual interest or principal at maturity by the property owner, the same shall be redeemed by the Town at the option of the holder of said certificates, but such redemption by the Town shall not discharge the lien of the assessments against the abutting property. Said certificates shall be in such form as is prescribed by the Board of Commissioners, and if the Board of Commissioners shall so elect, the annual payments of interest and principal may be represented by coupons in form prescribed by the Board of Commissioners, said coupons to be attached to such certificates and the Town Clerk or Collector shall keep a record book in form to be prescribed by the Board, in which shall be entered a record of all certificates and coupons heretofore or hereafter issued for public improvements of the character herein provided for, and on which shall be noted all payments or cancellations of such certificates or coupons.

The certificates, when issued, shall be turned over to the Town depository, which, when ordered to do so by resolution of the Board, may sell or dispose of the same in such manner as may be provided for by said resolution in payment for said work or improvements or for cash, as may be provided by said resolution. Provided, however, that the owner of the property abutting any sidewalk or street, or any other improvement hereinbefore provided for, shall have the option to pay the entire amount of said assessment in cash upon notice of his intention so to do at any time before the actual sale or other disposal by the Board of Com-

missioners of such certificates and whenever, any such certificates or any coupons attached thereto, shall be presented to the Town Clerk or Collector with request that the same be done, the same shall be cancelled of record by the Town Clerk or Collector.

#### Section 26. SPECIAL ASSESSMENT BONDS

After any assessments as herein provided for have been made and certificates of indebtedness issued as herein provided for, and before the said certificates have been sold or disposed of, the Board of Commissioners may order all or any part of the certificates so issued to be left on deposit with the Town depository and may issue coupon bonds bearing interest payable semi-annually at a rate of not more than six (6%) per cent in such form and denominations as may be prescribed by the Board of Commissioners to an amount not greater than the amount of the principal of the certificates so left on deposit, and may guarantee the payment of the principal and interest of said bonds, and said bonds may be made to mature at a time not longer than one year after the maturity of the last installment on such certificates, and said bonds shall be made payable at the office of the Town depository, and said certificates shall be held by said Town depository to meet the payment of said bonds and interest at maturity, and as soon as funds have been realized from the collection of such certificates and placed in a separate fund, as herein provided, to an amount sufficient to redeem one or more of the said bonds and when so redeemed shall become null and void and shall not be reissued, and all bonds so issued shall be registered with the said depository and payment thereof shall be considered as having been made upon setting aside a deposit by the Town depository to the credit of the registered holder thereof of an amount sufficient to pay the principal and accumulated interest on said bonds at the time of such deposit.

Not less than thirty (30) days before the annual interest paying period on said bonds, when so issued, the Board of Commissioners shall ascertain how much money has been accumulated in said trust fund and shall, by drawing lots or in such other manner as they may determine, ascertain which bonds shall be retired with the fund so accumulated, and upon the said bonds being so ascertained the registered holder thereof shall be notified that his said bonds will be paid at the next interest paying period and

notice shall have been considered given by depositing by the Town depository of a letter advising him of the facts in the post office at Madeira Beach addressed to the post office address given by such registered holder at the time of the registry of him of his said bonds, and at the said interest paying period, as hereinbefore provided, the sum of money sufficient to retire his said bond or bonds and accumulated interest shall be set aside and deposited to his credit as herein provided for, and the same shall be taken and held in all things as a payment and cancellation of such bond, whether the same be then surrendered or not. Bonds so issued shall not be taken into consideration in computing or determining the limit of bonded indebtedness to which the said Town is authorized to subject itself under this Charter.

#### Section 27. ENFORCING IMPROVEMENT LIENS

In all cases mentioned in this Act where the Town of Madeira Beach has acquired or may hereafter acquire liens for improvements such liens or any of them may be enforced in the following manner by the Town or in the name of the Town by the holder thereof; first, by a bill in equity, second, by a suit at law.

The bill in equity or the declaration at law shall state briefly and sufficiently the facts constituting the lien, the amount thereof and the description of the property on which said lien has been acquired and shall contain a prayer that the owner shall be compelled to pay the amount of said lien, or, in default thereof, that said property shall be sold to satisfy the same. But the judgment or decree obtained in said suit shall not be enforced against, or be a lien upon any other property than that against which the assessment was made; that in the decree or judgment, as the case may be, for the enforcement and collection of the amount for which said lien was given, decree or judgment shall also be rendered for a reasonable attorney's fee, together with the costs of the proceedings, which attorney's fee and costs shall also become a lien upon said land and shall be collected at the time and in the manner provided for the collection of the amount for which the lien was originally given.

#### Section 28. PERFECTING SERVICE

In the proceedings provided for in the preceding section the

owner or owners of the land, if they can be ascertained, shall be parties defendant. If the owner or owners cannot be ascertained after diligent inquiry, the proceedings shall be against the property on which the lien is claimed without mentioning any party defendant. In such case service shall be had by a notice of the institution of said suit for the enforcement of such lien by an advertisement in a newspaper published in the Town of Madeira Beach, and in case there is no newspaper in Madeira Beach, then such notice may be published in any newspaper published in Pinellas County, Florida, and having general circulation in the Town of Madeira Beach, Florida; and provided, further, that before such service shall be had the complainant or plaintiff, as the case may be, his agent or attorney, shall make affidavit and file with the bill in chancery or the declaration at law setting forth the fact that the owner or owners of such property are unknown to him. In all proceedings to enforce said liens or any of them, save in cases where the owner or owners cannot be ascertained, service shall be made on the parties defendant in the same manner as is provided by law for service in other cases. In such proceedings appeals and writs of error may be taken to the proper appellate courts as in other cases.

#### Section 29 TAX REVENUE BONDS

Upon the affirmative vote of four-fifths of the membership of the Board of Commissioners of said Town, the Town is hereby authorized, at any time to borrow money to the extent of one-half of the amount of the taxes levied in any one year, and to issue as evidence of indebtedness for the money borrowed, revenue bonds which shall be signed by the Mayor-Commissioner of the Town and attested by the Town Clerk under the seal of said Town, and shall not be of less denomination than One Hundred Dollars (\$100.00) each. Said bonds shall be issued separately against any or all of the funds for which taxes are assessed and when issued against any fund the amount realized from the loan of the said bonds shall be carried and credited to the fund against which said bonds were issued. Said bonds shall be issued in serial numbers beginning with the number one (1) as against each separate fund and the holder of such bonds shall have a first lien upon the uncollected taxes to the extent of the amount borrowed and as against each fund for which said bonds were issued and as the taxes are collected the bonds

shall be paid in the order in which they were issued out of the funds against which said bonds were negotiated. No revenue bonds shall be issued for a longer time than twelve (12) months and shall bear such interest as the Board of Commissioners may fix.

### Section 30. PUBLIC IMPROVEMENTS

#### Total Cost Defrayed by Town

The Board of Commissioners of the Town of Madeira Beach shall have the power to construct, repair, maintain and improve the streets, alleys, parks, promenades, bulkheads, groins, seawalls, sidewalks, and all public highways and thoroughfares in said Town; and the cost of improving the said streets, alleys, parks, promenades, seawalls, bulkheads, groins or other public highways and thoroughfares of said Town may be paid entirely by the Town out of current funds, or from the proceeds derived from the sale of bonds issued for that purpose and not assessed against especially benefited property, provided such improvements and the payment of the cost thereof out of the current fund or funds derived from the sale of bonds, shall be authorized by a majority of the electors of said Town at an election to be called for said purpose by the Board of Commissioners, and only these electors who are freeholders as herein provided shall be qualified to vote at said election; and if it is proposed to pay for said improvements out of the sale of bonds the same may be submitted to the electors together with the bonding proposition.

### Section 31. BONDS

#### POWER TO ISSUE BONDS

#### LIMITATION

#### RATIFICATION

#### ADVERTISEMENT OF ISSUE

#### TYPE OF BONDS

#### EXECUTION OF BONDS

(a) Town of Madeira Beach shall have the power to issue and sell bonds for municipal improvements of every nature and kind, and to carry out any of the authorized powers or purposes of the Town, not to exceed in amount ten (10%) per cent of the assessed value of all property subject to taxation within the corporate

limits of the Town; provided, however, that bonds for street, sewer, sidewalk and other public improvements, which are paid from special assessments, to the amount for which the Town shall hold liens for uncollected special assessments, shall not be subject to such limitation of amount, nor be considered when computing the amount of bonds that may be issued under this section; and provided further, that no bonds shall be issued or sold until the same shall have been approved by a majority of the freeholders who are qualified electors residing in the Town of Madeira Beach, Florida, properly registered for voting in such an election, shall actually participate, such election to be held in such manner as may be provided by the Town Commission, and no bonds shall be issued until such issue shall be advertised once a week for four consecutive weeks prior to such election, and no bonds shall be sold until such sale has been advertised not less than two weeks.

Such bonds shall be negotiable coupon bonds, in such denominations as prescribed by resolution, and shall bear interest not exceeding six (6%) per cent per annum, payable semi-annually, both principal and interest to be payable in legal tender of the United States at such place or places as the Town Commission may elect; and said bonds shall not be sold for less than ninety-five (95%) per cent of par.

Such bonds shall be signed by the Mayor, attested by the Town Clerk and sealed with the seal of the Town. The interest coupons thereto attached shall be signed by the Town Clerk whose signature may be in facsimile. Any of such bonds, may, by resolution of the Town Commission, be registered as to number under such terms and conditions and at such place or places, within or without the Town of Madeira Beach, as the Town Commission in such resolution determine.

The foregoing paragraphs of this section shall not refer to the refunding bonds which are issued exclusively for the purpose of refunding bonds or interest already existing against said Town of Madeira Beach.

#### REFUNDING BONDS

(b) Whenever, for the purpose of extending the time of payment of any bonded indebtedness, which from its limit of taxation

the Town may be unable to pay at maturity, or whenever it appears to the Town Commission to be for the best interest of the Town to refund any such bonded indebtedness the Town Commission, by ordinance introduced and passed at any regular meeting, is hereby authorized and given full power to compromise, compound, refund and settle any bonded indebtedness lawfully made and undertaken by the Town by authority of law, and for this purpose and without submitting the same for ratification by the qualified electors as hereinbefore provided. Provided, however, that no bonded indebtedness of said Town shall be so compromised, refunded or extended unless such indebtedness shall be determined to be an existing valid and binding obligation of said Town. The resolution of the Town Commission authorizing the issue of said negotiable coupon bonds shall state the amount of bonded indebtedness to be compromised, refunded or extended, the aggregate amount of bonds to be issued therefor, their number and denomination, the date of maturity and the rate of interest they shall bear, and the place of payment of principal and interest.

#### TAX FOR PAYMENT OF BONDS SINKING FUND

(c) The Town Commission is further authorized and empowered to levy a sufficient tax upon all real property within the corporate limits of the Town each year to pay annual interest and to pay not less than two per centum annually on the principal of said general and refunding bonds, besides all expenses of assessing and collecting the same, which said amount of principal so raised by taxation, and the interest accruing thereon, when collected shall be and remain a sinking fund to pay said bonds; and the same, together with interest thereon shall be invested by the Town Commission in negotiable interest bearing bonds of the United States Government, or Class "AAA" Bonds listed on the New York Stock Exchange, or shall be deposited in the depositories where said bonds are payable, which said deposits in said institutions shall be secured by negotiable interest bearing bonds of the United States Government, Surety Company Bonds, or Class "AAA" Bonds listed on the New York Stock Exchange, for the full amount of such deposits, or shall be used to retire bonds of the same issue for which the said sinking fund is provided, and no other; and when such levy shall have been made the same shall continue in force until the whole amount of principal and interest shall have been



fully paid; provided, nothing herein shall authorize the taking up of bonds heretofore issued or evidence of indebtedness created and issuing new bonds in lieu thereof before the maturity of any such bonds or evidence of indebtedness, unless such new bonds shall bear a less rate of interest than the bonds or evidence of indebtedness taken up, or unless the maturity of said bonds be extended.

#### SEPARATE ITEMS IN PROPOSED ISSUE

(d) In case the total or aggregate proposed issue of bonds is composed of two or more items for distinct and separate purposes, advertisement of said proposed issue shall state separately the items and several purposes for which the said bonds are to be issued; and the ballots used at the election to determine issue of said bonds shall have printed thereupon the several separate items and purposes in such a manner as to permit the voter thereof to cast his vote for or against each or any of the items therein enumerated. Funds derived from the sale of bonds shall be used for no other purpose than that for which the same was voted.

#### BOND FUNDS NOT TO BE DIVERTED

That any excess which may remain from the proceeds of the sale of said bonds after the accomplishment of the purpose for which the same was issued as aforesaid, shall be added to and become a part of the sinking fund or interest fund for the retirement of said bonds.

(e) All obligations and all indebtedness by the sale of bonds or otherwise heretofore legally incurred by the Town Government of the Town of Madeira Beach shall be assessed as a valid existing indebtedness against the Town created by this Charter; and all laws heretofore passed by the Legislature of Florida, authorizing the issue and sale of bonds, or for any purpose whatsoever, not inconsistent with this Charter, shall be and remain in full force and effect, and be applicable and binding upon the municipal government of the Town of Madeira Beach, in the same manner and to the same effect that the same were applicable to said Town of Madeira Beach.

#### NO COMMISSION FOR SALE OF TOWN BONDS

(f) No Commission or brokerage shall be paid, either directly or indirectly, for the sale of bonds or other evidence of indebtedness of the Town.

#### Section 32. PRESENT SINKING FUND.

The provisions of Section 31 relating to Sinking Funds shall be applicable to the sinking fund or funds now existing for the payment of outstanding bond obligations of the Town of Madeira Beach.

#### Section 33. MISCELLANEOUS PROVISIONS SUBDIVISION AND PLATS

The owner or owners of any real property lying within the corporate limits of said Town, and the agent or agents of such owner or owners, desiring to subdivide the same into lots and blocks and lay out the same, one or more streets, alleys, or parks, shall be required to submit to the Board of Commissioners of said Town such proposed plat or plats for their approval.

If the proposed plat or plats in their original or amended form be approved by resolution of the Board of Commissioners, it shall be the duty of the Mayor-Commissioner to endorse upon the same, or a copy thereof, the approval of said Town, and it shall be the duty of the Town Clerk to attach thereto the seal of the Town attested by the Town Clerk. No plats subdividing lands within the corporate limits of said Town shall be entitled to record in the office of the County Clerk of Pinellas County, Florida, without written approval so endorsed thereon. Provided that in case there is a lien or encumbrance on the lands covered by said map or plat the same shall not be accepted unless accompanied by a release from the person or persons holding the same as to the streets, alleys and parkways designated on said plat.

#### Section 34. SUITS AGAINST THE TOWN

(a) No suit shall be filed against the Town of Madeira Beach unless and until a written notice of the nature and character of the claim which may be the basis of such suit shall first be served upon the Mayor-Commissioner of the Town of Madeira Beach or one of the other Commissioners, and this written notice must be served thirty (30) days before the institution of any suit.

(b) No suit shall be instituted or maintained against the Town of Madeira Beach, Florida, for damages arising out of any personal injury unless written notice of such claim or injury is within sixty (60) days from the date of receiving the alleged injury, given to the Mayor-Commissioner of the Town of Madeira Beach of the specifications as to the time and place of said alleged injury.

#### Section 35. OATH OF OFFICE

All officers of the Town of Madeira Beach, before entering upon the duties of their offices, shall take and subscribe to an oath to faithfully perform the duties of their offices and the Constitution and Laws of the State of Florida and of the United States of America.

Section 36. The Commissioners of the Town of Madeira Beach shall have and exercise all powers conferred by General Law, upon municipal officers, not inconsistent with the terms of this Charter.

Section 37. The Board of Commissioners of the Town of Madeira Beach shall not employ nor contract with any member of said Board of Commissioners or of the Clerk of the Town of Madeira Beach nor with any son or daughter or husband or wife of said son or daughter of any member of the Board of Commissioners of the Town of Madeira Beach or of the Clerk thereof.

Section 38. The custody of the public records of the Town of Madeira Beach shall be in the keeping of the Town Clerk of said Town, and he shall be responsible for their safety.

Section 39. That the title, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Madeira Beach shall pass to and be vested in the municipal corporation organized under this Act, to succeed the municipality abolished.

Section 40. The Board of Commissioners shall have exclusive power to make all public improvements and expenditures authorized by Ordinances, but all work or services contracted for, calling for the expenditure of Five Hundred (\$500.00) Dollars or more, shall be let to the lowest and best bidder, the Commissioners having the right and power, however, to reject any or all bids, and to perform the work advertised for, through the public works or other

appropriate department or departments of the Town, provided the cost of said work or services thus performed shall not exceed the price therefor named by the lowest and best bidder in this bid, in the event that bids have been received. If no bids have been received, the Commissioners in that event are authorized to perform the necessary work in making and completing said public improvements on the best terms possible, and at the lowest costs through the public works department or other appropriate department of the Town of Madeira Beach.

Section 41. All public notices required to be published by the provisions of this Charter or any ordinance adopted hereunder, may be published in any daily or weekly newspaper published in the County of Pinellas and having a general circulation in the Town of Madeira Beach.

Section 42. All ordinances of the Town of Madeira Beach in force and effect at the time this Act becomes effective which are not inconsistent with the provisions of this Charter be and the same are hereby ratified, validated and confirmed.

Section 43. All laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 44. In the event any section, portion or provision of this Act shall be held to be unconstitutional or inoperative, it shall in no wise affect the remaining valid portions hereof.

Section 45. This Act shall not become effective until and unless the same be ratified by a majority of the qualified electors of the Town of Madeira Beach voting in an election called and held for the purpose of ratification or rejection hereof, in the manner provided by law for the calling and holding of special elections in said Town. In the event of the ratification of this Act, the same shall become effective immediately upon the official determination of said ratification. The submission of other measures for approval or rejection at the same special election in which this Act is submitted for ratification or rejection, shall in no way be considered to invalidate or render void the special election in which the ratification or rejection of this Act is submitted.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1949.

## CHAPTER 25993—(No. 997)

## HOUSE BILL NO. 1330

AN ACT Expressly Authorizing and Empowering the Town of Madeira Beach, Florida, by Resolution or Ordinance of the Town Commission or Other Governing Body, to Determine, Fix, Prescribe and Establish from Time to Time, the Fiscal Year of Said Town; Repealing All Laws or Parts of Laws in Conflict Herewith; and Requiring the Submission of This Act to the Electorate of the Town of Madeira Beach, Florida, for Its Approval or Rejection, and Subject to Said Approval, Providing for the Effective Date of This Act.

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

Section 1. That the Town of Madeira Beach, acting by and through its Town Commission or other governing body, be, and it is hereby expressly authorized and empowered by resolution or ordinance, from time to time, to determine, fix, prescribe and establish the fiscal year of said town, and in so doing it shall determine when said fiscal year shall begin and end.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. This Act shall not become effective until and unless the same be ratified by a majority of the qualified electors of the Town of Madeira Beach voting in an election called and held for the purpose of ratification or rejection hereof in the manner provided by law for the calling and holding of special elections in said town. In the event of the ratification of this Act the same shall become effective immediately upon the official determination of said ratification. The submission of other measures for approval or rejection at the same special election in which this Act is submitted for ratification or rejection shall in no way be considered to invalidate or render void the special election in which the ratification or rejection of this Act is submitted.

Section 4. Subject to the limitations and conditions as to the effectiveness and effective date of this Act as contained in Section 3 hereof, this Act shall become a law immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 13, 1949.