

House Bill No. 795

An act relating to Palm Harbor Special Fire Control and Rescue District, a public municipal corporation of the state of Florida in Pinellas County; providing for the codification of special laws relating to Palm Harbor Special Fire Control and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting ch. 82-369, Laws of Florida; ch. 84-512, Laws of Florida; ch. 84-513, Laws of Florida; ch. 86-441, Laws of Florida; ch. 88-477, Laws of Florida; and ch. 95-469, Laws of Florida, relating to Palm Harbor Special Fire Control and Rescue District; providing for repeal of prior special acts related to Palm Harbor Special Fire Control and Rescue District; providing for creation and District boundaries; providing for status and purpose; providing for the amendment of the charter; providing for expansion of boundaries; providing for the governing body; providing power and duties; providing for the election of the board of commissioners; providing taxing authority for special assessments; providing for ad valorem taxes; providing for revenue and debts; providing for district funds; providing for duties of the board; providing for policies and regulations; providing for public disclosure; providing for dissolution and annexation of the district; providing definitions; providing impact fees; providing application; providing an effective date.

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

Section 1. Intent.—Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to Palm Harbor Special Fire Control and Rescue District. It is the intent of the legislature in enacting this law to provide a single, comprehensive special act charter for the District including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District a tax not to exceed 2 mills on the dollar of assessed valuation, except as provided in chapter 191, Florida Statutes, as it may be amended from time to time.

Section 2. Codification.—Chapters 82-369, 84-512, 84-513, 86-441, 88-477, and 95-469, Laws of Florida, relating to Palm Harbor Special Fire Control and Rescue District are amended, codified, reenacted, and repealed as herein provided.

Section 3. The Palm Harbor Fire Control and Rescue District is re-created and the charter for such District is re-created and reenacted to read:

Section 1. Creation; boundaries.—All of the lands hereinafter described shall be incorporated into a special fire control District, which shall be a public municipal corporation, having the powers and duties herein set forth, under the name of “Palm Harbor Special Fire Control and Rescue District.”

hereinafter referred to as the District. The lands so incorporated are described as follows:

Begin at the intersection of the centerline of the Intercoastal Waterway and the westerly extension of the centerline of Klosterman Road. Thence run East by the Centerline of Klosterman Road and the westerly extension thereof to the West $\frac{1}{4}$ corner of Section 19, Township 27 South, Range 16 east; thence S. $0^{\circ}14'32''$ E. along the West line of said Section 19, 1333.85 feet to the Southwest corner of Lot 56, Tampa and Tarpon Springs Land Company Sub. as recorded in Plat Book H1 Page 116 of the official records of Hillsborough County, of which Pinellas County was formerly a part; thence S. $87^{\circ}48'12''$ E. along the South Line of Lots 56 and 52 of said subdivision, 1740.84 feet; thence N. $0^{\circ}33'31''$ W. along the Southerly extension of the East line of Lot 51 of said subdivision and the East Line of Lot 51, 1385.80 feet to the East and est. centerline of said Section 19, said centerline also being the centerline of Klosterman Road; thence run East by the centerline of Klosterman Road and the Easterly extension thereof to the center of Lake Tarpon; thence southeasterly through the waters of Lake Tarpon and the Lake Tarpon Outfall Canal to the centerline of Curlew Rd. (S.R. 586); thence West by the centerline of Curlew Rd. (S.R. 586) to a point on the North-South centerline of the Northwest $\frac{1}{4}$ of Section 14, Township 28 South, Range 15 East; thence North by the North-South centerline of the Northwest $\frac{1}{4}$ of said Section 14 to the North Section line of said Section 14; thence West on said section line and continuing West on the North Section line of Section 15, Township 28 South, Range 15 East to the centerline of the Intercoastal Waterway; thence North on said centerline of the Intercoastal Waterway to the Point of Beginning.

Section 2. Status and purpose.—The Palm Harbor Special Fire Control and Rescue District, an independent special district, is organized and exists for all purposes set forth in this act and chapter 191, Florida Statutes.

Section 3. Creation; amendment of charter.—The District was created by special act of the Legislature in 1961. Its charter may be amended only by special act of the Legislature.

Section 4. Expansion of boundaries.—The corporate limits may be extended and enlarged from time to time pursuant to the following procedure:

(1)(a) A definitely described tract of land lying contiguous to the boundaries of the District described in section 1, or as the same may from time to time exist, or one or more tracts of land lying contiguous to the boundaries, or one or more tracts of land lying contiguous to each other with one of the tracts lying contiguous to the boundaries of the District, may be included in the District when a written petition for inclusion signed by a majority of the owners of the real property within the tract or tracts to be included in the District has been presented to the board of commissioners and the proposal has been approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting.

(b) The petition must contain the legal description of the property sought to be added to the District and the names and addresses of the owners of the property.

(2) If a proposal to add an area to the District as defined in subsection (1) is approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting, the board of commissioners shall thereafter adopt a resolution describing the lands to be included within the District and shall cause such resolution to be duly enrolled in the record of the meeting and a certified copy of the resolution to be recorded in the Office of the Clerk of the Circuit Court in Pinellas County.

(3) Upon adoption of the resolution by the board, the District shall, pursuant to chapter 191, Florida Statutes, request its legislative delegation approve said addition and sponsor legislation amending the District boundary. Upon approval by the Legislature the boundary shall be amended.

Section 5. Governing body.—

(1) The business and affairs of the District shall be conducted and administered by the Board of Commissioners of the Palm Harbor Special Fire Control and Rescue District, to be elected as provided in chapter 191, Florida Statutes, as it may be amended from time to time.

(2) Each commissioner, within 30 days after assuming office, shall execute with a qualified corporate surety a good and sufficient bond to be approved by the Clerk of the Circuit Court of Pinellas County, in the sum of \$5,000, payable to the Governor of the State of Florida for the benefit of the District, conditioned upon the commissioner's faithful performance of his or her duties, as provided in chapter 191, Florida Statutes, as it may be amended from time to time. All premiums for each surety on all such bonds shall be paid from the funds of the District.

(3) Effective upon the second Tuesday following the next regular county election at which a board of commissioners is elected, each commissioner shall receive from the funds of the District compensation for his or her services in the amount of \$200 per month. Authorization for any additional compensation shall be pursuant to chapter 191, Florida Statutes, as it may be amended from time to time.

Section 6. Powers and duties.—

(1) The District shall hold all general and special powers, functions, and duties set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements. The District may be financed by any method established in this act, chapter 189 or 191, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(2) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 170, 189, 191, and 197, Florida Statutes, as they may be amended from time to time.

(3) The District's planning requirements shall be as set forth in this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

(4) The District's geographic boundary limitations shall be as set forth in this act.

Section 7. Election of Board of Commissioners.—

(1) Each of the five commissioners shall hold his or her respective seat on the Board of Commissioners of the Palm Harbor Special Fire Control and Rescue District for a term of 4 years and shall be elected by majority vote of the qualified electors of the District voting at a general county election, provided that the commissioners holding seats on the effective date of this act shall continue to hold their respective seats for the remainder of their terms or until their successors are elected and qualified, whichever occurs first. Any commissioner may be a candidate to succeed himself or herself. Vacancies shall be filled as provided in paragraph (3)(b).

(2) Voting for commissioners shall be Districtwide and nonpartisan.

(3)(a) All commissioners must be qualified electors within the District and must reside within the District.

(b) If any commissioner ceases to reside anywhere within the District, resigns his or her seat, or is removed from office, his or her seat shall be declared vacant, he or she shall be disqualified from further service for the remainder of his or her unexpired term, and the remaining commissioners, even though they be less than a quorum, shall elect a successor to fill the unexpired term of the seat vacated, pursuant to the time requirements of section 114.04, Florida Statutes.

(4) Each commissioner, whenever elected, shall begin his or her term of office on the second Tuesday following his or her election, pursuant to section 100.041(4), Florida Statutes, and shall hold office until his or her successor is elected and qualified, unless he or she ceases to be qualified, resigns, or is removed from office. Any resignation by a commissioner of his or her seat shall be accepted.

(5) All candidates shall qualify for election pursuant to applicable requirements of chapters 189 and 191, Florida Statutes.

(6) The names of all candidates qualifying for election to a seat on the board of commissioners shall be included, in such a way as to clearly indicate the respective seat for which each qualified candidate is running, on the ballot or voting machines provided for use in the District along with the candidates for county office at each regular county election.

(7) Any expenses of holding elections for commission seats at the regular county elections shall be paid for out of the funds of the District if required by proper authority.

(8) In the event only one candidate for any one particular seat on the board of commissioners has qualified for election by the deadline for qualify-

ing, the board of commissioners shall forthwith by resolution declare such a candidate to have been duly elected to fill the respective seat or seats without the necessity of holding an election as otherwise provided in this section.

Section 8. Taxing authority for special assessments.—

(1) The District may levy special assessments against the assessable real estate situated in the District, including homestead property otherwise exempt from taxation, to provide funds for the purposes of the District. In so doing, the District shall establish a schedule of land-use classifications and a special assessment for each land use classified. The schedule of land-use classifications shall be established in the manner prescribed in subsection (2) of this section.

(2) The Board of Commissioners of the Palm Harbor Special Fire Control and Rescue District shall fix an assessment schedule, indicating land-use classifications and the applicable assessment rate for each land use classified, by resolution, or subsequent to April 1 of each year. If the assessment schedule contains no new land-use classification and no increases in the rate of assessment, the assessment shall be effective for the next calendar year subsequent to the passage of the resolution without the necessity of a referendum. If, however, the assessment schedule contains any new land-use classification or any increase in the assessment rate of any land-use classified, the board of commissioners shall submit their resolution to the electors residing in the District in accordance with law; and if a majority of electors voting in such a referendum election approve, the assessment schedule shall be effective for the next calendar year subsequent to the referendum.

(3) The board of commissioners of the District shall, on or before September 10 of each year, prepare and complete a special assessment roll showing the assessment rate for each parcel of real estate situated in the District.

(4) The board of commissioners may, in any year, by resolution, change the date on which the assessment schedule is to be fixed and the date on which the final assessment roll is to be adopted, provided that, in the event of any such change of date, the board shall cause a notice to be published in a newspaper in Pinellas County, one time, said notice to be published at least 10 days prior to the date on which it is proposed to fix the rate of assessment.

(5) Any property owner in the District may, during the period between November 5 and November 15 of any year, file protest in writing with the board of commissioners against the assessment paid by him or her and appear before the board in support of such protest. The board shall hold such meetings as may be necessary following said period to consider any such protest and to make any such adjustment, refund, or denial as it may determine fair, equitable, and proper.

Section 9. Ad valorem taxes.—

(1) The Board of Commissioners of the Palm Harbor Special Fire Control and Rescue District shall have the authority to levy ad valorem taxes

against all taxable property within the District to provide funds for the purposes of the District.

(2) The levy of ad valorem taxes shall proceed pursuant to general law. The rate of taxation shall be fixed annually by resolution of the board and shall not exceed 2.0 mills except as provided by chapter 191, Florida Statutes, as it may be amended from time to time.

Section 10. Revenues and debts.—

(1) The revenue and funds of the District shall be deposited in the name of the District in a bank or banks authorized to receive deposits of county funds, which bank or banks shall be designated by resolution of the board of commissioners. The designation of such bank or banks and the deposit of funds therein shall be by the exercise of due care and diligence on the part of the board of commissioners for the safekeeping of said funds. No funds of the District shall be paid out or disbursed except by check.

(2)(a) The board of commissioners shall have the power and authority to borrow money for the purposes of the District pursuant to this act and chapter 191, Florida Statutes, and may pledge as security for the payment of such loan collections on said roll and pursuant thereto shall have the power and authority to issue bonds or give tax anticipation notes, which shall be the sole security for any such loan, except where real property is purchased and a mortgage is given, subject to referendum approval where required by the constitution, to secure the purchase.

(b) Neither the District nor the commissioners shall be collectively or individually liable for any such loan, or any part thereof, and in the event of such pledge, it shall be the duty of the commissioners, upon collection of the ad valorem tax roll so pledged, to apply the first proceeds thereof to the payment of the loan for which such ad valorem tax roll or lien was pledged until full payment of the loan is made.

(c) Except as provided in paragraph (a), the commissioners shall not create indebtedness or incur obligations for any sum or amount which the board is unable to pay out of District funds then in its hands, provided, however, that this paragraph shall not be construed to prohibit the purchasing of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, and/or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.

Section 11. District funds.—No funds of the District shall be used for any purpose other than the following, as the board may determine to be in the best interests of the District:

(1) The administration of the affairs and business of the District relating to fire control and emergency medical services pursuant to this act or chapter 191, Florida Statutes, as it may be amended from time to time;

(2) The construction, care, maintenance, upkeep, operation, lease, and purchase of stations, equipment, and real property;

- (3) The installation of fire hydrants and water lines;
- (4) The payment of public utilities, such as electric lights and water; and
- (5) The payment of salaries to commissioners, a fire chief, and one or more personnel to perform the duties of the District, the payment of expenses as approved by the board of commissioners, and the exercise of the powers of the District shall be only for the purposes of providing services, equipment, and facilities for fire protection and control within the District as defined herein and amended by interlocal agreement, and no expenditures by the District shall be made except as shall relate to such purpose.

Section 12. Duties of board of commissioners; policies and regulations.—

(1) The officers of the board of commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of the board of commissioners, and in such meetings the concurrence of a majority of the commissioners in attendance shall be necessary to any affirmative action by the board, provided that no action shall be taken by the board of commissioners unless a quorum of commissioners is present, a quorum being defined as three or more commissioners.

(2) The board of commissioners may adopt such policies, and regulations, and ordinances as it may deem necessary to carry out the transaction of its business and the provisions of this act. The board shall have the right, power, and authority to enact and enforce a fire prevention ordinance in the same manner that other ordinances of the District are adopted.

(3) The board of commissioners shall adopt uniform ordinance procedures. Ordinances shall be signed, dated, and recorded with the clerk of the court of Pinellas County, and published as provided by Florida law. Ordinances shall be effective after publication, which constitutes legal notice of same.

(4) The board may specify, by rule, civil penalties for violations of such ordinances and a maximum daily fine of \$1,000.

(5) In any civil action brought by the Palm Harbor Special Fire Control and Rescue District to enforce the provisions of its charter or its duly enacted ordinances, including, but not limited to, actions brought to collect fees, taxes, or other moneys owed to the Palm Harbor Special Fire Control and Rescue District, the party in whose favor a judgment or decree has been rendered may recover reasonable court costs and attorney's fees from the nonprevailing party.

Section 13. Public disclosure.—Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 191, and 286, Florida Statutes, as they may be amended from time to time.

Section 14. Dissolution and annexation of District.—

(1) The special fire control District shall exist until dissolved by law. Should any municipality, city, village, town, or other fire control District, or any other municipal corporation, annex or cause to be annexed to its territorial limits any part or portion of land included in the District, said fire control District shall continue as the sole taxing authority for fire control purposes. However, this shall not preclude an interlocal agreement between the entity initiating the annexation and the District, as it relates to fire control.

(2) Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory situated on the effective date of this act within the boundaries of the Palm Harbor Special Fire Control and Rescue District unless the annexation of such territory by the municipality is first approved by the board of county commissioners of Pinellas County.

Section 15. Definitions.—For purposes of this act, unless the context clearly requires otherwise, the word “District” means the Palm Harbor Special Fire Control and Rescue District hereby established, and the terms “board,” “commissioners,” and “board of commissioners” mean the Board of Commissioners of the Palm Harbor Special Fire Control and Rescue District as created and organized in this act.

Section 16. Impact fees.—

(1) It is hereby declared that the cost of new facilities for fire protection service within the Palm Harbor Special Fire Control and Rescue District should be borne by new users of the District services to the extent new construction requires new facilities, but only to that extent. It is the legislative intent of this section to transfer to the new user of the District’s services a fair share of the costs that new users impose on the District for new facilities.

(2) The District is authorized to impose impact fees for new construction within the District. The board of commissioners of the District shall set the amount of such fees by resolution.

(3) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the District, or issue or obtain construction plan approval for new mobile home developments located within the District, until the developer thereof has paid any applicable impact fee to the District or its authorized representative; however, under no circumstances shall a failure to collect said fees before issuance of a building permit be construed as a waiver of said fees by the District.

(4) The impact fees collected by the District pursuant to this section shall be kept as a separate fund from other revenues of the District and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide fire protection services to new construction. “New facilities” means buildings and capital equipment, including, but not limited to, fire vehicles and radio-telemetry equipment. Said

fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities.

Section 4. Chapters 82-369, 84-512, 84-513, 85-489, 86-441, 88-477, and 95-469, Laws of Florida, are repealed.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. In the event of a conflict of the provisions of this act with the provisions of any other act the provisions of this act shall control to the extent of such conflict.

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

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.