

House Bill No. 1783

An act relating to Pinellas County; creating the East Lake Tarpon Special Fire Control District; creating a charter; providing a short title; providing definitions; providing for the boundaries of the East Lake Tarpon Special Fire Control District; providing the intent and purposes of this act; providing for the election of a District Board of Commissioners; providing for terms of office; providing for officers and meetings of the Board; providing for Commissioners' compensation and expenses; requiring a bond; providing general and special powers of the District; providing for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for issuance of bonds; providing for a 5-year plan; providing for boundaries and merger of the District boundaries; providing for annexation of territory by municipalities; providing for amendment of charter; providing for effect of dissolution; providing for severability; providing a referendum question; providing an effective date.

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

Section 1. The East Lake Tarpon Special Fire Control District charter is created to read:

Section 1. Short title.—This Act may be cited as the “East Lake Tarpon Special Fire Control District Act.”

Section 2. Definitions.—Unless the context otherwise requires, capitalized terms used herein shall have the following meanings ascribed to them:

(1) “Board” means the Board of Commissioners of the East Lake Tarpon Special Fire Control District.

(2) “County” means Pinellas County, Florida.

(3) “Elector” means a person who is a resident of the District and is qualified to vote in a general election in Pinellas County.

(4) “Emergency Medical Service” means basic and advanced life support service, as defined in section 401.23, Florida Statutes.

(5) “Governor” means the Governor of the State of Florida.

(6) “Rescue Response Service” means an initial response to an emergency or accident situation, including, but not limited to, a plane crash, a trench or building collapse, a swimming or boating accident, or a motor vehicle accident.

Section 3. Formation; boundaries.—

(1) For the purpose of providing fire prevention services pursuant to chapter 191, Florida Statutes, and subject to Sections 12 and 13 of this

legislation, an independent special district is hereby created and incorporated to be known as the East Lake Tarpon Special Fire Control District, hereinafter the "District," in Pinellas County, which special district shall be a public municipal corporation, and shall embrace and include the territory described as:

The East Lake Tarpon Fire Control District is described by the following:

Begin at the Northeast Corner of Section 1, Township 27 South, Range 16 East, Pinellas County, Florida; thence run south along the said East Section Line (Hillsborough/Pinellas County Line) to the East-West Half Section Line of Section 1, Township 28 South, Range 16 East; thence West along said Half Section Line to the Easterly right-of-way Line of Florida Power Corporation; thence South along said right-of-way Line to the East-West Half Section Line of Section 12, Township 28 South, Range 16 East; thence East along said Half Section Line to the Northeast Corner of Florida Power Corporation Substation; thence South along the East Line of said Substation to the South Section Line of said Section 12; thence East to the East Section Line of Section 13, Township 28 South, Range 16 East (Hillsborough/Pinellas County Line); thence South along said County Line to the South Line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 13; thence West along said Line to the Westerly right-of-way Line of Florida Power Corporation; thence North along said right-of-way line to the North Section Line of said Section 13; thence West along said Section Line to the North-South Center Section Line of Section 12, Township 28 South, Range 16 East; thence North along said Center Section Line to the South Right-of-way line of Florida Power Corporation; thence West along said right-of-way Line to the West Line of Section 11, township 28 South, Range 16 East; thence North along said West Line to the North right-of-way Line of said Florida Power Corporation; thence East along said right-of-way Line to the East Line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 12; thence North along said Easterly Line to the East-West Centerline of said Section 12, thence East along said Centerline to the West Line of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 12; thence North along said line to the North Section Line of said Section 12; thence East along said line to the North-South Centerline of Section 1, Township 28 South, Range 16 East; thence North along said line a distance of 491.97 feet; thence North 75 00'00" east to the West right-of-way Line of Florida Power Corporation; thence North along said right-of-way Line to the East-West Centerline of said Section 1; thence West along said line a distance of 1,837.78 feet; thence North to the South Line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 1; thence West along said line to the West Line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 1; thence North along said line to the North Line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 36, Township 27 South, Range 16 East; thence West along said line to the North-South Centerline of Section 35, Township 27 South, Range 16 East; thence South along said line to the South Section Line of said Section 35; thence West along said Section Line to the Southwest corner of said Section 35; thence South along the West Section Line of Sections 2 and Section 11, Township 28 South, Range 16 East to the North Section Line of Section 15, Township 28 South, Range 16 East;

thence West along the North Line of said Section 15 to the North-South Centerline of said Section; thence South along said Centerline to the northerly right-of-way line of Tampa Road (S.R.584); thence in a North-westerly direction along said right-of-way line to the Southerly Line of Florida Power Corporation; thence Southwesterly along said Southerly Line to the centerline of the Lake Tarpon Outfall Canal; thence North-erly along the centerline of the Lake Tarpon Outfall Canal into Lake Tarpon to its North-South Centerline; thence Northerly along the North-South Centerline of Lake Tarpon to the City Limit Line of the City of Tarpon Springs on the Northern shoreline of Lake Tarpon; thence along the City Limit Line of Tarpon Springs around its Easterly point above Lake Tarpon and then Westerly to the North-South Centerline of Salt Lake; thence northerly along the North-South Centerline of Salt Lake to the Centerline of the Anclote River; thence Northeasterly along the Centerline of the Anclote River to the Pasco-Pinellas County Line; thence East along the Pasco/Pinellas County Line to the Point of Beginning.

LESS any areas annexed into the corporate municipal limits of Oldsmar or Tarpon Springs.

(2) Any lands within a municipality included in the boundaries of the District, as described herein, shall be excluded from the District and its jurisdiction. If any area, tract, or parcel of land within the boundaries of the District shall hereafter become annexed to a municipality, such area, tract, or parcel of land shall be excluded from the District effective the next January 1 following such annexation by a municipality.

(3) Should any part of the territory covered in this Act be held not to be included herein, then this Act shall continue in effect as to the balance of the territory.

Section 4. Intent.—The purposes of this Act are to:

(1) Provide standards, direction, and procedures concerning the operation and governance of the special fire control district known as the East Lake Tarpon Special Fire Control District.

(2) Provide greater uniformity between the East Lake Tarpon Special Fire Control District and other independent special fire control districts.

(3) Provide greater uniformity in the financing authority of the East Lake Tarpon Special Fire Control District without hampering the efficiency and effectiveness of current authorized and implemented methods and procedures of raising revenues.

(4) Improve communication and coordination between the East Lake Tarpon Special Fire Control District and other local governments with respect to short-range and long-range planning to meet the demands for service delivery while maintaining fiscal responsibility.

(5) Provide uniform procedures for electing members of the governing Board of the East Lake Tarpon Special Fire Control District to ensure greater accountability to the public.

Section 5. Board of commissioners; officers; bond; compensation.—

(1) The business affairs of the District shall be conducted and administered, pursuant to chapter 191, Florida Statutes, by the Board of Commissioners of the East Lake Tarpon Special Fire Control District, which is established as a Board of five commissioners. Annually, within 60 days after newly-elected members have taken office, the Board shall organize by electing from its members a chair, a vice-chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member. The office of each commissioner comprising the Board of Commissioners of the East Lake Tarpon Special Fire Control District is hereby designated as being a seat on the Commission, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does not designate a geographical subdistrict of the District.

(2) Each commissioner shall, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution, and section 876.05, Florida Statutes. Each commissioner, within 30 days of assuming office, must give the Governor a good and sufficient surety bond in the sum of \$5,000, conditioned upon the faithful performance of the commissioner's duties and upon the accounting for all funds to come into his or her hands as commissioner. All premiums for each surety on all such bonds shall be paid from the funds of the District.

(3) Members of the Board may each be paid a salary or honorarium to be determined by at least a majority plus one vote of the Board, which salary or honorarium may not exceed \$500 per month for each member. Special notice of any meeting at which the Board will consider a salary change for a Board member shall be published at least once, at least 14 days prior to the meeting, in a newspaper of general circulation in the County. Separate compensation for the Board member serving as treasurer may be authorized by like vote so long as total compensation for the Board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expenses, as provided in section 112.061, Florida Statutes.

(4) Members of the Board shall comply with the financial disclosure, noticing, and reporting requirements of chapter 112, Florida Statutes, and any other applicable law or regulation.

Section 6. Board of Commissioners; terms; election; qualifications, certification of single candidate.—

(1) District Elections and referenda shall be held in accordance with chapter 191, Florida Statutes.

(2) Each of the five commissioners shall hold his or her respective seat on the Board of Commissioners of the East Lake Tarpon Special Fire Control District for a term of 4 years and, except as provided in subsection (3) of this section, shall be elected by majority vote of the Electors of the District voting at a general election. In the first election following the effective date of this Act, seats 1, 3, and 5 shall be designated for 4-year terms, and seats 2 and 4 shall be designated for 2-year terms. All commissioners must be qualified electors within the District and must reside within the District.

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

(4) If a vacancy occurs on the Board due to the resignation, death, or removal of a commissioner, or the failure of anyone to qualify for a Board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. The Board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The Board shall adopt policies by resolution defining excused and unexcused absences.

(5) Each commissioner, whenever elected, shall assume office 10 days following the member's election, and shall serve until the commissioner's successor is elected.

(6) All candidates shall qualify with the County Supervisor of Elections. All candidates may qualify by paying a filing fee of \$25 or by obtaining the signatures of at least 25 registered Electors of the District on petition forms provided by the Supervisor of Elections, which petitions shall be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section 105.035, Florida Statutes.

(7) 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.

(8) 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.

(9) The Board shall keep a permanent recordbook entitled "Record of Proceedings of East Lake Tarpon FCD," in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The recordbook shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes, and s. 24, Art. I of the State Constitution. The recordbook shall be kept at the office or other regular place of business maintained by the Board in the county or municipality in which the District is located.

(10) All meetings of the Board shall be open to the public, consistent with chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

Section 7. Powers.—

(1) The District shall have, and the Board may exercise, all the powers and duties set forth in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

(2) The Board shall exercise the powers described herein in a manner consistent with the policies and regulations of the Pinellas County Fire

Protection Authority, which was created pursuant to chapter 73-600, Laws of Florida.

Section 8. Taxes; non-ad valorem assessments; impact fees; user charges; bond issuance.—

(1) The District shall also hold all powers, functions, and duties set forth in this Act and chapter 189, chapter 191, and chapter 197, Florida Statutes, as 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, or in chapter 189 or chapter 191, Florida Statutes, as 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, chapter 189, chapter 191, or chapter 197, Florida Statutes, as amended from time to time.

Section 9. Five-year plan.—The District shall adopt a 5-year plan to identify the facilities, equipment, personnel, and revenue needed by the District during that 5-year period. The plan shall be updated in accordance with section 189.415, Florida Statutes, and shall satisfy the requirement for a public facilities report required by section 189.415(2), Florida Statutes.

Section 10. Boundaries and mergers.—

(1) The boundaries of the District may be modified, extended, or enlarged upon approval or ratification by the Legislature.

(2) The merger of the District with all, or portions of, other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. A District may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the District beyond the maximum established by the District's enabling legislation, unless approved by the electors of the District by referendum.

Section 11. Annexation of territories by municipalities.—For the purposes and requirements of this Act, after the annexation by a municipality of any unincorporated area within the East Lake Tarpon Special Fire Control District, the annexed area shall be treated as lying within the corporate boundaries of the annexing municipality, and shall not be subject to a levy of the ad valorem tax which is authorized by this Act.

Section 12. Amendment of charter.—This charter may be amended only by special act of the Legislature.

Section 13. Effect of dissolution.—In accordance with section 189.405(2), Florida Statutes (1999), the dissolution of the District shall transfer the title to all property owned by the District to Pinellas County, which shall also assume all indebtedness of this District.

Section 2. Severability.—Should any provision of this Act be held to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Act.

Section 3. Referendum.—At the special referendum called pursuant to Section 4 of this Act, the ballot question shall be substantially as follows:

Shall there be created an independent fire control district covering the East Lake Tarpon Special Fire Control District for the purpose of providing fire prevention services to the District, with such District having the authority to levy up to 3.75 mills of ad valorem taxation on property located within the District?

Section 4. This Act shall take effect only upon its approval by a majority vote of those qualified electors of the East Lake Tarpon Special Fire Control District described in Section 3 of the East Lake Tarpon Fire Control District charter voting in a referendum election to be called by the Board of County Commissioners of Pinellas County and to be held prior to November 30, 2000, in accordance with the provisions of law relating to elections currently in force, except that this section and section 3 of this legislation shall take effect upon this Act becoming a law.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.