

## House Bill No. 1183

An act relating to the Englewood Area Fire Control District in Sarasota and Charlotte Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for the levying of non-ad valorem assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Englewood Area Fire Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, and to conform the charter to chapter 191, Florida Statutes, the Independent Special Fire Control District Act, and other provisions of general law.

Section 2. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, relating to the Englewood Area Fire Control District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Englewood Area Fire Control District is recreated and reenacted to read:

ARTICLE I  
PREAMBLE

Section 1.01. This act establishes a Charter for the Englewood Area Fire Control District, which District was created by chapter 82-381, Laws of Florida. The District shall be deemed created by said chapter for all purposes.

Section 1.02. This act supersedes and repeals all previous special acts relating to the Englewood Area Fire Control District and sets forth within this Charter those matters, as applicable, which are covered by such previous special acts. Amendments to the Charter may be made only by special act of the Legislature. This act shall be construed so as to preserve to the District all powers previously granted.

Section 1.03. This District is organized and exists for all purposes set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time. All provisions of chapters 189 and 191, Florida Statutes, and all power and authority granted thereunder are hereby applicable to the Englewood Area Fire Control District.

ARTICLE II  
NAME OF DISTRICT

Section 2.01. The name of the District shall be Englewood Area Fire Control District.

Section 2.02. The District shall be an independent special district of the State of Florida and a body corporate and politic.

ARTICLE III  
BOUNDARIES OF THE DISTRICT

Section 3.01. The District shall include the following described lands in Sarasota County and Charlotte County:

Sarasota County Legal Description: Begin at the intersection of mean high water line of the Gulf of Mexico on the West shore Manasota Key with the North line of Section 5, Twp. 40 S, Range 19E, Sarasota County, Florida; thence Easterly across Manasota Key to the mean high water line of Lemon Bay; thence Southeasterly along the waters of Lemon Bay to the intersection with the Northerly right of way line of the Manasota Beach Road; thence Northeasterly and Easterly along said Northerly right of way line to the West line of Section 10, Twp. 40 S, Range 19E; thence North along said West line of Section 10, Twp. 40 S, Range 19E to the Northwest corner of said section; thence Easterly along the North line of Sections 10, 11 and 12, Twp. 40 S, Range 19E, and continue Easterly along the North line of Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E to the center line of South River Road; thence Southerly and Southwesterly along said center line to the South line of Section 15, Twp. 40 S, Range 20 E and the municipal boundary of the City of North Port. Thence West along the South line of said Section 15 (also the North Port boundary) to the Southwest corner thereof; thence South along the East line of Sections 21 and 28, Twp. 40 S, Range 20 E (also the North Port boundary) to the Southeast corner of said Section 28; thence West along the South line of said Section 28 (also the North Port boundary) to the Northeast corner of the Northwest  $\frac{1}{4}$  of Section 33, Twp. 40 S, Range 20 E; thence South along the East line of the West  $\frac{1}{2}$  of Section 33 (also the North Port boundary) to the South line of said Section 33; thence West along the South line of Sections 33, 32 and 31, Twp. 40 S, Range 20 E and continue West along the South line of Sections 36 and 35, Twp. 40 S, Range 19 E, this line being the Sarasota - Charlotte County line to the intersection with the mean high water line of the Gulf of Mexico at the West shoreline of Manasota Key; thence Northerly and Westerly along the mean high water line of the Gulf of Mexico to the intersection with the North line of Section 5, Twp. 40 S, Range 19 E, and the point of beginning.

And expanding the District boundaries to include the following properties:

All lots within Blocks 5, 6, 7, 8, 17, 18, 19, 20, 27, 28 and those lots within Blocks 29 and 30 lying north of Manasota Beach Road, as per plat of Manasota Land & Timber Company, as recorded in Plat Book A, Page 63, Sarasota County; the geographical boundaries being described as:

Beginning at the intersection of the Manasota Beach Bridge and the Intra coastal waterway (mainland side), thence East along the North side of Manasota Beach Road to Alamander Avenue; thence North along the West side of Alamander Avenue to Belvedere Street; thence West along the South side of Belvedere Street to the Intra-Coastal Waterway; thence South along the East shoreline of the Intra-Coastal Waterway to the intersection of the Manasota Beach Bridge and point of beginning.

Charlotte County Legal Description. Beginning at the intersection of the Gulf of Mexico with the North line of Section 2, Twp. 41 S, Range 19 E, Charlotte County, Florida; run Easterly along the North line of said township to the Northeast corner of Section 1, Twp. 41 S, Range 20 E; thence Southerly along the East line of said Range 20 E, to the North-west corner of Section 6, Twp. 42 S, Range 21 E; thence Easterly along the North line of said Twp. 42, to the Westerly shore of Charlotte Harbor; thence Southerly and Westerly along Charlotte Harbor to Cape Haze; thence Northwesterly to an intersection of the Westerly shore of Turtle Bay with the Northerly shore of Cape Haze - Gasparilla Sound; thence Westerly and Northwesterly along the shores of Cape Haze-Gasparilla Sound, Placida Harbor and Lemon Bay to a point East of Stump Pass; thence Westerly through Stump Pass to an intersection of the Northerly shore of Stump Pass with the Easterly shore of the Gulf of Mexico thence Northwesterly along said shore to the point of beginning.

#### ARTICLE IV POWERS OF THE DISTRICT

Section 4.01. The District Board of Commissioners shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the District to establish, equip, operate, and maintain a fire department and rescue service, including, but not limited to, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the District Board to provide adequate protection from unwanted fire and to carry out rescue operations. The District Board shall have the authority to accept gifts or donations of equipment or money for use by the District. The District shall have the authority to purchase, lease, sell, exchange, or otherwise acquire and dispose of property intended for use by the District and to borrow money, issue bonds, and enter into term indebtedness, provided reputable institutions or companies are used and provided all agreements are within the laws of the state. In addition, the District Board shall have the authority to extend its services beyond the District boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.

Section 4.02. The District Board shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the District Board. The District Board shall also have the authority

to promulgate rules and regulations related to fire prevention and life safety.

Section 4.03. The duties and powers of the Board of Commissioners and the District shall be as set forth in this act and in chapter 191, Florida Statutes, as they may be amended from time to time.

#### ARTICLE V GOVERNING BOARD

Section 5.01. In accordance with section 191.005, Florida Statutes, the business and affairs of the District shall be conducted and administered by a five-member Board of Fire Commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the District in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405, Florida Statutes. Each member of the Board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.

Section 5.02. The office of each Board member is designated as a seat on the District, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate at the time he or she qualifies the seat on the Board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the Board.

Section 5.03. In accordance with chapter 191, Florida Statutes, each member of the Board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

Section 5.04. Each elected member shall assume office 10 days following the member's election. Annually, within 60 days after the 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.

Section 5.05. Members of the Board may each be paid a salary or an honorarium to be determined by at least a majority plus one vote of the Board pursuant to chapter 191, Florida Statutes. In addition, members may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.

Section 5.06. If a vacancy occurs on the Board due to the resignation, death, or removal of a Board member 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.

Section 5.07. The procedures for conducting District elections or referenda or for qualification of electors shall be pursuant to chapters 189 and 191, Florida Statutes.

Section 5.08. The Board shall have those administrative duties set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

Section 5.09. 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 5.10. The District's planning requirements shall be as set forth in this act and in chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

## ARTICLE VI FINANCES

Section 6.01. The District shall have the right, power, and authority to levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, against the taxable real estate lying within the territorial boundaries of the District in order to provide funds for the purpose of the District. The rate of such assessments shall be fixed annually by a resolution of the Board of Commissioners after conducting a public hearing. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of sections 197.363 through 197.3635, Florida Statutes.

Section 6.02. The methods for assessing and collecting non-ad valorem assessment fees or service charges shall be as set forth in chapter 170, chapter 189, chapter 191, or chapter 197, Florida Statutes, as any of these may be amended from time to time. In setting assessment rates, the Commissioners shall consider the size of the property, the fire hazard it presents, and the protection provided.

Section 6.03. For assessment purposes, all property within the District shall have the following general classifications:

- (1) Business and/or Commercial.
- (2) Single-family residence.
- (3) Duplex residence (2-family).
- (4) All other multifamily buildings, including condominium and cooperative building or apartment central building.
- (5) Unimproved subdivided lots.
- (6) Unsubdivided acreage.
- (7) Residential trailer space in rental trailer parks.
- (8) Rental travel space.

Section 6.04. The rate of such annual assessments for protection against fire and the furnishing of rescue service shall be fixed annually by a resolution of the Board of Fire Commissioners. The assessments may be increased

as provided in chapter 191, Florida Statutes, provided the Board shall determine that such increase is necessary in order to properly carry out the purposes of the District. No increase in excess of that provided in chapter 191, Florida Statutes, shall be permitted unless and until the Board holds the required referendum for increasing said assessments. The District must establish that the increased assessment rate in excess of that amount allowed by statute does not exceed the benefits derived from the furnishing of the services. Any such assessment shall be made only when there has been competent substantial evidence presented to the District establishing that such an adjustment in the rate is necessary in order for the District to properly carry out its purposes and establishing that the proposed increase in assessments will not exceed the benefits. In accordance with section 191.011, Florida Statutes, the procedure for increasing the annual assessment rate in excess of that allowed under chapter 191 shall be as follows:

(1) Presentation to the Board of competent substantial evidence establishing that the increase in the maximum rate of assessments is necessary in order to carry out the purposes of the District and further establishing that said assessments as increased will not exceed the benefits accruing to the property within the District.

(2) Adoption of a resolution setting forth findings of fact and establishing the necessity for the increase in assessment rates, and said resolution shall provide for the calling of a referendum election wherein the question of whether to increase the assessments as recommended by the Board shall be approved.

(3) Provided the maximum increase for rate of assessment in chapter 191, Florida Statutes is exceeded, a referendum election shall be held pursuant to the general law governing special elections in the state and, upon certification of the return of the election, the rate of assessment shall be deemed amended if approved by a majority vote of the electors voting in said election.

Section 6.05. Assessments shall be a lien upon the land so assessed, along with the county taxes assessed against the same until said assessments and taxes have been paid and, if the same becomes delinquent, shall be considered a part of the county tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided by the laws of the state for the collection of such taxes.

Section 6.06. The Board shall establish a schedule of impact fees in accordance with section 191.009(4), Florida Statutes, and with any standard set by general law for new construction to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the District under this section shall be kept separate from the revenues of the District and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. As used in this section, "new facilities" means lands, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radio telemetry equipment, and other firefighting or rescue equipment. The Board shall maintain adequate records to ensure that impact fees

are expended only for permissible new facilities or new equipment. The Board may enter into agreements with general-purpose local governments to share in the revenue from fire protection impact fees imposed by such governments. For impact fee purposes, all property within the District shall have the classification of residential or commercial.

Section 6.07. The Board may provide a reasonable schedule of charges for special emergency services, including firefighting occurring in or to structures outside the District, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels to which the District is called to render emergency service, and may charge a fee for the services rendered in accordance with the schedule developed and pursuant to chapter 191.009(3), Florida Statutes.

Section 6.08. The District may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements authorized to be undertaken under this act or under general or special law, provided the total annual payments for the principal and interest of such indebtedness do not exceed 50 percent of the total annual budgeted revenues of the District as provided in section 191.012, Florida Statutes.

#### ARTICLE VII MISCELLANEOUS

Section 7.01. All contracts, obligations, rules, regulations, or policies of any nature existing on the date of enactment of this act shall remain in full force and effect and this act shall in no way affect the validity of such contracts, obligations, rules, regulations, or policies.

Section 7.02. This act shall not affect the terms of office of the present District Board, nor shall it affect the terms and conditions of employment of any employees of the District.

Section 4. Chapters 69-597, 70-518, 75-503, 82-381, 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions of this act.

Section 6. This act shall be construed as a remedial act and the provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public health, welfare, and safety of the citizens served by the District.

Section 7. All laws or part of laws in conflict herewith are, to the extent of such conflict, repealed.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.