

House Bill No. 1375

An act relating to Manatee County; creating the Duette Fire and Rescue District, an independent special district; creating a district charter; providing a short title; providing definitions; providing territorial boundaries of the district; providing purposes and intent; providing for a board of commissioners of the district; providing for qualification, election, membership, terms of office, and compensation of the board; providing for the filling of vacancies; providing for meetings; providing powers and duties of the board; providing for use of district funds; authorizing the district to issue bonds and levy ad valorem taxes, non-ad valorem assessments, impact fees, and user charges; providing for a 5-year plan; providing for modification of district boundaries; providing for merger with certain other districts under certain circumstances; providing for amendment of the charter by special act of the Legislature; providing requirements for merger or dissolution; providing severability; requiring a referendum; providing an effective date.

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

Section 1. The Duette Fire and Rescue District, an independent special district in Manatee County, is created and established pursuant to chapters 189 and 191, Florida Statutes, and the charter for such district is created to read:

Section 1. Short title.—This act may be cited as the “Duette Fire and Rescue District Act.”

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

(1) “Board” means the Board of Commissioners of the Duette Fire and Rescue District.

(2) “Commissioner” means a member of the Board of Commissioners of the district.

(3) “County” means Manatee County, Florida.

(4) “District” means the Duette Fire and Rescue District.

(5) “Elector” means a person who is a resident of the district and is qualified to vote in a general election in Manatee County.

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

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

Section 3. Formation; boundaries.—For the purpose of providing fire prevention services pursuant to chapter 191, Florida Statutes, an independent

special district is hereby created and incorporated to be known as the Duette Fire and Rescue District, hereinafter the "district," in Manatee County and shall embrace and include the territory described as:

Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, all lying in Township 33 South, Range 20 East; Sections 1 through 36, all lying in Township 33 South, Range 21 East; Sections 1 through 36, all lying in Township 33 South, Range 22 East; Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26 and 27, all lying in Township 34 South, Range 20 East; Sections 1 through 30, all lying in Township 34 South, Range 21 East; Sections 1 through 30, all lying in Township 34 South, Range 22 East.

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 Duette Fire and Rescue District.

(2) Provide uniformity between the Duette Fire and Rescue District and other independent special fire control districts.

(3) Provide financing authority of the Duette Fire and Rescue 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 Duette Fire and Rescue 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 Duette Fire and Rescue 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 Duette Fire and Rescue 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 Duette Fire and Rescue 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 section 5(b), Article II of the State Constitution and section 876.05, Florida Statutes. Each commissioner, upon taking office and in accordance with chapters 189 and 191, Florida Statutes,

shall execute to the Governor for the benefit of the district a bond conditioned upon the faithful performance of the duties of the commissioner's office. The premium for such bonds shall be paid from district funds.

(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) Except as provided in this subsection, each of the five commissioners shall hold his or her respective seat on the Board of Commissioners of the Duette Fire and Rescue District for a term of 4 years and 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 his or her election and shall serve until his or her 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 on the ballot or voting machines provided for use in the district, along with the candidates for county office at each regular county election, in such a way as to clearly indicate the respective seat for which each qualified candidate for district commissioner is running.

(8) Any expense of holding elections for commission seats at the regular county elections shall be paid out of the funds of the district, if required by proper authority.

(9) The board shall keep a permanent record book entitled "Record of Proceedings of Duette Fire and Rescue District" in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes, and section 24, Article I of the State Constitution. The record book 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; use of district funds.—

(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) No funds of the district shall be used for any purposes other than the administration of the affairs and business of the district; the construction, care, maintenance, upkeep, operation, and purchase of firefighting and rescue equipment or a fire station or stations; the payment of public utilities; and the payment of salaries of district personnel as the board may from time to time determine to be necessary for the operations and effectiveness of the district.

(3) The board is authorized and empowered to buy, own, lease, and maintain a fire department within the district and to purchase, acquire by gift, lease, own, and dispose of firefighting equipment and property, real and personal, that the board may from time to time deem necessary or needful to prevent and extinguish fires within the district.

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

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

(2)(a) The district shall be authorized to levy non-ad valorem assessments. The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapter 189, chapter 191, or chapter 197, Florida Statutes, as amended from time to time. Upon compliance with all applicable provisions of ss. 191.009, 197.3631, and 197.3632, Florida Statutes, the district shall be authorized to levy non-ad valorem assessments against all assessable real property located within the district. Proposed non-ad valorem assessment increases set by the board may not exceed the average annual growth rate in Florida personal income over the previous 5 years. Any increase that exceeds the average annual growth rate in Florida personal income over the previous 5 years must be approved by referendum of the electors of the district.

(b) The district is authorized to levy initial non-ad valorem assessments up to the following maximum amounts:

1. Vacant lots of 5 acres or less, \$20.
2. Vacant acreage over 5 acres, \$5 per acre, with a maximum per-vacant-parcel amount of \$1,000.
3. Vacant commercial and industrial parcels of 5 acres or less, \$20.
4. Vacant commercial and industrial parcels over 5 acres, \$5 per acre, with a maximum per-vacant-parcel amount of \$1,000.
5. A single-family residential parcel up to 1,000 square feet, \$150.
6. A single-family residential parcel over 1,000 square feet, \$150 plus \$0.10 per square foot for every square foot over 1,000 square feet.
7. A two-family residential parcel, \$150 per unit.
8. A multifamily residential parcel, \$150 per unit.
9. Condominiums, \$150 per unit.
10. Miscellaneous dwelling units, \$150 per unit.
11. Mobile homes, \$150 per unit.
12. Commercial and industrial parcels up to 1,000 square feet, \$250.
13. Commercial and industrial parcels over 1,000 square feet, \$250 plus \$0.20 per square foot for every square foot over 1,000 square feet.

(3) Impact fees are hereby authorized. 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 and emergency medical service to new construction. "New facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radio telemetry equipment. The fees shall not be used for the acquisition, purchase, or construction of facilities that 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. The first-time levy of impact fees by the district must be approved by referendum of the electors of the district. The referendum on the first-time levy of an impact fee shall include a notice of the future impact fee rate increases permitted by this charter without a referendum.

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

Section 12. Merger or dissolution.—Merger or dissolution of the district shall occur as permitted by sections 189.4042 and 189.4045, Florida Statutes, as amended from time to time.

Section 13. 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 2. Referendum.—On or before December 30, 2006, the Board of County Commissioners of Manatee County shall call and the county supervisor of elections shall conduct a referendum of the qualified electors of the district on the question of whether the district shall be created by special act of the Legislature and authorized to levy non-ad valorem assessments, which shall not be increased by more than the average annual growth rate in Florida personal income over the previous 5 years without a referendum.

“Qualified elector” means a person who resides within the proposed boundaries of the district and is qualified to vote in a general election in Manatee County.

Section 3. This act shall take effect only upon its approval by a majority vote of those qualified electors of the district voting in a referendum election to be held by the Manatee County Supervisor of Elections and to be held on or before December 30, 2006, in accordance with the provisions of law relating to elections currently in force in the district, except that this section and section 2 shall take effect upon becoming a law.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.