

By Representative Crow

1 A bill to be entitled
2 An act relating to the Indian Rocks Fire
3 District, Pinellas County; providing for
4 codification of special laws regarding
5 independent special fire control districts
6 pursuant to s. 191.015, Florida Statutes,
7 relating to the Indian Rocks Fire District, an
8 independent special taxing fire control
9 district in Pinellas County; providing
10 legislative intent; codifying, reenacting, and
11 amending chapter 29438, Laws of Florida, 1953,
12 and chapters 59-1744, 67-1930, 71-872, 74-583,
13 78-593, 84-511, 88-446, and 89-405, Laws of
14 Florida; renaming the Indian Rocks Fire
15 District as the Pinellas Suncoast Fire & Rescue
16 District; fixing the boundaries of the
17 district; providing for a board of
18 commissioners; providing for the authority of
19 the district to levy non-ad valorem
20 assessments; authorizing the board of
21 commissioners to borrow money for specified
22 purposes; authorizing the district to levy ad
23 valorem taxes up to 3 mills per year against
24 the taxable property in the district;
25 specifying uses of district funds; providing
26 powers and duties of the district; requiring
27 the appointment of a Fire Marshal; providing a
28 procedure for district expansion; providing for
29 the imposition of impact fees on new
30 construction within the district; providing
31 construction; providing severability; repealing

1 chapter 29438, Laws of Florida, 1953, and
2 chapters 59-1744, 67-1930, 71-872, 74-583,
3 78-593, 84-511, 88-446, and 89-405, Laws of
4 Florida; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Pursuant to section 191.015, Florida
9 Statutes, this act constitutes the codification of all special
10 acts relating to Indian Rocks Fire District. It is the intent
11 of the Legislature in enacting this law to provide a single,
12 comprehensive special act charter for the district, including
13 all current legislative authority granted to the district by
14 its several legislative enactments and any additional
15 authority granted by this act and chapters 189 and 191,
16 Florida Statutes, as amended from time to time. It is further
17 the intent of this act to preserve all district authority,
18 including the authority to annually assess and levy against
19 the taxable property in the district a tax not to exceed 3
20 mills on the dollar of assessed valuation, except as provided
21 in chapter 191, Florida Statutes, as it may be amended from
22 time to time.

23 Section 2. Chapter 29438, Laws of Florida, 1953, and
24 chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511,
25 88-446, and 89-405, Laws of Florida, relating to the Indian
26 Rocks Fire District are codified, reenacted, amended, and
27 repealed as provided herein.

28 Section 3. The Indian Rocks Fire District is
29 re-created and renamed Pinellas Suncoast Fire & Rescue
30 District, and the charter for said district is re-created and
31 reenacted to read:

1 Section 1. Boundaries; annexation.--
2 (1) All of the lands hereinafter described shall be an
3 independent special fire control district, a body corporate,
4 having the powers and duties herein set forth under the name
5 of Pinellas Suncoast Fire & Rescue District. The district is
6 organized and exists for all purposes set forth in this act
7 and chapters 189 and 191, Florida Statutes. This district was
8 created by special act of the Legislature in 1953 and its
9 charter may be amended only by special act of the Legislature.
10 The district is composed of all lands and territory lying
11 within the following boundaries:

12
13 Commencing at the intersection of the north
14 line of the boundary between the City of
15 Belleair Beach and the City of Clearwater with
16 the east line of Section 25, Township 29 South,
17 Range 14 East and the west line of Section 30,
18 Township 29 South, Range 15 East and run thence
19 east following said boundary between the Cities
20 of Clearwater and Belleair Beach to the
21 intersection with the centerline of the
22 Government INTRACOASTAL WATERWAY Channel in
23 Clearwater Harbor, thence south along said
24 centerline to the intersection of the south
25 line of State Road 688, thence eastwardly along
26 the southern boundary of said State Road 688 to
27 the intersection with the centerline of VONN
28 Road which is also known as 131st St. N. and
29 County Road Number 187 in Pinellas County,
30 thence south along the centerline of said road
31 to the intersection of the centerline of 94th

1 Avenue N., thence west along the centerline of
2 said road to the intersection with the eastern
3 boundary of the subdivision known as TAMARAC BY
4 THE GULF as recorded in Plat Book 63, Page 12
5 of the Official Records of Pinellas County,
6 thence north along Lot 8 to the southeast
7 corner of Lot 1, thence west following the
8 south lot lines of Lot 1, Lot 2, Lot 3, and Lot
9 4, all in Block 1, extending west to the
10 centerline of 141st St. N., thence northerly
11 along said centerline to the intersection of
12 the lot line of Lots 29 and 30 extended, thence
13 westerly on the line between Lot 30 and Lot 29
14 to the southwest corner of Lot 29, Block 2,
15 thence northerly to the intersection with the
16 Half Section Line of Section 19, Township 30
17 South, Range 15 East, thence west along said
18 Half Section Line being the same as the
19 centerline of 94th Avenue N. to the
20 intersection with the southerly boundary of
21 HARBOR GREEN YACHT CLUB ESTATES CONDO as
22 recorded in Plat Book 52, Page 82 of the
23 Official Records of Pinellas County, thence
24 follow said Condo boundary westerly to the
25 southwesterly corner, thence northerly to the
26 intersection of the Half Section Line, thence
27 west along said line to the intersection of
28 condominium CLEARWATER COVE PHASE IV as
29 recorded in Plat Book 84, Page 54 of the
30 Official Records of Pinellas County, thence
31 southerly to the southern tip of said

1 condominium lands, thence northwesterly to
2 return to the Half Section Line previously
3 described, thence west to the intersection of
4 condominium CLEARWATER COVE PHASE I, thence
5 northerly on the condominium boundary to the
6 southeast corner of Unit 2, Lot 1, thence
7 southwesterly along the southern lot line of
8 Unit 2, Lots 1 and 2 to the southwest corner of
9 Unit 2, Lot 2, thence northwesterly along the
10 westerly lot line of Unit 2, Lot 2 past the
11 southwest corner of Unit 1 onto the
12 intersection of the previously described Half
13 Section Line, thence west to the intersection
14 with the east lot line of Lot 9 of said
15 condominium, thence south along the lot line to
16 the southeast corner of Lot 9, thence west
17 along the south lot line of Lot 9 to the
18 southwest corner, thence south to return to the
19 previously described Half Section Line, thence
20 west to the intersection with the centerline of
21 the Government INTRACOASTAL WATERWAY Channel,
22 thence south to the intersection of the
23 extension of the south line of the southeast
24 corner of PARK BANK PROFESSIONAL OFFICE
25 BUILDING CONDO as recorded in Plat Book 59,
26 Page 105 of the Official Records of Pinellas
27 County, thence westward along the southern
28 boundaries of the condominium to the
29 intersection with the eastern edge of GULF
30 BLVD., officially State Road 699, thence
31 southerly along the eastern edge of S.R. 699 to

1 the intersection with the centerline of 183rd
2 Terr. W., thence westerly along said centerline
3 to the southeast corner of CLAMON'S POINT CONDO
4 as recorded in Plat Book 67, Page 22 of the
5 Official Records of Pinellas County, thence
6 continue westerly to a point fifty (50) feet
7 west of the SURF LINE into the GULF OF MEXICO,
8 thence northerly paralleling the SURF LINE
9 staying west of any platted condominium or
10 subdivision until reaching the east boundary
11 line of Section 36, Township 29 South, Range 14
12 East, the same being the west boundary line of
13 Section 31, Township 29 South, Range 15 East,
14 thence north along said Range line to the
15 intersection of the north boundary of the City
16 of Belleair Beach and the south boundary of the
17 City of Clearwater at the point of beginning.

18
19 (2) The Pinellas Suncoast Fire & Rescue District shall
20 exist until dissolved by law. Any territory outside the
21 District's boundaries annexed into the corporate limits of any
22 municipality served by the district shall be included within
23 the district boundaries upon approval or ratification by the
24 Legislature pursuant to section 191.014, Florida Statutes. Any
25 territory within the District's boundaries annexed into the
26 corporate limits of any municipality outside the boundaries of
27 this district as of December 13, 1999, is excluded from the
28 boundaries of the district.

29 Section 2. District board of commissioners; officers;
30 subdistricts.--
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1 (1) In accordance with the provisions of chapter 191,
2 Florida Statutes, the business and affairs of the district
3 shall be conducted and administered by a board of five
4 commissioners, who, upon their election and qualification, and
5 annually, shall organize by electing from their number a
6 chair, a vice chair, and a secretary-treasurer. The
7 commissioners may receive monthly compensation pursuant to
8 chapter 191, Florida Statutes. Each commissioner shall execute
9 to the Governor of the State of Florida, for the benefit of
10 the district, a good and sufficient bond, in accordance with
11 the terms of chapter 191, Florida Statutes. All premiums for
12 such surety on all such bonds shall be paid from the funds of
13 the district.

14 (2) Pursuant to section 191.005(1)(b)1., Florida
15 Statutes, and no later than the next general election
16 qualification date following each decennial census, the board
17 of commissioners shall divide the district into five
18 subdistricts of contiguous territory as nearly equal in
19 population as practicable. To the extent possible, one
20 subdistrict shall include Belleair Beach and Belleair Shore,
21 one subdistrict shall include Indian Rocks Beach, one
22 subdistrict shall include Indian Shores, and two subdistricts
23 shall be created from the portion of the district located on
24 the mainland. The two mainland subdistricts shall be as nearly
25 equal in population as practicable.

26 Section 3. Elections; commission qualifications.--

27 (1) Each commissioner shall be elected to serve for a
28 term of 4 years by majority vote of the electors voting to
29 fill such office. Elections for commissioner shall be held at
30 the same time as regular county elections and the procedures
31 for conducting district elections and for qualification of

1 electors shall be pursuant to chapters 189 and 191, Florida
2 Statutes. The candidates for each seat that receives the most
3 votes cast for a candidate for that seat shall be elected to
4 the board. Any commissioner may succeed himself or herself.

5 (2) One commissioner, who must be a resident of the
6 subdistrict, shall be elected from each subdistrict by the
7 electors who reside in that subdistrict. If a commissioner
8 ceases to reside in the subdistrict from which elected the
9 office shall be declared vacant, the commissioner shall be
10 disqualified from further service, and the remaining
11 commissioners shall elect, to fill the unexpired term, a
12 successor who resides in that subdistrict until the next
13 general election, at which time an election shall be held to
14 fill the vacancy for the remaining term, if any. Provided,
15 however, no current commissioner's seat shall be declared
16 vacant because of residency until the current term of office
17 has expired, except that the current term of the at-large
18 commission seat shall expire 10 days following the 2000
19 general election.

20 (3) Each commissioner shall hold office until his or
21 her successor is elected and qualified, unless he or she
22 ceases to be qualified, resigns, or is removed from office.

23 (4) All candidates must qualify for election in
24 accordance with chapters 189 and 191, Florida Statutes. In the
25 event a candidate seeks to qualify for election by obtaining
26 the signatures of at least 25 electors from the district in
27 accordance with section 191.005(1)(a), Florida Statutes, the
28 qualified electors shall be residents within the subdistrict
29 for which the candidate seeks election. The names of all
30 candidates qualifying for election as commissioners shall be
31 included on the ballot. Any additional expenses of holding

1 elections for commissioners at the regular county elections
2 shall be paid out of the funds of the district if required by
3 proper authority.

4 Section 4. Non-ad valorem assessments.--

5 (1) The district may levy non-ad valorem assessments
6 against the assessable real estate situated in the district to
7 provide funds for the purposes of the district. The rate of
8 such assessments shall be fixed by a resolution of the board
9 of commissioners on or subsequent to February 1 each year. At
10 any time the board of commissioners changes the rate of
11 assessments in any way from the rate of assessments which had
12 been collected prior to the date of such resolution, such
13 resolution together with a list of the assessments shall be
14 submitted to the electors in the district for approval by
15 referendum at an election of the electors of the district
16 which shall first be called by and held under the supervision
17 of the Board of County Commissioners and the Supervisor of
18 Elections of Pinellas County in the manner provided by law for
19 regular county elections; and if a majority of the electors
20 voting at such election approve, the assessment rates shall be
21 put into effect for the next non-ad valorem assessment roll
22 completed by the board of commissioners after the results of
23 the special election have been certified by the county
24 canvassing board.

25 (2) A non-ad valorem assessment roll showing the
26 assessment rate shall be prepared and completed by the board
27 of commissioners of the district on or before September 10 of
28 each year.

29 (3) The board may in any year change the date on which
30 the assessment rate is fixed and change the date on which the
31 final assessment roll will be adopted, by resolution, provided

1 that, in the event of such change of dates, the board shall
2 cause a notice thereof to be published in a newspaper in
3 Pinellas County, one time, at least 10 days prior to the date
4 on which it is proposed to fix the rate of assessment.

5 (4) Any property owner in the district may, during the
6 period within 20 days subsequent to the date of the mailing of
7 the assessment notices in any year, file a protest in writing
8 with the board of commissioners against the assessment paid by
9 him or her and appear before the board in support of such
10 protest; and the board shall hold a meeting or meetings
11 following such period to consider such protest and to make
12 such adjustment, refund, or denial as it determines to be
13 fair, equitable, and proper.

14 Section 5. Non-ad valorem assessment rolls; liens,
15 collection.--

16 (1) The board of commissioners, upon the adoption of
17 the resolution fixing the rate of assessment, shall prepare an
18 assessment and collection roll setting forth a description of
19 each lot or parcel of land subject to taxation in the district
20 together with the amount of assessment against the lot or
21 parcel of land and attach thereto a certified copy of the
22 resolution fixing the rate of assessment, and it shall, before
23 September 15 each year, deliver the roll to the County Tax
24 Collector of Pinellas County, for collection of the
25 assessments. All assessments shall be made against the land
26 subject to assessment, and the roll shall set forth the names
27 of the respective owners of such lands.

28 (2) It is the duty of the county tax collector to
29 collect the assessments according to the assessment roll and
30 deliver the whole of such proceeds of such collection, less
31 the costs of collection, monthly to the board of

1 commissioners, taking its receipt for such funds. The tax
2 collector shall, upon delivery of such funds to the board of
3 commissioners, furnish it with a description of the lands for
4 which payments are made.

5 (3) Such non-ad valorem assessments shall be a lien
6 upon the lands so assessed prior in dignity to all other liens
7 and assessments against the lands, except for liens for county
8 taxes, until paid. The assessment shall become a lien from
9 January 1 of the year for which the assessment is made, and
10 shall be payable on and after November 1 of the same year
11 without discounts to the tax collector, unless authorized by
12 the board of commissioners, but shall not become delinquent
13 unless unpaid on April 1 of the following year. Non-ad valorem
14 assessments levied by the district may be collected in the
15 manner provided by general law with penalties and interest as
16 provided therein.

17 (4) The proceeds of the assessment and the funds of
18 the district shall be deposited in the name of the district in
19 an authorized depository of the state designated by resolution
20 of the board of commissioners.

21 Section 6. Bonds; notes.--The board of commissioners
22 may borrow money for the purposes of acquisition of land,
23 buildings, vehicles, and equipment or for other capital
24 purposes pursuant to chapter 191, Florida Statutes. Neither
25 the district nor the commissioners nor any of them shall be
26 personally or individually liable as such for the loan or any
27 part thereof, and in event of such pledge it shall be the duty
28 of the board of commissioners upon collection of the
29 assessment roll so pledged to apply the first proceeds thereof
30 to the payment of the loan for which such assessment or lien
31 was pledged until full payment of the loan.

1 Section 7. Ad valorem taxes.--In addition to or in
2 lieu of levying non-ad valorem assessments pursuant to section
3 4, the board of commissioners may, pursuant to Article VII,
4 section 9 of the Florida Constitution, levy an ad valorem tax
5 of not more than 3 mills against the taxable property within
6 the district, except as provided by chapter 191, Florida
7 Statutes, as amended from time to time.

8 Section 8. District funds.--

9 (1) No funds of the district shall be used for any
10 purposes other than:

11 (a) The administration of the affairs and business of
12 the district relating to fire prevention and control, fire
13 code adoption and enforcement, emergency medical services, and
14 services associated with fire prevention and control, pursuant
15 to this act or chapter 191, Florida Statutes, as amended from
16 time to time;

17 (b) The construction, care, maintenance, upkeep,
18 operation, lease, and purchase of fire stations, equipment,
19 and real property;

20 (c) The payment of public utilities such as electric
21 service and water; or

22 (d) The payment of salaries and benefits to a fire
23 chief and other personnel.

24 Section 9. District powers and duties.--

25 (1) The powers of the district may be exercised only
26 for the purpose of providing services, equipment, and
27 facilities within the district, and no expenditure may be made
28 by the district that does not relate to that purpose.
29 However, the district may enter into contracts to furnish
30 district personnel and facilities for the purpose of providing
31 additional services when such contracts provide that the

1 reasonable cost of furnishing such personnel and facilities
2 will be paid by the other contracting party.

3 (2) In addition to any powers set forth in this act,
4 the district, as the sole provider of fire, rescue, and
5 emergency medical services within the district, shall hold all
6 powers, functions, and duties set forth in chapters 189, 191,
7 and 197, Florida Statutes, as they may be amended from time to
8 time, including, but not limited to, ad valorem taxation, bond
9 issuance, other revenue-raising capabilities, budget
10 preparation and approval, liens and foreclosure of liens, use
11 of tax deeds and tax certificates as appropriate for non-ad
12 valorem assessments, and contractual agreements. The district
13 may be financed by any method established in this act, chapter
14 189 or chapter 191, Florida Statutes, or any other applicable
15 general or special law, as they may be amended from time to
16 time.

17 (3) The board of commissioners may acquire by gift,
18 lease, or purchase such firefighting equipment as is deemed
19 necessary for the protection of the district, and it may make
20 and enter into contracts relating to any and all purposes of
21 the district.

22 (4) The board of commissioners may hire a fire chief
23 and such other personnel as are required to operate
24 firefighting equipment, inspect property, or provide
25 administrative support.

26 (5) The officers of the board of commissioners shall
27 have the administrative duties set forth in this act and
28 chapters 189 and 191, Florida Statutes, as they may be amended
29 from time to time.

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1 (6) The board of commissioners may adopt such policies
2 and regulations as it deems necessary to transact its business
3 and carry out the provisions of this act.

4 (7) The board of commissioners shall appoint a Fire
5 Marshal, who shall work with and cooperate with all local and
6 state governmental bodies within the district to prevent fires
7 of all types. The Fire Marshal shall have the power to issue
8 orders and citations for code violations in the same manner as
9 the State Fire Marshal pursuant to chapter 633, Florida
10 Statutes. The Fire Marshal must inspect, no less frequently
11 than annually: places of assembly; educational facilities;
12 residential structures, other than detached one-family or
13 two-family residences; motels and hotels; dormitories and
14 lodging or rooming houses; commercial and business structures;
15 industrial facilities; and storage facilities.

16 (8) The fire chief shall report the activities of the
17 Fire Marshal to the board of commissioners annually.

18 (9) The board of commissioners shall adopt a fire code
19 for the district.

20 Section 10. If any municipality or other fire control
21 district annexes any land included in the district, the
22 district shall continue as the sole taxing, enforcing, and
23 service-providing authority for district purposes in the
24 annexed land.

25 Section 11. District expansion.--The district boundary
26 may be extended from time to time as follows:

27 (1)(a) Land contiguous to the boundaries of the
28 district in unincorporated Pinellas County may be included in
29 the district when a written petition for inclusion signed and
30 sworn to by a majority of the owners of the real property
31 within the tract or tracts to be included in the district has

1 been presented to the board of commissioners and the proposal
2 has been approved by the affirmative vote of no fewer than
3 three members of the board of commissioners at a regular
4 meeting.

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

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

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

22 (4) Lands within municipal boundaries of cities
23 contiguous to district boundaries may be included in the
24 district upon request by the governing board of the
25 municipality, approval of said request by affirmative vote of
26 no fewer than three members of the district board, and
27 referendum approval of inclusion by the electors of the
28 municipality. The referendum shall be conducted by the
29 municipality at the next available special or general election
30 occurring at least 90 days following district approval of
31 inclusion.

1 (5) Upon approval by the board, the district shall,
2 pursuant to chapter 191, Florida Statutes, request that its
3 legislative delegation approve said addition and sponsor
4 legislation amending the district boundary. Upon approval by
5 the Legislature the boundary shall be amended.

6 (6) It is the intent of this section that
7 municipalities or the owners of land requesting inclusion in
8 the district bear the substantial costs associated with the
9 process, including, but not limited to, any referenda or
10 required legislation.

11 Section 12. Impact fees.--

12 (1) It is hereby declared that the cost of new
13 facilities for services within the district should be borne by
14 new users of district services, to the extent that new
15 construction requires new facilities. It is the legislative
16 intent to transfer to the new users of the district's services
17 a fair share of the costs that they impose on the district for
18 new facilities.

19 (2) The district may impose impact fees on new
20 construction within the district. The board of commissioners
21 shall set the amount of such fees by resolution.

22 (3) A person may not obtain a certificate of occupancy
23 for new residential dwelling units or new commercial or
24 industrial structures within the district, or obtain
25 construction plan approval for a new mobile home development
26 located within the district, until the developer thereof has
27 paid any applicable impact fee to the district.

28 (4) The impact fees collected by the district pursuant
29 to this section shall be kept separate from other revenue of
30 the district and shall be used exclusively for the
31 acquisition, purchase, or construction of new facilities or

1 portions thereof required to provide the services of the
2 district to new construction. "New facilities" means
3 buildings and capital equipment, including, but not limited
4 to, fire vehicles and radio-telemetry equipment. Such fees
5 may not be used for the acquisition, purchase, or construction
6 of facilities which must be obtained in any event, regardless
7 of growth within the district. The board of commissioners
8 shall maintain adequate records to ensure that impact fees are
9 expended only for permissible new facilities.

10 Section 13. The district's planning requirements shall
11 be as set forth in this act, chapters 189 and 191, Florida
12 Statutes, and other applicable general or special laws, as
13 they may be amended from time to time.

14 Section 14. The district's geographic boundary
15 limitations shall be as set forth in this act.

16 Section 15. Requirements for financial disclosure,
17 meeting notices, public records maintenance, and per diem
18 expenses for officers and employees shall be as set forth in
19 chapters 112, 119, 189, 191, and 286, Florida Statutes, as
20 they may be amended from time to time.

21 Section 16. The procedures and requirements governing
22 the issuance of bonds, notes, and other evidence of
23 indebtedness by the district shall be as set forth in this
24 act, chapter 191, Florida Statutes, and any other applicable
25 general or special law, as they may be amended from time to
26 time.

27 Section 4. This act shall be construed as remedial and
28 shall be liberally construed to promote the purpose for which
29 it is intended.

30 Section 5. In the event any section or provision of
31 this act is determined to be invalid or unenforceable, such

1 determination shall not affect the validity of or
2 enforceability of each other section and provision of this
3 act.

4 Section 6. Chapter 29438, Laws of Florida, 1953, and
5 chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511,
6 88-446, and 89-405, Laws of Florida, are repealed.

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

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