

1 A bill to be entitled
2 An act relating to Pinellas County; creating
3 the East Lake Tarpon Special Fire Control
4 District; creating a charter; providing a short
5 title; providing definitions; providing for the
6 boundaries of the East Lake Tarpon Special Fire
7 Control District; providing the intent and
8 purposes of this act; providing for the
9 election of a District Board of Commissioners;
10 providing for terms of office; providing for
11 officers and meetings of the Board; providing
12 for Commissioners' compensation and expenses;
13 requiring a bond; providing general and special
14 powers of the District; providing for the levy
15 of ad valorem taxes, non-ad valorem
16 assessments, user charges, and impact fees;
17 providing for referenda; providing for issuance
18 of bonds; providing for a 5-year plan;
19 providing for boundaries and merger of the
20 District boundaries; providing for annexation
21 of territory by municipalities; providing for
22 amendment of charter; providing for effect of
23 dissolution; providing for severability;
24 providing a referendum question; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. The East Lake Tarpon Special Fire Control
30 District charter is created to read:

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1 Section 1. Short title.--This Act may be cited as the
2 "East Lake Tarpon Special Fire Control District Act."

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

6 (1) "Board" means the Board of Commissioners of the
7 East Lake Tarpon Special Fire Control District.

8 (2) "County" means Pinellas County, Florida.

9 (3) "Elector" means a person who is a resident of the
10 District and is qualified to vote in a general election in
11 Pinellas County.

12 (4) "Emergency Medical Service" means basic and
13 advanced life support service, as defined in section 401.23,
14 Florida Statutes.

15 (5) "Governor" means the Governor of the State of
16 Florida.

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

21 Section 3. Formation; boundaries.--

22 (1) For the purpose of providing fire prevention
23 services pursuant to chapter 191, Florida Statutes, and
24 subject to Sections 12 and 13 of this legislation, an
25 independent special district is hereby created and
26 incorporated to be known as the East Lake Tarpon Special Fire
27 Control District, hereinafter the "District," in Pinellas
28 County, which special district shall be a public municipal
29 corporation, and shall embrace and include the territory
30 described as:

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

3
4 Begin at the Northeast Corner of Section 1,
5 Township 27 South, Range 16 East, Pinellas
6 County, Florida; thence run south along the
7 said East Section Line (Hillsborough/Pinellas
8 County Line) to the East-West Half Section Line
9 of Section 1, Township 28 South, Range 16 East;
10 thence West along said Half Section Line to the
11 Easterly right-of-way Line of Florida Power
12 Corporation; thence South along said
13 right-of-way Line to the East-West Half Section
14 Line of Section 12, Township 28 South, Range 16
15 East; thence East along said Half Section Line
16 to the Northeast Corner of Florida Power
17 Corporation Substation; thence South along the
18 East Line of said Substation to the South
19 Section Line of said Section 12; thence East to
20 the East Section Line of Section 13, Township
21 28 South, Range 16 East (Hillsborough/Pinellas
22 County Line); thence South along said County
23 Line to the South Line of the Northeast 1/4 of
24 the Southeast 1/4 of said Section 13; thence
25 West along said Line to the Westerly
26 right-of-way Line of Florida Power Corporation;
27 thence North along said right-of-way line to
28 the North Section Line of said Section 13;
29 thence West along said Section Line to the
30 North-South Center Section Line of Section 12,
31 Township 28 South, Range 16 East; thence North

1 along said Center Section Line to the South
 2 Right-of-way line of Florida Power Corporation;
 3 thence West along said right-of-way Line to the
 4 West Line of Section 11, township 28 South,
 5 Range 16 East; thence North along said West
 6 Line to the North right-of-way Line of said
 7 Florida Power Corporation; thence East along
 8 said right-of-way Line to the East Line of the
 9 Northwest 1/4 of the Southwest 1/4 of said
 10 Section 12; thence North along said Easterly
 11 Line to the East-West Centerline of said
 12 Section 12, thence East along said Centerline
 13 to the West Line of the East 1/2 of the East
 14 1/2 of the Northwest 1/4 of said Section 12;
 15 thence North along said line to the North
 16 Section Line of said Section 12; thence East
 17 along said line to the North-South Centerline
 18 of Section 1, Township 28 South, Range 16 East;
 19 thence North along said line a distance of
 20 491.97 feet; thence North 75 00'00" east to the
 21 West right-of-way Line of Florida Power
 22 Corporation; thence North along said
 23 right-of-way Line to the East-West Centerline
 24 of said Section 1; thence West along said line
 25 a distance of 1,837.78 feet; thence North to
 26 the South Line of the Northeast 1/4 of the
 27 Northwest 1/4 of said Section 1; thence West
 28 along said line to the West Line of the
 29 Northeast 1/4 of the Northwest 1/4 of said
 30 Section 1; thence North along said line to the
 31 North Line of the Southwest 1/4 of the

1 Southwest 1/4 of Section 36, Township 27 South,
 2 Range 16 East; thence West along said line to
 3 the North-South Centerline of Section 35,
 4 Township 27 South, Range 16 East; thence South
 5 along said line to the South Section Line of
 6 said Section 35; thence West along said Section
 7 Line to the Southwest corner of said Section
 8 35; thence South along the West Section Line of
 9 Sections 2 and Section 11, Township 28 South,
 10 Range 16 East to the North Section Line of
 11 Section 15, Township 28 South, Range 16 East;
 12 thence West along the North Line of said
 13 Section 15 to the North-South Centerline of
 14 said Section; thence South along said
 15 Centerline to the northerly right-of-way line
 16 of Tampa Road (S.R.584); thence in a
 17 Northwesterly direction along said right-of-way
 18 line to the Southerly Line of Florida Power
 19 Corporation; thence Southwesterly along said
 20 Southerly Line to the centerline of the Lake
 21 Tarpon Outfall Canal; thence Northerly along
 22 the centerline of the Lake Tarpon Outfall Canal
 23 into Lake Tarpon to its North-South Centerline;
 24 thence Northerly along the North-South
 25 Centerline of Lake Tarpon to the City Limit
 26 Line of the City of Tarpon Springs on the
 27 Northern shoreline of Lake Tarpon; thence along
 28 the City Limit Line of Tarpon Springs around
 29 its Easterly point above Lake Tarpon and then
 30 Westerly to the North-South Centerline of Salt
 31 Lake; thence northerly along the North-South

1 Centerline of Salt Lake to the Centerline of
2 the Anclote River; thence Northeasterly along
3 the Centerline of the Anclote River to the
4 Pasco-Pinellas County Line; thence East along
5 the Pasco/Pinellas County Line to the Point of
6 Beginning.

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

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

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

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

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

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

30 (3) Provide greater uniformity in the financing
31 authority of the East Lake Tarpon Special Fire Control

1 District without hampering the efficiency and effectiveness of
2 current authorized and implemented methods and procedures of
3 raising revenues.

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

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

13 Section 5. Board of commissioners; officers; bond;
14 compensation.--

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

30 (2) Each commissioner shall, upon assuming office,
31 take and subscribe to the oath of office prescribed by s.

1 5(b), Art. II of the State Constitution, and section 876.05,
2 Florida Statutes. Each commissioner, within 30 days of
3 assuming office, must give the Governor a good and sufficient
4 surety bond in the sum of \$5,000, conditioned upon the
5 faithful performance of the commissioner's duties and upon the
6 accounting for all funds to come into his or her hands as
7 commissioner. All premiums for each surety on all such bonds
8 shall be paid from the funds of the District.

9 (3) Members of the Board may each be paid a salary or
10 honorarium to be determined by at least a majority plus one
11 vote of the Board, which salary or honorarium may not exceed
12 \$500 per month for each member. Special notice of any meeting
13 at which the Board will consider a salary change for a Board
14 member shall be published at least once, at least 14 days
15 prior to the meeting, in a newspaper of general circulation in
16 the County. Separate compensation for the Board member serving
17 as treasurer may be authorized by like vote so long as total
18 compensation for the Board member does not exceed \$500 per
19 month. Members may be reimbursed for travel and per diem
20 expenses, as provided in section 112.061, Florida Statutes.

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

25 Section 6. Board of Commissioners; terms; election;
26 qualifications, certification of single candidate.--

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

29 (2) Each of the five commissioners shall hold his or
30 her respective seat on the Board of Commissioners of the East
31 Lake Tarpon Special Fire Control District for a term of 4

1 years and, except as provided in subsection (3) of this
2 section, shall be elected by majority vote of the Electors of
3 the District voting at a general election. In the first
4 election following the effective date of this Act, seats 1, 3,
5 and 5 shall be designated for 4-year terms, and seats 2 and 4
6 shall be designated for 2-year terms. All commissioners must
7 be qualified electors within the District and must reside
8 within the District.

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

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

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

24 (6) All candidates shall qualify with the County
25 Supervisor of Elections. All candidates may qualify by paying
26 a filing fee of \$25 or by obtaining the signatures of at least
27 25 registered Electors of the District on petition forms
28 provided by the Supervisor of Elections, which petitions shall
29 be submitted and checked in the same manner as petitions filed
30 by nonpartisan judicial candidates pursuant to section
31 105.035, Florida Statutes.

1 (7) The names of all candidates qualifying for
2 election to a seat on the Board of Commissioners shall be
3 included in such a way as to clearly indicate the respective
4 seat for which each qualified candidate is running on the
5 ballot or voting machines provided for use in the District
6 along with the candidates for County office at each regular
7 County election.

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

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

22 (10) All meetings of the Board shall be open to the
23 public, consistent with chapter 286, Florida Statutes, section
24 189.417, Florida Statutes, and other applicable general laws.

25 Section 7. Powers.--

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

30 (2) The Board shall exercise the powers described
31 herein in a manner consistent with the policies and

1 regulations of the Pinellas County Fire Protection Authority,
2 which was created pursuant to chapter 73-600, Laws of Florida.

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

5 (1) The District shall also hold all powers,
6 functions, and duties set forth in this Act and chapter 189,
7 chapter 191, and chapter 197, Florida Statutes, as amended
8 from time to time, including, but not limited to, ad valorem
9 taxation, bond issuance, other revenue-raising capabilities,
10 budget preparation and approval, liens and foreclosure of
11 liens, use of tax deeds and tax certificates as appropriate
12 for non-ad valorem assessments, and contractual agreements.
13 The District may be financed by any method established in this
14 act, or in chapter 189 or chapter 191, Florida Statutes, as
15 amended from time to time.

16 (2) The methods for assessing and collecting non-ad
17 valorem assessments, fees, or service charges shall be as set
18 forth in chapters 170, chapter 189, chapter 191, or chapter
19 197, Florida Statutes, as amended from time to time.

20 Section 9. Five-year plan.--The District shall adopt a
21 5-year plan to identify the facilities, equipment, personnel,
22 and revenue needed by the District during that 5-year period.
23 The plan shall be updated in accordance with section 189.415,
24 Florida Statutes, and shall satisfy the requirement for a
25 public facilities report required by section 189.415(2),
26 Florida Statutes.

27 Section 10. Boundaries and mergers.--

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

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

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

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

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

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

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

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1 Shall there be created an independent fire
2 control district covering the East Lake Tarpon
3 Special Fire Control District for the purpose
4 of providing fire prevention services to the
5 District, with such District having the
6 authority to levy up to 3.75 mills of ad
7 valorem taxation on property located within the
8 District?
9

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