

By Representative Bilirakis

1 A bill to be entitled
2 An act relating to Palm Harbor Special Fire
3 Control and Rescue District, a public municipal
4 corporation of the state of Florida in Pinellas
5 County; providing for the codification of
6 special laws relating to Palm Harbor Special
7 Fire Control and Rescue District pursuant to s.
8 191.015, F.S.; providing legislative intent;
9 amending, codifying, and reenacting ch. 82-369,
10 Laws of Florida; ch. 84-512, Laws of Florida;
11 ch. 84-513, Laws of Florida; ch. 86-441, Laws
12 of Florida; ch. 88-477, Laws of Florida; and
13 ch. 95-469, Laws of Florida, relating to Palm
14 Harbor Special Fire Control and Rescue
15 District; providing for repeal of prior special
16 acts related to Palm Harbor Special Fire
17 Control and Rescue District; providing for
18 creation and District boundaries; providing for
19 status and purpose; providing for the amendment
20 of the charter; providing for expansion of
21 boundaries; providing for the governing body;
22 providing power and duties; providing for the
23 election of the board of commissioners;
24 providing taxing authority for special
25 assessments; providing for ad valorem taxes;
26 providing for revenue and debts; providing for
27 district funds; providing for duties of the
28 board; providing for policies and regulations;
29 providing for public disclosure; providing for
30 dissolution and annexation of the district;
31 providing definitions; providing impact fees;

1 providing application; providing an effective
2 date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Intent.--Pursuant to section 191.015,
7 Florida Statutes, this act constitutes the codification of all
8 special acts relating to Palm Harbor Special Fire Control and
9 Rescue District. It is the intent of the legislature in
10 enacting this law to provide a single, comprehensive special
11 act charter for the District including all current legislative
12 authority granted to the District by its several legislative
13 enactments and any additional authority granted by this act.
14 It is further the intent of this act to preserve all District
15 authority, including the authority to annually assess and levy
16 against the taxable property in the District a tax not to
17 exceed 2 mills on the dollar of assessed valuation, except as
18 provided in chapter 191, Florida Statutes, as it may be
19 amended from time to time.

20 Section 2. Codification.--Chapters 82-369, 84-512,
21 84-513, 86-441,88-477, and 95-469, Laws of Florida, relating
22 to Palm Harbor Special Fire Control and Rescue District are
23 amended, codified, reenacted, and repealed as herein provided.

24 Section 3. The Palm Harbor Fire Control and Rescue
25 District is re-created and the charter for such District is
26 re-created and reenacted to read:

27 Section 1. Creation; boundaries.--All of the lands
28 hereinafter described shall be incorporated into a special
29 fire control District, which shall be a public municipal
30 corporation, having the powers and duties herein set forth,
31 under the name of "Palm Harbor Special Fire Control and Rescue

1 District," hereinafter referred to as the District. The lands
2 so incorporated are described as follows:

3
4 Begin at the intersection of the centerline of
5 the Intercoastal Waterway and the westerly
6 extension of the centerline of Klosterman Road.
7 Thence run East by the Centerline of Klosterman
8 Road and the westerly extension thereof to the
9 West 1/4 corner of Section 19, Township 27
10 South, Range 16 east; thence S. 0°14'32" E.
11 along the West line of said Section 19, 1333.85
12 feet to the Southwest corner of Lot 56, Tampa
13 and Tarpon Springs Land Company Sub. as
14 recorded in Plat Book H1 Page 116 of the
15 official records of Hillsborough County, of
16 which Pinellas County was formerly a part;
17 thence S. 87°48'12" E. along the South Line of
18 Lots 56 and 52 of said subdivision, 1740.84
19 feet; thence N. 0°33'31" W. along the Southerly
20 extension of the East line of Lot 51 of said
21 subdivision and the East Line of Lot 51,
22 1385.80 feet to the East of said centerline of
23 said Section 19, said centerline also being the
24 centerline of Klosterman Road; thence run East
25 by the centerline of Klosterman Road and the
26 Easterly extension thereof to the center of
27 Lake Tarpon; thence southeasterly through the
28 waters of Lake Tarpon and the Lake Tarpon
29 Outfall Canal to the centerline of Curlew Rd.
30 (S.R. 586); thence West by the centerline of
31 Curlew Rd. (S.R. 586) to a point on the

1 North-South centerline of the Northwest 1/4 of
2 Section 14, Township 28 South, Range 15 East;
3 thence North by the North-South centerline of
4 the Northwest 1/4 of said Section 14 to the
5 North Section line of said Section 14; thence
6 West on said section line and continuing West
7 on the North Section line of Section 15,
8 Township 28 South, Range 15 East to the
9 centerline of the Intercoastal Waterway; thence
10 North on said centerline of the Intercoastal
11 Waterway to the Point of Beginning.

12
13 Section 2. Status and purpose.--The Palm Harbor
14 Special Fire Control and Rescue District, an independent
15 special district, is organized and exists for all purposes set
16 forth in this act and chapter 191, Florida Statutes.

17 Section 3. Creation; amendment of charter.--The
18 District was created by special act of the Legislature in
19 1961. Its charter may be amended only by special act of the
20 Legislature.

21 Section 4. Expansion of boundaries.--The corporate
22 limits may be extended and enlarged from time to time pursuant
23 to the following procedure:

24 (1)(a) A definitely described tract of land lying
25 contiguous to the boundaries of the District described in
26 section 1, or as the same may from time to time exist, or one
27 or more tracts of land lying contiguous to the boundaries, or
28 one or more tracts of land lying contiguous to each other with
29 one of the tracts lying contiguous to the boundaries of the
30 District, may be included in the District when a written
31 petition for inclusion signed by a majority of the owners of

1 the real property within the tract or tracts to be included in
2 the District has been presented to the board of commissioners
3 and the proposal has been approved by the affirmative vote of
4 no fewer than three members of the board of commissioners at a
5 regular meeting.

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

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

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

23 Section 5. Governing body.--

24 (1) The business and affairs of the District shall be
25 conducted and administered by the Board of Commissioners of
26 the Palm Harbor Special Fire Control and Rescue District, to
27 be elected as provided in chapter 191, Florida Statutes, as it
28 may be amended from time to time.

29 (2) Each commissioner, within 30 days after assuming
30 office, shall execute with a qualified corporate surety a good
31 and sufficient bond to be approved by the Clerk of the Circuit

1 Court of Pinellas County, in the sum of \$5,000, payable to the
2 Governor of the State of Florida for the benefit of the
3 District, conditioned upon the commissioner's faithful
4 performance of his or her duties, as provided in chapter 191,
5 Florida Statutes, as it may be amended from time to time. All
6 premiums for each surety on all such bonds shall be paid from
7 the funds of the District.

8 (3) Effective upon the second Tuesday following the
9 next regular county election at which a board of commissioners
10 is elected, each commissioner shall receive from the funds of
11 the District compensation for his or her services in the
12 amount of \$200 per month. Authorization for any additional
13 compensation shall be pursuant to chapter 191, Florida
14 Statutes, as it may be amended from time to time.

15 Section 6. Powers and duties.--

16 (1) The District shall hold all general and special
17 powers, functions, and duties set forth in this act and in
18 chapters 189 and 191, Florida Statutes, as they may be amended
19 from time to time, including, but not limited to, ad valorem
20 taxation, bond issuance, other revenue-raising capabilities,
21 budget preparation and approval, liens and foreclosure of
22 liens, use of tax deeds and tax certificates as appropriate
23 for non-ad valorem assessments, and contractual agreements.
24 The District may be financed by any method established in this
25 act, chapter 189 or 191, Florida Statutes, or any other
26 applicable general or special law, as they may be amended from
27 time to time.

28 (2) The methods for assessing and collecting non-ad
29 valorem assessments, fees, or service charges shall be as set
30 forth in chapters 170, 189, 191, and 197, Florida Statutes, as
31 they may be amended from time to time.

1 (3) The District's planning requirements shall be as
2 set forth in this act and chapters 189 and 191, Florida
3 Statutes, as they may be amended from time to time.

4 (4) The District's geographic boundary limitations
5 shall be as set forth in this act.

6 Section 7. Election of Board of Commissioners.--

7 (1) Each of the five commissioners shall hold his or
8 her respective seat on the Board of Commissioners of the Palm
9 Harbor Special Fire Control and Rescue District for a term of
10 4 years and shall be elected by majority vote of the qualified
11 electors of the District voting at a general county election,
12 provided that the commissioners holding seats on the effective
13 date of this act shall continue to hold their respective seats
14 for the remainder of their terms or until their successors are
15 elected and qualified, whichever occurs first. Any
16 commissioner may be a candidate to succeed himself or herself.
17 Vacancies shall be filled as provided in paragraph (3)(b).

18 (2) Voting for commissioners shall be Districtwide and
19 nonpartisan.

20 (3)(a) All commissioners must be qualified electors
21 within the District and must reside within the District.

22 (b) If any commissioner ceases to reside anywhere
23 within the District, resigns his or her seat, or is removed
24 from office, his or her seat shall be declared vacant, he or
25 she shall be disqualified from further service for the
26 remainder of his or her unexpired term, and the remaining
27 commissioners, even though they be less than a quorum, shall
28 elect a successor to fill the unexpired term of the seat
29 vacated, pursuant to the time requirements of section 114.04,
30 Florida Statutes.

31

1 (4) Each commissioner, whenever elected, shall begin
2 his or her term of office on the second Tuesday following his
3 or her election, pursuant to section 100.041(4), Florida
4 Statutes, and shall hold office until his or her successor is
5 elected and qualified, unless he or she ceases to be
6 qualified, resigns, or is removed from office. Any resignation
7 by a commissioner of his or her seat shall be accepted.

8 (5) All candidates shall qualify for election pursuant
9 to applicable requirements of chapters 189 and 191, Florida
10 Statutes.

11 (6) The names of all candidates qualifying for
12 election to a seat on the board of commissioners shall be
13 included, in such a way as to clearly indicate the respective
14 seat for which each qualified candidate is running, on the
15 ballot or voting machines provided for use in the District
16 along with the candidates for county office at each regular
17 county election.

18 (7) Any expenses of holding elections for commission
19 seats at the regular county elections shall be paid for out of
20 the funds of the District if required by proper authority.

21 (8) In the event only one candidate for any one
22 particular seat on the board of commissioners has qualified
23 for election by the deadline for qualifying, the board of
24 commissioners shall forthwith by resolution declare such a
25 candidate to have been duly elected to fill the respective
26 seat or seats without the necessity of holding an election as
27 otherwise provided in this section.

28 Section 8. Taxing authority for special assessments.--

29 (1) The District may levy special assessments against
30 the assessable real estate situated in the District, including
31 homestead property otherwise exempt from taxation, to provide

1 funds for the purposes of the District. In so doing, the
2 District shall establish a schedule of land-use
3 classifications and a special assessment for each land use
4 classified. The schedule of land-use classifications shall be
5 established in the manner prescribed in subsection (2) of this
6 section.

7 (2) The Board of Commissioners of the Palm Harbor
8 Special Fire Control and Rescue District shall fix an
9 assessment schedule, indicating land-use classifications and
10 the applicable assessment rate for each land use classified,
11 by resolution, or subsequent to April 1 of each year. If the
12 assessment schedule contains no new land-use classification
13 and no increases in the rate of assessment, the assessment
14 shall be effective for the next calendar year subsequent to
15 the passage of the resolution without the necessity of a
16 referendum. If, however, the assessment schedule contains any
17 new land-use classification or any increase in the assessment
18 rate of any land-use classified, the board of commissioners
19 shall submit their resolution to the electors residing in the
20 District in accordance with law; and if a majority of electors
21 voting in such a referendum election approve, the assessment
22 schedule shall be effective for the next calendar year
23 subsequent to the referendum.

24 (3) The board of commissioners of the District shall,
25 on or before September 10 of each year, prepare and complete a
26 special assessment roll showing the assessment rate for each
27 parcel of real estate situated in the District.

28 (4) The board of commissioners may, in any year, by
29 resolution, change the date on which the assessment schedule
30 is to be fixed and the date on which the final assessment roll
31 is to be adopted, provided that, in the event of any such

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

5 (5) Any property owner in the District may, during the
6 period between November 5 and November 15 of any year, file
7 protest in writing with the board of commissioners against the
8 assessment paid by him or her and appear before the board in
9 support of such protest. The board shall hold such meetings as
10 may be necessary following said period to consider any such
11 protest and to make any such adjustment, refund, or denial as
12 it may determine fair, equitable, and proper.

13 Section 9. Ad valorem taxes.--

14 (1) The Board of Commissioners of the Palm Harbor
15 Special Fire Control and Rescue District shall have the
16 authority to levy ad valorem taxes against all taxable
17 property within the District to provide funds for the purposes
18 of the District.

19 (2) The levy of ad valorem taxes shall proceed
20 pursuant to general law. The rate of taxation shall be fixed
21 annually by resolution of the board and shall not exceed 2.0
22 mills except as provided by chapter 191, Florida Statutes, as
23 it may be amended from time to time.

24 Section 10. Revenues and debts.--

25 (1) The revenue and funds of the District shall be
26 deposited in the name of the District in a bank or banks
27 authorized to receive deposits of county funds, which bank or
28 banks shall be designated by resolution of the board of
29 commissioners. The designation of such bank or banks and the
30 deposit of funds therein shall be by the exercise of due care
31 and diligence on the part of the board of commissioners for

1 the safekeeping of said funds. No funds of the District shall
2 be paid out or disbursed except by check.

3 (2)(a) The board of commissioners shall have the power
4 and authority to borrow money for the purposes of the District
5 pursuant to this act and chapter 191, Florida Statutes, and
6 may pledge as security for the payment of such loan
7 collections on said roll and pursuant thereto shall have the
8 power and authority to issue bonds or give tax anticipation
9 notes, which shall be the sole security for any such loan,
10 except where real property is purchased and a mortgage is
11 given, subject to referendum approval where required by the
12 constitution, to secure the purchase.

13 (b) Neither the District nor the commissioners shall
14 be collectively or individually liable for any such loan, or
15 any part thereof, and in the event of such pledge, it shall be
16 the duty of the commissioners, upon collection of the ad
17 valorem tax roll so pledged, to apply the first proceeds
18 thereof to the payment of the loan for which such ad valorem
19 tax roll or lien was pledged until full payment of the loan is
20 made.

21 (c) Except as provided in paragraph (a), the
22 commissioners shall not create indebtedness or incur
23 obligations for any sum or amount which the board is unable to
24 pay out of District funds then in its hands, provided,
25 however, that this paragraph shall not be construed to
26 prohibit the purchasing of essential equipment and apparatus
27 under rental-purchase or retain title contracts in which the
28 equipment or apparatus, and/or tax anticipation certificates,
29 constitute the sole security for the remaining balance due on
30 the purchase price thereof.

31

1 Section 11. District funds.--No funds of the District
2 shall be used for any purpose other than the following, as the
3 board may determine to be in the best interests of the
4 District:

5 (1) The administration of the affairs and business of
6 the District relating to fire control and emergency medical
7 services pursuant to this act or chapter 191, Florida
8 Statutes, as it may be amended from time to time;

9 (2) The construction, care, maintenance, upkeep,
10 operation, lease, and purchase of stations, equipment, and
11 real property;

12 (3) The installation of fire hydrants and water lines;

13 (4) The payment of public utilities, such as electric
14 lights and water; and

15 (5) The payment of salaries to commissioners, a fire
16 chief, and one or more personnel to perform the duties of the
17 District, the payment of expenses as approved by the board of
18 commissioners, and the exercise of the powers of the District
19 shall be only for the purposes of providing services,
20 equipment, and facilities for fire protection and control
21 within the District as defined herein and amended by
22 interlocal agreement, and no expenditures by the District
23 shall be made except as shall relate to such purpose.

24 Section 12. Duties of board of commissioners; policies
25 and regulations.--

26 (1) The officers of the board of commissioners shall
27 have the duties usually pertaining to, vested in, and
28 incumbent upon like officers. A record shall be kept of all
29 meetings of the board of commissioners, and in such meetings
30 the concurrence of a majority of the commissioners in
31 attendance shall be necessary to any affirmative action by the

1 board, provided that no action shall be taken by the board of
2 commissioners unless a quorum of commissioners is present, a
3 quorum being defined as three or more commissioners.

4 (2) The board of commissioners may adopt such
5 policies, and regulations, and ordinances as it may deem
6 necessary to carry out the transaction of its business and the
7 provisions of this act. The board shall have the right, power,
8 and authority to enact and enforce a fire prevention ordinance
9 in the same manner that other ordinances of the District are
10 adopted.

11 (3) The board of commissioners shall adopt uniform
12 ordinance procedures. Ordinances shall be signed, dated, and
13 recorded with the clerk of the court of Pinellas County, and
14 published as provided by Florida law. Ordinances shall be
15 effective after publication, which constitutes legal notice of
16 same.

17 (4) The board may specify, by rule, civil penalties
18 for violations of such ordinances and a maximum daily fine of
19 \$1,000.

20 (5) In any civil action brought by the Palm Harbor
21 Special Fire Control and Rescue District to enforce the
22 provisions of its charter or its duly enacted ordinances,
23 including, but not limited to, actions brought to collect
24 fees, taxes, or other moneys owed to the Palm Harbor Special
25 Fire Control and Rescue District, the party in whose favor a
26 judgment or decree has been rendered may recover reasonable
27 court costs and attorney's fees from the nonprevailing party.

28 Section 13. Public disclosure.--Requirements for
29 financial disclosure, meeting notices, reporting, public
30 records maintenance, and per diem expenses for officers and
31 employees shall be as set forth in chapters 112, 119, 189,

1 191, and 286, Florida Statutes, as they may be amended from
2 time to time.

3 Section 14. Dissolution and annexation of District.--

4 (1) The special fire control District shall exist
5 until dissolved by law. Should any municipality, city,
6 village, town, or other fire control District, or any other
7 municipal corporation, annex or cause to be annexed to its
8 territorial limits any part or portion of land included in the
9 District, said fire control District shall continue as the
10 sole taxing authority for fire control purposes. However, this
11 shall not preclude an interlocal agreement between the entity
12 initiating the annexation and the District, as it relates to
13 fire control.

14 (2) Notwithstanding any other provision of law, no
15 municipality in Pinellas County may annex any unincorporated
16 territory situated on the effective date of this act within
17 the boundaries of the Palm Harbor Special Fire Control and
18 Rescue District unless the annexation of such territory by the
19 municipality is first approved by the board of county
20 commissioners of Pinellas County.

21 Section 15. Definitions.--For purposes of this act,
22 unless the context clearly requires otherwise, the word
23 "District" means the Palm Harbor Special Fire Control and
24 Rescue District hereby established, and the terms "board,"
25 "commissioners," and "board of commissioners" mean the Board
26 of Commissioners of the Palm Harbor Special Fire Control and
27 Rescue District as created and organized in this act.

28 Section 16. Impact fees.--

29 (1) It is hereby declared that the cost of new
30 facilities for fire protection service within the Palm Harbor
31 Special Fire Control and Rescue District should be borne by

1 new users of the District services to the extent new
2 construction requires new facilities, but only to that extent.
3 It is the legislative intent of this section to transfer to
4 the new user of the District's services a fair share of the
5 costs that new users impose on the District for new
6 facilities.

7 (2) The District is authorized to impose impact fees
8 for new construction within the District. The board of
9 commissioners of the District shall set the amount of such
10 fees by resolution.

11 (3) No person shall issue or obtain a building permit
12 for new residential dwelling units or new commercial or
13 industrial structures within the District, or issue or obtain
14 construction plan approval for new mobile home developments
15 located within the District, until the developer thereof has
16 paid any applicable impact fee to the District or its
17 authorized representative; however, under no circumstances
18 shall a failure to collect said fees before issuance of a
19 building permit be construed as a waiver of said fees by the
20 District.

21 (4) The impact fees collected by the District pursuant
22 to this section shall be kept as a separate fund from other
23 revenues of the District and shall be used exclusively for the
24 acquisition, purchase, or construction of new facilities or
25 portions thereof required to provide fire protection.

26 Section 4. Chapters 82-369, 84-512, 84-513, 86-441,
27 88-477, and 95-469, Laws of Florida, are repealed.

28 Section 5. In the event any section or provision of
29 this act is determined to be invalid or unenforceable, such
30 determination shall not affect the validity of or
31

1 enforceability of each other section and provision of this
2 act.

3 Section 6. In the event of a conflict of the
4 provisions of this act with the provisions of any other act
5 the provisions of this act shall control to the extent of such
6 conflict.

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31