

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Local Government & Veterans Affairs offered the following:

**Amendment**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

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

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90-417, Laws of Florida, relating to the Englewood Area Fire Control District, are codified, reenacted, amended, and repealed as herein provided.

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1           Section 3. The charter for the Englewood Area Fire  
2 Control District is re-created and reenacted to read:

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4                                   ARTICLE I

5                                   PREAMBLE

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

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

18           Section 1.03. This District is organized and exists  
19 for all purposes set forth in this act and in chapters 189 and  
20 191, Florida Statutes, as they may be amended from time to  
21 time. All provisions of chapters 189 and 191, Florida  
22 Statutes, and all power and authority granted thereunder are  
23 hereby applicable to the Englewood Area Fire Control District.

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25                                   ARTICLE II

26                                   NAME OF DISTRICT

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

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

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1 and politic.

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ARTICLE III

4

BOUNDARIES OF THE DISTRICT

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

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Sarasota County Legal Description: Begin at the  
intersection of mean high water line of the  
Gulf of Mexico on the West shore Manasota Key  
with the North line of Section 5, Twp. 40 S,  
Range 19E, Sarasota County, Florida: thence  
Easterly across Manasota Key to the mean high  
water line of Lemon Bay; thence Southeasterly  
along the waters of Lemon Bay to the  
intersection with the Northerly right of way  
line of the Manasota Beach Road; thence  
Northeasterly and Easterly along said Northerly  
right of way line to the West line of Section  
10, Twp. 40 S, Range 19E; thence North along  
said West line of Section 10, Twp. 40 S, Range  
19E to the Northwest corner of said section;  
thence Easterly along the North line of  
Sections 10, 11 and 12, Twp. 40 S, Range 19E,  
and continue Easterly along the North line of  
Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E  
to the center line of South River Road; thence  
Southerly and Southwesterly along said center  
line to the South line of Section 15, Twp. 40  
S, Range 20 E and the municipal boundary of the

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1           City of North Port. Thence West along the South  
2           line of said Section 15 (also the North Port  
3           boundary) to the Southwest corner thereof;  
4           thence South along the East line of Sections 21  
5           and 28, Twp. 40 S, Range 20 E (also the North  
6           Port boundary) to the Southeast corner of said  
7           Section 28; thence West along the South line of  
8           said Section 28 (also the North Port boundary)  
9           to the Northeast corner of the Northwest 1/4 of  
10          Section 33, Twp. 40 S, Range 20 E; thence South  
11          along the East line of the West 1/2 of Section  
12          33 (also the North Port boundary) to the South  
13          line of said Section 33; thence West along the  
14          South line of Sections 33, 32 and 31, Twp. 40  
15          S, Range 20 E and continue West along the South  
16          line of Sections 36 and 35, Twp. 40 S, Range 19  
17          E, this line being the Sarasota - Charlotte  
18          County line to the intersection with the mean  
19          high water line of the Gulf of Mexico at the  
20          West shoreline of Manasota Key; thence  
21          Northerly and Westerly along the mean high  
22          water line of the Gulf of Mexico to the  
23          intersection with the North line of Section 5,  
24          Twp. 40 S, Range 19 E, and the point of  
25          beginning.

26  
27 And expanding the District boundaries to include the following  
28 properties:

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30           All lots within Blocks 5, 6, 7, 8, 17, 18, 19,  
31           20, 27, 28 and those lots within Blocks 29 and

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1       30 lying north of Manasota Beach Road, as per  
2       plat of Manasota Land & Timber Company, as  
3       recorded in Plat Book A, Page 63, Sarasota  
4       County; the geographical boundaries being  
5       described as:

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7       Beginning at the intersection of the Manasota  
8       Beach Bridge and the Intra coastal waterway  
9       (mainland side), thence East along the North  
10       side of Manasota Beach Road to Alamander  
11       Avenue; thence North along the West side of  
12       Alamander Avenue to Belvedere Street; thence  
13       West along the South side of Belvedere Street  
14       to the Intra-Coastal Waterway; thence South  
15       along the East shoreline of the Intra-Coastal  
16       Waterway to the intersection of the Manasota  
17       Beach Bridge and point of beginning.

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19       Charlotte County Legal Description. Beginning  
20       at the intersection of the Gulf of Mexico with  
21       the North line of Section 2, Twp. 41 S, Range  
22       19 E, Charlotte County, Florida; run Easterly  
23       along the North line of said township to the  
24       Northeast corner of Section 1, Twp. 41 S, Range  
25       20 E; thence Southerly along the East line of  
26       said Range 20 E, to the Northwest corner of  
27       Section 6, Twp. 42 S, Range 21 E; thence  
28       Easterly along the North line of said Twp. 42,  
29       to the Westerly shore of Charlotte Harbor;  
30       thence Southerly and Westerly along Charlotte  
31       Harbor to Cape Haze; thence Northwesterly to an

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1       intersection of the Westerly shore of Turtle  
2       Bay with the Northerly shore of Cape Haze -  
3       Gasparilla Sound; thence Westerly and  
4       Northwesterly along the shores of Cape  
5       Haze-Gasparilla Sound, Placida Harbor and Lemon  
6       Bay to a point East of Stump Pass; thence  
7       Westerly through Stump Pass to an intersection  
8       of the Northerly shore of Stump Pass with the  
9       Easterly shore of the Gulf of Mexico thence  
10       Northwesterly along said shore to the point of  
11       beginning.

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13                               ARTICLE IV  
14                               POWERS OF THE DISTRICT  
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16       Section 4.01. The District Board of Commissioners  
17       shall have the authority and responsibility for and on behalf  
18       of the people residing, visiting, or passing through the  
19       District to establish, equip, operate, and maintain a fire  
20       department and rescue service, including, but not limited to,  
21       buildings for housing fire equipment and personnel, training  
22       facilities for fire and rescue, and other buildings deemed  
23       necessary by the District Board to provide adequate protection  
24       from unwanted fire and to carry out rescue operations. The  
25       District Board shall have the authority to accept gifts or  
26       donations of equipment or money for use by the District. The  
27       District shall have the authority to purchase, lease, sell,  
28       exchange, or otherwise acquire and dispose of property  
29       intended for use by the District and to borrow money, issue  
30       bonds, and enter into term indebtedness, provided reputable  
31       institutions or companies are used and provided all agreements

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1 are within the laws of the state. In addition, the District  
2 Board shall have the authority to extend its services beyond  
3 the District boundaries, provided it is in cooperation with  
4 another governmental entity, whether federal, state, county,  
5 or municipal.

6 Section 4.02. The District Board shall have the  
7 authority to provide a paid staff to carry out its  
8 responsibilities. This staff shall serve at the pleasure of  
9 the District Board. The District Board shall also have the  
10 authority to promulgate rules and regulations related to fire  
11 prevention and life safety.

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

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17 ARTICLE V  
18 GOVERNING BOARD  
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20 Section 5.01. In accordance with section 191.005,  
21 Florida Statutes, the business and affairs of the District  
22 shall be conducted and administered by a five-member Board of  
23 Fire Commissioners elected pursuant to chapter 191, Florida  
24 Statutes, by the electors of the District in a nonpartisan  
25 election held at the time and in the manner prescribed for  
26 holding general elections in section 189.405, Florida  
27 Statutes. Each member of the Board shall be elected for a term  
28 of 4 years and shall serve until his or her successor assumes  
29 office.

30 Section 5.02. The office of each Board member is  
31 designated as a seat on the District, distinguished from each

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

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

12 Section 5.04. Each elected member shall assume office  
13 10 days following the member's election. Annually, within 60  
14 days after the newly elected members have taken office, the  
15 Board shall organize by electing from its members a chair, a  
16 vice chair, a secretary, and a treasurer. The positions of  
17 secretary and treasurer may be held by one member.

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

24 Section 5.06. If a vacancy occurs on the Board due to  
25 the resignation, death, or removal of a Board member or the  
26 failure of anyone to qualify for a Board seat, the remaining  
27 members may appoint a qualified person to fill the seat until  
28 the next general election, at which time an election shall be  
29 held to fill the vacancy for the remaining term, if any.

30 Section 5.07. The procedures for conducting District  
31 elections or referenda or for qualification of electors shall



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1 be pursuant to chapters 189 and 191, Florida Statutes.

2 Section 5.08. The Board shall have those  
3 administrative duties set forth in this act and in chapters  
4 189 and 191, Florida Statutes, as they may be amended from  
5 time to time.

6 Section 5.09. Requirements for financial disclosure,  
7 meeting notices, reporting, public records maintenance, and  
8 per diem expenses for officers and employees shall be as set  
9 forth in chapters 112, 119, 189, 191, and 286, Florida  
10 Statutes, as they may be amended from time to time.

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

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15 ARTICLE VI  
16 FINANCES  
17

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

28 Section 6.02. The methods for assessing and collecting  
29 non-ad valorem assessment fees or service charges shall be as  
30 set forth in chapter 170, chapter 189, chapter 191, or chapter  
31 197, Florida Statutes, as any of these may be amended from

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1 time to time. In setting assessment rates, the Commissioners  
2 shall consider the size of the property, the fire hazard it  
3 presents, and the protection provided.

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

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

17 Section 6.04. The rate of such annual assessments for  
18 protection against fire and the furnishing of rescue service  
19 shall be fixed annually by a resolution of the Board of Fire  
20 Commissioners. The assessments may be increased as provided in  
21 chapter 191, Florida Statutes, provided the Board shall  
22 determine that such increase is necessary in order to properly  
23 carry out the purposes of the District. No increase in excess  
24 of that provided in chapter 191, Florida Statutes, shall be  
25 permitted unless and until the Board holds the required  
26 referendum for increasing said assessments. The District must  
27 establish that the increased assessment rate in excess of that  
28 amount allowed by statute does not exceed the benefits derived  
29 from the furnishing of the services. Any such assessment shall  
30 be made only when there has been competent substantial  
31 evidence presented to the District establishing that such an

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1 adjustment in the rate is necessary in order for the District  
2 to properly carry out its purposes and establishing that the  
3 proposed increase in assessments will not exceed the benefits.  
4 In accordance with section 191.011, Florida Statutes, the  
5 procedure for increasing the annual assessment rate in excess  
6 of that allowed under chapter 191 shall be as follows:

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

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

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

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

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1 laws of the state for the collection of such taxes.  
2 Section 6.06. The Board shall establish a schedule of  
3 impact fees in accordance with section 191.009(4), Florida  
4 Statutes, and with any standard set by general law for new  
5 construction to pay for the cost of new facilities and  
6 equipment, the need for which is in whole or in part the  
7 result of new construction. The impact fees collected by the  
8 District under this section shall be kept separate from the  
9 revenues of the District and must be used exclusively to  
10 acquire, purchase, or construct new facilities or portions  
11 thereof needed to provide fire protection and emergency  
12 services to new construction. As used in this section, "new  
13 facilities" means lands, buildings, and capital equipment,  
14 including, but not limited to, fire and emergency vehicles,  
15 radio telemetry equipment, and other firefighting or rescue  
16 equipment. The Board shall maintain adequate records to ensure  
17 that impact fees are expended only for permissible new  
18 facilities or new equipment. The Board may enter into  
19 agreements with general-purpose local governments to share in  
20 the revenue from fire protection impact fees imposed by such  
21 governments. For impact fee purposes, all property within the  
22 District shall have the classification of residential or  
23 commercial.

24 Section 6.07. The Board may provide a reasonable  
25 schedule of charges for special emergency services, including  
26 firefighting occurring in or to structures outside the  
27 District, motor vehicles, marine vessels, aircraft, or rail  
28 cars, or as a result of the operation of such motor vehicles  
29 or marine vessels to which the District is called to render  
30 emergency service, and may charge a fee for the services  
31 rendered in accordance with the schedule developed and

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1 pursuant to chapter 191.009(3), Florida Statutes.

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

11  
12 ARTICLE VII

13 MISCELLANEOUS

14  
15 Section 7.01. All contracts, obligations, rules,  
16 regulations, or policies of any nature existing on the date of  
17 enactment of this act shall remain in full force and effect  
18 and this act shall in no way affect the validity of such  
19 contracts, obligations, rules, regulations, or policies.

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

24 Section 4. Chapters 69-597, 70-518, 75-503, 82-381,  
25 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10  
26 days after the effective date of this act.

27 Section 5. It is declared to be the intent of the  
28 Legislature that if any section, subsection, sentence, clause,  
29 phrase, or portion of this act is, for any reason, held  
30 invalid or unconstitutional by a court of competent  
31 jurisdiction, such portion shall be deemed to be a separate,

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1 distinct, and independent provision and such holdings shall  
2 not affect the validity of the remaining portions of this act.

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

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

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

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