

By Representative Paul

1 A bill to be entitled
 2 An act relating to the Englewood Area Fire
 3 Control District in Sarasota and Charlotte
 4 Counties; codifying, reenacting, amending, and
 5 repealing special laws relating to the
 6 district; providing that the district is an
 7 independent special district; providing
 8 legislative intent; providing for applicability
 9 of chapters 191 and 189, Florida Statutes, and
 10 other general laws; providing a district
 11 charter; providing boundaries; providing for a
 12 district board; providing authority of the
 13 board; providing for staff; providing duties
 14 and powers of the board; providing for
 15 elections to the board; providing salary of
 16 board members; providing for removal of board
 17 members; providing for revenue raising;
 18 providing for the levying of non-ad valorem
 19 assessments; providing for capital improvement
 20 impact fees; providing severability; providing
 21 for liberal construction; providing that this
 22 act shall take precedence over any conflicting
 23 law to the extent of such conflict; providing
 24 an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:
 27

28 Section 1. Pursuant to section 191.015, Florida
 29 Statutes, this act constitutes the codification of all special
 30 acts relating to the Englewood Area Fire Control District. It
 31 is the intent of the Legislature in enacting this law to

1 provide a single, comprehensive special act charter for the
2 district, including all current legislative authority granted
3 to the district by its several legislative enactments, and to
4 conform the charter to chapter 191, Florida Statutes, the
5 Independent Special Fire Control District Act, and other
6 provisions of general law.

7 Section 2. Chapters 82-381, 82-418, 83-524, and
8 90-417, Laws of Florida, relating to the Englewood Area Fire
9 Control District, are codified, reenacted, amended, and
10 repealed as herein provided.

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

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14 ARTICLE I

15 PREAMBLE

16
17 Section 1.01. This act establishes a Charter for the
18 Englewood Area Fire Control District, which District was
19 created by chapter 82-381, Laws of Florida. The District shall
20 be deemed created by said chapter for all purposes.

21 Section 1.02. This act supersedes and repeals all
22 previous special acts relating to the Englewood Area Fire
23 Control District and sets forth within this Charter those
24 matters, as applicable, which are covered by such previous
25 special acts. Amendments to the Charter may be made only by
26 special act of the Legislature. This act shall be construed so
27 as to preserve to the District all powers previously granted.

28 Section 1.03. This District is organized and exists
29 for all purposes set forth in this act and in chapters 189 and
30 191, Florida Statutes, as they may be amended from time to
31 time. All provisions of chapters 189 and 191, Florida

1 Statutes, and all power and authority granted thereunder are
2 hereby applicable to the Englewood Area Fire Control District.

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4 ARTICLE II
5 NAME OF DISTRICT

6
7 Section 2.01. The name of the District shall be
8 Englewood Area Fire Control District.

9 Section 2.02. The District shall be an independent
10 special district of the State of Florida and a body corporate
11 and politic.

12 Section 2.03. The District shall be a fire control and
13 rescue district and shall have no responsibility for providing
14 ambulance or similar emergency services within the District's
15 boundaries. It is the purpose of this act to provide for fire
16 and rescue services only and to exclude ambulance and similar
17 services.

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19 ARTICLE III
20 BOUNDARIES OF THE DISTRICT

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

24
25 Sarasota County Legal Description: Begin at the
26 intersection of mean high water line of the
27 Gulf of Mexico on the West shore Manasota Key
28 with the North line of Section 5, Twp. 40 S,
29 Range 19E, Sarasota County, Florida: thence
30 Easterly across Manasota Key to the mean high
31 water line of Lemon Bay; thence Southeasterly

1 along the waters of Lemon Bay to the
2 intersection with the Northerly right of way
3 line of the Manasota Beach Road; thence
4 Northeasterly and Easterly along said Northerly
5 right of way line to the West line of Section
6 10, Twp. 40 S, Range 19E; thence North along
7 said West line of Section 10, Twp. 40 S, Range
8 19E to the Northwest corner of said section;
9 thence Easterly along the North line of
10 Sections 10, 11 and 12, Twp. 40 S, Range 19E,
11 and continue Easterly along the North line of
12 Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E
13 to the center line of South River Road; thence
14 Southerly and Southwesterly along said center
15 line to the South line of Section 15, Twp. 40
16 S, Range 20 E and the municipal boundary of the
17 City of North Port. Thence West along the South
18 line of said Section 15 (also the North Port
19 boundary) to the Southwest corner thereof;
20 thence South along the East line of Sections 21
21 and 28, Twp. 40 S, Range 20 E (also the North
22 Port boundary) to the Southeast corner of said
23 Section 28; thence West along the South line of
24 said Section 28 (also the North Port boundary)
25 to the Northeast corner of the Northwest 1/4 of
26 Section 33, Twp. 40 S, Range 20 E; thence South
27 along the East line of the West 1/2 of Section
28 33 (also the North Port boundary) to the South
29 line of said Section 33; thence West along the
30 South line of Sections 33, 32 and 31, Twp. 40
31 S, Range 20 E and continue West along the South

1 line of Sections 36 and 35, Twp. 40 S, Range 19
2 E, this line being the Sarasota - Charlotte
3 County line to the intersection with the mean
4 high water line of the Gulf of Mexico at the
5 West shore line of Manasota Key thence
6 Northerly and Westerly along the mean high
7 water line of the Gulf of Mexico to the
8 intersection with the North line of Section 5,
9 Twp. 40 S, Range 19 E, and the point of
10 beginning.

11
12 And expanding the District boundaries to include the following
13 properties:

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15 All lots within Blocks 5, 6, 7, 8, 17, 18, 19,
16 20, 27, 28 and those lots within Blocks 29 and
17 30 lying north of Manasota Beach Road, as per
18 plat of Manasota Land & Timber Company, as
19 recorded in Plat Book _____, Page _____,
20 _____ County; the geographical boundaries
21 being described as:

22
23 Beginning at the intersection of the Manasota
24 Beach Bridge and the Intra coastal waterway
25 (mainland side), thence East along the North
26 side of Manasota Beach Road to Alamander
27 Avenue; thence North along the West side of
28 Alamander Avenue to Belvedere Street; thence
29 West along the South side of Belvedere Street
30 to the Intra-Coastal Waterway; thence South
31 along the East shoreline of the Intra-Coastal

1 Waterway to the intersection of the Manasota
2 Beach Bridge and point of beginning.
3
4 Charlotte County Legal Description. As
5 beginning that intersection of the Gulf of
6 Mexico with the North line of Section 2, Twp.
7 41 S, Range 19 E, Charlotte County, Florida;
8 run Easterly along the North line of said
9 township to the Northeast corner of Section 1,
10 Twp. 41 S, Range 20 E; thence Southerly along
11 the East line of said Range 20 E, to the
12 Northwest corner of Section 6, Twp. 42 S, Range
13 21 E; thence Easterly along the North line of
14 said Twp. 42, to the Westerly shore of
15 Charlotte Harbor; thence Southerly and Westerly
16 along Charlotte Harbor to Cape Haze; thence
17 Northwesterly to an intersection of the
18 Westerly shore of Turtle Bay with the Northerly
19 shore of Cape Haze - Gasparilla Sound; thence
20 Westerly and Northwesterly along the shores of
21 Cape Haze-Gasparilla Sound, Placida Harbor and
22 Lemon Bay to a point East of Stump Pass; thence
23 Westerly through Stump Pass to an intersection
24 of the Northerly shore of Stump Pass with the
25 Easterly shore of the Gulf of Mexico thence
26 Northwesterly along said shore to the point of
27 beginning.

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29 ARTICLE IV
30 POWERS OF THE DISTRICT

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1 Section 4.01. The District Board of Commissioners
2 shall have the authority and responsibility for and on behalf
3 of the people residing, visiting, or passing through the
4 District to establish, equip, operate, and maintain a fire
5 department and rescue service, including, but not limited to,
6 buildings for housing fire equipment and personnel, training
7 facilities for fire and rescue, and other buildings deemed
8 necessary by the District Board to provide adequate protection
9 from unwanted fire and to carry out rescue operations. The
10 District Board shall have the authority to accept gifts or
11 donations of equipment or money for use by the District. The
12 District shall have the authority to purchase, lease, sell,
13 exchange, or otherwise acquire and dispose of property
14 intended for use by the District and to borrow money, issue
15 bonds, and enter into term indebtedness, provided reputable
16 institutions or companies are used and provided all agreements
17 are within the laws of the state. In addition, the District
18 Board shall have the authority to extend its services beyond
19 the District boundaries, provided it is in cooperation with
20 another governmental entity, whether federal, state, county,
21 or municipal.

22 Section 4.02. The District Board shall have the
23 authority to provide a paid staff to carry out its
24 responsibilities. This staff shall serve at the pleasure of
25 the District Board. The District Board shall also have the
26 authority to promulgate rules and regulations related to fire
27 prevention and life safety.

28 Section 4.03. The duties and powers of the Board of
29 Commissioners shall be as set forth in this act and in
30 sections 191.006 and 191.008, Florida Statutes, as they may be
31 amended from time to time.

1 Section 4.04. In accordance with section 191.007,
2 Florida Statutes, all assets and properties of the District
3 are exempt from all taxes imposed by the state or any
4 political subdivision.

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6 ARTICLE V
7 GOVERNING BOARD
8

9 Section 5.01. In accordance with section 191.005,
10 Florida Statutes, the business and affairs of the District
11 shall be conducted and administered by a five-member Board of
12 Fire Commissioners elected pursuant to chapter 191, Florida
13 Statutes, by the electors of the District in a nonpartisan
14 election held at the time and in the manner prescribed for
15 holding general elections in section 189.405, Florida
16 Statutes. Each member of the Board shall be elected for a term
17 of 4 years and shall serve until his or her successor assumes
18 office.

19 Section 5.02. The office of each Board member is
20 designated as a seat on the District, distinguished from each
21 of the other seats by a numeral: 1, 2, 3, 4, or 5. Each
22 candidate must designate at the time he or she qualifies the
23 seat on the Board for which he or she is qualifying. The name
24 of each candidate who qualifies shall be included on the
25 ballot in a way that clearly indicates the seat for which he
26 or she is a candidate. The candidate for each seat who
27 receives the most votes shall be elected to the Board.

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

1 Section 5.04. Each elected member shall assume office
2 10 days following the member's election. Annually, within 60
3 days after the newly elected members have taken office, the
4 Board shall organize by electing from its members a chair, a
5 vice chair, a secretary, and a treasurer. The positions of
6 secretary and treasurer may be held by one member.

7 Section 5.05. Members of the Board may each be paid a
8 salary or an honorarium to be determined by at least a
9 majority plus one vote of the Board pursuant to chapter 191,
10 Florida Statutes. In addition, members may be reimbursed for
11 travel and per diem expenses as provided in section 112.061,
12 Florida Statutes.

13 Section 5.06. If a vacancy occurs on the Board due to
14 the resignation, death, or removal of a Board member or the
15 failure of anyone to qualify for a Board seat, the remaining
16 members may appoint a qualified person to fill the seat until
17 the next general election, at which time an election shall be
18 held to fill the vacancy for the remaining term, if any.

19 Section 5.07. The procedures for conducting District
20 elections or referenda or for qualification of electors shall
21 be pursuant to chapters 189 and 191, Florida Statutes.

22 Section 5.08. The Board shall have those
23 administrative duties set forth in this act and in chapters
24 189 and 191, Florida Statutes, as they may be amended from
25 time to time.

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

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

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5 ARTICLE VI
6 FINANCES
7

8 Section 6.01. The District shall have the right,
9 power, and authority to levy non-ad valorem assessments as
10 defined in section 197.3632, Florida Statutes, against the
11 taxable real estate lying within the territorial boundaries of
12 the District in order to provide funds for the purpose of the
13 District. The rate of such assessments shall be fixed annually
14 by a resolution of the Board of Commissioners after conducting
15 a public hearing. Such non-ad valorem assessments may be
16 imposed, collected, and enforced pursuant to the provisions of
17 sections 197.363 through 197.3635, Florida Statutes.

18 Section 6.02. The methods for assessing and collecting
19 non-ad valorem assessment fees or service charges shall be as
20 set forth in chapter 170, chapter 189, chapter 191, or chapter
21 197, Florida Statutes, as any of these may be amended from
22 time to time. In setting assessment rates, the Commissioners
23 shall consider the size of the property, the fire hazard it
24 presents, and the protection provided.

25 Section 6.03. For assessment purposes, all property
26 within the District shall have the following general
27 classifications:

- 28 (1) Business and/or Commercial.
29 (2) Single-family residence.
30 (3) Duplex residence (2-family).
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1 (4) All other multifamily buildings, including
2 condominium and cooperative building or apartment central
3 building.

4 (5) Unimproved subdivided lots.

5 (6) Unsubdivided acreage.

6 (7) Residential trailer space in rental trailer parks.

7 (8) Rental travel space.

8 Section 6.04. The rate of such annual assessments for
9 protection against fire and the furnishing of rescue service
10 shall be fixed annually by a resolution of the Board of Fire
11 Commissioners. The assessments may be increased as provided in
12 chapter 191, Florida Statutes, provided the Board shall
13 determine that such increase is necessary in order to properly
14 carry out the purposes of the District. No increase in excess
15 of that provided in chapter 191, Florida Statutes, shall be
16 permitted unless and until the Board holds the required
17 referendum for increasing said assessments. The District must
18 establish that the increased assessment rate in excess of that
19 amount allowed by statute does not exceed the benefits derived
20 from the furnishing of the services. Any such assessment shall
21 be made only when there has been competent substantial
22 evidence presented to the District establishing that such an
23 adjustment in the rate is necessary in order for the District
24 to properly carry out its purposes and establishing that the
25 proposed increase in assessments will not exceed the benefits.
26 In accordance with section 191.011, Florida Statutes, the
27 procedure for increasing the annual assessment rate in excess
28 of that allowed under chapter 191 shall be as follows:

29 (1) Presentation to the Board of competent substantial
30 evidence establishing that the increase in the maximum rate of
31 assessments is necessary in order to carry out the purposes of

1 the District and further establishing that said assessments as
2 increased will not exceed the benefits accruing to the
3 property within the District.

4 (2) Adoption of a resolution setting forth findings of
5 fact and establishing the necessity for the increase in
6 assessment rates, and said resolution shall provide for the
7 calling of a referendum election wherein the question of
8 whether to increase the assessments as recommended by the
9 Board shall be approved.

10 (3) A referendum election shall be held pursuant to
11 the general law governing special elections in the state and,
12 upon certification of the return of the election, the rate of
13 assessment shall be deemed amended if approved by a majority
14 vote of the electors voting in said election.

15 Section 6.05. Assessments shall be a lien upon the
16 land so assessed, along with the county taxes assessed against
17 the same until said assessments and taxes have been paid and,
18 if the same becomes delinquent, shall be considered a part of
19 the county tax, subject to the same penalties, charges, fees,
20 and remedies for enforcement and collection as provided by the
21 laws of the state for the collection of such taxes.

22 Section 6.06. The Board shall establish a schedule of
23 impact fees in accordance with section 191.009(4), Florida
24 Statutes, and with any standard set by general law for new
25 construction to pay for the cost of new facilities and
26 equipment, the need for which is in whole or in part the
27 result of new construction. The impact fees collected by the
28 District under this section shall be kept separate from the
29 revenues of the District and must be used exclusively to
30 acquire, purchase, or construct new facilities or portions
31 thereof needed to provide fire protection and emergency

1 services to new construction. As used in this section, "new
2 facilities" means lands, buildings, and capital equipment,
3 including, but not limited to, fire and emergency vehicles,
4 radio telemetry equipment, and other firefighting or rescue
5 equipment. The Board shall maintain adequate records to ensure
6 that impact fees are expended only for permissible new
7 facilities or new equipment. The Board may enter into
8 agreements with general-purpose local governments to share in
9 the revenue from fire protection impact fees imposed by such
10 governments. For impact fee purposes, all property within the
11 District shall have the classification of residential or
12 commercial.

13 Section 6.07. The Board may provide a reasonable
14 schedule of charges for special emergency services, including
15 firefighting occurring in or to structures outside the
16 District, motor vehicles, marine vessels, aircraft, or rail
17 cars, or as a result of the operation of such motor vehicles
18 or marine vessels to which the District is called to render
19 emergency service, and may charge a fee for the services
20 rendered in accordance with the schedule developed and
21 pursuant to chapter 191.009(3), Florida Statutes.

22 Section 6.08. The District may issue general
23 obligation bonds, assessment bonds, revenue bonds, notes, bond
24 anticipation notes, or other evidences of indebtedness to
25 finance all or part of any proposed improvements authorized to
26 be undertaken under this act or under general or special law,
27 provided the total annual payments for the principal and
28 interest of such indebtedness do not exceed 50 percent of the
29 total annual budgeted revenues of the District as provided in
30 section 191.012, Florida Statutes.

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ARTICLE VII
MISCELLANEOUS

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

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

Section 4. Chapters 82-381, 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions of this act.

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

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

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