

By Senator Carlton

24-772-01

See HB

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10 repealed as herein provided.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:

13  
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.

3  
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.

18  
19 ARTICLE III  
20 BOUNDARIES OF THE DISTRICT  
21

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:

14  
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

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.

31



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.