

29 Section 1. Short title.--This act may be cited as the
 30 "Duette Fire and Rescue District Act."

31 Section 2. Definitions.--Unless the context otherwise
 32 requires, the following terms shall have the following meanings
 33 ascribed to them:

34 (1) "Board" means the Board of Commissioners of the Duette
 35 Fire and Rescue District.

36 (2) "Commissioner" means a member of the Board of
 37 Commissioners of the district.

38 (3) "County" means Manatee County, Florida.

39 (4) "District" means the Duette Fire and Rescue District.

40 (5) "Elector" means a person who is a resident of the
 41 district and is qualified to vote in a general election in
 42 Manatee County.

43 (6) "Emergency medical service" means basic life support
 44 service and advanced life support service, as defined in section
 45 401.23, Florida Statutes.

46 (7) "Governor" means the Governor of the State of Florida.

47 Section 3. Formation; boundaries.--For the purpose of
 48 providing fire prevention services pursuant to chapter 191,
 49 Florida Statutes, an independent special district is hereby
 50 created and incorporated to be known as the Duette Fire and
 51 Rescue District, hereinafter the "district," in Manatee County
 52 and shall embrace and include the territory described as:

53
 54 Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36,
 55 all lying in Township 33 South, Range 20 East; Sections 1
 56 through 36, all lying in Township 33 South, Range 21 East;

57 Sections 1 through 36, all lying in Township 33 South,
 58 Range 22 East; Sections 1, 2, 11, 12, 13, 14, 23, 24, 25,
 59 26 and 27, all lying in Township 34 South, Range 20 East;
 60 Sections 1 through 30, all lying in Township 34 South,
 61 Range 21 East; Sections 1 through 30, all lying in Township
 62 34 South, Range 22 East.

63
 64 Section 4. Intent.--The purposes of this act are to:

65 (1) Provide standards, direction, and procedures
 66 concerning the operation and governance of the special fire
 67 control district known as the Duette Fire and Rescue District.

68 (2) Provide uniformity between the Duette Fire and Rescue
 69 District and other independent special fire control districts.

70 (3) Provide financing authority of the Duette Fire and
 71 Rescue District without hampering the efficiency and
 72 effectiveness of current authorized and implemented methods and
 73 procedures of raising revenues.

74 (4) Improve communication and coordination between the
 75 Duette Fire and Rescue District and other local governments with
 76 respect to short-range and long-range planning to meet the
 77 demands for service delivery while maintaining fiscal
 78 responsibility.

79 (5) Provide uniform procedures for electing members of the
 80 governing board of the Duette Fire and Rescue District to ensure
 81 greater accountability to the public.

82 Section 5. Board of Commissioners; officers; bond;
 83 compensation.--

84 (1) The business affairs of the district shall be

85 conducted and administered, pursuant to chapter 191, Florida
86 Statutes, by the Board of Commissioners of the Duette Fire and
87 Rescue District, which is established as a board of five
88 commissioners. Annually, within 60 days after newly elected
89 members have taken office, the board shall organize by electing
90 from its members a chair, a vice chair, a secretary, and a
91 treasurer. The positions of secretary and treasurer may be held
92 by one member. The office of each commissioner comprising the
93 Board of Commissioners of the Duette Fire and Rescue District is
94 hereby designated as being a seat on the commission,
95 distinguished from each of the other seats by a numeral: 1, 2,
96 3, 4, or 5. The numerical seat designation does not designate a
97 geographical subdistrict of the district.

98 (2) Each commissioner shall, upon assuming office, take
99 and subscribe to the oath of office prescribed by section 5(b),
100 Article II of the State Constitution and section 876.05, Florida
101 Statutes. Each commissioner, upon taking office and in
102 accordance with chapters 189 and 191, Florida Statutes, shall
103 execute to the Governor for the benefit of the district a bond
104 conditioned upon the faithful performance of the duties of the
105 commissioner's office. The premium for such bonds shall be paid
106 from district funds.

107 (3) Members of the board may each be paid a salary or
108 honorarium to be determined by at least a majority plus one vote
109 of the board, which salary or honorarium may not exceed \$500 per
110 month for each member. Special notice of any meeting at which
111 the board will consider a salary change for a board member shall
112 be published at least once, at least 14 days prior to the

113 meeting, in a newspaper of general circulation in the county.
114 Separate compensation for the board member serving as treasurer
115 may be authorized by like vote so long as total compensation for
116 the board member does not exceed \$500 per month. Members may be
117 reimbursed for travel and per diem expenses, as provided in
118 section 112.061, Florida Statutes.

119 (4) Members of the board shall comply with the financial
120 disclosure, noticing, and reporting requirements of chapter 112,
121 Florida Statutes, and any other applicable law or regulation.

122 Section 6. Board of Commissioners; terms; election,
123 qualifications, certification of single candidate.--

124 (1) District elections and referenda shall be held in
125 accordance with chapter 191, Florida Statutes.

126 (2) Except as provided in this subsection, each of the
127 five commissioners shall hold his or her respective seat on the
128 Board of Commissioners of the Duette Fire and Rescue District
129 for a term of 4 years and shall be elected by majority vote of
130 the electors of the district voting at a general election. In
131 the first election following the effective date of this act,
132 seats 1, 3, and 5 shall be designated for 4-year terms, and
133 seats 2 and 4 shall be designated for 2-year terms. All
134 commissioners must be qualified electors within the district and
135 must reside within the district.

136 (3) Voting for commissioners shall be districtwide and
137 nonpartisan.

138 (4) If a vacancy occurs on the board due to the
139 resignation, death, or removal of a commissioner, or the failure
140 of anyone to qualify for a board seat, the remaining members may

141 appoint a qualified person to fill the seat until the next
 142 general election, at which time an election shall be held to
 143 fill the vacancy for the remaining term, if any. The board shall
 144 remove any member who has three consecutive, unexcused absences
 145 from regularly scheduled meetings. The board shall adopt
 146 policies by resolution defining excused and unexcused absences.

147 (5) Each commissioner, whenever elected, shall assume
 148 office 10 days following his or her election and shall serve
 149 until his or her successor is elected.

150 (6) All candidates shall qualify with the County
 151 Supervisor of Elections. All candidates may qualify by paying a
 152 filing fee of \$25 or by obtaining the signatures of at least 25
 153 registered electors of the district on petition forms provided
 154 by the Supervisor of Elections, which petitions shall be
 155 submitted and checked in the same manner as petitions filed by
 156 nonpartisan judicial candidates pursuant to section 105.035,
 157 Florida Statutes.

158 (7) The names of all candidates qualifying for election to
 159 a seat on the Board of Commissioners shall be included on the
 160 ballot or voting machines provided for use in the district,
 161 along with the candidates for county office at each regular
 162 county election, in such a way as to clearly indicate the
 163 respective seat for which each qualified candidate for district
 164 commissioner is running.

165 (8) Any expense of holding elections for commission seats
 166 at the regular county elections shall be paid out of the funds
 167 of the district, if required by proper authority.

168 (9) The board shall keep a permanent record book entitled

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169 "Record of Proceedings of Duette Fire and Rescue District" in
170 which the minutes of all meetings, resolutions, proceedings,
171 certificates, bonds given by commissioners, and corporate acts
172 shall be recorded. The record book shall be open to inspection
173 in the same manner as state, county, and municipal records are
174 open under chapter 119, Florida Statutes, and section 24,
175 Article I of the State Constitution. The record book shall be
176 kept at the office or other regular place of business maintained
177 by the board in the county or municipality in which the district
178 is located.

179 (10) All meetings of the board shall be open to the
180 public, consistent with chapter 286, Florida Statutes, section
181 189.417, Florida Statutes, and other applicable general laws.

182 Section 7. Powers; use of district funds.--

183 (1) The district shall have, and the board may exercise,
184 all the powers and duties set forth in chapters 170, 189, 191,
185 and 197, Florida Statutes, as they may be amended from time to
186 time.

187 (2) No funds of the district shall be used for any
188 purposes other than the administration of the affairs and
189 business of the district; the construction, care,
190 maintenance, upkeep, operation, and purchase of
191 firefighting and rescue equipment or a fire station or
192 stations; the payment of public utilities; and the payment
193 of salaries of district personnel as the board may from
194 time to time determine to be necessary for the operations
195 and effectiveness of the district.

196 (3) The board is authorized and empowered to buy,

197 own, lease, and maintain a fire department within the
 198 district and to purchase, acquire by gift, lease, own, and
 199 dispose of firefighting equipment and property, real and
 200 personal, that the board may from time to time deem
 201 necessary or needful to prevent and extinguish fires within
 202 the district.

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

205 (1) The district shall hold all powers, functions, and
 206 duties set forth in this act and chapters 170, 189, 191, and
 207 197, Florida Statutes, as amended from time to time, including,
 208 but not limited to, ad valorem taxation, bond issuance, other
 209 revenue-raising capabilities, budget preparation and approval,
 210 liens and foreclosure of liens, and use of tax deeds and tax
 211 certificates as appropriate for non-ad valorem assessments and
 212 contractual agreements. The district may be financed by any
 213 method established in this act or chapter 170, chapter 189,
 214 chapter 191, or chapter 197, Florida Statutes, as amended from
 215 time to time.

216 (2) The district shall be authorized to levy non-ad
 217 valorem assessments. The methods for assessing and collecting
 218 non-ad valorem assessments, fees, or service charges shall be as
 219 set forth in chapter 170, chapter 189, chapter 191, or chapter
 220 197, Florida Statutes, as amended from time to time. Upon
 221 compliance with all applicable provisions of ss. 191.009,
 222 197.3631, and 197.3632, Florida Statutes, the district shall be
 223 authorized to levy non-ad valorem assessments against all
 224 assessable real property located within the district. The

225 initial assessment shall not be subject to referendum approval
226 pursuant to section 191.009, Florida Statutes. Proposed non-ad
227 valorem assessment increases set by the board may not exceed the
228 average annual growth rate in Florida personal income over the
229 previous 5 years. Any increase that exceeds the average annual
230 growth rate in Florida personal income over the previous 5 years
231 must be approved by referendum of the electors of the district.

232 (3) Impact fees are hereby authorized. The impact fees
233 collected by the district pursuant to this section shall be kept
234 as a separate fund from other revenues of the district and shall
235 be used exclusively for the acquisition, purchase, or
236 construction of new facilities or portions thereof required to
237 provide fire protection and emergency medical service to new
238 construction. "New facilities" means land, buildings, and
239 capital equipment, including, but not limited to, fire and
240 emergency vehicles and radio telemetry equipment. The fees shall
241 not be used for the acquisition, purchase, or construction of
242 facilities that must be obtained in any event, regardless of
243 growth within the district. The board of commissioners shall
244 maintain adequate records to ensure that impact fees are
245 expended only for permissible new facilities. The first-time
246 levy of impact fees by the district must be approved by
247 referendum of the electors of the district. The referendum on
248 the first-time levy of an impact fee shall include a notice of
249 the future impact fee rate increases permitted by this charter
250 without a referendum.

251 Section 9. Five-year plan.--The district shall adopt a 5-
252 year plan to identify the facilities, equipment, personnel, and

253 revenue needed by the district during that 5-year period. The
 254 plan shall be updated in accordance with section 189.415,
 255 Florida Statutes, and shall satisfy the requirement for a public
 256 facilities report required by section 189.415(2), Florida
 257 Statutes.

258 Section 10. Boundaries and mergers.--

259 (1) The boundaries of the district may be modified,
 260 extended, or enlarged upon approval or ratification by the
 261 Legislature.

262 (2) The merger of the district with all, or portions of,
 263 other independent special districts or dependent fire control
 264 districts is effective only upon ratification by the
 265 Legislature. A district may not, solely by reason of a merger
 266 with another governmental entity, increase ad valorem taxes on
 267 property within the original limits of the district beyond the
 268 maximum established by the district's enabling legislation,
 269 unless approved by the electors of the district by referendum.

270 Section 11. Annexation of territories by
 271 municipalities.--Notwithstanding section 171.093, Florida
 272 Statutes, or any other applicable law or ordinance, if any
 273 municipality or other fire control district annexes land within
 274 the district, the district shall continue as the sole taxing,
 275 enforcing, and service-providing authority for district purposes
 276 in the annexed land. However, any municipality or other fire
 277 control district that annexes such land may collect the
 278 applicable assessment or tax for fire services and pay the
 279 district for such services at the district's annually adopted
 280 standard rate.

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

283 Section 13. Merger or dissolution.--Merger or dissolution
284 of the district shall occur as permitted by sections 189.4042
285 and 189.4045, Florida Statutes, as amended from time to time.

286 Section 14. Severability.--Should any provision of this
287 act be held to be unconstitutional, inoperative, or void, such
288 holding or invalidity shall not affect the remaining portions of
289 this act.

290 Section 2. Referendum.--On or before December 30, 2006,
291 the Board of County Commissioners of Manatee County shall call
292 and the County Supervisor of Elections shall conduct a
293 referendum of the qualified voters of the district on the
294 question of whether the district shall be created by special act
295 of the Legislature.

296 Section 3. This act shall take effect only upon its
297 approval by a majority vote of those qualified electors of the
298 district voting in a referendum election to be held by the
299 Manatee County Supervisor of Elections and to be held on or
300 before December 30, 2006, in accordance with the provisions of
301 law relating to elections currently in force in the district,
302 except that this section and section 2 shall take effect upon
303 becoming a law.