

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Manatee County; creating the Duette
7 Fire and Rescue District, an independent special district;
8 creating a district charter; providing a short title;
9 providing definitions; providing territorial boundaries of
10 the district; providing purposes and intent; providing for
11 a board of commissioners of the district; providing for
12 qualification, election, membership, terms of office, and
13 compensation of the board; providing for the filling of
14 vacancies; providing for meetings; providing powers and
15 duties of the board; providing for use of district funds;
16 authorizing the district to issue bonds and levy ad
17 valorem taxes, non-ad valorem assessments, impact fees,
18 and user charges; providing for a 5-year plan; providing
19 for modification of district boundaries; providing for
20 merger with certain other districts under certain
21 circumstances; providing for amendment of the charter by
22 special act of the Legislature; providing requirements for

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23 merger or dissolution; providing severability; requiring a
24 referendum; providing an effective date.

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

27
28 Section 1. The Duette Fire and Rescue District, an
29 independent special district in Manatee County, is created and
30 established pursuant to chapters 189 and 191, Florida Statutes,
31 and the charter for such district is created to read:

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

34 Section 2. Definitions.--Unless the context otherwise
35 requires, the following terms shall have the following meanings
36 ascribed to them:

37 (1) "Board" means the Board of Commissioners of the Duette
38 Fire and Rescue District.

39 (2) "Commissioner" means a member of the Board of
40 Commissioners of the district.

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

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

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

46 (6) "Emergency medical service" means basic life support
47 service and advanced life support service, as defined in section
48 401.23, Florida Statutes.

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

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

56
 57 Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36,
 58 all lying in Township 33 South, Range 20 East; Sections 1
 59 through 36, all lying in Township 33 South, Range 21 East;
 60 Sections 1 through 36, all lying in Township 33 South,
 61 Range 22 East; Sections 1, 2, 11, 12, 13, 14, 23, 24, 25,
 62 26 and 27, all lying in Township 34 South, Range 20 East;
 63 Sections 1 through 30, all lying in Township 34 South,
 64 Range 21 East; Sections 1 through 30, all lying in Township
 65 34 South, Range 22 East.

66
 67 Section 4. Intent.--The purposes of this act are to:

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

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

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

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

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

85 Section 5. Board of Commissioners; officers; bond;
 86 compensation.--

87 (1) The business affairs of the district shall be
 88 conducted and administered, pursuant to chapter 191, Florida
 89 Statutes, by the Board of Commissioners of the Duette Fire and
 90 Rescue District, which is established as a board of five
 91 commissioners. Annually, within 60 days after newly elected
 92 members have taken office, the board shall organize by electing
 93 from its members a chair, a vice chair, a secretary, and a
 94 treasurer. The positions of secretary and treasurer may be held
 95 by one member. The office of each commissioner comprising the
 96 Board of Commissioners of the Duette Fire and Rescue District is
 97 hereby designated as being a seat on the commission,
 98 distinguished from each of the other seats by a numeral: 1, 2,
 99 3, 4, or 5. The numerical seat designation does not designate a
 100 geographical subdistrict of the district.

101 (2) Each commissioner shall, upon assuming office, take
 102 and subscribe to the oath of office prescribed by section 5(b),
 103 Article II of the State Constitution and section 876.05, Florida
 104 Statutes. Each commissioner, upon taking office and in

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105 accordance with chapters 189 and 191, Florida Statutes, shall
106 execute to the Governor for the benefit of the district a bond
107 conditioned upon the faithful performance of the duties of the
108 commissioner's office. The premium for such bonds shall be paid
109 from district funds.

110 (3) Members of the board may each be paid a salary or
111 honorarium to be determined by at least a majority plus one vote
112 of the board, which salary or honorarium may not exceed \$500 per
113 month for each member. Special notice of any meeting at which
114 the board will consider a salary change for a board member shall
115 be published at least once, at least 14 days prior to the
116 meeting, in a newspaper of general circulation in the county.
117 Separate compensation for the board member serving as treasurer
118 may be authorized by like vote so long as total compensation for
119 the board member does not exceed \$500 per month. Members may be
120 reimbursed for travel and per diem expenses, as provided in
121 section 112.061, Florida Statutes.

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

125 Section 6. Board of Commissioners; terms; election,
126 qualifications, certification of single candidate.--

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

129 (2) Except as provided in this subsection, each of the
130 five commissioners shall hold his or her respective seat on the
131 Board of Commissioners of the Duette Fire and Rescue District
132 for a term of 4 years and shall be elected by majority vote of

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133 the electors of the district voting at a general election. In
134 the first election following the effective date of this act,
135 seats 1, 3, and 5 shall be designated for 4-year terms, and
136 seats 2 and 4 shall be designated for 2-year terms. All
137 commissioners must be qualified electors within the district and
138 must reside within the district.

139 (3) Voting for commissioners shall be districtwide and
140 nonpartisan.

141 (4) If a vacancy occurs on the board due to the
142 resignation, death, or removal of a commissioner, or the failure
143 of anyone to qualify for a board seat, the remaining members may
144 appoint a qualified person to fill the seat until the next
145 general election, at which time an election shall be held to
146 fill the vacancy for the remaining term, if any. The board shall
147 remove any member who has three consecutive, unexcused absences
148 from regularly scheduled meetings. The board shall adopt
149 policies by resolution defining excused and unexcused absences.

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

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

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

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

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

182 (10) All meetings of the board shall be open to the
183 public, consistent with chapter 286, Florida Statutes, section
184 189.417, Florida Statutes, and other applicable general laws.

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

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

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

198 (3) The board is authorized and empowered to buy,
 199 own, lease, and maintain a fire department within the
 200 district and to purchase, acquire by gift, lease, own, and
 201 dispose of firefighting equipment and property, real and
 202 personal, that the board may from time to time deem
 203 necessary or needful to prevent and extinguish fires within
 204 the district.

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

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

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217 (2) (a) The district shall be authorized to levy non-ad
218 valorem assessments. The methods for assessing and collecting
219 non-ad valorem assessments, fees, or service charges shall be as
220 set forth in chapter 189, chapter 191, or chapter 197, Florida
221 Statutes, as amended from time to time. Upon compliance with all
222 applicable provisions of ss. 191.009, 197.3631, and 197.3632,
223 Florida Statutes, the district shall be authorized to levy non-
224 ad valorem assessments against all assessable real property
225 located within the district. Proposed non-ad valorem assessment
226 increases set by the board may not exceed the average annual
227 growth rate in Florida personal income over the previous 5
228 years. Any increase that exceeds the average annual growth rate
229 in Florida personal income over the previous 5 years must be
230 approved by referendum of the electors of the district.

231 (b) The district is authorized to levy initial non-ad
232 valorem assessments up to the following maximum amounts:

233 1. Vacant lots of 5 acres or less, \$20.

234 2. Vacant acreage over 5 acres, \$5 per acre, with a
235 maximum per-vacant-parcel amount of \$1,000.

236 3. Vacant commercial and industrial parcels of 5 acres or
237 less, \$20.

238 4. Vacant commercial and industrial parcels over 5 acres,
239 \$5 per acre, with a maximum per-vacant-parcel amount of \$1,000.

240 5. A single-family residential parcel up to 1,000 square
241 feet, \$150.

242 6. A single-family residential parcel over 1,000 square
243 feet, \$150 plus \$0.10 per square foot for every square foot over
244 1,000 square feet.

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- 245 7. A two-family residential parcel, \$150 per unit.
- 246 8. A multifamily residential parcel, \$150 per unit.
- 247 9. Condominiums, \$150 per unit.
- 248 10. Miscellaneous dwelling units, \$150 per unit.
- 249 11. Mobile homes, \$150 per unit.
- 250 12. Commercial and industrial parcels up to 1,000 square
251 feet, \$250.
- 252 13. Commercial and industrial parcels over 1,000 square
253 feet, \$250 plus \$0.20 per square foot for every square foot over
254 1,000 square feet.
- 255 (3) Impact fees are hereby authorized. The impact fees
256 collected by the district pursuant to this section shall be kept
257 as a separate fund from other revenues of the district and shall
258 be used exclusively for the acquisition, purchase, or
259 construction of new facilities or portions thereof required to
260 provide fire protection and emergency medical service to new
261 construction. "New facilities" means land, buildings, and
262 capital equipment, including, but not limited to, fire and
263 emergency vehicles and radio telemetry equipment. The fees shall
264 not be used for the acquisition, purchase, or construction of
265 facilities that must be obtained in any event, regardless of
266 growth within the district. The board of commissioners shall
267 maintain adequate records to ensure that impact fees are
268 expended only for permissible new facilities. The first-time
269 levy of impact fees by the district must be approved by
270 referendum of the electors of the district. The referendum on
271 the first-time levy of an impact fee shall include a notice of

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272 the future impact fee rate increases permitted by this charter
273 without a referendum.

274 Section 9. Five-year plan.--The district shall adopt a 5-
275 year plan to identify the facilities, equipment, personnel, and
276 revenue needed by the district during that 5-year period. The
277 plan shall be updated in accordance with section 189.415,
278 Florida Statutes, and shall satisfy the requirement for a public
279 facilities report required by section 189.415(2), Florida
280 Statutes.

281 Section 10. Boundaries and mergers.--

282 (1) The boundaries of the district may be modified,
283 extended, or enlarged upon approval or ratification by the
284 Legislature.

285 (2) The merger of the district with all, or portions of,
286 other independent special districts or dependent fire control
287 districts is effective only upon ratification by the
288 Legislature. A district may not, solely by reason of a merger
289 with another governmental entity, increase ad valorem taxes on
290 property within the original limits of the district beyond the
291 maximum established by the district's enabling legislation,
292 unless approved by the electors of the district by referendum.

293 Section 11. Amendment of charter.--This charter may be
294 amended only by special act of the Legislature.

295 Section 12. Merger or dissolution.--Merger or dissolution
296 of the district shall occur as permitted by sections 189.4042
297 and 189.4045, Florida Statutes, as amended from time to time.

298 Section 13. Severability.--Should any provision of this
299 act be held to be unconstitutional, inoperative, or void, such

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300 holding or invalidity shall not affect the remaining portions of
 301 this act.

302 Section 2. Referendum.--On or before December 30, 2006,
 303 the Board of County Commissioners of Manatee County shall call
 304 and the county supervisor of elections shall conduct a
 305 referendum of the qualified electors of the district on the
 306 question of whether the district shall be created by special act
 307 of the Legislature and authorized to levy non-ad valorem
 308 assessments, which shall not be increased by more than the
 309 average annual growth rate in Florida personal income over the
 310 previous 5 years without a referendum. "Qualified elector" means
 311 a person who resides within the proposed boundaries of the
 312 district and is qualified to vote in a general election in
 313 Manatee County.

314 Section 3. This act shall take effect only upon its
 315 approval by a majority vote of those qualified electors of the
 316 district voting in a referendum election to be held by the
 317 Manatee County Supervisor of Elections and to be held on or
 318 before December 30, 2006, in accordance with the provisions of
 319 law relating to elections currently in force in the district,
 320 except that this section and section 2 shall take effect upon
 321 becoming a law.