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A bill to be entitled
 An act relating to Manatee County; creating the Duette
 Fire and Rescue District, an independent special district;
 creating a district charter; providing a short title;
 providing definitions; providing territorial boundaries of
 the district; providing purposes and intent; providing for
 a board of commissioners of the district; providing for
 qualification, election, membership, terms of office, and
 compensation of the board; providing for the filling of
 vacancies; providing for meetings; providing powers and
 duties of the board; providing for use of district funds;
 authorizing the district to issue bonds and levy ad
 valorem taxes, non-ad valorem assessments, impact fees,
 and user charges; providing for a 5-year plan; providing
 for modification of district boundaries; providing for
 merger with certain other districts under certain
 circumstances; providing for amendment of the charter by
 special act of the Legislature; providing requirements for
 merger or dissolution; providing severability; requiring a
 referendum; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

52
 53 Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36,
 54 all lying in Township 33 South, Range 20 East; Sections 1

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

62
63 Section 4. Intent.--The purposes of this act are to:

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

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

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

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

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

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

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

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

106 (3) Members of the board may each be paid a salary or
107 honorarium to be determined by at least a majority plus one vote

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

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

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

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

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

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

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

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

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

157 (7) The names of all candidates qualifying for election to
158 a seat on the Board of Commissioners shall be included on the
159 ballot or voting machines provided for use in the district,
160 along with the candidates for county office at each regular
161 county election, in such a way as to clearly indicate the

162 respective seat for which each qualified candidate for district
 163 commissioner is running.

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

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

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

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

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

185 (2) No funds of the district shall be used for any
 186 purposes other than the administration of the affairs and
 187 business of the district; the construction, care,
 188 maintenance, upkeep, operation, and purchase of

189 firefighting and rescue equipment or a fire station or
 190 stations; the payment of public utilities; and the payment
 191 of salaries of district personnel as the board may from
 192 time to time determine to be necessary for the operations
 193 and effectiveness of the district.

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

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

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

213 (2) (a) The district shall be authorized to levy non-ad
 214 valorem assessments. The methods for assessing and collecting
 215 non-ad valorem assessments, fees, or service charges shall be as

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

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

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

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

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

234 4. Vacant commercial and industrial parcels over 5 acres,
235 \$5 per acre, with a maximum per-vacant-parcel amount of \$1,000.

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

238 6. A single-family residential parcel over 1,000 square
239 feet, \$150 plus \$0.10 per square foot for every square foot over
240 1,000 square feet.

241 7. A two-family residential parcel, \$150 per unit.

242 8. A multifamily residential parcel, \$150 per unit.

243 9. Condominiums, \$150 per unit.
244 10. Miscellaneous dwelling units, \$150 per unit.
245 11. Mobile homes, \$150 per unit.
246 12. Commercial and industrial parcels up to 1,000 square
247 feet, \$250.
248 13. Commercial and industrial parcels over 1,000 square
249 feet, \$250 plus \$0.20 per square foot for every square foot over
250 1,000 square feet.
251 (3) Impact fees are hereby authorized. The impact fees
252 collected by the district pursuant to this section shall be kept
253 as a separate fund from other revenues of the district and shall
254 be used exclusively for the acquisition, purchase, or
255 construction of new facilities or portions thereof required to
256 provide fire protection and emergency medical service to new
257 construction. "New facilities" means land, buildings, and
258 capital equipment, including, but not limited to, fire and
259 emergency vehicles and radio telemetry equipment. The fees shall
260 not be used for the acquisition, purchase, or construction of
261 facilities that must be obtained in any event, regardless of
262 growth within the district. The board of commissioners shall
263 maintain adequate records to ensure that impact fees are
264 expended only for permissible new facilities. The first-time
265 levy of impact fees by the district must be approved by
266 referendum of the electors of the district. The referendum on
267 the first-time levy of an impact fee shall include a notice of
268 the future impact fee rate increases permitted by this charter
269 without a referendum.

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

277 Section 10. Boundaries and mergers.--

278 (1) The boundaries of the district may be modified,
279 extended, or enlarged upon approval or ratification by the
280 Legislature.

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

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

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

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

296 holding or invalidity shall not affect the remaining portions of
297 this act.

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

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