

ENROLLED  
HB 1375, Engrossed 1

2006 Legislature

1 A bill to be entitled

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

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. The Duette Fire and Rescue District, an  
25 independent special district in Manatee County, is created and  
26 established pursuant to chapters 189 and 191, Florida Statutes,  
27 and the charter for such district is created to read:

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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

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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.

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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

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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.

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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

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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

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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



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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.

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- 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.

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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

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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.