

1                                   A bill to be entitled  
 2           An act relating to Pinellas County; creating the  
 3           Tierra Verde Fire Control and Rescue District, an  
 4           independent special district; providing a charter;  
 5           providing a short title; providing territorial  
 6           boundaries of the district; providing purposes and  
 7           intent; providing for a board of commissioners of the  
 8           district; providing for qualification, election,  
 9           membership, terms of office, and compensation of the  
 10          board; providing for the filling of vacancies;  
 11          providing for meetings; providing rulemaking  
 12          authority; providing powers and duties of the board;  
 13          providing for use of district funds; authorizing the  
 14          district to issue bonds and levy ad valorem taxes,  
 15          non-ad valorem assessments, impact fees, and user  
 16          charges; providing planning requirements; providing  
 17          for modification of district boundaries; providing for  
 18          amendment of the charter by special act of the  
 19          Legislature; requiring the district to enter into  
 20          specified agreements; providing severability;  
 21          requiring a referendum; providing an effective date.

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

24  
 25           Section 1. Notwithstanding s. 189.031(2)(e), Florida  
 26           Statutes, the Tierra Verde Fire Control and Rescue District, an

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27 independent special district in Pinellas County, is created and  
28 established pursuant to chapters 189 and 191, Florida Statutes,  
29 and the charter for the district is created to read:

30 Section 1. Short title.—This act may be cited as the  
31 "Tierra Verde Fire Control and Rescue District Act."

32 Section 2. Formation; boundaries.—For the purpose of  
33 providing fire prevention and emergency rescue services pursuant  
34 to chapter 191, Florida Statutes, the Tierra Verde Fire Control  
35 and Rescue District ("district"), an independent special  
36 district, is created and incorporated in Pinellas County and  
37 shall embrace and include the territory described as:

38 A portion of fractional Sections 17, 18, 19, 20, 29, 30,  
39 31, and 32, Township 32 South, Range 16 East, together with  
40 submerged lands and together with unsurveyed lands, lying  
41 in Pinellas County, Florida, being described as follows:  
42 From the Southerly most corner of Lot 5, Block 23, TIERRA  
43 VERDE UNIT ONE, as recorded in Plat Book 57, Pages 42  
44 through 55, Public Records of Pinellas County, Florida, as  
45 the Point of Commencement; thence North 30°52'53" East,  
46 along the East line of said Block 23 and the Northeasterly  
47 extension thereof, 1,187.95 feet to a point on the center  
48 of the main ship channel of Boca Ciega Bay, the same being  
49 the City Limits of the City of St. Petersburg; thence along  
50 said main ship channel of Boca Ciega Bay and City Limits of  
51 the City of St. Petersburg the following two courses and  
52 distances, (1) North 56°23'06" West 2,350.94 feet, (2)

53 North 24°49'37" West 459.96 feet to the intersection with  
54 the Passa-Grille Channel, the same being the City Limits of  
55 the City of St. Pete Beach, said point being the Point of  
56 Beginning; thence along the said Pass-a-Grille Channel and  
57 the City Limits of the City of St. Pete Beach, the  
58 following four courses and distances: (1) South 49°04'05"  
59 West 2,741.70 feet, (2) South 38°55'13" West 1,201.77 feet,  
60 (3) South 21°58'42" West 1,202.38 feet, (4) South 11°52'59"  
61 East 2549.64 feet; thence departing said Pass-a-Grille  
62 Channel and City Limits of the City of St. Pete Beach,  
63 South 10°50'24" East 2,510.20 feet; thence South 48°30'09"  
64 East 740.07 feet; thence South 03°49'00" West 2,557.86  
65 feet; thence South 37°18'04" East 6,807.92 feet; thence  
66 North 88°30'47" East 173.30 feet, more or less to a point  
67 on the West line of the City Limits of the City of St.  
68 Petersburg; thence along said West line of the City Limits  
69 of the City of St. Petersburg North 00°09'46" West  
70 15,402.33 feet to a point on the aforesaid main ship  
71 channel of Boca Ciega Bay; thence along said main ship  
72 channel of Boca Ciega Bay continuing along the City Limits  
73 of the City of St. Petersburg, the following two courses  
74 and distances: (1) North 56°23'06" West 2,601.89 feet, (2)  
75 North 24°49'37" West 459.96 feet to the Point of Beginning.  
76 Section 3. Intent.—The purposes of this act are to:  
77 (1) Provide standards, direction, and procedures  
78 concerning the operation and governance of the Tierra Verde Fire

79 Control and Rescue District.

80 (2) Provide uniformity between the Tierra Verde Fire  
 81 Control and Rescue District and other independent special fire  
 82 control districts.

83 (3) Provide financing authority of the Tierra Verde Fire  
 84 Control and Rescue District without hampering the efficiency and  
 85 effectiveness of current authorized and implemented methods and  
 86 procedures of raising revenues.

87 (4) Improve communication and coordination between the  
 88 district and other local governments with respect to short-range  
 89 and long-range planning to meet the demands for service delivery  
 90 while maintaining fiscal responsibility.

91 (5) Provide uniform procedures for electing members of the  
 92 governing board of the district to ensure greater accountability  
 93 to the public.

94 Section 4. Board of commissioners; officers; bond;  
 95 compensation.—

96 (1) The business affairs of the district shall be  
 97 conducted and administered, pursuant to chapter 191, Florida  
 98 Statutes, by the Board of Commissioners of the Tierra Verde Fire  
 99 Control and Rescue District ("board"), which is established as a  
 100 board of five commissioners. Annually, within 60 days after  
 101 newly elected members have taken office, the board shall  
 102 organize by electing from its members a chair, a vice chair, a  
 103 secretary, and a treasurer. The positions of secretary and  
 104 treasurer may be held by one member. The office of each

105 commissioner comprising the board is designated as being a seat  
106 on the commission, distinguished from each of the other seats by  
107 a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does  
108 not designate a geographical subdistrict of the district.

109 (2) Each commissioner shall, upon assuming office, take  
110 and subscribe to the oath of office prescribed by s. 5(b),  
111 Article II of the State Constitution and s. 876.05, Florida  
112 Statutes. Each commissioner, upon taking office and in  
113 accordance with chapters 189 and 191, Florida Statutes, shall  
114 execute to the Governor for the benefit of the district a bond  
115 conditioned upon the faithful performance of the duties of the  
116 commissioner's office. The premium for such bonds shall be paid  
117 from district funds.

118 (3) Members of the board may each be paid a salary or  
119 honorarium to be determined by at least a majority plus one vote  
120 of the board, which salary or honorarium may not exceed \$500 per  
121 month for each member. Special notice of any meeting at which  
122 the board will consider a salary change for a board member shall  
123 be published at least once, at least 14 days before the meeting,  
124 in a newspaper of general circulation in the county. Separate  
125 compensation for the board member serving as treasurer may be  
126 authorized by like vote so long as total compensation for the  
127 board member does not exceed \$500 per month. Members may be  
128 reimbursed for travel and per diem expenses as provided in s.  
129 112.061, Florida Statutes.

130 (4) Members of the board shall comply with the financial

131 disclosure, noticing, and reporting requirements of chapter 112,  
132 Florida Statutes, and any other applicable law or regulation.

133 Section 5. Board of commissioners; terms; election,  
134 qualifications, certification of single candidate.—

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

137 (2) Except as provided in this subsection, each of the  
138 five commissioners shall hold his or her respective seat on the  
139 board for a term of 4 years and shall be elected by majority  
140 vote of the electors of the district voting at a general  
141 election. In the first election after the effective date of this  
142 act, seats 1, 3, and 5 shall be designated for 4-year terms, and  
143 seats 2 and 4 shall be designated for 2-year terms. All  
144 commissioners must be qualified electors within the district and  
145 must reside within the district.

146 (3) Voting for commissioners shall be districtwide and  
147 nonpartisan.

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

157 (5) Each commissioner, whenever elected, shall assume  
158 office 10 days after his or her election and shall serve until  
159 his or her successor is elected.

160 (6) All candidates shall qualify with the Supervisor of  
161 Elections of Pinellas County. All candidates may qualify by  
162 paying a filing fee of \$25 or by obtaining the signatures of at  
163 least 25 registered electors of the district on petition forms  
164 provided by the supervisor of elections, which petitions must be  
165 submitted and checked in the same manner as petitions filed by  
166 nonpartisan judicial candidates pursuant to s. 105.035, Florida  
167 Statutes.

168 (7) The names of all candidates qualifying for election to  
169 a seat on the board shall be included on the ballot or voting  
170 machines provided for use in the district, along with the  
171 candidates for county office at each regular county election, in  
172 such a way as to clearly indicate the respective seat for which  
173 each qualified candidate for district commissioner is running.

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

177 (9) The board shall keep a permanent record book entitled  
178 "Record of Proceedings of Tierra Verde Fire Control and Rescue  
179 District" in which the minutes of all meetings, resolutions,  
180 proceedings, certificates, bonds given by commissioners, and  
181 corporate acts shall be recorded. The record book shall be open  
182 to inspection in the same manner as state, county, and municipal

183 records are open under chapter 119, Florida Statutes, and s. 24,  
 184 Article I of the State Constitution. The record book shall be  
 185 kept at the office or other regular place of business maintained  
 186 by the board in the county or municipality in which the district  
 187 is located.

188 (10) All meetings of the board shall be open to the  
 189 public, consistent with chapter 286, Florida Statutes, s.  
 190 189.015, Florida Statutes, and other applicable general laws.

191 Section 6. Rules and regulations.—The board is authorized  
 192 to adopt rules and regulations for the prevention of fires, fire  
 193 control, and rescue work within the district. Such rules and  
 194 regulations, after being adopted by the board and copies thereof  
 195 signed by the president and the secretary, and posted on the  
 196 district website and in at least three public places within the  
 197 district, one of which must be the fire station or such similar  
 198 place wherein the firefighting and rescue equipment is normally  
 199 kept, after 10 days has the force and effect of law.

200 Section 7. Powers; use of district funds.—

201 (1) The district has, and the board may exercise, all the  
 202 powers and duties set forth in chapters 189 and 191, Florida  
 203 Statutes.

204 (2) No funds of the district may be used for any purposes  
 205 other than the administration of the affairs and business of the  
 206 district; the construction, care, maintenance, upkeep,  
 207 operation, and purchase of firefighting and rescue equipment or  
 208 a fire station or stations; the payment of public utilities; and

209 the payment of salaries of district personnel as the board may  
 210 from time to time determine to be necessary for the operations  
 211 and effectiveness of the district.

212 (3) The board is authorized and empowered to buy, own,  
 213 lease, and maintain a fire department within the district and to  
 214 purchase, acquire by gift, lease, own, and dispose of  
 215 firefighting equipment and property, real and personal, that the  
 216 board may from time to time deem necessary or needful to prevent  
 217 and extinguish fires within the district.

218 Section 8. Finances.-

219 (1) The powers, functions, and duties of the district  
 220 regarding ad valorem taxation, bond issuance, other revenue-  
 221 raising capabilities, budget preparation and approval, liens and  
 222 foreclosure of liens, use of tax deeds and tax certificates as  
 223 appropriate for non-ad valorem assessments, and contractual  
 224 agreements, and the methods for financing the district and for  
 225 collecting non-ad valorem assessments, fees, or service charges,  
 226 shall be as set forth in this charter, in chapters 170, 189,  
 227 191, and 197, Florida Statutes, and in any applicable general or  
 228 special law.

229 (2) The district is authorized to levy and collect ad  
 230 valorem taxes in accordance with s. 191.009, Florida Statutes,  
 231 and chapter 200, Florida Statutes. The taxes levied and assessed  
 232 by the district shall be a lien upon the land so assessed along  
 233 with the county taxes assessed against such land until such  
 234 assessments and taxes have been paid, and if the taxes levied by

235 the district become delinquent, such taxes are considered a part  
236 of the county tax subject to the same penalties, charges, fees,  
237 and remedies for enforcement and collection and shall be  
238 enforced and collected as provided by general law for the  
239 collection of such taxes. The maximum ad valorem millage rate  
240 that can be levied in any one year is 2.0 mills.

241 (3) The district has the authority to levy non-ad valorem  
242 assessments. The methods for assessing and collecting non-ad  
243 valorem assessments, fees, or service charges shall be as set  
244 forth in this charter, chapter 170, chapter 189, chapter 191, or  
245 chapter 197, Florida Statutes.

246 (4) The district has the authority to charge and collect  
247 impact fees for capital improvements on new construction within  
248 the district as prescribed in chapter 191, Florida Statutes, or  
249 any other applicable general law. The district shall comply with  
250 the requirements in ss. 163.31801 and 191.009(4), Florida  
251 Statutes, in its collection and use of impact fees. New  
252 facilities and equipment shall be as provided for in s.  
253 191.009(4), Florida Statutes. The district is authorized to  
254 enter into agreements regarding the collection of impact fees.

255 (5) The district has authority to issue general obligation  
256 bonds, assessment bonds, revenue bonds, notes, bond anticipation  
257 notes, and other evidences of indebtedness to finance all or a  
258 part of any proposed improvements in accordance with s. 191.012,  
259 Florida Statutes, chapter 189, Florida Statutes, and any other  
260 applicable general or special law.

261       (6) The board shall annually prepare, consider, and adopt  
 262 a district budget pursuant to the applicable requirements of  
 263 chapters 189 and 191, Florida Statutes. The fiscal year shall be  
 264 from October 1 through September 30. The budget shall state the  
 265 purpose for which the money is required and the amount necessary  
 266 to be raised by taxation within the district. Such budget and  
 267 proposed millage rate must be noticed, heard, and adopted in  
 268 accordance with chapters 189, 192, and 200, Florida Statutes.

269       (7) All warrants for the payment of labor, equipment,  
 270 materials, and other allowable expenses incurred by the district  
 271 board in carrying out the provisions of this charter are payable  
 272 on accounts and vouchers approved by the district board.

273       Section 9. Planning requirements.—The district comply with  
 274 the planning requirements set forth in part VIII of chapter 189,  
 275 Florida Statutes.

276       Section 10. Boundaries.—The boundaries of the district may  
 277 be modified, extended, or enlarged upon approval or ratification  
 278 by the Legislature.

279       Section 11. Amendment of charter.—This charter may be  
 280 amended only by special act of the Legislature.

281       Section 12. Emergency medical services; first responder  
 282 services.—The district shall enter into an agreement with the  
 283 Pinellas County Emergency Medical Services Authority for  
 284 automatic aid in the provision of emergency medical services and  
 285 first responder services. Such agreement must comply with the  
 286 provisions of the Automatic Aid/Closest Unit Response Agreement

287 dated October 16, 1990. However, any agreement shall include  
288 provisions for actual cost recovery by the district for first  
289 responder services to Fort DeSoto Park.

290 Section 13. Automatic aid.—The district shall enter into  
291 the Automatic Aid/Closest Unit Response Agreement dated October  
292 16, 1990, within 1 year after this act takes effect.

293 Section 14. Severability.—If any provision of this act is  
294 held unconstitutional, inoperative, or void, such holding or  
295 invalidity does not affect the remaining portions of this act.

296 Section 2. The Board of County Commissioners of Pinellas  
297 County shall call and the Supervisor of Elections of Pinellas  
298 County shall conduct a referendum of the qualified electors of  
299 the proposed district on the question of whether the Tierra  
300 Verde Fire Control and Rescue District shall be created and  
301 authorized to levy non-ad valorem assessments and ad valorem  
302 taxes on real property within the district at a rate not to  
303 exceed 2 mills. The referendum shall only be called upon the  
304 certification of signatures of 10 percent of the electors  
305 residing within the boundaries described in section 2 of section  
306 1 on a petition to call such referendum. The certification of  
307 signatures shall be conducted by the Supervisor of Elections of  
308 Pinellas County at no cost to Pinellas County or the state. Upon  
309 certification of the necessary number of signatures, the  
310 referendum shall be held in conjunction with the next general  
311 election. If such referendum is not approved by the electors  
312 before December 31, 2031, this act shall stand repealed.

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313           Section 3. This act shall take effect only upon approval  
314 by a majority vote of those qualified electors of the Tierra  
315 Verde Fire Control and Rescue District voting in a referendum  
316 election to be held on or before December 30, 2031, in  
317 accordance with the provisions of law relating to elections  
318 currently in force in the district, except that this section and  
319 section 2 shall take effect upon becoming a law.