CHAPTER

2000-436

568-164B-00

1603

House Bill No. 1603

A bill to be entitled

An act relating to the Indian Rocks Fire District, Pinellas County; providing for codification of special laws regarding independent special fire control districts pursuant to s. 191.015, Florida Statutes, relating to the Indian Rocks Fire District, an independent special taxing fire control district in Pinellas County; providing legislative intent; codifying, reenacting, and amending chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511, 88-446, and 89-405, Laws of Florida; renaming the Indian Rocks Fire District as the Pinellas Suncoast Fire & Rescue District; fixing the boundaries of the district; providing for a board of commissioners; providing for the authority of the district to levy non-ad valorem assessments; authorizing the board of commissioners to borrow money for specified purposes; authorizing the district to levy ad valorem taxes up to 3 mills per year against the taxable property in the district; specifying uses of district funds; providing powers and duties of the district; requiring the appointment of a Fire Marshal; providing a procedure for district expansion; providing for the imposition of impact fees on new construction within the district; providing construction; providing severability; repealing

RECEIVED
JUL 12 2000
INDIAN ROCKS FIRE

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511, 88-446, and 89-405, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to Indian Rocks Fire District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as amended from time to time. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against the taxable property in the district a tax not to exceed 3 mills on the dollar of assessed valuation, except as provided in chapter 191, Florida Statutes, as it may be amended from time to time.

Section 2. Chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511, 88-446, and 89-405, Laws of Florida, relating to the Indian Rocks Fire District are codified, reenacted, amended, and repealed as provided herein.

Section 3. The Indian Rocks Fire District is re-created and renamed Pinellas Suncoast Fire & Rescue District, and the charter for said district is re-created and reenacted to read:

CODING: Words stricken are deletions; words underlined are additions.

Section 1. Boundaries; annexation.--

(1) All of the lands hereinafter described shall be an independent special fire control district, a body corporate, having the powers and duties herein set forth under the name of Pinellas Suncoast Fire & Rescue District. The district is organized and exists for all purposes set forth in this act and chapters 189 and 191, Florida Statutes. This district was created by special act of the Legislature in 1953 and its charter may be amended only by special act of the Legislature. The district is composed of all lands and territory lying within the following boundaries:

Commencing at the intersection of the north line of the boundary between the City of Belleair Beach and the City of Clearwater with the east line of Section 25, Township 29 South, Range 14 East and the west line of Section 30, Township 29 South, Range 15 East and run thence east following said boundary between the Cities of Clearwater and Belleair Beach to the intersection with the centerline of the Government INTRACOASTAL WATERWAY Channel in Clearwater Harbor, thence south along said centerline to the intersection of the south line of State Road 688, thence eastwardly along the southern boundary of said State Road 688 to the intersection with the centerline of VONN Road which is also known as 131st St. N. and County Road Number 187 in Pinellas County, thence south along the centerline of said road to the intersection of the centerline of 94th

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Avenue N., thence west along the centerline of said road to the intersection with the eastern boundary of the subdivision known as TAMARAC BY THE GULF as recorded in Plat Book 63, Page 12 of the Official Records of Pinellas County, thence north along Lot 8 to the southeast corner of Lot 1, thence west following the south lot lines of Lot 1, Lot 2, Lot 3, and Lot 4, all in Block 1, extending west to the centerline of 141st St. N., thence northerly along said centerline to the intersection of the lot line of Lots 29 and 30 extended, thence westerly on the line between Lot 30 and Lot 29 to the southwest corner of Lot 29, Block 2, thence northerly to the intersection with the Half Section Line of Section 19, Township 30 South, Range 15 East, thence west along said Half Section Line being the same as the centerline of 94th Avenue N. to the intersection with the southerly boundary of HARBOR GREEN YACHT CLUB ESTATES CONDO as recorded in Plat Book 52, Page 82 of the Official Records of Pinellas County, thence follow said Condo boundary westerly to the southwesterly corner, thence northerly to the intersection of the Half Section Line, thence west along said line to the intersection of condominium CLEARWATER COVE PHASE IV as recorded in Plat Book 84, Page 54 of the Official Records of Pinellas County, thence southerly to the southern tip of said

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

condominium lands, thence northwesterly to return to the Half Section Line previously described, thence west to the intersection of condominium CLEARWATER COVE PHASE I, thence northerly on the condominium boundary to the southeast corner of Unit 2, Lot 1, thence southwesterly along the southern lot line of Unit 2, Lots 1 and 2 to the southwest corner of Unit 2, Lot 2, thence northwesterly along the westerly lot line of Unit 2, Lot 2 past the southwest corner of Unit 1 onto the intersection of the previously described Half Section Line, thence west to the intersection with the east lot line of Lot 9 of said condominium, thence south along the lot line to the southeast corner of Lot 9, thence west along the south lot line of Lot 9 to the southwest corner, thence south to return to the previously described Half Section Line, thence west to the intersection with the centerline of the Government INTRACOASTAL WATERWAY Channel, thence south to the intersection of the extension of the south line of the southeast corner of PARK BANK PROFESSIONAL OFFICE BUILDING CONDO as recorded in Plat Book 59, Page 105 of the Official Records of Pinellas County, thence westward along the southern boundaries of the condominium to the intersection with the eastern edge of GULF BLVD., officially State Road 699, thence southerly along the eastern edge of S.R. 699 to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the intersection with the centerline of 183rd Terr. W., thence westerly along said centerline to the southeast corner of CLAMON'S POINT CONDO as recorded in Plat Book 67, Page 22 of the Official Records of Pinellas County, thence continue westerly to a point fifty (50) feet west of the SURF LINE into the GULF OF MEXICO, thence northerly paralleling the SURF LINE staying west of any platted condominium or subdivision until reaching the east boundary line of Section 36, Township 29 South, Range 14 East, the same being the west boundary line of Section 31, Township 29 South, Range 15 East, thence north along said Range line to the intersection of the north boundary of the City of Belleair Beach and the south boundary of the City of Clearwater at the point of beginning.

(2) The Pinellas Suncoast Fire & Rescue District shall exist until dissolved by law. Any territory outside the District's boundaries annexed into the corporate limits of any municipality served by the district shall be included within the district boundaries upon approval or ratification by the Legislature pursuant to section 191.014, Florida Statutes. Any territory within the District's boundaries annexed into the corporate limits of any municipality outside the boundaries of this district as of December 13, 1999, is excluded from the boundaries of the district.

Section 2. District board of commissioners; officers; subdistricts.--

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(1) In accordance with the provisions of chapter 191, Florida Statutes, the business and affairs of the district shall be conducted and administered by a board of five commissioners, who, upon their election and qualification, and annually, shall organize by electing from their number a chair, a vice chair, and a secretary-treasurer. The commissioners may receive monthly compensation pursuant to chapter 191, Florida Statutes. Each commissioner shall execute to the Governor of the State of Florida, for the benefit of the district, a good and sufficient bond, in accordance with the terms of chapter 191, Florida Statutes. All premiums for such surety on all such bonds shall be paid from the funds of the district.

(2) Pursuant to section 191.005(1)(b)1., Florida Statutes, and no later than the next general election qualification date following each decennial census, the board of commissioners shall divide the district into five subdistricts of contiguous territory as nearly equal in population as practicable. To the extent possible, one subdistrict shall include Belleair Beach and Belleair Shore, one subdistrict shall include Indian Rocks Beach, one subdistrict shall include Indian Shores, and two subdistricts shall be created from the portion of the district located on the mainland. The two mainland subdistricts shall be as nearly equal in population as practicable.

Section 3. Elections; commission qualifications.--

(1) Each commissioner shall be elected to serve for a term of 4 years by majority vote of the electors voting to fill such office. Elections for commissioner shall be held at the same time as regular county elections and the procedures for conducting district elections and for qualification of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

electors shall be pursuant to chapters 189 and 191, Florida Statutes. The candidates for each seat that receives the most votes cast for a candidate for that seat shall be elected to the board. Any commissioner may succeed himself or herself.

(2) One commissioner, who must be a resident of the subdistrict, shall be elected from each subdistrict by the electors who reside in that subdistrict. If a commissioner ceases to reside in the subdistrict from which elected the office shall be declared vacant, the commissioner shall be disqualified from further service, and the remaining commissioners shall elect, to fill the unexpired term, a successor who resides in that subdistrict until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. Provided, however, no current commissioner's seat shall be declared vacant because of residency until the current term of office has expired, except that the current term of the at-large commission seat shall expire 10 days following the 2000 general election.

(3) Each commissioner shall hold office until his or her successor is elected and qualified, unless he or she ceases to be qualified, resigns, or is removed from office.

(4) All candidates must qualify for election in accordance with chapters 189 and 191, Florida Statutes. In the event a candidate seeks to qualify for election by obtaining the signatures of at least 25 electors from the district in accordance with section 191.005(1)(a), Florida Statutes, the qualified electors shall be residents within the subdistrict for which the candidate seeks election. The names of all candidates qualifying for election as commissioners shall be included on the ballot. Any additional expenses of holding

elections for commissioners at the regular county elections shall be paid out of the funds of the district if required by proper authority.

Section 4. Non-ad valorem assessments.--

(1) The district may levy non-ad valorem assessments against the assessable real estate situated in the district to provide funds for the purposes of the district. The rate of such assessments shall be fixed by a resolution of the board of commissioners on or subsequent to February 1 each year. At any time the board of commissioners changes the rate of assessments in any way from the rate of assessments which had been collected prior to the date of such resolution, such resolution together with a list of the assessments shall be submitted to the electors in the district for approval by referendum at an election of the electors of the district which shall first be called by and held under the supervision of the Board of County Commissioners and the Supervisor of Elections of Pinellas County in the manner provided by law for regular county elections; and if a majority of the electors voting at such election approve, the assessment rates shall be put into effect for the next non-ad valorem assessment roll completed by the board of commissioners after the results of the special election have been certified by the county canvassing board.

(2) A non-ad valorem assessment roll showing the assessment rate shall be prepared and completed by the board of commissioners of the district on or before September 10 of each year.

(3) The board may in any year change the date on which the assessment rate is fixed and change the date on which the final assessment roll will be adopted, by resolution, provided

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

that, in the event of such change of dates, the board shall cause a notice thereof to be published in a newspaper in Pinellas County, one time, at least 10 days prior to the date on which it is proposed to fix the rate of assessment.

(4) Any property owner in the district may, during the period within 20 days subsequent to the date of the mailing of the assessment notices in any year, file a protest in writing with the board of commissioners against the assessment paid by him or her and appear before the board in support of such protest; and the board shall hold a meeting or meetings following such period to consider such protest and to make such adjustment, refund, or denial as it determines to be fair, equitable, and proper.

Section 5. Non-ad valorem assessment rolls; liens, collection.--

(1) The board of commissioners, upon the adoption of the resolution fixing the rate of assessment, shall prepare an assessment and collection roll setting forth a description of each lot or parcel of land subject to taxation in the district together with the amount of assessment against the lot or parcel of land and attach thereto a certified copy of the resolution fixing the rate of assessment, and it shall, before September 15 each year, deliver the roll to the County Tax Collector of Pinellas County, for collection of the assessments. All assessments shall be made against the land subject to assessment, and the roll shall set forth the names of the respective owners of such lands.

(2) It is the duty of the county tax collector to collect the assessments according to the assessment roll and deliver the whole of such proceeds of such collection, less the costs of collection, monthly to the board of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

commissioners, taking its receipt for such funds. The tax collector shall, upon delivery of such funds to the board of commissioners, furnish it with a description of the lands for which payments are made.

(3) Such non-ad valorem assessments shall be a lien upon the lands so assessed prior in dignity to all other liens and assessments against the lands, except for liens for county taxes, until paid. The assessment shall become a lien from January 1 of the year for which the assessment is made, and shall be payable on and after November 1 of the same year without discounts to the tax collector, unless authorized by the board of commissioners, but shall not become delinquent unless unpaid on April 1 of the following year. Non-ad valorem assessments levied by the district may be collected in the manner provided by general law with penalties and interest as provided therein.

(4) The proceeds of the assessment and the funds of the district shall be deposited in the name of the district in an authorized depository of the state designated by resolution of the board of commissioners.

Section 6. Bonds; notes.--The board of commissioners may borrow money for the purposes of acquisition of land, buildings, vehicles, and equipment or for other capital purposes pursuant to chapter 191, Florida Statutes. Neither the district nor the commissioners nor any of them shall be personally or individually liable as such for the loan or any part thereof, and in event of such pledge it shall be the duty of the board of commissioners upon collection of the assessment roll so pledged to apply the first proceeds thereof to the payment of the loan for which such assessment or lien was pledged until full payment of the loan.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Section 7. Ad valorem taxes.--In addition to or in lieu of levying non-ad valorem assessments pursuant to section 4, the board of commissioners may, pursuant to Article VII, section 9 of the Florida Constitution, levy an ad valorem tax of not more than 3 mills against the taxable property within the district, except as provided by chapter 191, Florida Statutes, as amended from time to time.

Section 8. District funds.--

(1) No funds of the district shall be used for any purposes other than:

(a) The administration of the affairs and business of the district relating to fire prevention and control, fire code adoption and enforcement, emergency medical services, and services associated with fire prevention and control, pursuant to this act or chapter 191, Florida Statutes, as amended from time to time;

(b) The construction, care, maintenance, upkeep, operation, lease, and purchase of fire stations, equipment, and real property;

(c) The payment of public utilities such as electric service and water; or

(d) The payment of salaries and benefits to a fire chief and other personnel.

Section 9. District powers and duties.--

(1) The powers of the district may be exercised only for the purpose of providing services, equipment, and facilities within the district, and no expenditure may be made by the district that does not relate to that purpose. However, the district may enter into contracts to furnish district personnel and facilities for the purpose of providing additional services when such contracts provide that the

reasonable cost of furnishing such personnel and facilities will be paid by the other contracting party.

(2) In addition to any powers set forth in this act, the district, as the sole provider of fire, rescue, and emergency medical services within the district, shall hold all powers, functions, and duties set forth in chapters 189, 191, and 197, Florida Statutes, as they may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements. The district may be financed by any method established in this act, chapter 189 or chapter 191, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The board of commissioners may acquire by gift, lease, or purchase such firefighting equipment as is deemed necessary for the protection of the district, and it may make and enter into contracts relating to any and all purposes of the district.

(4) The board of commissioners may hire a fire chief and such other personnel as are required to operate firefighting equipment, inspect property, or provide administrative support.

(5) The officers of the board of commissioners shall have the administrative duties set forth in this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(6) The board of commissioners may adopt such policies and regulations as it deems necessary to transact its business and carry out the provisions of this act.

(7) The board of commissioners shall appoint a Fire Marshal, who shall work with and cooperate with all local and state governmental bodies within the district to prevent fires of all types. The Fire Marshal shall have the power to issue orders and citations for code violations in the same manner as the State Fire Marshal pursuant to chapter 633, Florida Statutes. The Fire Marshal must inspect, no less frequently than annually: places of assembly; educational facilities; residential structures, other than detached one-family or two-family residences; motels and hotels; dormitories and lodging or rooming houses; commercial and business structures; industrial facilities; and storage facilities.

(8) The fire chief shall report the activities of the Fire Marshal to the board of commissioners annually.

(9) The board of commissioners shall adopt a fire code for the district.

Section 10. If any municipality or other fire control district annexes any land included in the district, the district shall continue as the sole taxing, enforcing, and service-providing authority for district purposes in the annexed land.

Section 11. District expansion.--The district boundary may be extended from time to time as follows:

(1)(a) Land contiguous to the boundaries of the district in unincorporated Pinellas County may be included in the district when a written petition for inclusion signed and sworn to by a majority of the owners of the real property within the tract or tracts to be included in the district has

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

been presented to the board of commissioners and the proposal has been approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting.

(b) The petition must contain the legal description of the property sought to be added to the district and the names and addresses of the owners of the property.

(2) If a proposal to add an area to the district as defined in subsection (1) is approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting, the board of commissioners shall thereafter adopt a resolution describing the lands to be included within the district and shall cause such resolution to be duly enrolled in the record of the meeting and a certified copy of the resolution to be recorded in the Office of the Clerk of the Circuit Court in Pinellas County.

(3) Upon adoption of the resolution by the board, the district shall, pursuant to chapter 191, Florida Statutes, request that its legislative delegation approve said addition and sponsor legislation amending the district boundary. Upon approval by the Legislature the boundary shall be amended.

(4) Lands within municipal boundaries of cities contiguous to district boundaries may be included in the district upon request by the governing board of the municipality, approval of said request by affirmative vote of no fewer than three members of the district board, and referendum approval of inclusion by the electors of the municipality. The referendum shall be conducted by the municipality at the next available special or general election occurring at least 90 days following district approval of inclusion.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(5) Upon approval by the board, the district shall, pursuant to chapter 191, Florida Statutes, request that its legislative delegation approve said addition and sponsor legislation amending the district boundary. Upon approval by the Legislature the boundary shall be amended.

(6) It is the intent of this section that municipalities or the owners of land requesting inclusion in the district bear the substantial costs associated with the process, including, but not limited to, any referenda or required legislation.

Section 12. Impact fees.--

(1) It is hereby declared that the cost of new facilities for services within the district should be borne by new users of district services, to the extent that new construction requires new facilities. It is the legislative intent to transfer to the new users of the district's services a fair share of the costs that they impose on the district for new facilities.

(2) The district may impose impact fees on new construction within the district. The board of commissioners shall set the amount of such fees by resolution.

(3) A person may not obtain a certificate of occupancy for new residential dwelling units or new commercial or industrial structures within the district, or obtain construction plan approval for a new mobile home development located within the district, until the developer thereof has paid any applicable impact fee to the district.

(4) The impact fees collected by the district pursuant to this section shall be kept separate from other revenue of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

portions thereof required to provide the services of the district to new construction. "New facilities" means buildings and capital equipment, including, but not limited to, fire vehicles and radio-telemetry equipment. Such fees may not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities.

Section 13. The district's planning requirements shall be as set forth in this act, chapters 189 and 191, Florida Statutes, and other applicable general or special laws, as they may be amended from time to time.

Section 14. The district's geographic boundary limitations shall be as set forth in this act.

Section 15. Requirements for financial disclosure, meeting notices, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 191, and 286, Florida Statutes, as they may be amended from time to time.

Section 16. The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in this act, chapter 191, Florida Statutes, and any other applicable general or special law, as they may be amended from time to time.

Section 4. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such

determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. Chapter 29438, Laws of Florida, 1953, and chapters 59-1744, 67-1930, 71-872, 74-583, 78-593, 84-511, 88-446, and 89-405, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor JUN 5 2000

Filed in Office Secretary of State JUN 5 2000

CODING: Words ~~stricken~~ are deletions; words underlined are additions.