

CHAPTER

HB 1183, First Engrossed/ntc

2001-338

House Bill No. 1183

A bill to be entitled

1
2 An act relating to the Englewood Area Fire
3 Control District in Sarasota and Charlotte
4 Counties; codifying, reenacting, amending, and
5 repealing special laws relating to the
6 district; providing that the district is an
7 independent special district; providing
8 legislative intent; providing for applicability
9 of chapters 191 and 189, Florida Statutes, and
10 other general laws; providing a district
11 charter; providing boundaries; providing for a
12 district board; providing authority of the
13 board; providing for staff; providing duties
14 and powers of the board; providing for
15 elections to the board; providing salary of
16 board members; providing for removal of board
17 members; providing for revenue raising;
18 providing for the levying of non-ad valorem
19 assessments; providing for capital improvement
20 impact fees; providing severability; providing
21 for liberal construction; providing that this
22 act shall take precedence over any conflicting
23 law to the extent of such conflict; providing
24 an effective date.

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

27
28 Section 1. Pursuant to section 191.015, Florida
29 Statutes, this act constitutes the codification of all special
30 acts relating to the Englewood Area Fire Control District. It
31 is the intent of the Legislature in enacting this law to

1 provide a single, comprehensive special act charter for the
2 district, including all current legislative authority granted
3 to the district by its several legislative enactments, and to
4 conform the charter to chapter 191, Florida Statutes, the
5 Independent Special Fire Control District Act, and other
6 provisions of general law.

7 Section 2. Chapters 69-597, 70-518, 75-503, 82-381,
8 82-418, 83-524, and 90-417, Laws of Florida, relating to the
9 Englewood Area Fire Control District, are codified, reenacted,
10 amended, and repealed as herein provided.

11 Section 3. The charter for the Englewood Area Fire
12 Control District is re-created and reenacted to read:

13
14 ARTICLE I

15 PREAMBLE

16
17 Section 1.01. This act establishes a Charter for the
18 Englewood Area Fire Control District, which District was
19 created by chapter 82-381, Laws of Florida. The District shall
20 be deemed created by said chapter for all purposes.

21 Section 1.02. This act supersedes and repeals all
22 previous special acts relating to the Englewood Area Fire
23 Control District and sets forth within this Charter those
24 matters, as applicable, which are covered by such previous
25 special acts. Amendments to the Charter may be made only by
26 special act of the Legislature. This act shall be construed so
27 as to preserve to the District all powers previously granted.

28 Section 1.03. This District is organized and exists
29 for all purposes set forth in this act and in chapters 189 and
30 191, Florida Statutes, as they may be amended from time to
31 time. All provisions of chapters 189 and 191, Florida

1 Statutes, and all power and authority granted thereunder are
2 hereby applicable to the Englewood Area Fire Control District.

3
4 ARTICLE II

5 NAME OF DISTRICT

6
7 Section 2.01. The name of the District shall be
8 Englewood Area Fire Control District.

9 Section 2.02. The District shall be an independent
10 special district of the State of Florida and a body corporate
11 and politic.

12
13 ARTICLE III

14 BOUNDARIES OF THE DISTRICT

15
16 Section 3.01. The District shall include the following
17 described lands in Sarasota County and Charlotte County:

18
19 Sarasota County Legal Description: Begin at the
20 intersection of mean high water line of the
21 Gulf of Mexico on the West shore Manasota Key
22 with the North line of Section 5, Twp. 40 S,
23 Range 19E, Sarasota County, Florida; thence
24 Easterly across Manasota Key to the mean high
25 water line of Lemon Bay; thence Southeasterly
26 along the waters of Lemon Bay to the
27 intersection with the Northerly right of way
28 line of the Manasota Beach Road; thence
29 Northeasterly and Easterly along said Northerly
30 right of way line to the West line of Section
31 10, Twp. 40 S, Range 19E; thence North along

1 said West line of Section 10, Twp. 40 S, Range
2 19E to the Northwest corner of said section;
3 thence Easterly along the North line of
4 Sections 10, 11 and 12, Twp. 40 S, Range 19E,
5 and continue Easterly along the North line of
6 Sections 7, 8, 9, and 10, Twp. 40 S, Range 20 E
7 to the center line of South River Road; thence
8 Southerly and Southwesterly along said center
9 line to the South line of Section 15, Twp. 40
10 S, Range 20 E and the municipal boundary of the
11 City of North Port. Thence West along the South
12 line of said Section 15 (also the North Port
13 boundary) to the Southwest corner thereof;
14 thence South along the East line of Sections 21
15 and 28, Twp. 40 S, Range 20 E (also the North
16 Port boundary) to the Southeast corner of said
17 Section 28; thence West along the South line of
18 said Section 28 (also the North Port boundary)
19 to the Northeast corner of the Northwest 1/4 of
20 Section 33, Twp. 40 S, Range 20 E; thence South
21 along the East line of the West 1/2 of Section
22 33 (also the North Port boundary) to the South
23 line of said Section 33; thence West along the
24 South line of Sections 33, 32 and 31, Twp. 40
25 S, Range 20 E and continue West along the South
26 line of Sections 36 and 35, Twp. 40 S, Range 19
27 E, this line being the Sarasota - Charlotte
28 County line to the intersection with the mean
29 high water line of the Gulf of Mexico at the
30 West shoreline of Manasota Key; thence
31 Northerly and Westerly along the mean high

1 water line of the Gulf of Mexico to the
2 intersection with the North line of Section 5,
3 Twp. 40 S, Range 19 E, and the point of
4 beginning.

5
6 And expanding the District boundaries to include the following
7 properties:

8
9 All lots within Blocks 5, 6, 7, 8, 17, 18, 19,
10 20, 27, 28 and those lots within Blocks 29 and
11 30 lying north of Manasota Beach Road, as per
12 plat of Manasota Land & Timber Company, as
13 recorded in Plat Book A, Page 63, Sarasota
14 County; the geographical boundaries being
15 described as:

16
17 Beginning at the intersection of the Manasota
18 Beach Bridge and the Intra coastal waterway
19 (mainland side), thence East along the North
20 side of Manasota Beach Road to Alamander
21 Avenue; thence North along the West side of
22 Alamander Avenue to Belvedere Street; thence
23 West along the South side of Belvedere Street
24 to the Intra-Coastal Waterway; thence South
25 along the East shoreline of the Intra-Coastal
26 Waterway to the intersection of the Manasota
27 Beach Bridge and point of beginning.

28
29 Charlotte County Legal Description. Beginning
30 at the intersection of the Gulf of Mexico with
31 the North line of Section 2, Twp. 41 S, Range

1 19 E, Charlotte County, Florida; run Easterly
 2 along the North line of said township to the
 3 Northeast corner of Section 1, Twp. 41 S, Range
 4 20 E; thence Southerly along the East line of
 5 said Range 20 E, to the Northwest corner of
 6 Section 6, Twp. 42 S, Range 21 E; thence
 7 Easterly along the North line of said Twp. 42,
 8 to the Westerly shore of Charlotte Harbor;
 9 thence Southerly and Westerly along Charlotte
 10 Harbor to Cape Haze; thence Northwesterly to an
 11 intersection of the Westerly shore of Turtle
 12 Bay with the Northerly shore of Cape Haze -
 13 Gasparilla Sound; thence Westerly and
 14 Northwesterly along the shores of Cape
 15 Haze-Gasparilla Sound, Placida Harbor and Lemon
 16 Bay to a point East of Stump Pass; thence
 17 Westerly through Stump Pass to an intersection
 18 of the Northerly shore of Stump Pass with the
 19 Easterly shore of the Gulf of Mexico thence
 20 Northwesterly along said shore to the point of
 21 beginning.

ARTICLE IV

POWERS OF THE DISTRICT

26 Section 4.01. The District Board of Commissioners
 27 shall have the authority and responsibility for and on behalf
 28 of the people residing, visiting, or passing through the
 29 District to establish, equip, operate, and maintain a fire
 30 department and rescue service, including, but not limited to,
 31 buildings for housing fire equipment and personnel, training

1 facilities for fire and rescue, and other buildings deemed
2 necessary by the District Board to provide adequate protection
3 from unwanted fire and to carry out rescue operations. The
4 District Board shall have the authority to accept gifts or
5 donations of equipment or money for use by the District. The
6 District shall have the authority to purchase, lease, sell,
7 exchange, or otherwise acquire and dispose of property
8 intended for use by the District and to borrow money, issue
9 bonds, and enter into term indebtedness, provided reputable
10 institutions or companies are used and provided all agreements
11 are within the laws of the state. In addition, the District
12 Board shall have the authority to extend its services beyond
13 the District boundaries, provided it is in cooperation with
14 another governmental entity, whether federal, state, county,
15 or municipal.

16 Section 4.02. The District Board shall have the
17 authority to provide a paid staff to carry out its
18 responsibilities. This staff shall serve at the pleasure of
19 the District Board. The District Board shall also have the
20 authority to promulgate rules and regulations related to fire
21 prevention and life safety.

22 Section 4.03. The duties and powers of the Board of
23 Commissioners and the District shall be as set forth in this
24 act and in chapter 191, Florida Statutes, as they may be
25 amended from time to time.

26
27 ARTICLE V

28 GOVERNING BOARD

29
30 Section 5.01. In accordance with section 191.005,
31 Florida Statutes, the business and affairs of the District

1 shall be conducted and administered by a five-member Board of
2 Fire Commissioners elected pursuant to chapter 191, Florida
3 Statutes, by the electors of the District in a nonpartisan
4 election held at the time and in the manner prescribed for
5 holding general elections in section 189.405, Florida
6 Statutes. Each member of the Board shall be elected for a term
7 of 4 years and shall serve until his or her successor assumes
8 office.

9 Section 5.02. The office of each Board member is
10 designated as a seat on the District, distinguished from each
11 of the other seats by a numeral: 1, 2, 3, 4, or 5. Each
12 candidate must designate at the time he or she qualifies the
13 seat on the Board for which he or she is qualifying. The name
14 of each candidate who qualifies shall be included on the
15 ballot in a way that clearly indicates the seat for which he
16 or she is a candidate. The candidate for each seat who
17 receives the most votes shall be elected to the Board.

18 Section 5.03. In accordance with chapter 191, Florida
19 Statutes, each member of the Board must be a qualified elector
20 at the time he or she qualifies and continually throughout his
21 or her term.

22 Section 5.04. Each elected member shall assume office
23 10 days following the member's election. Annually, within 60
24 days after the newly elected members have taken office, the
25 Board shall organize by electing from its members a chair, a
26 vice chair, a secretary, and a treasurer. The positions of
27 secretary and treasurer may be held by one member.

28 Section 5.05. Members of the Board may each be paid a
29 salary or an honorarium to be determined by at least a
30 majority plus one vote of the Board pursuant to chapter 191,
31 Florida Statutes. In addition, members may be reimbursed for

1 travel and per diem expenses as provided in section 112.061,
2 Florida Statutes.

3 Section 5.06. If a vacancy occurs on the Board due to
4 the resignation, death, or removal of a Board member or the
5 failure of anyone to qualify for a Board seat, the remaining
6 members may appoint a qualified person to fill the seat until
7 the next general election, at which time an election shall be
8 held to fill the vacancy for the remaining term, if any.

9 Section 5.07. The procedures for conducting District
10 elections or referenda or for qualification of electors shall
11 be pursuant to chapters 189 and 191, Florida Statutes.

12 Section 5.08. The Board shall have those
13 administrative duties set forth in this act and in chapters
14 189 and 191, Florida Statutes, as they may be amended from
15 time to time.

16 Section 5.09. Requirements for financial disclosure,
17 meeting notices, reporting, public records maintenance, and
18 per diem expenses for officers and employees shall be as set
19 forth in chapters 112, 119, 189, 191, and 286, Florida
20 Statutes, as they may be amended from time to time.

21 Section 5.10. The District's planning requirements
22 shall be as set forth in this act and in chapters 189 and 191,
23 Florida Statutes, as they may be amended from time to time.

24
25 ARTICLE VI

26 FINANCES

27
28 Section 6.01. The District shall have the right,
29 power, and authority to levy non-ad valorem assessments as
30 defined in section 197.3632, Florida Statutes, against the
31 taxable real estate lying within the territorial boundaries of

1 the District in order to provide funds for the purpose of the
 2 District. The rate of such assessments shall be fixed annually
 3 by a resolution of the Board of Commissioners after conducting
 4 a public hearing. Such non-ad valorem assessments may be
 5 imposed, collected, and enforced pursuant to the provisions of
 6 sections 197.363 through 197.3635, Florida Statutes.

7 Section 6.02. The methods for assessing and collecting
 8 non-ad valorem assessment fees or service charges shall be as
 9 set forth in chapter 170, chapter 189, chapter 191, or chapter
 10 197, Florida Statutes, as any of these may be amended from
 11 time to time. In setting assessment rates, the Commissioners
 12 shall consider the size of the property, the fire hazard it
 13 presents, and the protection provided.

14 Section 6.03. For assessment purposes, all property
 15 within the District shall have the following general
 16 classifications:

17 (1) Business and/or Commercial.

18 (2) Single-family residence.

19 (3) Duplex residence (2-family).

20 (4) All other multifamily buildings, including
 21 condominium and cooperative building or apartment central
 22 building.

23 (5) Unimproved subdivided lots.

24 (6) Unsubdivided acreage.

25 (7) Residential trailer space in rental trailer parks.

26 (8) Rental travel space.

27 Section 6.04. The rate of such annual assessments for
 28 protection against fire and the furnishing of rescue service
 29 shall be fixed annually by a resolution of the Board of Fire
 30 Commissioners. The assessments may be increased as provided in
 31 chapter 191, Florida Statutes, provided the Board shall

1 determine that such increase is necessary in order to properly
2 carry out the purposes of the District. No increase in excess
3 of that provided in chapter 191, Florida Statutes, shall be
4 permitted unless and until the Board holds the required
5 referendum for increasing said assessments. The District must
6 establish that the increased assessment rate in excess of that
7 amount allowed by statute does not exceed the benefits derived
8 from the furnishing of the services. Any such assessment shall
9 be made only when there has been competent substantial
10 evidence presented to the District establishing that such an
11 adjustment in the rate is necessary in order for the District
12 to properly carry out its purposes and establishing that the
13 proposed increase in assessments will not exceed the benefits.
14 In accordance with section 191.011, Florida Statutes, the
15 procedure for increasing the annual assessment rate in excess
16 of that allowed under chapter 191 shall be as follows:

17 (1) Presentation to the Board of competent substantial
18 evidence establishing that the increase in the maximum rate of
19 assessments is necessary in order to carry out the purposes of
20 the District and further establishing that said assessments as
21 increased will not exceed the benefits accruing to the
22 property within the District.

23 (2) Adoption of a resolution setting forth findings of
24 fact and establishing the necessity for the increase in
25 assessment rates, and said resolution shall provide for the
26 calling of a referendum election wherein the question of
27 whether to increase the assessments as recommended by the
28 Board shall be approved.

29 (3) Provided the maximum increase for rate of
30 assessment in chapter 191, Florida Statutes is exceeded, a
31 referendum election shall be held pursuant to the general law

1 governing special elections in the state and, upon
2 certification of the return of the election, the rate of
3 assessment shall be deemed amended if approved by a majority
4 vote of the electors voting in said election.

5 Section 6.05. Assessments shall be a lien upon the
6 land so assessed, along with the county taxes assessed against
7 the same until said assessments and taxes have been paid and,
8 if the same becomes delinquent, shall be considered a part of
9 the county tax, subject to the same penalties, charges, fees,
10 and remedies for enforcement and collection as provided by the
11 laws of the state for the collection of such taxes.

12 Section 6.06. The Board shall establish a schedule of
13 impact fees in accordance with section 191.009(4), Florida
14 Statutes, and with any standard set by general law for new
15 construction to pay for the cost of new facilities and
16 equipment, the need for which is in whole or in part the
17 result of new construction. The impact fees collected by the
18 District under this section shall be kept separate from the
19 revenues of the District and must be used exclusively to
20 acquire, purchase, or construct new facilities or portions
21 thereof needed to provide fire protection and emergency
22 services to new construction. As used in this section, "new
23 facilities" means lands, buildings, and capital equipment,
24 including, but not limited to, fire and emergency vehicles,
25 radio telemetry equipment, and other firefighting or rescue
26 equipment. The Board shall maintain adequate records to ensure
27 that impact fees are expended only for permissible new
28 facilities or new equipment. The Board may enter into
29 agreements with general-purpose local governments to share in
30 the revenue from fire protection impact fees imposed by such
31 governments. For impact fee purposes, all property within the

1 District shall have the classification of residential or
2 commercial.

3 Section 6.07. The Board may provide a reasonable
4 schedule of charges for special emergency services, including
5 firefighting occurring in or to structures outside the
6 District, motor vehicles, marine vessels, aircraft, or rail
7 cars, or as a result of the operation of such motor vehicles
8 or marine vessels to which the District is called to render
9 emergency service, and may charge a fee for the services
10 rendered in accordance with the schedule developed and
11 pursuant to chapter 191.009(3), Florida Statutes.

12 Section 6.08. The District may issue general
13 obligation bonds, assessment bonds, revenue bonds, notes, bond
14 anticipation notes, or other evidences of indebtedness to
15 finance all or part of any proposed improvements authorized to
16 be undertaken under this act or under general or special law,
17 provided the total annual payments for the principal and
18 interest of such indebtedness do not exceed 50 percent of the
19 total annual budgeted revenues of the District as provided in
20 section 191.012, Florida Statutes.

21
22 ARTICLE VII

23 MISCELLANEOUS

24
25 Section 7.01. All contracts, obligations, rules,
26 regulations, or policies of any nature existing on the date of
27 enactment of this act shall remain in full force and effect
28 and this act shall in no way affect the validity of such
29 contracts, obligations, rules, regulations, or policies.

30 Section 7.02. This act shall not affect the terms of
31 office of the present District Board, nor shall it affect the

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Elections

I, KATHERINE HARRIS, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 2001-338, Laws of Florida, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
22nd. day of June, A.D., 2001.



Katherine Harris

Secretary of State