

1                                   A bill to be entitled  
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10 amended, and repealed as herein provided.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.

22  
23                   ARTICLE IV

24                   POWERS OF THE DISTRICT

25  
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

1 terms and conditions of employment of any employees of the  
2 District.

3 Section 4. Chapters 69-597, 70-518, 75-503, 82-381,  
4 82-418, 83-524, and 90-417, Laws of Florida, are repealed 10  
5 days after the effective date of this act.

6 Section 5. It is declared to be the intent of the  
7 Legislature that if any section, subsection, sentence, clause,  
8 phrase, or portion of this act is, for any reason, held  
9 invalid or unconstitutional by a court of competent  
10 jurisdiction, such portion shall be deemed to be a separate,  
11 distinct, and independent provision and such holdings shall  
12 not affect the validity of the remaining portions of this act.

13 Section 6. This act shall be construed as a remedial  
14 act and the provisions of this act shall be liberally  
15 construed in order to effectively carry out the purpose of  
16 this act in the interest of the public health, welfare, and  
17 safety of the citizens served by the District.

18 Section 7. All laws or part of laws in conflict  
19 herewith are, to the extent of such conflict, repealed.

20 Section 8. This act shall take effect upon becoming a  
21 law.