

## MEMORANDUM

**TO:** Pinellas County Charter Review Commission

**FROM:** Kurt Spitzer

**DATE:** November 5, 2005

**RE:** Options for Fire Service Delivery

At your last meeting, the CRC briefly discussed the concept of a single countywide fire district for all of Pinellas County. This memorandum presents two other options for your consideration.

### 1. Single Fire District for the Unincorporated Area

Attached please find a draft Special Act that would create a single fire district for the entire unincorporated area. As currently drafted, the Act creates an independent district, although it could be revised to provide for a dependent district.

The Act is effective subject to a referendum of the electorate to be held in November of 2006. That vote would not be subject to the "dual vote" requirements of the charter. If approved by the electorate, the County Commission would appoint four members to the governing body of the District and the Council of Mayors would appoint one member prior to December 31, 2006. The District would thereafter appoint a 15-member advisory council no later than January 31, 2007.

The District would have all of 2007 to plan for a transition and to prepare a budget for FY 2007-08. It would begin to provide fire protection services on January 1, 2008. All assets, equipment, employees and debt of the existing independent fire districts in Pinellas County (Palm Harbor, Eastlake, Lealman and Pinellas Suncoast) are transferred to the District effective January 1, 2008 and the existing districts are abolished. The Fire Protection Services Advisory Council is created to advise the District both on an ongoing basis and during the transition in 2007.

The District has powers similar to those which were described in the draft legislation creating the countywide fire district that you discussed at the last meeting. However, since it is not acquiring assets from municipalities, the concurrent question authorizing the District to pledge up to one mill of ad valorem taxes is not included in this draft legislation. It is, however, authorized to levy up to three mills of ad valorem taxes, special assessments and service charges in the unincorporated area. The ad valorem taxes must be uniform throughout the entire unincorporated area. The millage of the District may not be considered within the 10 mill caps of the county or the cities.

The District is authorized to contract with the county or a city for the provision of fire protection services within or outside the new District's boundaries. The District's boundaries may be expanded to include any part or all of a city if approved by the electors of the city.

This approach does not necessitate abolishing municipal fire departments. It results in a uniform millage in the unincorporated area. While it does not result in a single point of management and control for fire services countywide, it does provide for a single point in the entire unincorporated area and does create an entity with service delivery capacity that could be expanded over time.

### *Dependent District Option*

The draft legislation could be revised to provide for the creation of a dependent district. In such a case, the Board of County Commissioners would serve as the governing body and fire protection services would be a service under the control of county. Unlike the independent district model, the dependent district would not result in the creation of another governing body and direct control of fire services for the unincorporated area would remain with the elected County Commission.

Fire services could also be provided by the District to a city by contract or the boundaries of the dependent fire district could be expanded to include all or part of a city by consent of the city. Unlike the independent district model, in cases where the dependent District's boundaries were expanded to include a city, the millage of the city and that of the MSTU may not exceed 10 mills.

## 2. Countywide Fire Policy

One advantage of the option for a countywide fire district is the ability to set standards and policy countywide. Neither the dependent nor the independent district models (above), nor the current charter specifically provide for the establishment of standards or a fire protection plan on a countywide basis.

While not as broad as the establishment of a countywide district, authorizing the establishment of such standards by the County Commission would allow the establishment of standards of service countywide that all providers could be required to follow.

The current charter authorizes the County Commission to provide for the coordination and implementation of fire protection for the unincorporated area only. Two amendments to the charter area attached for your consideration:

- One amendment authorizes the County Commission to provide for the coordination and implementation of fire protection countywide.
- The other is more limited and adds the development of countywide standards of coverage and a countywide fire protection plan to the powers of the County Commission but retains the charter's existing language relating to the implementation of fire protection to the unincorporated area.

Both amendments specifically provide that the County is not authorized to abolish a municipal fire department. Both amendments are proposed via Special Act so they may be specifically exempt from the provisions of the 1999 Act that added the “dual vote” requirements to the charter.

For your convenience, a copy of the proposed legislation creating the countywide fire district is also attached for your review.

Enclosures

CHAPTER 05-

\_\_\_\_\_ Bill No. \_\_\_\_\_

An act relating to Pinellas County; creating the Pinellas County Fire Services District; declaring legislative intent and purpose; establishing the District, boundaries, providing for the merger of independent fire districts, succession, and the governing board; establishing the powers and duties of the governing board; establishing a Fire Protection Services Advisory Council; providing transition provisions; providing for initial funding; providing an effective date and ballot question.

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

Section 1. Pinellas County Countywide Fire Protection District.

Article I. Declaration of legislative intent and purpose.

(1) The legislature finds and declares that it is mandatory to protect the life and property of all citizens of Pinellas County by providing a means of establishing fire protection within the County in the most efficient and effective manner, as well as promoting improved fire prevention throughout the County.

(2) The legislature further finds and declares that with a myriad of fire service providers in Pinellas County, it is essential that a permanent single fire protection authority be created which can overcome existing deficiencies in order to provide comprehensive, consistent fire protection services for; eliminate inadequately funded fire departments and the lack of a cohesive fire protection plan for the county as a single unit; and offer fire protection services to the unincorporated areas and participating cities as provided herein.

(3) It is the intent of this act to create an independent single fire protection authority in the unincorporated areas of Pinellas County, which can also offer fire protection services to participating cities, to implement objectives, which shall include but not be limited to the following:

(a) The consolidation and extension of fire protection to residents of Pinellas County.

(b) The utilization of necessary personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in all areas of the county that are provided fire protection services through the district created herein, and to achieve higher local service ratings in an effort to achieve lower insurance rates.

(c) Providing for a single point of coordination, management and command in the delivery of fire protection services to residents of this county.

Article II. Definitions. For purposes of this act, the following definitions of terms shall apply:

(1) "Cities" means the following municipal governments in Pinellas County: Town of Belleair; City of Belleair Beach; City of Belleair Bluffs; Town of Belleair Shore; City of Clearwater; City of Dunedin; City of Gulfport; City of Indian Rocks Beach; City of Kenneth City; Town of Indian Shores; City of Largo; City of Madeira Beach; Town of N. Redington Beach; City of Oldsmar; City of Pinellas Park; Town of Redington Beach; Town of Redington Shores; City of Safety Harbor; City of Seminole; City of St. Pete Beach; City of St. Petersburg; City of South Pasadena; City of Tarpon Springs; and City of Treasure Island.

(2) "County" means Pinellas County, a political subdivision of the State of Florida.

(3) "Fire Protection Services" means the response of firefighting apparatus, units and personnel to the scene of a fire, life safety emergency, man-made or natural disaster or public service request. Fire Protection Services include the command and control of the emergency scene, the containment of any fire and the mitigation of any hazards and may include specialized rescue, rescue response service, and related services including fire and arson investigation, inspections and code enforcement and public education.

(4) "Former Fire Districts" means the following independent special districts in Pinellas County: Eastlake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Fire & Rescue District.

Article III. Establishment; boundaries; succession; merger of former fire districts; governing board.

(1) ESTABLISHMENT. Effective January 1, 2007, there is hereby created the Pinellas County Fire Protection District, hereinafter the "District", which is an independent special fire control district of Pinellas County as provided in Chapters 189 and 191, Florida Statutes, except as otherwise specified herein, created for the purpose of providing Fire Protection Services and facilities for the citizens of Pinellas County pursuant to this act. The District shall provide Fire Protection Services to the areas within the District in accordance with the provisions herein. As provided in Article VII, Section 9 of the Florida Constitution, if approved by referendum as provided in Section 3 of this act, the millage authorized by this act shall not be included within the 10 mill caps of the County or any Cities.

(2) BOUNDARIES. The District shall be composed of all of the unincorporated areas of Pinellas County, Florida. Subject to the consent by ordinance adopted by the governing body of any City, the boundaries of the district may be expanded to include all or part of the boundaries of a municipality if approved by referendum of the electors of the affected municipality authorizing the expansion of the boundaries of the District and the levy of ad valorem taxes for Fire Protection Services as provided herein. However, nothing contained in this act shall prevent any City from otherwise contracting for services with the District. In the event any area within the District is annexed by a municipality, the boundaries of the District shall be adjusted to exclude the annexed area.

(3) MERGER OF FORMER FIRE DISTRICTS.

(a) Effective 11:59 P.M. on December 31, 2007, the Palm Harbor Special Fire Control and Rescue District, Eastlake Tarpon Special Fire Control District, Lealman Special Fire Control District, and Pinellas Suncoast Fire & Rescue District are hereby merged together and consolidated into and with the District, and their duties shall be assumed by and be the sole responsibility of the District; provided however, the District shall be responsible for providing Fire Protection Services in the unincorporated areas only of the Pinellas Suncoast Fire & Rescue District, and any Cities located within the Pinellas Suncoast Fire & Rescue District upon the date of the merger may elect to either provide Fire Protection Services or participate in the District as provided in Article III, Section (2).

(b) The assets and obligations of the independent special districts set out above shall be assumed by the Pinellas County Fire Protection District as provided herein on 12:00 A.M. January 1, 2008.

(4) SUCCESSION. The District hereby created shall succeed to and possess all the properties, rights, capacities, privileges, powers, franchises and immunities relating to the provision of Fire Protection Services, and be subject to all of the liabilities, obligations and duties relating to the provision of Fire Protection Services, in accordance with the following provisions:

(a) Employees. All employees providing Fire Protection Services, who by reason of the act become employees of the District shall have the same rights of continued employment at the salary and benefits as provided herein.

(i) The District shall implement a pay and classification plan that ensures fair and equitable compensation.

(ii) For purposes of providing retirement benefits, the District is an independent special fire control district as defined in Chapter 191, Florida Statutes and shall have all such rights to establish, administer and maintain retirement and pension plans as provided herein pursuant to Chapter 121, Florida Statutes. The District shall have the sole authority to establish pension plans for employees of the District and its officers. Former employees of the Cities that are included within the District, and Former Fire Districts, shall be entitled to continue to participate in the pension plan in which they were participating before the effective date of this act with all benefits and rights provided by those plans. The retirement and pension plans shall constitute an obligation and liability of the District and such plans shall continue to be administered according to their terms. The District may enhance, improve, reduce or eliminate prospective benefits to active participants or retirees in these plans, but in no event may the accrued benefits earned or actual benefits received decrease without the prior consent of the employee.

(iii) The District shall establish a merit system for all employees of the District.

(iv) Elimination of duplication of functions shall be addressed through attrition and reassignments to the extent possible, as determined by the District.

(b) Real Estate and Fire Protection Services Equipment. All real property, personal property, and equipment owned by the County and the Former Fire Districts and utilized to provide Fire Protection Services on the effective date of the merger and consolidation of the Former Fire Districts with the District (together sometimes referred to as "Property") shall become the property of the District. If the District and any governmental entity owning the real property mutually agree, the District may lease the real property, on such terms as mutually agreed to. The real property to be transferred to the District is identified in Appendix A attached hereto.

(c) Debts of Former Fire Districts and County. Any outstanding obligations or debts encumbering the Property shall be assumed by the District. When ad valorem taxes have been pledged to meet the debt service requirements of any bonds issued by the Former Fire Districts, the County or any participating City which relate to the acquisition or improvement of the Property, or the lease thereof, the District shall levy taxes for the payment of such bonds only on the Property which is located in the area where Property was taxable for the payment of such bonds immediately prior to the effective date of this act.

(5) GOVERNING BOARD. The governing board of the District, hereinafter referred to as "the Commission," shall be composed of five (5) members. Four (4) members shall be appointed by the board of county commissioners, and one (1) member shall be appointed by the Pinellas County Council of Mayors. In the event that the boundaries of the District are expanded to include areas within the Cities, then the board of county commissioners shall appoint three (3) members to the commission, the participating Cities shall jointly appoint two (2) members. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve. Commissioners shall not be compensated, but shall be reimbursed for expenses as provided in Chapter 112, Florida Statutes.

Article IV. Powers and duties of the Commission. In the performance of its duties and in the execution of its functions under this act, the Commission shall have the powers to:

(1) Annually levy or impose: (i) an ad valorem tax upon taxable real and tangible personal property within the District in the same manner as other County and municipal ad valorem taxes are levied; (ii) service charges; or (iii) special assessments; provided that:

(a) the millage allocated to annual operating and maintenance expenses, and capital improvements and acquisitions of the District, shall not exceed 3.0 mills.

(b) the millage allocated to debt service shall not exceed the amount necessary to pay the principal of, and interest on, bonds issued under subsections (4).

(2) Purchase, lease, construct, or otherwise acquire capital projects related to Fire Protection Services and facilities in the name of the District.

(3) Appropriate and expend revenue of the District, subject to the limitations of this act.

(4) Issue bonds, notes, any other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the District, if such indebtedness is approved by vote of the electors voting in a referendum held pursuant to law, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates are used to finance or refinance capital projects related to Fire Protection Services or facilities of the District. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the District without limitation as to rate or amount. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the District for service of the debt to be incurred.

(5) Issue revenue bonds payable from the proceeds of any service charges, special assessments, fees, charges, fines, rentals, grants, or other sources of revenue (except ad valorem taxes) which may be or may become available to the District and, in connection therewith, to pledge such revenues to the payment of such revenue bonds; make all customary or necessary covenants for the security of such revenue bonds, including covenants to assure the adequacy of such revenues and the proper collection, holding, and disposition thereof; agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues, and not to diminish the rate of taxation available therefore; capitalize interest and reserves in such amounts as the governing board may deem necessary; pay all costs of issuance of such bonds, including fiscal, legal, bond issuance, and printing expenses, from bond proceeds or other sources; and apply the proceeds of said revenue bonds to the payment of the cost of any or all facilities or property (real or personal) which the District is empowered to acquire, including all architectural, legal, engineering, and other professional costs incurred in connection therewith, or to the refunding of previously issued revenue bonds.

(6) Appoint members to the Fire Protection Services Advisory Council.

(7) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to Fire Protection Services and facilities.

(8) Provide for the management, administration, operation, supervision, oversight and maintenance of all fire protection facilities, and the services, programs and functions thereof, for the benefit of the residents of the District.

(9) Purchase, lease, or otherwise acquire and dispose of property, and generally take all other actions regarding such property as may be necessary in the prudent management, operation and maintenance of District services and facilities.

(10) Employ or hire such personnel, consultants and technical and professional assistants as necessary.

(11) Retain attorneys, auditors, accountants, architects, engineers, and other consultants and professionals, pursuant to applicable general law.

(12) Contract with the County, city or special district for the provision of Fire Protection Services within or outside the District.

(13) Contract to provide Fire Protection Services in an area within the District on a contract management basis. The entity receiving said management contract will operate under the direction of the commission, carrying out such policies and programs as may be deemed necessary by the District.

(14) Apply for and accept any grant of money or property from any governmental body or private organization and enter into contracts incidental thereto.

(15) Make and enter into contracts and agreements.

(16) To hold public hearings and sponsor public forums.

(17) To sue and be sued in its own name.

(18) To determine service levels, as defined by the Insurance Services Office for all areas within the District, consistent with any countywide fire protection plan adopted by the County.

(19) To establish uniform standards as to the size of water lines and the distribution of fire hydrants within the District, consistent with any countywide fire protection plan adopted by the County.

(20) To prepare an annual budget, using the same fiscal year as that of the County, and to cause an annual audit of the District to be made to determine how funds expended for Fire Protection Services provided under this act have been expended as required by applicable general law.

(21) To compel adherence within the District to the provisions and requirements of the Florida Fire Prevention Code.

(22) Adopt rules for the regulation of its affairs and the conduct of its business and perform all other acts necessary to enable the governing board to properly carry out the purposes of this act.

(23) Exercise all other reasonable and necessary powers as required to provide Fire Protection Services.

Article V. There is hereby also created a Fire Protection Services Advisory Council, hereinafter called "the Council," to consist of not more than fifteen (15) members appointed by the Commission from a broad spectrum of representatives from the fire services community. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve. The Director of Fire Protection Services for Pinellas County shall be a non-voting member of the Council. It shall be the responsibility of this Council to

make recommendations on the transition process, evaluate the District's countywide Fire Protection Services system from a qualitative point of view, to review the operations on a countywide basis, to recommend requirements and programs, to review and evaluate studies commissioned by the District upon the District's request, to make such recommendations as may be necessary on needs, problems and opportunities relating to Fire Protection Services, and to carry out such other duties as may be required to insure the delivery of quality countywide Fire Protection Services as reasonable cost as determined by the District.

#### Article VI. Transition Provisions.

(1) The appointments to the Commission shall be made by the appointing authorities no later than December 31, 2006. The Commission shall conduct an organizational meeting no later than January 15, 2007, shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary by the Commission, and shall adopt rules of procedure. The Commission shall appoint the Council to aid in the transition by January 31, 2007. During the 2007 calendar year, the Commission shall hold such public meetings as it deems necessary to adopt an annual budget, hire employees and consultants, implement pay plans, inventory, value and take control of the Property, negotiate and approve contracts, adopt regulations relating to the provision of Fire Protection Services, and take all other actions or make such approvals as may be necessary to provide Fire Protection Services.

(2) The District shall begin providing Fire Protection Services and facilities no later than January 1, 2008.

(3) All officers, officials, employees, departments and agencies of the Former Fire Districts shall cooperate with and assist in planning for the transition to the District in order to ensure that the transition shall be accomplished in the most orderly fashion possible.

Section 2. Initial Funding. The board of county commissioners is authorized to expend from the County general fund such sums as are necessary and desirable for the creation and maintenance of the District created pursuant to this act, said funds to be expended solely for the purpose of creating and maintaining the District pending levy and collection of the initial ad valorem tax proceeds provided by this act. The District shall reimburse the County the funds so expended upon receipt of the first proceeds of such tax collected by the District. All monies so expended from the County general fund shall be included in the millage to be computed pursuant to Section 1 of this act so that the County shall be fully reimbursed for all funds advanced pursuant to this section.

Section 3. Section 3 shall take effect upon this act becoming a law. Sections 1 and 2 of this act shall take effect only upon approval by a majority vote of the electors of the unincorporated areas of Pinellas County voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the establishment of the Pinellas County Special Fire Control District to provide Fire Protection Services. Said election shall be conducted in accordance with the applicable provisions of Florida law and shall be called in conjunction with the general election to be held in November, 2006. The question on the ballot shall be worded in substantially the following form:

BALLOT TITLE: CREATION OF A SINGLE UNINCORPORATED AREA FIRE PROTECTION SERVICES DISTRICT.

BALLOT QUESTION: Shall the East Lake Tarpon Special Fire Control District, Lealman Special Fire Control District, Palm Harbor Special Fire Control and Rescue District, and Pinellas Suncoast Fire & Rescue District be merged into a single unincorporated area wide fire protection services district created to provide a fire protection services system and funded by property taxes not to exceed 3.0 mills annually.

\_\_\_\_\_ YES (For Approval)

\_\_\_\_\_ NO (For Rejection)

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor \_\_\_\_\_.

Filed in Office Secretary of State \_\_\_\_\_.

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

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Section 1. Article II, Section 2.04(1) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, is amended to read:

Sec. 2.04. Special Powers of the County

(1) Coordination and implementation of countywide fire protection; provided nothing herein shall authorize the board of county commissioners to abolish any municipal fire department.

Deleted: for the unincorporated areas of the county

Section 2. Section 6.05 is added to Article VI of the Home Rule Charter of Pinellas County as created by Chapter 80-590, Laws of Florida, as amended by Chapter 99-451, Laws of Florida, to read:

Notwithstanding any other Section of the Pinellas County Charter, including Section 6.04, the charter amendment to Sections 2.04(1) provided for herein shall not be subject to the requirement that a change in function, service, power, or regulatory authority may only occur after approval of a vote of the electors of each transferor and approval of a vote of the electors of each transferee. Approval of the charter amendment to Section 2.04(1) shall take effect only upon the approval by a majority vote of those qualified electors of Pinellas County voting in the general election to be held in November 2006, as provided in Section 3 herein.

Section 3. Section 3 of this act shall take effect upon this act becoming a law. Sections 1 and 2 of this act shall take effect only upon approval by a majority vote of the electors of Pinellas County, voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the consideration of these charter amendments to be conducted in accordance with the applicable provisions of Florida law, and to be held in conjunction with the general election in November, 2006. The question on the ballot shall be worded in substantially the following form:

BALLOT TITLE: CHARTER AMENDMENTS RELATING FIRE PROTECTION SERVICES.

BALLOT QUESTION: Shall Section 2.04 be amended, and Section 6.05 be added to the Pinellas County Charter to provide that countywide fire protection is a special power of the County, that is not subject to the voting requirements of Section 6.04 of the Pinellas County Charter.

YES For Approval

NO For Rejection

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor \_\_\_\_\_.

Filed in Office Secretary of State \_\_\_\_\_.

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

Section 1. Article II, Section 2.04(1) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, is amended to read:

Sec. 2.04. Special Powers of the County

(1) Coordination and implementation of fire protection for the unincorporated areas of the county, and development and implementation of countywide standards of coverage and a countywide fire protection plan; provided nothing herein shall authorize the board of county commissioners to abolish any municipal fire department.

Section 2. Section 6.05 is added to Article VI of the Home Rule Charter of Pinellas County as created by Chapter 80-590, Laws of Florida, as amended by Chapter 99-451, Laws of Florida, to read:

Notwithstanding any other Section of the Pinellas County Charter, including Section 6.04, the charter amendment to Sections 2.04(1) provided for herein shall not be subject to the requirement that a change in function, service, power, or regulatory authority may only occur after approval of a vote of the electors of each transferor and approval of a vote of the electors of each transferee. Approval of the charter amendment to Section 2.04(1) shall take effect only upon the approval by a majority vote of those qualified electors of Pinellas County voting in the general election to be held in November 2006, as provided in Section 3 herein.

Section 3. Section 3 of this act shall take effect upon this act becoming a law. Sections 1 and 2 of this act shall take effect only upon approval by a majority vote of the electors of Pinellas County, voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the consideration of these charter amendments to be conducted in accordance with the applicable provisions of Florida law, and to be held in conjunction with the general election in November, 2006. The question on the ballot shall be worded in substantially the following form:

BALLOT TITLE: CHARTER AMENDMENTS RELATING FIRE PROTECTION SERVICES.

BALLOT QUESTION: Shall Section 2.04 be amended, and Section 6.05 be added to the Pinellas County Charter to provide that countywide fire protection is a special power of the County, that is not subject to the voting requirements of Section 6.04 of the Pinellas County Charter.

\_\_\_ YES For Approval

\_\_\_ NO For Rejection

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor \_\_\_\_\_.

Filed in Office Secretary of State \_\_\_\_\_.

Charter Amendment - Option 2

An act relating to Pinellas County; creating the Pinellas County Countywide Fire Services District; declaring legislative intent and purpose; establishing the District, boundaries, succession and governing board; establishing the powers and duties of the governing board; establishing a Fire Protection Services Advisory Council; establishing a prohibition on taxing power; providing transition provisions; abolishing the Palm Harbor Special Fire Control and Rescue District, the Eastlake Tarpon Special Fire Control District, the Lealman Special Fire Control District and the Pinellas Suncoast Fire & Rescue District; providing for initial funding; providing an effective date and ballot question.

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

Section 1. Pinellas County Countywide Fire Protection District.

Article I. Declaration of legislative intent and purpose.

(1) The legislature finds and declares that it is mandatory to protect the life and property of all citizens of Pinellas County by providing a means of establishing fire protection to all areas within the County in the most efficient and effective manner, as well as promoting improved fire prevention throughout the County.

(2) The legislature further finds and declares that with a myriad of local fire departments in Pinellas County, it is essential that a permanent single countywide fire protection authority be created which can overcome existing deficiencies in order to provide comprehensive, consistent fire protection services for all areas of Pinellas County, and eliminate inadequately funded existing fire departments and the lack of a cohesive fire protection plan for the county as a single unit.

(3) It is, therefore, the intent of this act to create a permanent single countywide fire protection authority in Pinellas County to implement objectives, which shall include but not be limited to the following:

(a) The consolidation and extension of fire protection to all residents of Pinellas County.

(b) The utilization of necessary personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in all areas of the county, and to achieve higher local service ratings in an effort to achieve lower insurance rates for the county.

(c) Providing for a single point of coordination, management and command in the delivery of fire protection services to all residents of this county.

Article II. Definitions. For purposes of this act, the following definitions of terms shall apply:

(1) "Cities" means the following municipal governments in Pinellas County: Town of Belleair; City of Belleair Beach; City of Belleair Bluffs; Town of Belleair Shore; City of Clearwater; City of Gulfport; Town of Indian Shores; City of Largo; City of Madeira Beach; Town of N. Redington Beach.; City of Oldsmar; City of Pinellas Park; Town of Redington Beach; Town of Redington Shores; City of Safety Harbor; City of Seminole; City of St. Pete Beach; City of St. Petersburg; City of South Pasadena; City of Tarpon Springs; and City of Treasure Island.

(2) "County" means Pinellas County, a political subdivision of the State of Florida.

(3) "Fire Protection Services" means the response of firefighting apparatus, units and personnel to the scene of a fire, life safety emergency, man-made or natural disaster or public service request. Fire Protection Services include the command and control of the emergency scene, the containment of any fire and the mitigation of any hazards and may include specialized rescue, rescue response service, and related services including fire and arson investigation, inspections and code enforcement and public education.

(4) "Former Fire Districts" means the following independent special districts in Pinellas County: Eastlake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Fire & Rescue District.

(5) "Former Service Providers" means the County, Cities and Former Fire Districts that provide Fire Protection Services and/or facilities in Pinellas County as of the effective date of this act.

Article III. Establishment; boundaries; governing board.

(1) ESTABLISHMENT. Effective January 1, 2007, there is hereby created the Pinellas County Countywide Fire Protection District, hereinafter the "District", which is an independent special fire control district of Pinellas County as provided in Chapter 191, Florida Statutes, except as otherwise specified herein, created for the purpose of providing Fire Protection Services and facilities for all citizens of Pinellas County pursuant to this act. The District shall begin providing Fire Protection Services on a countywide basis in accordance with Article VII herein. As provided in Article VII, Section 9 of the Florida Constitution, if approved by referendum as provided in Section 4 of this act, the millage authorized by Article III, subsection (1) shall not be included within the 10 mill caps of the County or any Cities.

(2) SUCCESSION. The District hereby created shall succeed to and possess all the properties, rights, capacities, privileges, powers, franchises and immunities relating to the provision of Fire Protection Services, and be subject to all of the liabilities, obligations and duties relating to the provision of Fire Protection Services of the Cities, Former Fire Districts and County governments, in accordance with the following provisions:

(a) Employees – All employees providing Fire Protection Services, except elected officials of the County, Cities and Former Fire Districts, who by reason of the act become employees of the District shall have the same rights of continued employment at the salary and benefits as provided in subsection (i) herein.

(i) The District shall implement a pay and classification plan that ensures fair and equitable compensation.

(ii) For purposes of providing retirement benefits, the District is an independent special fire control district as defined in Chapter 191, Florida Statutes and shall have all such rights to establish, administer and maintain retirement and pension plans as provided herein pursuant to Chapter 121, Florida Statutes. The Commission shall have the sole authority to establish pension plans for employees of the District and its officers. Former employees of the Cities and Former Fire Districts shall be entitled to continue to participate in the pension plan in which they were participating before the effective date of this act with all benefits and rights provided by those plans. The retirement and pension plans of the Cities shall constitute an obligation and liability of the District and such plans shall continue to be administered according to their terms. The Commission may enhance, improve, reduce or eliminate prospective benefits to active participants or retirees in these plans. But in no event may the accrued benefits earned or actual benefits received decrease without the prior consent of the employee.

(iii) The District shall establish a merit system for all employees of the District.

(iv) Elimination of duplication of functions shall be addressed through attrition and reassignments to the extent possible, as determined by the District.

(b) Real Estate and Fire Protection Services Equipment. All real property, personal property, and equipment owned by the County, Cities and the Former Fire Districts and utilized to provide Fire Protection Services on the effective date of this act (together sometimes referred to as “Property”) shall be conveyed to the District, and the District shall accept the conveyance thereof as provided in Article VII herein; provided however, if the Commission and the City or County owning the real property mutually agree, the District may lease the real property in lieu of a conveyance of the real property to the District, on such terms as mutually agreed to by the District, City or County.

(i) The real property to be transferred to the District is identified in Appendix A attached hereto.

(ii) All Property of the County and Cities shall be transferred to the District as provided in Article VII herein. The District shall pay the fair market value as of the date of conveyance, less any debt assumed as provided herein, to the City or County conveying the Property (“Grantor”) as determined by a qualified appraiser as provided herein. The District and the Grantor shall utilize an appraiser jointly agreed to by the parties, and the cost of said appraisal shall be shared equally by the District and the Grantor. In the event the parties cannot agree on a single appraiser, then each shall select and pay for its own

qualified appraiser, and the consideration paid shall be the average of the two appraisals. The appraiser(s) valuing the Property shall determine value based on the actual use of the property and not the highest and best use.

(iii) All Property of the Former Fire Districts shall be transferred to the District as provided in Article VII herein.

(c) Debts of Former Service Providers. Any outstanding obligations or debts encumbering the Property shall be assumed by the District. When ad valorem taxes have been pledged to meet the debt service requirements of any bonds issued by the Former Service Providers which relate to the acquisition or improvement of the Property, or the lease thereof, the District shall levy taxes for the payment of such bonds only on the Property which is located in the area where Property was taxable for the payment of such bonds immediately prior to the effective date of this act.

(3) BOUNDARIES. The District shall be composed of all areas of Pinellas County, Florida.

(4) GOVERNING BOARD. The governing board of the District, hereinafter referred to as "the Commission," shall be composed of three (3) county commissioners appointed by the board of county commissioners, and four (4) city elected officials, with the four most populous cities in the County appointing one member each, who when acting together as the governing board, shall not sit as a County or City elected official, but as members of the Commission. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve.

Article IV. Powers and duties of the Commission. In the performance of its duties and in the execution of its functions under this act, the Commission shall have the powers to:

(1) Annually levy or impose: (i) an ad valorem tax upon taxable real and tangible personal property within the District in the same manner as other County and municipal ad valorem taxes are levied; (ii) service charges; or (iii) special assessments; provided that:

(a) the millage allocated to annual operating and maintenance expenses, and capital improvements and acquisitions of the District shall not exceed 3.0 mills; and

(b) the millage allocated to debt service shall not exceed the amount necessary to pay the principal of, and interest on, bonds issued under subsections (4) and (5).

(2) Purchase, lease, construct, or otherwise acquire capital projects related to Fire Protection Services and facilities in the name of the District.

(3) Appropriate and expend revenue of the District, subject to the limitations of this act.

(4) Issue limited tax bonds, notes, any other certificates of indebtedness, or any form of limited tax or bond anticipation notes or certificates payable from all or any portion of the 1.0

mill capital improvement millage if approved by vote of the electors voting in a referendum held pursuant to Section 4 of this act, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax or bond anticipation notes or certificates are used to finance or refinance capital projects related to Fire Protection Services or facilities of the District, including acquisition of the Property. In issuing such bonds or other forms of indebtedness, the governing board may pledge the faith and credit of the District for service of the debt to be incurred, up to the 1.0 mill limit.

(5) Issue bonds, notes, any other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the District, if such indebtedness is approved by vote of the electors voting in a referendum held pursuant to law, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates are used to finance or refinance capital projects related to Fire Protection Services or facilities of the District. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the District without limitation as to rate or amount. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the District for service of the debt to be incurred.

(6) Issue revenue bonds payable from the proceeds of any service charges, special assessments, fees, charges, fines, rentals, grants, or other sources of revenue (except ad valorem taxes) which may be or may become available to the District and, in connection therewith, to pledge such revenues to the payment of such revenue bonds; make all customary or necessary covenants for the security of such revenue bonds, including covenants to assure the adequacy of such revenues and the proper collection, holding, and disposition thereof; agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues, and not to diminish the rate of taxation available therefore; capitalize interest and reserves in such amounts as the governing board may deem necessary; pay all costs of issuance of such bonds, including fiscal, legal, bond issuance, and printing expenses, from bond proceeds or other sources; and apply the proceeds of said revenue bonds to the payment of the cost of any or all facilities or property (real or personal) which the District is empowered to acquire, including all architectural, legal, engineering, and other professional costs incurred in connection therewith, or to the refunding of previously issued revenue bonds.

(7) Appoint members to the Fire Protection Services Advisory Council.

(8) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to Fire Protection Services and facilities.

(9) Provide for the management, administration, operation, supervision, oversight and maintenance of all fire protection facilities, and the services, programs and functions thereof, for the benefit of the residents of the District.

(10) Purchase, lease, or otherwise acquire and dispose of property, and generally take all other actions regarding such property as may be necessary in the prudent management, operation and maintenance of District services and facilities.

(11) Employ or hire such personnel, consultants and technical and professional assistants as necessary.

(12) Retain attorneys, auditors, accountants, architects, engineers, and other consultants and professionals, pursuant to applicable general law.

(13) Contract with any County, city or special district for the provision of Fire Protection Services within or outside the District.

(14) Contract to provide Fire Protection Services in an area within the District on a contract management basis. The entity receiving said management contract will operate under the direction of the commission, carrying out such policies and programs as may be deemed necessary by the District.

(15) Apply for and accept any grant of money or property from any governmental body or private organization and enter into contracts incidental thereto.

(16) Make and enter into contracts and agreements.

(17) To hold public hearings and sponsor public forums.

(18) To sue and be sued in its own name.

(19) To determine minimum service levels, as defined by the Insurance Services Office for Pinellas County on a countywide basis.

(20) To prepare an annual budget, using the same fiscal year as that of the County, and to cause an annual audit of the District to be made to determine how funds expended for Fire Protection Services provided under this act have been expended as required by applicable general law.

(21) To establish uniform standards as to the size of water lines and the distribution of fire hydrants, and to direct all local governments and utilities in Pinellas County to adopt regulations complying with same.

(22) To compel adherence throughout the County to the provisions and requirements of the Florida Fire Prevention Code, or to the fire and building codes established by the municipalities if the fire and building codes of said municipalities contain standards equivalent to or more stringent than the Florida Fire Prevention Code.

(23) Adopt rules for the regulation of its affairs and the conduct of its business and perform all other acts necessary to enable the governing board to properly carry out the purposes of this act.

(24) Exercise all other reasonable and necessary powers as required to provide Fire Protection Services.

Article V. There is hereby also created a Fire Protection Services Advisory Council, hereinafter called "the Council," to consist of not more than fifteen (15) members appointed by the governing board from a broad spectrum of representatives from the fire services community. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve. The Director of Fire Protection Services for Pinellas County shall be a non-voting member of the Council. It shall be the responsibility of this Council to make recommendations on the transition process, evaluate the District's countywide Fire Protection Services system from a qualitative point of view, to review the operations on a countywide basis, to recommend requirements and programs, to review and evaluate studies commissioned by the District upon the District's request, to make such recommendations as may be necessary on needs, problems and opportunities relating to Fire Protection Services, and to carry out such other duties as may be required to insure the delivery of quality countywide Fire Protection Services as reasonable cost as determined by the District.

Article VI. Prohibition on taxing power. As long as the District levies the ad valorem tax authorized by this act, the Former Service Providers and all other taxing authorities within the boundaries of the District are hereby prohibited from levying any tax for Fire Protection Services or facilities.

Article VII. Transition Provisions.

(1) The appointments to the Commission shall be made by the appointing authorities no later than December 31, 2006. The Commission shall conduct an organizational meeting no later than January 15, 2007, shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary by the Commission, and shall adopt rules of procedure. The Commission shall appoint the Council to aid in the transition by January 31, 2007. During the 2007 calendar year, the Commission shall hold such public meetings as it deems necessary to adopt an annual budget, hire employees and consultants, implement pay plans, inventory, value and take control of the Property, negotiate and approve contracts, adopt regulations relating to the provision of Fire Protection Services, and take all other actions or make such approvals as may be necessary to provide Fire Protection Services.

(2) The District shall begin providing Fire Protection Services and facilities no later than January 1, 2008. In furtherance of providing said services:

(i) The County and Cities owning Property shall complete the valuation of the Property on or before October 1, 2007, and the County and Cities shall convey the Property to the District no later than December 31, 2007, unless otherwise agreed to in a lease or interlocal agreement approved by the respective parties.

(ii) The Property of the Former Fire Districts shall be assumed by the District as provided in Section 2 of this act.

(3) All officers, officials, employees, departments and agencies of the Former Service

Providers shall cooperate with and assist in planning for the transition to the District in order to ensure that the transition shall be accomplished in the most orderly fashion possible.

## Section 2. Dissolution of Independent Special Districts.

(1) Effective December 31, 2007, the following special independent districts are hereby abolished and their duties shall be assumed by and be the sole responsibility of the Pinellas County Countywide Fire Protection District: (i) Palm Harbor Special Fire Control and Rescue District; (ii) Eastlake Tarpon Special Fire Control District; (iii) Lealman Special Fire Control District; and (iv) Pinellas Suncoast Fire & Rescue District.

(2) The assets and obligations of the independent special districts set out above shall be assumed by the Pinellas County Countywide Fire Protection District as provided in Section 1 of this act on January 1, 2008.

Section 3. Initial Funding. The board of county commissioners is authorized to expend from the County general fund such sums as are necessary and desirable for the creation and maintenance of the District created pursuant to this act, said funds to be expended solely for the purpose of creating and maintaining the District pending levy and collection of the initial ad valorem tax proceeds provided by this act. The District shall reimburse the board of County commissioners the funds so expended upon receipt of the first proceeds of such tax collected by the fire control District. All monies so expended from the County general fund shall be included in the millage to be computed pursuant to Section 1 of this act so that the County shall be fully reimbursed for all funds advanced pursuant to this section.

Section 4. Sections shall take effect upon this act becoming a law. Sections 1, 2 and 3 of this act shall take effect only upon approval by a majority vote of the electors of Pinellas County voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the establishment of a countywide special fire control district to provide countywide Fire Protection Services. Said election shall be conducted in accordance with the applicable provisions of Florida law and shall be called in conjunction with the general election to be held in November, 2006. The question on the ballot shall be worded in substantially the following form:

**BALLOT TITLE: CREATION OF A SINGLE COUNTYWIDE FIRE PROTECTION SERVICES DISTRICT.**