

CHAPTER 73-600

House Bill No. 2081

AN ACT relating to Pinellas County; creating the Pinellas County fire protection authority; setting forth legislative intent and purpose; setting forth the membership of the authority; defining the authority's duties and powers; providing for an election to approve proposed districts; setting forth requirements for the ballots for the election; providing funding by ad valorem taxation; providing fire protection to unincorporated areas; requiring consent of existing fire departments before their abolishment; providing right of inspection; providing for initial funding; providing severability; providing an effective date.

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

Section 1. Declaration of legislative intent and purpose:

(1) The legislature finds and declares that it has become 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 not now adequately protected, 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 fire protection authority be created which can overcome existing deficiencies in terms of unprotected areas, improperly 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 fire protection authority in Pinellas County to implement objectives which shall include but not be limited to the following:

(a) The extension of fire protection to all residents not presently having such service;

(b) The utilization of additional personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in areas already having fire protection service, and to achieve higher local service ratings in an effort to achieve lower insurance rates for each area; and

(c) The eventual use of regular, full-time firemen as the nucleus of manpower in all fire protection agencies in the county.

Section 2. County fire protection authority created; membership; etc.— There is created a countywide fire protection authority, hereinafter called "the authority". The governing body of the authority and its membership shall be the board of county commissioners of Pinellas County. The authority shall be empowered to establish and implement a permanent plan of fire protection for Pinellas County and each of its municipalities, as set forth in this act. Three (3) members of the authority shall constitute a quorum. The authority shall keep a record of its transactions, resolutions, findings, determinations, recommendations and orders, which record shall be a public record.

Section 3. Powers and duties of authority.—In the performance of its duties and in the execution of its functions under this act, the authority shall exercise the following powers:

(1) To employ and compensate such personnel, consultants and technical and professional assistants as it may deem necessary.

(2) To make and enter into contracts and agreements.

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

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

(5) To accept and use funds, grants and services from the federal government or any agency thereof, the state government or any agency thereof, including the Tampa Bay Regional Planning Council, the county government or any agency thereof, including the district school board, and the several municipalities in Pinellas County and agencies thereof.

(6) To determine the compensation to be paid to a municipal or volunteer fire department for service provided by it to the unincorporated areas within its district.

(7) To receive and disburse all funds collected within a district through ad valorem taxation as authorized in section 6, keeping said funds segregated according to the district in which they were collected.

(8) To compel municipal and volunteer fire departments within Pinellas County to provide fire protection to the unincorporated areas within their respective fire protection districts.

(9) To determine minimum service levels, as defined by the Insurance Services Office for each municipal and volunteer fire department and fire protection district within the county, and to compel said departments to take any action necessary to insure that they are operating at the minimum level prescribed by the authority. Responsibility for the maintenance and operation of individual fire departments shall remain vested in the respective municipality having a fire department and with volunteer fire departments and fire control districts.

(10) To provide municipal and volunteer fire departments with funds derived from ad valorem taxation within their respective fire control districts for the purpose of expanding their facilities and upgrading their local service rating.

(11) To receive and disburse all additional funds, which, from time to time, may be appropriated from the general fund of Pinellas County.

(12) To prepare an annual budget, using the same fiscal year as that of the county, and to cause an annual audit of the authority to be made to determine how funds provided to the municipal fire departments, volunteer fire departments and fire control districts under the provisions of this act have been expended.

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

(14) To develop and implement a plan of installation of fire hydrants and water lines in areas within the districts not now having adequate facilities.

(15) To implement countywide reciprocal, mutual, or outside assistance programs among all municipal fire departments, volunteer fire departments and fire control districts, and compensation plans for such programs.

(16) To compel adherence by an unincorporated area to the provisions and requirements of the Southeastern Fire Code, or to the fire and building codes established by the political subdivision or fire department providing fire protection in its respective district, if the fire and building codes of said political subdivision or fire department contain standards equivalent to or more stringent than the Southeastern Fire Code.

(17) To divide Pinellas County into fire protection districts, said districts not becoming effective until sections 4, 5 and 6 of this act have been fully complied with.

Section 4. Election to establish fire control districts.—Within ninety (90) days from the effective date of this act, the board of county commissioners shall call elections within each of the proposed fire control districts and no fire control district shall become operative unless the same shall have been approved by a majority of the electors voting in each such election. Such election is to be held in the manner prescribed by law for elections to issue bonds.

Section 5. Ballots for election.—The ballots for the election hereinabove described shall be arranged so that each voter may register either his approval or disapproval of the creation of the proposed fire control district. The ballot shall clearly set forth that if the fire control district is approved, all real property within the unincorporated areas of the proposed fire control district shall be subject to an ad valorem real property tax sufficient to pay its pro rata share of the budget of the department within that fire control district, as provided in section 6, and it shall further clearly advise that such millage is not enclosed within the ten (10) mill limit imposed by the constitution and statutes of this State on ad valorem taxation.

Section 6. Requirement of ad valorem taxation.—Upon a fire control district becoming operative as provided by this act, the board of county commissioners shall cause to be levied an ad valorem tax on real property in the unincorporated areas within said fire control district, sufficient to pay the pro rata share of the costs of providing such protection to those areas. Determination of what the pro rata share of the costs for providing fire protection to the unincorporated areas within a fire control district shall be made by the authority. Such determination shall be made based on a comparison of the value of the real property within the unincorporated areas in a fire control district to the value of the real property within the incorporated area of that fire control district. Such tax shall be included in the taxes assessed on the regular county tax rolls. All tax revenues collected within a fire control district shall be

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deposited in a separate designated account for each district, such account being under the control of the authority.

Section 7. Fire protection for unincorporated areas.—Upon a fire control district becoming operative, the authority shall direct the appropriate municipal or volunteer fire department therein to provide fire protection to the unincorporated areas within the fire control district. The compensation to be paid to a municipal or volunteer fire department for providing service to the unincorporated areas within its respective fire control district shall be paid by the authority. Said compensation shall be determined based on the annual budget submitted to the authority by the respective departments with the unincorporated area within a fire control district being obligated to pay its pro rata share of the budget of the department within its fire control district based on a comparison of the value of real property within the unincorporated areas in a fire control district to the value of real property within the incorporated area of that fire control district.

Section 8. Abolishment of existing fire departments.—No existing fire department within Pinellas County may be abolished by the authority without the express consent of the governing body of that department.

Section 9. Right of inspections.—Fire marshals, deputy fire marshals and fire inspectors are hereby empowered to make inspections of any and all premises within their respective fire control districts at a reasonable hour and to enforce all applicable fire and building codes.

Section 10. 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 any fire control district created pursuant to this act, said funds to be expended solely for the purpose of creating and maintaining such fire control district pending levy and collection of the initial ad valorem tax proceeds provided by this act. Such fire control 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 6 of this act so that the county shall be fully reimbursed for all funds advanced pursuant to this section.

Section 11. Severability.—If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 12. Repealer.—Chapter 72-657, Laws of Florida, is hereby repealed.

Section 13. Effective date.—This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 6, 1973.