

## House Bill No. 1605

An act relating to the Estero Fire Rescue District, Lee County; codifying and reenacting the district's charter, chapter 76-408, Laws of Florida, as amended; providing legislative intent; providing definitions; providing for creation of the district; specifying district boundaries; providing for a board of district commissioners; providing for organization of the board; providing for elections; providing powers and duties of the board; providing for levy of ad valorem taxes; providing for tax rolls; providing duties and responsibilities of the Lee County Tax Collector and the Lee County Property Appraiser; specifying taxes as liens on district lands; providing for collection and enforcement of taxes; providing for disposition of district funds; authorizing the district to borrow money and to issue revenue anticipation certificates; limiting liability of the board and individual commissioners; providing limitations on use of district funds; authorizing the district to buy, own, lease, and maintain a fire department; requiring a record of district meetings; authorizing the board to adopt rules; authorizing the district to adopt a fire prevention code; providing severability; providing effect in cases of conflict; providing for repeal of prior special acts relating to the Estero Fire Protection and Rescue Service District; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Estero Fire Protection and Rescue Service District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority and powers.

Section 2. Chapters 76-408, 81-414, 81-421, 83-447, 84-467, 84-468, 87-442, 87-447, 88-545, 90-400, and 94-455, Laws of Florida, relating to the Estero Fire Protection and Rescue Service District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Estero Fire Rescue District is re-created as an independent special fire control district and the charter for such district is re-created and reenacted to read:

Section 1. Definitions.—As used in this Charter unless otherwise specified:

(1) “Board” and “Board of Commissioners” mean the Board of Commissioners of and for the District.

(2) “Commissioner” means a member of the Board of Commissioners of and for the District.

(3) “County” means Lee County.

(4) “District” means the Estero Fire Rescue District, an independent special fire control district.

(5) “Property Appraiser” means the Lee County Property Appraiser.

(6) “Tax Collector” means the Lee County Tax Collector.

Section 2. Creation; Legal Description.—

(1) There is created a special taxing fire protection and rescue service district incorporating lands in Lee County described in subsection (2) which shall be a public corporation and a political subdivision of the State of Florida having the powers, duties, rights, obligations, and immunities prescribed by the Independent Special Fire Control District Act, chapter 191, Florida Statutes, as amended from time to time, and the Lee County Independent Special Fire Control District Act, chapter 97-340, Laws of Florida, and as set forth herein, under the name of Estero Fire Rescue.

(2) The lands to be included within the District are the following described lands in Lee County, Florida:

(a) In Township 46 South, Range 24 East, those portions of Sections 25 and 36 lying East of the waters of Estero Bay.

(b) In Township 46 South, Range 25 East, all of Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

(c) In Township 47 South, Range 25 East, all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

(d) In Township 46 South, Range 26 East, those parts of Sections 19 and 20 South of Corkscrew Road and all of Sections 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

(e) In Township 46 South, Range 27 East, all of Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

(f) Starting at a concrete post marking the southwest corner of Section 23, Township 46 South, Range 25 East; thence S89°44'27"E along the south line of said southwest one quarter for 66.25 feet to an intersection with the east right-of-way line of Corlico Road (80.00 feet wide) as described in Official Records Book 1739 at Page 776 and the Point of Beginning; thence continuing S89°44'27"E along said south line for 1394.24 feet to a concrete post marking the westerly right-of-way line of Interstate 75; thence N18°17'53"W along said right-of-way line for 847.89 feet to an iron rod marking the beginning of a curve concave to the northeast having a radius of 17350.80 feet; thence northwesterly along said curve and said right-of-way line through a central angle of 4°04'42" for 1235.03 feet to an iron rod; thence N14°13'11"W along said right-of-way line for 590.20 feet; thence S89°16'57"W along the north line of said southwest one quarter for 584.54 feet to a point 80.04 feet east of the northwest corner of said southwest one quarter and the east right-of-way line of said Corlico Road; thence S1°11'15"W along said right-of-way line for 2549.45 feet to the Point of Beginning.

(3) Nothing herein shall deny the right of the chief or other governing officials of the District to render such services to communities adjacent to the land described in subsection (2), or such other places as from time to time may be deemed desirable.

Section 3. District Board.—

(1) The business and affairs of the District shall be conducted and administered by a Board of five Commissioners, who shall be qualified electors residing within the District, and shall be elected by the qualified electors residing within the District, and shall serve a term of 4 years each. Elections shall be on the first Tuesday next succeeding the first Monday in November of even-numbered years. Election shall be on a nonpartisan basis.

(2) The Board shall have the authority to adopt policies and procedures for the proper function and operation of the District.

(3) The Board may employ such personnel as deemed necessary for the proper function and operation of a fire department and emergency rescue service.

(4)(a) All special district elections of Commissioners shall be on the first Tuesday after the first Monday in November of even-numbered years.

(b) Only registered voters residing within the District shall be permitted to vote.

(c) Costs of any election shall be borne by the District.

(d) All elections shall be called by resolution of the Board.

(e) Election results shall be determined by a plurality of the votes cast.

(5)(a) Candidates shall qualify from noon of the 63rd day through noon of the 49th day prior to the election.

(b) Methods of and times for qualifying shall be uniform pursuant to chapter 191, Florida Statutes.

(c) Candidates shall be required to open depositories and appoint treasurers prior to accepting any contributions or expending any funds; provided that where a candidate accepts no contributions and does no advertising and the only expenditure is the filing fee or the fee required for checking signatures, the candidate shall not be required to open depositories or appoint a treasurer.

(6) If a vacancy occurs on the Board, the remaining members may appoint a qualified person to fill the seat until the next general election.

(7) Notwithstanding anything to the contrary as provided herein, elections shall be held in accordance with the provisions of the Independent Special Fire Control District Act, chapter 191, Florida Statutes, as amended from time to time.

Section 4. Organization of Board.—

(1) The Commissioners, within 60 days after newly elected members have taken office and annually in November, in those years when there is no election, shall organize by electing from their number, a chairperson, vice-chairperson, a secretary, and a treasurer. However, the same member may be both secretary and treasurer.

(2) The Commissioners shall receive compensation for actual expenses incurred while performing the duties of their office.

(3) Each Commissioner, upon taking office, shall execute to the Governor for the benefit of the District, a bond of \$5,000 with a qualified personal or corporate surety, conditioned upon the faithful performance of the duties of the Commissioner's office and upon an accounting for all funds which come into his or her hands as a Commissioner. The treasurer shall furnish a bond of \$10,000 which may be in lieu of the \$5,000 bond. The premium for such bonds shall be paid from the funds of the District.

Section 5. Levy of Ad Valorem Taxes.—

(1) The Board shall have the right, power, and authority to levy millage tax against the taxable real estate with the District to provide funds for the purpose of this District.

(2) The tax rate shall be fixed by a resolution of the Board following public hearings of the proposed budget as provided in section 6.

(3) It is the legislative intent that this act will authorize the Lee County Property Appraiser and the Lee County Tax Collector to take all appropriate action to comply with the intent and purpose of this act.

Section 6. Fiscal Year, Protest Procedures, Property Appraiser, Tax Collector.—

(1) The District's fiscal year shall begin on October 1 and end on September 30 of each year. The Lee County Property Appraiser shall furnish the Commissioners a tax roll covering all taxable properties within the District on or before June 1 of each year, and any property owner in the District shall have the right during the period from June 10 to June 20 of each year to file protests in writing against the proposed assessments, the amount or rate thereof, and during the period from June 20 to June 30 of each year, to appear before the Board in support of such protests. The Board shall hold at least one meeting during said period to consider such protests. The notification to the public of such meeting shall be posted in not less than three public places in conspicuous locations and be advertised once in a newspaper of general circulation in Lee County.

(2) The County Property Appraiser shall include in the Lee County tax roll the assessments made by the Board and the same shall be collected in the manner as provided for by this act, and paid over by the Lee County Tax Collector to the Board monthly.

(3) The County Property Appraiser shall receive reimbursement for assessing taxes, and the Lee County Tax Collector shall receive a commission or fee for collecting such taxes.

(a) Said amount of reimbursement to the Property Appraiser shall be based on the applicable law of Florida in effect at the time of rendering the service of assessing taxes.

(b) The Lee County Tax Collector's commission or fee shall be based on the applicable law of Florida in effect at the time of rendering the service of collecting taxes.

Section 7. Tax Liens on Lands, Collection and Enforcement.—The taxes levied and assessed by the District shall be a lien upon the land so assessed along with the County taxes assessed against such land until said taxes have been paid, and if the taxes levied by the District become delinquent, such taxes shall be considered a part of the County tax, subject to the same penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by general law for the collection of such taxes.

Section 8. District Funds.—

(1) The proceeds of the taxes and funds of the District shall be deposited in the name of the District in a bank authorized to receive deposits of public funds. The bank shall be designated by a resolution of the Board.

(2) No funds of the District shall be paid or disbursed except by check signed by any two members of the Board.

Section 9. Borrowing Money, Revenue Anticipation Certificates, Liability of Board and Commissioners.—

(1) The Board shall have the power and authority to borrow money for the purposes of the District. However, the total payments in any one year, including principal and interest, on any indebtedness incurred by the District shall not exceed 50 percent of the total tax assessment of the year in which said payments are to be made.

(2) The Board shall have the power and authority to issue revenue anticipation certificates for the purpose of paying all or any part of the cost of purchasing any real or personal property for the District. Such revenue anticipation certificates shall be issued and validated under general law. In addition, the Board shall have the power and authority to pledge anticipation revenue and delinquent tax assessment liens for the payment of such certificates, which shall be the sole security for said loan.

(3) Neither the Board nor any individual Commissioner shall be personally or individually liable for the repayment of such loan. Such repayment shall be made out of tax receipts of the District except as provided in this subsection. The Commissioners shall not create any indebtedness or incur obligations for any sum or amount which they are unable to repay out of District funds then in their hands except as otherwise provided in this act.

However, the Commissioners may make purchases of equipment on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year of any other installments and the repayment of any bank loan or other existing indebtedness which may be due that year.

Section 10. Use of District Funds.—

(1) No funds of the District shall be used for any purpose other than the administration of the affairs and business of the District, the construction, care, maintenance, upkeep, operation, and purchase of fire fighting and rescue equipment or a fire and rescue station or stations, and/or the payment of salaries of District personnel as the Board may from time to time determine to be necessary for the operations and effectiveness of the District.

(2) The Board is authorized and empowered to buy, own, lease, and maintain a fire department within the District, and to purchase, acquire by gift, own, lease, and dispose of fire fighting and rescue equipment and property, real and personal, that the Board may from time to time deem necessary or needful to prevent and extinguish fires and provide rescue services within the District.

Section 11. Record of Meetings, Board to Adopt Rules, Annual Report, Budget.—

(1) A record shall be kept of all meetings of the Board and in such meetings concurrence of a majority of the Commissioners shall be necessary to any affirmative action by the Board.

(2) The Board may adopt rules and regulations, not inconsistent with any portion of this act, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The Board shall have authority to provide all things necessary for rescue services and the prevention, extinguishment, and control of fires in the District.

Section 12. Fire Prevention Code, Personnel, Salaries.—

(1) The Board shall have the right and power to enact a fire prevention code or ordinance in addition to, but not in conflict with, the Lee County Land Development Code or its equivalent.

(2) The Board may employ such personnel as deemed necessary for the proper function and operation of a fire department and emergency rescue service. The salaries of fire department and emergency rescue service personnel and any other wages shall be determined by the Board.

Section 13. Severability.—In case any one or more of the sections or provisions of this Charter or the application of such sections or provisions to any situation, circumstances, or person shall for any reason be held to be unconstitutional, such unconstitutionality shall not affect any other sections or provisions of this Charter or the application of such sections or provisions

to any other situation, circumstances or person, and it is intended that this law shall be construed and applied as if such section or provision had not been included herein for any unconstitutional application.

Section 14. Effect of Conflict.—In the event of a conflict between the provisions of this Charter and the provisions of the Independent Special Fire Control District Act, the provisions of the Independent Special Fire Control District Act, chapter 191, Florida Statutes, as amended from time to time, shall control to the extent of such conflict.

Section 15. Notice of Intention.—It is found and determined that notice of intention to apply for this legislation was given in the time, form and manner required by the Constitution and by law. Said notice is found to be sufficient and is hereby validated and approved.

Section 4. Chapters 76-408, 81-414, 81-421, 83-447, 84-467, 84-468, 87-442, 87-447, 88-545, 90-400, and 94-455, Laws of Florida, are repealed.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of each other section and provision of this act.

Section 6. In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.