

HB 267

2012

1 A bill to be entitled
2 An act relating to the East Naples Fire Control and
3 Rescue District, Collier County; amending chapter
4 2000-444, Laws of Florida, as amended by chapter 2004-
5 433, Laws of Florida, to revise the district's
6 charter; providing a savings clause for the district's
7 current authority to levy up to 1.5 millage; providing
8 for incorporation; providing that the district is an
9 independent special district; providing for charter
10 amendments; revising boundaries; providing for
11 annexation; revising provisions relating to the board
12 of commissioners; revising duties, powers, and
13 authority of the board; revising powers of the
14 district; providing for the financing of the district;
15 providing for bonds; providing for reimbursement to
16 the county when a referendum is required; providing
17 for impact fees; providing for the collection and
18 disbursement of such fees; providing for deposit of
19 taxes, assessments, and fees and authority to disburse
20 funds; providing for elections; requiring district
21 planning; providing for immunity from tort liability;
22 providing for dissolution procedures; providing for
23 exemption from taxation; providing for liberal
24 construction; providing for severability; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. The charter of the East Naples Fire Control and
 30 Rescue District, as created in section 2 of chapter 2000-444,
 31 Laws of Florida, as amended by chapter 2004-433, Laws of
 32 Florida, is amended to read:

33 Section 1. Codification.—Pursuant to chapter 97-255, Laws
 34 of Florida, this act constitutes the codification of all special
 35 acts relating to the East Naples Fire Control and Rescue
 36 District, an independent special fire control and rescue
 37 district in Collier County, hereinafter referred to as the
 38 "district." It is the intent of the Legislature in enacting this
 39 law to provide a single, comprehensive special act charter for
 40 the district, including all current legislative authority
 41 granted to the district by its several legislative enactments
 42 and any additional authority granted by this act. It is further
 43 the intent of this act to preserve all district authority,
 44 including the authority to assess annually and levy against the
 45 taxable property in the district a tax not to exceed 1.5 mills
 46 on the dollar of assessed valuation.

47 Section 2. Corporate status.—All of the incorporated lands
 48 in Collier County, as described in this act, shall be
 49 incorporated into the district. The district shall be a public
 50 municipal corporation under the name of the East Naples Fire
 51 Control and Rescue District. The district is organized and
 52 exists for all purposes set forth in this act and chapters 189
 53 and 191, Florida Statutes. The district was created by special
 54 act in 1961 and its charter may be amended only by special act
 55 of the Legislature.

56 Section 3. 2. Boundaries.—The lands to be incorporated

57 within ~~(1) A fire control district known as the East Naples~~
 58 ~~Fire Control and Rescue District, hereafter referred to as the~~
 59 ~~district, is hereby established to~~ consist of the following
 60 described lands in Collier County:

61 A. Beginning at the northeast corner of the
 62 Northwest quarter of Section 27, Township 49 South,
 63 Range 25 East, thence along the north line of said
 64 Section 27, east 45 feet to the east right-of-way line
 65 of C-851 (also known as Goodlette-Frank Road), (which
 66 right-of-way line lies 45 feet east of, measured at
 67 right angles to, and parallel with the north and south
 68 quarter section line of said Section 27), to the north
 69 line of Lot 11, Naples Improvement Company's Little
 70 Farms, Plat Book 2, Page 2; thence east to the east
 71 section line of Section 27, Township 49 South, Range
 72 25 East; then north along the east line of said
 73 Section 27 to the northeast corner of said Section 27;
 74 said point also being the southeast corner of Section
 75 23 Township 49 South, Range 25 East thence east along
 76 the north line of Section 26, Township 49 South, Range
 77 25 East to a point 990.0 feet west of the west right-
 78 of-way line of Airport Pulling Road; thence south 01
 79 degrees 30 minutes 00 seconds east, 1320.0 feet;
 80 thence north 89 degrees 25 minutes 40 seconds east,
 81 660.0 feet; thence north 01 degrees 30 minutes 00
 82 seconds west, 1320.0 feet to the north line of said
 83 Section 26; thence east along said north line of
 84 Section 26 to the west right of way line of Airport-

85 Pulling Road; to the south line of said Section 26
 86 (said right-of-way line lying 50 feet west of the
 87 southeast corner of said Section 26); thence westerly
 88 along said south line to the southwest corner of said
 89 Section 26; thence northerly along the west line of
 90 said Section 26; to the southerly right-of-way line of
 91 Golden Gate Parkway (100 feet wide); thence easterly
 92 along said southerly right-of-way line to a point
 93 lying 1220.00 feet west of the west line of said
 94 Airport-Pulling Road; thence northerly parallel with
 95 said west right-of-way line to the northerly right-of-
 96 way line of said Golden Gate Parkway; thence westerly
 97 along the north right-of-way of Golden Gate Parkway to
 98 a point 620 feet east and 235.46 feet south of the
 99 northwest corner of Lot 8, Naples Improvement
 100 Company's Little Farms; thence north 235.46 feet to
 101 the north line of Lot 8; thence west along said north
 102 line 620 feet to the northwest corner of said Lot 8;
 103 thence southerly to that angle point in said east
 104 right-of-way line which lies on a line 400.00 feet
 105 northerly of (measured at right angles to) and
 106 parallel with the north line of Section 34, Township
 107 49 South, Range 25 East; thence continuing along said
 108 east right-of-way to the north line of Gordon River
 109 Homes Subdivision; thence east along the north line of
 110 Lots 50, 49, and 48 to a point 22.5 feet east of the
 111 northwest corner of Lot 48; thence south parallel to
 112 the west line of Lot 48 to the south line of Lot 48;

113 | thence west along the south line of Lots 48, 49, and
114 | 50 to the east right-of-way line of Goodlette-Frank
115 | Road; thence continuing along said east right-of-way
116 | line, which line lies 100.00 feet east of, measured at
117 | right angles to, and parallel with the north and south
118 | quarter section line of said Section 34; thence
119 | continuing along said east right-of-way line to a
120 | point on the north line of the southwest quarter of
121 | the northeast quarter of Section 34, Township 49
122 | South, Range 25 East; thence continue on said right of
123 | way line 460.0 feet; thence north 89 degrees 41
124 | minutes 30 seconds east 494.99 feet; thence south 0
125 | degrees 34 minutes 06 seconds east 615.88 feet to a
126 | point of curvature; thence southwesterly 343.97 feet
127 | along the arc of a tangential circular curve, concave
128 | to the northwest have a radius of 243.97 feet and
129 | subtended by a chord which bears south 44 degrees 33
130 | minutes 25 seconds west 345.84 feet; thence south 89
131 | degrees 41 minutes 30 seconds west 250.0 feet to the
132 | easterly right of way line of Goodlette-Frank Road;
133 | thence south along said right of way line to a point
134 | 48.41 feet south of the north line of the south half
135 | of Section 34, Township 49 South, Range 25 East;
136 | thence north 89 degrees 56 minutes 59 seconds east
137 | 249.79 feet; thence northeasterly 173.98 feet along
138 | the arc of a circular curve concave to the northwest
139 | having a radius of 293.97 feet and being subtended by
140 | a chord which bears north 72 degrees 59 minutes 41

141 seconds east 171.46 feet; thence south 89 degrees 47
 142 minutes 31 seconds east 808.79 feet; thence north 89
 143 degrees 55 minutes 05 seconds east 993.64 feet to a
 144 point on that bulkhead line as shown on Plate recorded
 145 in Bulkhead Line Plan Book 1, Page 25 Collier County
 146 Public Records, Collier County, Florida; thence run
 147 the following courses along the said Bulkhead line,
 148 47.27 feet along the arc of a non-tangential circular
 149 curve concave to the west, having a radius of 32.68
 150 feet and subtended by a chord having a bearing of
 151 south 14 degrees 08 minutes 50 seconds east and a
 152 length of 43.26 feet to a point of tangency; south 27
 153 degrees 17 minutes 25 seconds west for 202.44 feet to
 154 a point of curvature; 296.89 feet along the arc of a
 155 curve concave to the southeast, having a radius of
 156 679.46 feet and subtended by a chord having a bearing
 157 of south 14 degrees 46 minutes 21 seconds west and a
 158 length of 294.54 feet to a point of reverse curvature;
 159 157.10 feet along the arc of a curve concave to the
 160 northwest, having a radius of 541.70 feet, and
 161 subtended by a chord having a bearing of south 10
 162 degrees 33 minutes 47 seconds west and a length of
 163 156.55 feet to a point of reverse curvature; 307.67
 164 feet along the arc of a curve concave to the
 165 northeast; having a radius of 278.30 feet, and
 166 subtended by a chord having a bearing of south 12
 167 degrees 47 minutes 59 seconds east and a length of
 168 292.24 feet to a point of reverse curvature; 135.31

169 feet along the arc of a curve concave to the southwest
170 having a radius of 100.00 feet and subtended by a
171 chord having a bearing of south 05 degrees 42 minutes
172 27 seconds East and a length of 125.21 feet to a point
173 of tangency; thence South 33 degrees, 03 minutes, 21
174 seconds West for 295.10 feet; and South 33 degrees 27
175 minutes 51 seconds West 1.93 feet to the north line of
176 the River Park East Subdivision which is also the
177 north line of the south half of the southeast quarter
178 of Section 34, Township 49 South, Range 25 East;
179 thence along the north line of the south half of the
180 southeast quarter of said Section 34, easterly to the
181 west line of Section 35, Township 49 South, Range 25
182 East; thence along the west line of said Section 35,
183 northerly 1320 feet more or less to the northwest
184 corner of the south half of said Section 35; thence
185 along the north line of the south half of said Section
186 35, easterly to the west right-of-way line of State
187 Road No. 31 (Airport Road), which right-of-way lies
188 50.0 feet west of, measured at right angles to, and
189 parallel with the east line of said Section 35; thence
190 along said right-of-way line of State Road No. 31,
191 south 00 degrees 13 minutes 57 seconds west 1800 feet
192 more or less to a point on said west right-of-way
193 line, which lies north 00 degrees 13 minutes 57
194 seconds east 848.02 feet and south 89 degrees 46
195 minutes 03 seconds west 50.00 feet from the southeast
196 corner of said Section 35; thence continuing along

197 | said west right-of-way line southerly 325.02 feet
 198 | along the arc of a tangential circular curve concave
 199 | to the east, radius 2914.93 feet, subtended by a chord
 200 | which bears south 2 degrees 57 minutes 43 seconds east
 201 | 324.87 feet; thence continuing along said west right-
 202 | of-way line, tangentially south 6 degrees 09 minutes
 203 | 22 second east 3.13 feet, thence southerly along a
 204 | curve concave to the southwest, having a central angle
 205 | of 6 degrees 23 minutes 18 seconds and a radius of
 206 | 1860.08 feet, a distance of 207.34 feet; thence south
 207 | 0 degrees 13 minutes 57 seconds west 313.03 feet more
 208 | or less to a point on the north line of and 20 feet
 209 | west of the northeast corner of Section 2, Township 50
 210 | South, Range 25 East; thence southeasterly, 300.7 feet
 211 | more or less to a point on the east line of said
 212 | Section 2 which point lies 300.0 feet south of the
 213 | northeast corner of said Section 2; thence along the
 214 | east line of the north half of said Section 2,
 215 | southerly to the southeast corner of the north half of
 216 | said Section 2; thence along the south line of the
 217 | north half of said Section 2; westerly to the
 218 | northeast corner of the southeast quarter of Section
 219 | 3, Township 50 South, Range 25 East; thence southerly
 220 | along the east line of the southeast corner of said
 221 | Section 3 for a distance of 2013.98 feet; thence North
 222 | 89 degrees 37 minutes 20 seconds East 662.04 feet;
 223 | thence South 00 degrees 17 minutes 20 seconds East
 224 | 119.26 feet; thence South 89 degrees 27 minutes 40

225 seconds West 322.00 feet; thence South 00 degrees, 17
 226 minutes 20 seconds East 10.00 feet; thence South 89
 227 degrees 27 minutes 40 seconds West 68.00 feet; thence
 228 South 00 degrees 17 minutes 20 seconds East 361.00
 229 feet; thence North 89 degrees 27 minutes 40 seconds
 230 East 68.00 feet; thence South 00 degrees 17 minutes 20
 231 seconds East 140.00 feet; thence South 89 degrees 27
 232 minutes 40 seconds West 221.81 feet; thence North 01
 233 degrees 05 minutes 56 seconds West 6.99 feet; thence
 234 westerly along the arc of a non-tangential circular
 235 curve concave to the north having a radius of 370.00
 236 feet through a central angle of 18 degrees 34 minutes
 237 13 seconds and being subtended by a chord which bears
 238 North 81 degrees 50 minutes 17 seconds West 119.40
 239 feet for a distance of 119.92 feet to a point on the
 240 east line of said Section 3; thence southerly along
 241 the east line of Section 3, and along the east lines
 242 of Sections 10, 15, 22, and 27, all in Township 50
 243 South, Range 25 East, to the southeast corner of said
 244 Section 27, Township 50 South, Range 25 East; thence
 245 westerly along the south line of said Section 27,
 246 Township 50 South, Range 25 East, and along the
 247 western prolongation of said south line to a point
 248 1,000 feet west of the mean low water line of the Gulf
 249 of Mexico; thence southeasterly along said shoreline
 250 to the south line of Section 3, Township 51 South,
 251 Range 25 East, thence easterly along the south line of
 252 said Section 3, Section 2, Section 1, Township 51

253 South; thence along the south corner of said Section
 254 5; thence north along the east line of Section 5,
 255 Township 51 South, Range 26 East; thence continue on
 256 the north line of Section 25, 26 and part of Section
 257 27, Township 49 South, Range 25 East to the point of
 258 beginning and also,

259
 260 B. All those lands in Collier County described
 261 as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 262 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 263 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 264 and 36, Township 51 South, Range 26 East; Sections 1,
 265 2, 3 and those portions of Sections 10, 11, 12, and
 266 13, Township 52 South, Range 26 East, that lie North
 267 of the Marco River; those portion of Section 5, 6, 7
 268 and 18, Township 52 South, Range 27 East, that lie
 269 West and North of State Road 92; and Sections 7, 8,
 270 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 271 Township 51 South, Range 27 East, and those portions
 272 of Sections 32 and 33, Township 51 South, Range 27
 273 East, that lie west and North of State Road 92,

274
 275 C. Less and except the North 1/2 of Section 2 of
 276 Township 50 South, Range 25 East and the South 1/2 of
 277 Section 35 of Township 49 South, Range 25 East.

278
 279 D. Less and except approximately 21.99 acres,
 280 more or less: A portion of Lots 7 through 9 of Naples

281 Improvement Company's Little Farms as recorded in Plat
 282 Book 2 at page 2 of the Public Records of Collier
 283 County, Florida, being more particularly described as
 284 follows:

285
 286 Commence at the intersection of the East right-
 287 of-way of Goodlette-Frank Road (C.R. 851) and the
 288 South right-of-way of Golden Gate Parkway; thence run
 289 along said South right-of-way for the following four
 290 (4) courses:

291
 292 1) thence run North 44°42'45" East, for a
 293 distance of 35.36 feet;

294
 295 2) thence run North 89°42'45" East, for a
 296 distance of 122.57 feet;

297
 298 3) thence run North 80°12'12" East, for a
 299 distance of 159.63 feet;

300
 301 4) to a point on a circular curve concave
 302 northwest, whose radius point bears North 11°26'26"
 303 West, a distance of 813.94 feet therefrom; thence run
 304 Northeasterly along the arc of said curve to the left,
 305 having a radius of 813.94 feet, through a central
 306 angle of 22°36'33", subtended by a chord of 319.10
 307 feet at a bearing of North 67°15'18" East, for an arc
 308 length of 321.18 feet to the intersection of the South

309 right-of-way of said Golden Gate Parkway and the West
310 line of the East 338.24 feet of the West 958.34 feet
311 of Lot 7 of Naples Improvements Company's Little Farms
312 Subdivision as recorded in Plat Book 2 at page 2 of
313 the Public Records of Collier County, Florida, also
314 being the point of beginning of the parcel of land
315 herein described; thence run South 00°16'32" East,
316 along the West line of the East 338.24 feet of the
317 West 958.34 feet of said Lot 7, for a distance of
318 302.90 feet to a point on the South line of said Lot
319 7; thence run along said South line for the following
320 two (2) courses:

321
322 1) thence run North 89°41'51" East, for a
323 distance of 338.41 feet;

324
325 2) thence run North 89°50'24" East, for
326 approximately 850 feet to a point on the mean high
327 water line of the west bank of Gordon River, said
328 point herein called Point "A". thence return to the
329 aforementioned point of beginning. thence run along
330 the south right-of-way of said Golden Gate Parkway for
331 the following four (4) courses:

332
333 1) beginning at a point on a circular curve
334 concave northwest, whose radius point bears North
335 34°02'58" West a distance of 813.94 feet therefrom;
336 thence run Northeasterly along the arc of said curve

HB 267

2012

337 to the left, having a radius of 813.94 feet, through a
338 central angle of 05°09'09", subtended by a chord of
339 73.17 feet at a bearing of North 53°22'27" East, for
340 an arc length of 73.20 feet to the end of said curve;

341
342 2) thence run North 50°47'53" East, for a
343 distance of 459.55 feet

344
345 3) to the beginning of a tangential circular
346 curve concave south; thence run Easterly along the arc
347 of said curve to the right, having a radius of 713.94
348 feet; through a central angle of 38°52'20"; subtended
349 by a chord of 475.13 feet at a bearing of North
350 70°14'03" East, for an arc length of 484.37 feet to
351 the end of said curve;

352
353 4) thence run North 89°40'13" East, for
354 approximately 724 feet to a point on the mean high
355 water line of the west bank of Gordon River; thence
356 meander Southwesterly along the mean high water line
357 for approximately 900 feet to the aforementioned Point
358 "A" and the point of ending.

359
360 E. Less and except approximately 112.82 acres,
361 more or less: All of East Naples Industrial Park,
362 according to the plat thereof recorded in Plat Book
363 10, Pages 114 and 115, of the Public Records of
364 Collier County, Florida; all of East Naples Industrial

365 Park Replat No. 1, according to the Plat thereof
 366 recorded in Plat Book 17, Pages 38 and 39, of the
 367 Public Records of Collier County, Florida; and the
 368 Northerly 200 feet of the Southerly 510 feet of the
 369 Easterly 250 feet of the Northeast ¼ of Section 35,
 370 Township 49 South, Range 25 East, Collier County,
 371 Florida, less and excepting the Easterly 50 feet
 372 thereof.

373
 374 F. Less and except approximately 6.17 acres,
 375 more or less: All that part of Lots 12, 13, and 14,
 376 Naples Improvement Company's Little Farms, as recorded
 377 in Plat Book 2, Page 2 of the Public Records of
 378 Collier County, Florida, being more particularly
 379 described as follows:

380
 381 Commencing at the Southwest corner of Lot 12, thence
 382 along the South line of said Lot 12, North 89°26'51"
 383 East 20.00 feet to the East right-of-way line of
 384 Goodlette-Frank Road; thence along the East right-of-
 385 way line North 00°39'49" East 10.00 feet to the Point
 386 of Beginning of the herein described parcel; thence
 387 continue along said East right-of-way North 00°39'49"
 388 West 580.00 feet; thence leaving said East right-of-
 389 way North 89°20'11" East 260.12 feet; thence North
 390 59°31'13" East, 153.66 feet; thence South 30°28'42"
 391 East, 119.01 feet; thence South 00°33'09" East, 554.02
 392 feet to a line lying 10 feet North of and parallel

393 with said South line of Lot 12; thence along the said
 394 parallel line South 89°26'51" West, 451.54 feet to the
 395 point of beginning of the herein described parcel.

396
 397 Bearings are based on the said East line Goodlette-
 398 Frank Road being North 00°33'49" East.

399
 400 G. Less and except approximately 12.77 acres,
 401 more or less: The West one-half (W1/2) of the
 402 Northwest one-quarter (NW 1/4) of the Northwest one-
 403 quarter (NW 1/4) of Section 11, Township 50 South,
 404 Range 25 East, lying South of State Road 90 (Tamiami
 405 Trail, U.S. 41), in Collier County, Florida, except
 406 the South 264 feet, and

407
 408 All that part of the South 264 feet of the Southwest
 409 one-quarter (SW 1/4) of the Northwest one-quarter (NW
 410 1/4) of the Northwest one-quarter (NW 1/4) of Section
 411 11, Township 50 South, Range 25 East, in Collier
 412 County, Florida, lying north of the northline of
 413 Walker's Subdivision as delineated on a Plat of record
 414 in plat book 1, at page 36, of the Public Records of
 415 Collier County, Florida.

416
 417 TOGETHER WITH:
 418
 419 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 420 to plat in Plat Book 1, Page 32, Public Records of

421 Collier County, Florida.

422

423 LESS AND EXCEPT:

424

425 Those parcels described in Official Records Book 1969,
 426 Page 977, and Official Records Book 2119, Page 1344
 427 both of the Public Records of Collier County, Florida.

428

429 H. Less and except approximately 6.16 acres,
 430 more or less: Being a part of Estuary at Grey Oaks
 431 Roadway, Clubhouse and Maintenance Facility Tract,
 432 Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract
 433 B, Plat Book 37, pages 13-18 and part of Section 26,
 434 Township 49 South, Range 25 East, Collier County,
 435 Florida.

436

437 All that part of Estuary at Grey Oaks Roadway,
 438 Clubhouse and Maintenance Facility Tracts according to
 439 the plat thereof as recorded in Plat Book 36, pages 9-
 440 16, Estuary at Grey Oaks Tract B according to the plat
 441 thereof as recorded in Plat Book 37, pages 13-18,
 442 Public Records of Collier County, Florida, and part of
 443 Section 26, Township 49 South, Range 25 East, Collier
 444 County, Florida being more particularly described as
 445 follows;

446

447 Commencing at the northwest corner of Tract M of said
 448 Estuary at Grey Oaks Roadway, Clubhouse and

449 Maintenance Facility Tracts;
 450
 451 Thence along the west line of said Tract M South
 452 00°East 613.48 feet to the Point of Beginning of the
 453 parcel herein described;
 454
 455 Thence continue South 00°20'09" East 406.67 feet;
 456
 457 Thence North 89°24'29" West 660.00 feet;
 458
 459 Thence North 00°20'09" West 406.66 feet to a point on
 460 the boundary of Golf Course Tract 1 of said Estuary at
 461 Grey Oaks Tract B;
 462
 463 Thence along said boundary South 89°24'33" East 660.00
 464 feet to the Point of Beginning of the parcel herein
 465 described;
 466
 467 Bearings are based on the west line of said Tract M
 468 being South 00°20'09" East.
 469 ~~(2) In the event that property in the district is annexed~~
 470 ~~by the City of Naples between January 1 and July 1 of any year,~~
 471 ~~the property shall be regarded as removed from the East Naples~~
 472 ~~Fire Control and Rescue District as of January 1 of that year~~
 473 ~~for the purpose of the levy of general ad valorem taxes by the~~
 474 ~~district. If annexation occurs after July 1, the property shall~~
 475 ~~be assessed by the district for ad valorem taxes for that year.~~
 476 ~~On and after the effective date of annexation, the district~~

477 ~~shall be relieved of providing fire service to the annexed area.~~
478 ~~The city and the district may reach an agreement to determine~~
479 ~~what portion, if any, of the existing indebtedness or property~~
480 ~~of the district shall be assumed by the municipality of which~~
481 ~~the annexed territory will become a part, the fair value of such~~
482 ~~indebtedness or property, and the manner of transfer and~~
483 ~~financing. Nothing herein shall relieve the property annexed~~
484 ~~from the payment of general obligation debt service incurred by~~
485 ~~the district before annexation.~~

486 Section 4. Annexation.—Chapter 171, Florida Statutes,
487 shall apply to all annexations by a municipality within the
488 district's boundaries.

489 Section 5. Governing board.—

490 (1) In accordance with chapter 191, Florida Statutes, the
491 business and affairs of the district shall be conducted and
492 administered by a five-member board of fire commissioners
493 elected pursuant to chapter 191, Florida Statutes, by the
494 electors of the district in a nonpartisan election held at the
495 time and in the manner prescribed for holding general elections
496 in section 189.405(2)(a), Florida Statutes. Each member of the
497 board shall be elected for a term of 4 years and shall serve
498 until his or her successor assumes office.

499 (2) The office of each board member is designated as a
500 seat on the board, distinguished from each of the other seats by
501 a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at
502 the time he or she qualifies, the seat on the board for which he
503 or she is qualifying. The name of each candidate who qualifies
504 shall be included on the ballot in a way that clearly indicates

505 the seat for which he or she is a candidate. The candidate for
 506 each seat who receives the most votes shall be elected to the
 507 board.

508 (3) In accordance with chapter 191, Florida Statutes, each
 509 member of the board must be a qualified elector at the time he
 510 or she qualifies and continually throughout his or her term.

511 ~~Section 3. The governing body of the district board shall~~
 512 ~~be a board of five commissioners who are residents of the~~
 513 ~~district who shall be elected as are county officers and who~~
 514 ~~shall qualify and run for office as provided for by general law.~~
 515 ~~For purposes of qualification and running for office, the~~
 516 ~~commission seats shall be designated as number 1, 2, 3, 4, and~~
 517 ~~5. Within 15 days after any commissioner takes office, the~~
 518 ~~district board shall meet and elect a chair and secretary-~~
 519 ~~treasurer. Each member of the district board shall receive, from~~
 520 ~~the funds of the district, compensation for his or her services~~
 521 ~~as provided for by general law.~~

522 (4) Section 4. Each elected member shall assume office 10
 523 days after the member's election. Within 60 40 days after the
 524 newly elected members have taken office, election and
 525 ~~qualification of its members~~ the board shall meet and elect from
 526 its membership a chair, a vice chair, and president, a secretary
 527 and a treasurer or a secretary-treasurer.

528 (5) Members of the board may each be paid a salary or
 529 honorarium to be determined by at least a majority plus one vote
 530 of the board, pursuant to chapter 191, Florida Statutes.

531 (6) If a vacancy occurs on the board due to the
 532 resignation, death, or removal of a board member or the failure

HB 267

2012

533 of anyone to qualify for a board seat, the remaining members may
534 appoint a qualified person to fill the seat until the next
535 general election, at which time an election shall be held to
536 fill the vacancy for the remaining term, if any. The board shall
537 remove any member who has three consecutive, unexcused absences
538 from regularly scheduled meetings. The board shall adopt
539 policies by resolution defining excused and unexcused absences.

540 (7) The procedures for conducting district elections or
541 referenda and for qualification of electors shall be pursuant to
542 chapters 189 and 191, Florida Statutes.

543 (8) The board shall have those administrative duties set
544 forth in this act and chapters 189 and 191, Florida Statutes.

545 ~~Section 5. The business affairs of the district shall be~~
546 ~~administered and conducted by the board. It shall have the~~
547 ~~authority, for and on behalf of the district, to establish,~~
548 ~~equip, operate, and maintain a fire department and rescue squad~~
549 ~~within the district and shall buy, lease, sell, exchange, or~~
550 ~~otherwise acquire and dispose of firefighting equipment and~~
551 ~~other property, real, personal, or mixed, that it may from time~~
552 ~~to time deem necessary to prevent and extinguish fire or provide~~
553 ~~rescue services within the district, which services may include~~
554 ~~transportation to a health facility when authorized by the Board~~
555 ~~of County Commissioners of Collier County under emergency~~
556 ~~conditions as may be prescribed by the board of county~~
557 ~~commissioners. This shall include, but not be limited to, the~~
558 ~~authority to provide water, water supply, water stations, and~~
559 ~~other necessary buildings; accept gifts or donations of~~
560 ~~equipment or money for the use of the district; and to do all~~

561 ~~things necessary to provide for an adequate water supply, fire~~
 562 ~~prevention, and proper fire protection for the district. In~~
 563 ~~addition, the board shall have the authority to extend its~~
 564 ~~services outside the district when provided in cooperation with~~
 565 ~~another governmental entity.~~

566 ~~Section 6. The board shall have the power to hire~~
 567 ~~necessary firefighting personnel who shall serve at its~~
 568 ~~pleasure.~~

569 ~~Section 7. The board shall have authority to inspect all~~
 570 ~~property and investigate for fire hazards.~~

571 (9) ~~Section 8.~~ The board is authorized to promulgate
 572 rules and regulations for the prevention of fire and for fire
 573 control in the district, which rules and regulations shall have
 574 the same force and effect as law 10 days after copies thereof
 575 executed by the chair ~~president~~ and secretary of the board have
 576 been posted in at least three public places.

577 (10) A quorum of the board shall be a majority of its
 578 members. In order to take official action, an affirmative vote
 579 of a majority of those voting members present shall be required.

580 Section 6. Powers of the district.—The district shall have
 581 all powers and duties granted by this act and chapters 189 and
 582 191, Florida Statutes.

583 Section 7. Finances.—

584 (1) The powers, functions, and duties of the district
 585 regarding ad valorem taxation, bond issuance, and other revenue-
 586 raising capabilities, including non-ad valorem assessments and
 587 user and impact fees, budget preparation and approval, liens and
 588 foreclosure of liens, use of tax deeds and tax certificates as

HB 267

2012

589 appropriate for ad valorem taxes and non-ad valorem assessments,
590 and contractual agreements and the methods for financing the
591 district and for collecting non-ad valorem assessments, fees, or
592 service charges shall be as set forth in this act, in chapters
593 170, 189, 191, 197, and 219, Florida Statutes, and in any
594 applicable general or special law.

595 (2) The district shall levy and collect ad valorem taxes
596 in accordance with section 191.009 and chapter 200, Florida
597 Statutes. The taxes levied and assessed by the district shall be
598 a lien upon the land so assessed along with the county taxes
599 assessed against such land until such assessments and taxes have
600 been paid, and if the taxes levied by the district become
601 delinquent, such taxes shall be considered a part of the county
602 tax subject to the same penalties, charges, fees, and remedies
603 for enforcement and collection and shall be enforced and
604 collected as provided by general law for the collection of such
605 taxes. The district shall have the authority to levy a millage
606 rate up to 1.5 mills that was previously approved by referendum
607 as required by the Florida Constitution and chapter 191, Florida
608 Statutes, within the boundaries of the district. Nothing in this
609 act shall prevent the district from levying a millage rate as
610 provided for in section 191.009, Florida Statutes, or a millage
611 rate that has been approved by referendum.

612 (3) The board shall annually make an itemized estimate of
613 the amount of money required to carry out the provisions of this
614 act for the next fiscal year of the board, which fiscal year
615 shall be from October 1 through September 30. The estimate shall
616 state the purpose for which the money is required and the amount

HB 267

2012

617 necessary to be raised by taxation within the district. Such
618 budget and proposed millage rate shall be noticed, heard, and
619 adopted in accordance with chapters 192 and 200, Florida
620 Statutes.

621 (4) The methods for assessing and collecting non-ad
622 valorem assessments, fees, or service charges shall be as set
623 forth in this act, chapter 170, chapter 189, chapter 191, or
624 chapter 197, Florida Statutes.

625 (5) Requirements for financial disclosure, meeting
626 notices, reporting, public records maintenance, and per diem
627 expenses for officers and employees shall be as set forth in
628 this act and chapters 112, 119, 189, 191, and 286, Florida
629 Statutes.

630 ~~Section 9. For the purpose of carrying into effect this~~
631 ~~law the board shall annually during the month of June, make an~~
632 ~~itemized estimate of the amount of money required to carry out~~
633 ~~the provisions of this act for the next fiscal year of said~~
634 ~~board, which fiscal year shall be from April 1 to and including~~
635 ~~the next succeeding March 31, which estimate shall show for what~~
636 ~~purpose the moneys are required and the amount necessary to be~~
637 ~~raised by taxation within the district, and shall be presented~~
638 ~~in writing, signed by the president and the secretary to the~~
639 ~~Board of County Commissioners of Collier County on or before the~~
640 ~~first Monday in July of each year. Prior to the presentation of~~
641 ~~such estimate to the Board of County Commissioners of Collier~~
642 ~~County, copies of the itemized estimate, signed by the president~~
643 ~~and secretary of the board, shall be posted in at least three~~
644 ~~public places within the district, and at the time of the~~

645 ~~presentation of such estimate the board shall also present to~~
 646 ~~the Board of County Commissioners of Collier County a~~
 647 ~~certificate of the board that copies of such estimate have been~~
 648 ~~posted as provided herein.~~

649 ~~Section 10. Upon receipt of such estimate and certificate~~
 650 ~~of posting the said board of county commissioners shall cause~~
 651 ~~the same to be recorded in the minutes of the county~~
 652 ~~commissioners' meeting, and at the time of making and fixing the~~
 653 ~~rate of annual taxation for county purposes, shall fix and cause~~
 654 ~~to be levied on all property of said district, real and~~
 655 ~~personal, a millage sufficient to meet the requirements of the~~
 656 ~~estimate, provided however, the total millage shall not exceed 1~~
 657 ~~1/2 mills. Subject to the provisions of chapter 82-281, Laws of~~
 658 ~~Florida, this act shall take effect only when approved by a~~
 659 ~~majority of the qualified electors residing within the area of~~
 660 ~~the boundaries of the East Naples Fire Control District, voting~~
 661 ~~in a referendum election to be called by the Board of County~~
 662 ~~Commissioners of Collier County, in accordance with the~~
 663 ~~provisions of the law relating to elections currently in force~~
 664 ~~in Collier County, except that this section shall take effect~~
 665 ~~upon becoming a law on March 18, 1982.~~

666 ~~Section 11. Taxes herein provided for shall be assessed~~
 667 ~~and collected in the same manner as provided for the assessment~~
 668 ~~and collection of county taxes and subject to the same~~
 669 ~~commission and fees for assessing and collecting as for the~~
 670 ~~assessment and collection of county taxes except as herein~~
 671 ~~otherwise provided.~~

672 ~~Section 12. When the tax collector has collected the taxes~~

673 ~~provided for by this act he or she shall on or before the 10th~~
 674 ~~day of each month report to the secretary of the board the~~
 675 ~~collection made for the preceding month and remit the same to~~
 676 ~~the treasurer of the board.~~

677 ~~Section 13. All warrants for the payment of labor,~~
 678 ~~equipment, materials, and other allowable expenses incurred by~~
 679 ~~the board in carrying out the provisions of this act shall be~~
 680 ~~payable by the treasurer of the board on accounts and vouchers~~
 681 ~~approved by the board.~~

682 ~~Section 14. The treasurer of the board when entering upon~~
 683 ~~his or her duties shall give a good and sufficient bond to the~~
 684 ~~Governor in the sum of \$3,000 for the faithful performance of~~
 685 ~~his or her duties as treasurer.~~

686 ~~Section 15. The treasurer shall on or before April 10 and~~
 687 ~~October 10 of each year make a written semiannual report of~~
 688 ~~receipts and expenditures of the funds of the district to the~~
 689 ~~board. He or she shall furnish a copy of said report to the~~
 690 ~~board of county commissioners.~~

691 ~~Section 16. Subject to the original provisions of chapter~~
 692 ~~61-2034, Laws of Florida, not be effective until the same is~~
 693 ~~ratified by a majority of the qualified electors of the district~~
 694 ~~who vote in an election called by the board of county~~
 695 ~~commissioners for ratification or rejection. In the event of~~
 696 ~~ratification this act shall become effective immediately.~~

697 ~~Section 17. This act shall be construed as a remedial act~~
 698 ~~and shall be liberally construed to promote the purpose for~~
 699 ~~which it is intended.~~

700 ~~Section 8. 18. Bonds, notes, and certificates of~~

701 indebtedness.—The district shall have the power to issue general
 702 obligation bonds, notes, or certificates of indebtedness
 703 pledging the full faith, credit, and taxing power of the
 704 district consistent with the purposes ~~for capital projects~~ of
 705 the district in accordance with chapter 189 or chapter 191,
 706 Florida Statutes, or any other applicable general law.

707 ~~Section 19. The district shall have the authority to~~
 708 ~~exercise the power of eminent domain, pursuant to chapters 73~~
 709 ~~and 74, Florida Statutes, over any property located within the~~
 710 ~~district, except municipal, county, state, and federal property,~~
 711 ~~for the purpose of acquiring property for the location of fire~~
 712 ~~stations. The location and construction of fire stations shall~~
 713 ~~comply with applicable Collier County ordinances.~~

714 ~~Section 20. Whenever a referendum is required under the~~
 715 ~~provisions of this act, the district shall reimburse the county~~
 716 ~~for the cost of such election.~~

717 Section 9. 21. Impact fees.—

718 (1) The district shall have the authority to charge and
 719 collect impact fees for capital improvements on new construction
 720 within the district as prescribed in chapter 191, Florida
 721 Statutes, or any other applicable general law.

722 (2) No person shall issue or obtain a building permit for
 723 new residential dwelling units or new commercial or industrial
 724 structures within the district, or issue or obtain construction
 725 plan approval for new mobile home developments located within
 726 the district, until the developers thereof have paid to the
 727 district the applicable impact fees for capital improvements
 728 hereinafter set forth. Impact fees for capital improvements to

729 be assessed and collected hereunder shall be pursuant to the
730 Collier County 2005 First/Rescue Services Impact Fee Update
731 Study or subsequent impact fee study pursuant to section
732 191.009(4), Florida Statutes.

733 (3) The district shall comply with the requirements in
734 sections 163.31801 and 191.009(4), Florida Statutes, in its
735 collection and use of impact fees. New facilities and equipment
736 shall be as provided for in section 191.009(4), Florida
737 Statutes.

738 (4) The board shall determine the maximum amount of impact
739 fees to be assessed in any one fiscal year. This determination
740 shall be made before the next fiscal year. The board's
741 determination of the amount of the impact fee to be assessed in
742 any one fiscal year shall be based on the requirements set forth
743 in this section.

744 (5) The district is authorized to enter into agreements
745 regarding the collection of impact fees.

746 Section 10. Deposit of taxes, assessments, and fees;
747 authority to disburse funds.—

748 (1) The funds of the district shall be deposited in
749 qualified public depositories, in accordance with chapters 191
750 and 280, Florida Statutes.

751 (2) All warrants for the payment of labor, equipment, and
752 other expenses of the board, and in carrying into effect this
753 act and the purposes thereof, shall be payable by the treasurer
754 of the board on accounts and vouchers approved and authorized by
755 the board.

756 Section 11. Elections.—

HB 267

2012

757 (1) When a referendum or special election is required
758 under this act, the district shall reimburse the county for the
759 costs of such election.

760 (2) The procedures for conducting any district elections
761 or referendum required and the qualifications of any elector of
762 the district shall be as set forth in chapters 189 and 191,
763 Florida Statutes, except as provided in this act.

764 Section 12. Planning.—The district's planning requirements
765 shall be as set forth in this act and chapters 189 and 191,
766 Florida Statutes.

767 Section 13. Immunity from tort liability.—

768 (1) The district and its officers, agents, and employees
769 shall have the same immunity from tort liability as other
770 agencies and subdivisions of the state. Chapter 768, Florida
771 Statutes, shall apply to all claims asserted against the
772 district.

773 (2) The district commissioners and all officers, agents,
774 and employees of the district shall have the same immunity and
775 exemption from personal liability as provided by general law for
776 state, county, and municipal officers.

777 (3) The district shall defend all claims against its
778 commissioners, officers, agents, and employees that arise within
779 the scope of employment or purposes of the district and shall
780 pay all judgments against such persons, except where such
781 persons acted in bad faith or with malicious purpose or in a
782 manner exhibiting wanton and willful disregard of human rights,
783 safety, or property.

784 Section 14. Miscellaneous.—

785 (1) The district shall exist until the Legislature
786 approves a special act providing for its dissolution, and such
787 special act is contingent upon approval by the electors of the
788 district.

789 (2) The district's property and assets are exempt from
790 taxation pursuant to section 191.007, Florida Statutes.

791 Section 15. Liberal construction.—It is intended that the
792 provisions of this act shall be liberally construed for
793 accomplishing the work authorized and provided for by this act,
794 and where strict construction would result in the defeat of the
795 accomplishment of any part of the work authorized by this act,
796 and a liberal construction would permit or assist in the
797 accomplishment of any part of the work authorized by this act,
798 the liberal construction shall be chosen.

799 Section 16. Severability.—If any section, subsection,
800 sentence, clause, or phrase of this act is held to be
801 unconstitutional, such holding shall not affect the validity of
802 the remaining portions of the act, the Legislature hereby
803 declaring that it would have passed this act and each section,
804 subsection, sentence, clause, and phrase thereof, irrespective
805 of any separate section, subsection, sentence, clause, or phrase
806 thereof, and irrespective of the fact that any one or more other
807 sections, subsections, sentences, clauses, or phrases thereof
808 may be declared unconstitutional.

809 Section 2. This act shall take effect upon becoming a law.