

By Representative Livingston

1 A bill to be entitled
2 An act relating to the Bonita Springs Fire
3 Control and Rescue District, Lee County;
4 providing for codification of special laws
5 relating to the Bonita Springs Fire Control and
6 Rescue District pursuant to s. 24, chapter
7 97-255, Laws of Florida; providing legislative
8 intent; codifying, reenacting, and amending
9 chapters 65-1828, 68-90, 69-1242, 87-447,
10 96-500, and 96-545, Laws of Florida; providing
11 additional powers; repealing prior special acts
12 related to the Bonita Springs Fire Control and
13 Rescue District consisting of chapters 65-1828,
14 68-90, 69-1242, 81-414, 96-500, and 96-545,
15 Laws of Florida, and s. 6 of chapter 87-447,
16 Laws of Florida; providing an effective date.

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

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20 Section 1. Section 1 is created to read:

21 Section 1. Intent.--Pursuant to chapter 97-255, Laws
22 of Florida, this act constitutes the codification of all
23 special acts relating to the Bonita Springs Fire Control and
24 Rescue District. It is the intent of the Legislature to
25 provide a single, comprehensive special act charter for the
26 district including all current legislative authority granted
27 to the district by its several legislative enactments and any
28 additional authority granted by this act. It is further the
29 intent of this act to preserve all district authority,
30 including the authority to annually assess and levy against

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1 the taxable property in the district a tax not to exceed 3
2 mills on the dollar of assessed valuation.

3 Section 2. Section 2 is created to read:

4 Section 2. Codification.--Chapters 65-1828, 68-90,
5 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and
6 section 6 of chapter 87-447, Laws of Florida, relating to the
7 Bonita Springs Fire Control and Rescue District, are codified,
8 reenacted, amended, and repealed as provided herein.

9 Section 3. Section 1 of chapter 65-1828, Laws of
10 Florida, as amended by chapters 68-90 and 96-500, Laws of
11 Florida, is amended to read:

12 Section ~~3.1~~. Creation.--There is established the
13 Bonita Springs Fire Control and Rescue District, hereinafter
14 referred to as the district, which shall include the following
15 described lands:

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17 All of sections 13 and 14, 24 and 25, Township
18 47 South, Range 24 East; Lee County, Florida;

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20 Sections 13 through 36 inclusive, Township 47
21 South, Range 25 East, Lee County, Florida;

22
23 All of Township 47 South, Range 26 East; Lee
24 County, Florida;

25
26 All of Township 48, Range 26 East, located in
27 Lee County, Florida;

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29 All of Sections 2, 11 and 12, Township 47
30 South, Range 24 East, Lee County, Florida;

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1 Sections 1 through 4, Township 48 South, Range
2 25 East in Lee County, Florida.

3 Section 4. Section 2 of chapter 65-1828, Laws of
4 Florida, as amended by chapter 69-1242, Laws of Florida, is
5 amended to read:

6 Section ~~4.2~~ Governing body.--

7 ~~(1)~~ The district shall be governed by a board which
8 shall consist of five (5) resident electors ~~freeholders~~ of the
9 district elected by a vote of the electors of the district
10 pursuant to chapter 97-340, Laws of Florida.

11 ~~(2) Two (2) members of the board shall be elected by a~~
12 ~~vote of the freeholders of the district at elections to be~~
13 ~~held every four (4) years on the dates set for the general~~
14 ~~elections for said years, the first such election to be held~~
15 ~~in 1970, or at such other election as shall be designated by~~
16 ~~resolution of the board of county commissioners of Lee County.~~

17 ~~(3) Three (3) members of the board shall be elected by~~
18 ~~a vote of the freeholders of the district at elections to be~~
19 ~~held every four (4) years on the dates set for the general~~
20 ~~elections of said years, the first such election to be held in~~
21 ~~1972.~~

22 ~~(4) The board of county commissioners shall cause to~~
23 ~~be printed on the ballots for said elections the names of any~~
24 ~~qualified persons as candidates for said offices upon petition~~
25 ~~being filed with the clerk of the circuit court of Lee County,~~
26 ~~signed by not less than twenty-five (25) qualified electors.~~
27 ~~The petitions shall be filed not less than forty-five (45)~~
28 ~~days prior to the election. Board members shall be elected on~~
29 ~~a nonpartisan basis. No filing fees shall be required as a~~
30 ~~prerequisite to qualifying as a candidate. Blank lines shall~~
31 ~~be placed on ballots so that write-in votes may be cast.~~

1 ~~(5) The two (2) board members who were appointed~~
2 ~~January 1, 1968, shall continue in office until their terms~~
3 ~~expire on January 1, 1971. Their successors shall be elected~~
4 ~~as provided in section 2(2) in the general election of 1970.~~
5 ~~The two (2) board members appointed January 1, 1970, shall~~
6 ~~continue to serve until their terms expire January 1, 1973.~~
7 ~~Their successors shall be elected as provided in section 2(3)~~
8 ~~in the general election of 1972. The board member appointed~~
9 ~~January 1, 1969, shall serve until his term expires on January~~
10 ~~1, 1972. The governor shall appoint a successor to serve from~~
11 ~~January 1, 1972, until January 1, 1973, and the seat of the~~
12 ~~successor shall then be filled by the third director to be~~
13 ~~elected in accordance with section 2(3) in the election~~
14 ~~provided for the year 1972.~~

15 Section 5. Section 3 of chapter 65-1828, Laws of
16 Florida, is amended to read:

17 Section 5.3. Officers; powers.--Within sixty (60)~~ten~~
18 ~~(10)~~days after the election ~~appointment and qualification~~ of
19 members of the board, the members shall meet and elect from
20 the membership a president, a secretary, and a treasurer;
21 provided, however, the same member may be both secretary and
22 treasurer. The district shall have and the board may exercise
23 those general and special powers prescribed by chapter 97-340,
24 Laws of Florida, as the act may be amended from time to time.
25 ~~The board for and on behalf of the district is authorized to~~
26 ~~buy, own and maintain a fire department within the district~~
27 ~~and to purchase, own and dispose of fire-fighting equipment~~
28 ~~and property, real or personal, which the board may, from time~~
29 ~~to time, deem necessary or desirable to prevent and extinguish~~
30 ~~fires within the district, and provide rescue services during~~
31 ~~emergencies. The board for and on behalf of the district is~~

1 ~~further authorized to enter into conditional sales contracts,~~
2 ~~purchase and mortgage personal and real property necessary in~~
3 ~~carrying out its duties and obligations under this act and is~~
4 ~~further empowered to execute notes, bonds, or other~~
5 ~~obligations for carrying out its purposes under this act.~~

6 Section 6. Section 17 of chapter 65-1828, Laws of
7 Florida, as added by chapter 96-545, Laws of Florida, is
8 amended to read:

9 Section ~~6.17~~. Emergency medical and rescue response
10 services.--The Bonita Springs Fire Control and Rescue District
11 is authorized to establish and maintain emergency medical and
12 rescue response services and acquire and maintain rescue,
13 medical, and other emergency equipment, subject to the
14 provisions of chapter 401, Florida Statutes.

15 Section 7. Section 4 of chapter 65-1828, Laws of
16 Florida, is amended to read:

17 Section ~~7.4~~. Rules and regulations.--The board is
18 authorized to make rules and regulations for the prevention of
19 fires, fire control, and ~~for~~ rescue work within the district.
20 Such rules and regulations, after being made by the board and
21 copies thereof signed by the president and the secretary, and
22 posted in at least three (3) public places within the
23 district, one (1) of which must be the fire station or such
24 similar place wherein the firefighting ~~fire-fighting~~ and
25 rescue equipment is normally kept, after ten (10) days shall
26 have the force and effect of law.

27 Section 8. Section 5 of chapter 65-1828, Laws of
28 Florida, is amended to read:

29 Section ~~8.5~~. Budget.--For the purposes of carrying
30 into effect this act the board shall annually prepare,
31 consider, and adopt a district budget pursuant to the

1 applicable requirements of chapter 200, Florida Statutes, as
2 it may be amended from time to time., ~~during the month of~~
3 ~~June, make an itemized estimate of the amount of money~~
4 ~~required to carry out the provisions of this act for the next~~
5 ~~fiscal year of the board, which fiscal year shall be from~~
6 ~~October 1 through the next succeeding September 30, and of~~
7 ~~each year, which estimate shall show for what purpose such~~
8 ~~moneys are required and the amount necessary to be raised by~~
9 ~~taxation within the district, and shall be presented in~~
10 ~~writing, signed by the president and the secretary of the~~
11 ~~board, to the board of county commissioner of Lee county, on~~
12 ~~or before the first (1st) Monday in July of each year. Prior~~
13 ~~to the presentation of the estimate to the board of county~~
14 ~~commissioners of Lee county, copies of the estimate, signed by~~
15 ~~the president and the secretary of the board, shall be posted~~
16 ~~in at least three (3) public places within the district, as~~
17 ~~provided in section 4 hereof, and published once in a~~
18 ~~newspaper published in and having general circulation in Lee~~
19 ~~county, for a period of not less than fifteen (15) days. At~~
20 ~~the time of the presentation of the estimate the board shall~~
21 ~~also present to the board of county commissioners of Lee~~
22 ~~county, a certificate of the board that copies of such~~
23 ~~estimate have been posted and published as herein provided.~~

24 Section 9. Section 6 of chapter 65-1828, Laws of
25 Florida, is amended to read:

26 Section 9.6. Taxing authority. ~~Upon receipt of such~~
27 ~~estimate and certificate of posting, the board of county~~
28 ~~commissioners shall cause the same to be recorded in the~~
29 ~~minutes of the county commissioners' meetings, and at the time~~
30 ~~of making and fixing the rate of annual taxation for county~~
31 ~~purposes, The district board of county commissioners shall fix~~

1 and cause to be levied on all property of the district, real
2 and personal, a millage sufficient to meet the requirements of
3 the adopted budget ~~estimate so made by the fire control and~~
4 ~~rescue board~~; provided, however, three (3) mills is the
5 maximum that can be levied in any one (1) year.

6 Section 10. Section 7 of chapter 65-1828, Laws of
7 Florida, is amended to read:

8 Section 10.7. Assessment and collection of
9 taxes.--Taxes herein provided for shall be assessed and
10 collected in the same manner and form as provided for the
11 assessment and collection of county taxes ~~and subject to a~~
12 ~~three per cent (3%) commission and fee for assessing and~~
13 ~~collecting the same.~~

14 Section 11. Section 8 of chapter 65-1828, Laws of
15 Florida, is amended to read:

16 Section 11.8. Tax collector's responsibility.--When
17 such taxes as ~~herein~~ provided for herein shall have been
18 collected by the tax collector of Lee County, he or she shall,
19 on or before the tenth (10th) day of each month, report to the
20 secretary of the board the collections made for the preceding
21 month and remit the same to the treasurer of the board and
22 take a receipt for the same from the treasurer. Thereupon the
23 tax collector shall be relieved from all other and further
24 liability as to the amount so paid the treasurer of the board.

25 Section 12. Section 9 of chapter 65-1828, Laws of
26 Florida, is amended to read:

27 Section 12.9. Expenses.--All warrants for the payment
28 of labor, equipment, and other expenses of the board, and in
29 carrying into effect this act and the purposes thereof, shall
30 be payable by the treasurer of the board on accounts and
31 vouchers approved and authorized by the board.

1 Section 13. Section 10 of chapter 65-1828, Laws of
2 Florida, is amended to read:

3 Section ~~13.10~~. Treasurer's bond.--The treasurer of the
4 board, when entering upon his or her duties, shall give a good
5 and sufficient bond to the Governor in the sum of five
6 thousand dollars (\$5,000.00) for the faithful performance of
7 his or her duties as treasurer, the premium for such bond to
8 be paid from district funds.

9 Section 14. Section 14 of chapter 65-1828, Laws of
10 Florida, is amended to read:

11 Section 14. Construction.--This act shall be construed
12 as remedial and shall be liberally construed to promote the
13 purpose for which it is intended.

14 Section 15. Section 15 of chapter 65-1828, Laws of
15 Florida, is amended to read:

16 Section 15. Effect.--In the event that any part of
17 this act should be held void for any reason, such holding
18 shall not affect ~~effect~~ any other part thereof.

19 Section 16. Section 16 is created to read:

20 Section 16. Repeal of prior special acts.--Chapters
21 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of
22 Florida, and section 6 of chapter 87-447, Laws of Florida,
23 shall be repealed 10 days after the effective date of this
24 act.

25 Section 17. This act shall take effect upon becoming a
26 law.

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