

1                   A bill to be entitled  
2           An act relating to Lee County independent fire  
3           control districts; prescribing uniform criteria  
4           for operation of independent special  
5           fire-control districts; providing definitions;  
6           preempting certain special acts and general  
7           acts of local application; providing for  
8           district boards of commissioners and for their  
9           election; providing for officers of boards;  
10          providing for commissioners' compensation and  
11          expenses; providing general and special powers  
12          of districts; providing for ad valorem taxes,  
13          non-ad valorem assessments, user charges,  
14          bonds, and impact fees; providing for  
15          referenda; providing for intergovernmental  
16          coordination; providing for expansion, merger,  
17          and dissolution of districts; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Short title.--Sections 1-13 of this act may  
23 be cited as the "Lee County Independent Special Fire Control  
24 District Act." This act shall apply to the Alva Fire Control  
25 and Rescue Service District, created pursuant to chapter  
26 76-413, Laws of Florida; Bayshore Fire Protection and Rescue  
27 Service District, created pursuant to chapter 76-414, Laws of  
28 Florida; Bonita Springs Fire Control and Rescue District  
29 created pursuant to chapter 65-1828, Laws of Florida; Estero  
30 Fire Protection and Rescue Service District, created pursuant  
31 to chapter 76-408, Laws of Florida; Fort Myers Beach Fire

1 Control District, created pursuant to chapter 27676, Laws of  
2 Florida, 1951, and chapter 73-532, Laws of Florida; Fort Myers  
3 Shores Fire Protection and Rescue District, created pursuant  
4 to chapter 76-409, Laws of Florida; Iona-McGregor Fire  
5 Protection and Rescue Service District, created pursuant to  
6 chapter 75-421, Laws of Florida; Lehigh Acres Fire Control and  
7 Rescue Service District, created pursuant to chapter 63-1546,  
8 Laws of Florida; Matlacha-Pine Island Fire Control District  
9 created pursuant to chapter 63-1588, Laws of Florida; North  
10 Fort Myers Fire Control and Rescue Service District, created  
11 pursuant to chapter 29240, Laws of Florida, 1953; San Carlos  
12 Park Fire Protection and Rescue Service District, created  
13 pursuant to chapter 76-411, Laws of Florida; Sanibel Fire  
14 Control District, created pursuant to chapter 30930, Laws of  
15 Florida, 1955; South Trail Fire Protection and Rescue Service  
16 District, created pursuant to chapter 76-412, Laws of Florida;  
17 Tice Fire Protection and Rescue Service District, created  
18 pursuant to chapter 76-410, Laws of Florida; Captiva Island  
19 Fire Control District, created pursuant to chapter 30929, Laws  
20 of Florida, 1955; and Upper Captiva Fire Protection and Rescue  
21 Service District, created pursuant to chapter 90-397, Laws of  
22 Florida; as all such enabling acts have been amended, shall be  
23 governed by the provisions of this act.

24 Section 2. Legislative intent.--The purpose of  
25 sections 1-13 of this act is to provide standards, direction,  
26 and procedures concerning the operations and governance of the  
27 independent special fire control districts in Lee County and  
28 to:

29 (1) Provide greater uniformity in independent special  
30 fire control district operations and authority in Lee County.

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1           (2) Provide greater uniformity in the financing  
2 authority of independent special fire control districts in Lee  
3 County without hampering the efficiency and effectiveness of  
4 currently authorized and implemented methods and procedures of  
5 raising revenue.

6           (3) Improve communication and coordination between  
7 special fire control districts and other local governments in  
8 Lee County with respect to short-range and long-range planning  
9 to meet the demands for service delivery while maintaining  
10 fiscal responsibility.

11           (4) Provide uniform procedures for electing members of  
12 the governing boards of independent special fire control  
13 districts in Lee County to ensure greater accountability to  
14 the public.

15           Section 3. Definitions.--As used in sections 1-13 of  
16 this act, the term:

17           (1) "Board" means the governing board of a district.

18           (2) "District" means an independent special fire  
19 control district as described in section 1 of this act.

20           (3) "Emergency medical service" means basic and  
21 advanced life support service as defined in s. 401.23, Florida  
22 Statutes.

23           (4) "Rescue response service" means an initial  
24 response to an emergency or accident situation including,  
25 without limitation, a plane crash, trench or building  
26 collapse, swimming or boating accidents, and motor vehicle  
27 accidents.

28           (5) "Elector" means a person who is a resident of the  
29 district and is qualified to vote in a general election within  
30 the local general-purpose government jurisdiction in which the  
31 district is located.

1           Section 4. Preemption of special acts and general acts  
 2 of local application.--Each district described in section 1 of  
 3 this act, regardless of any other, more specific provision of  
 4 any special act or general law of local application creating  
 5 the charter of said district, shall comply with sections 1-13  
 6 of this act. It is the intent of the Legislature that the  
 7 provisions of this part shall supersede all special acts or  
 8 general laws of local application which contain the charter of  
 9 any of the independent special fire control districts in Lee  
 10 County described in section 1 of this act and any amendments  
 11 thereto and which address the same subjects as sections 1-13  
 12 of this act except as such acts, laws, or ordinances address  
 13 district boundaries or authorize the levy and assessment of ad  
 14 valorem taxes, special assessments, non-ad valorem  
 15 assessments, impact fees, or fees or charges by a district.  
 16 Further, sections 1-13 of this act do not require any  
 17 modification to district financing or operations which would  
 18 impair existing contracts, including collective bargaining  
 19 agreements, debt obligations, or covenants and agreements  
 20 relating to bonds validated or issued by the district.

21           Section 5. District boards of commissioners;  
 22 membership, officers, meetings.--

23           (1)(a) The business affairs of each district shall be  
 24 conducted and administered by a five-member board, except that  
 25 Captiva Fire Control District, Boca Grande Fire Control  
 26 District, and Sanibel Fire Control District shall remain  
 27 governed by three-member boards. The board seats shall be  
 28 designated seats 1, 2, and 3 in the case of the three-member  
 29 boards and seats 1, 2, 3, 4, and 5 for all five-member boards.  
 30 Board elections shall be staggered with no more than two  
 31 members of a three-member board or three members of a

1 five-member board elected during an election year. The board  
 2 shall be elected in nonpartisan elections by the electors of  
 3 the district. Such elections shall be held at the time and in  
 4 the manner prescribed by law for holding general elections in  
 5 accordance with s. 189.405(2)(a) and (3), Florida Statutes,  
 6 and each member shall be elected for a term of 4 years except  
 7 as provided herein and serve until a successor assumes office.  
 8 Candidates for the board of a district shall qualify for a  
 9 specified seat with the county supervisor of elections. Such  
 10 candidates may qualify by paying a filing fee of \$25 or by  
 11 obtaining the signatures of at least 25 registered electors of  
 12 the district on petition forms provided by the supervisor of  
 13 elections which petitions shall be submitted and checked in  
 14 the same manner as petitions filed by nonpartisan judicial  
 15 candidates pursuant to s. 105.035, Florida Statutes.

16 (b) At the next general election following the  
 17 effective date of this act, the members of the board shall be  
 18 elected by the electors of the district in the manner provided  
 19 in this section. The name of each candidate who qualifies for  
 20 election to a seat on the board shall be included on the  
 21 ballot, and electors may cast one vote for each seat open on  
 22 the board, not to exceed one vote per candidate. The  
 23 candidates who receive the most votes for the seats on the  
 24 board which are on the ballot shall be elected to the board.

25 (2) If on the effective date of this act a district  
 26 presently elects the members of its board, the next election  
 27 shall be conducted in accordance with this section, but this  
 28 section does not require the early expiration of any member's  
 29 term of office by more than 60 days.

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1           (3) Each member of the board must be a qualified  
2 elector at the time he qualifies and continually throughout  
3 his term.

4           (4) Each elected member of the board shall assume  
5 office 10 days following the member's election. Annually,  
6 within 60 days after the newly elected members have taken  
7 office, the board shall organize by electing from its number a  
8 chair, a vice chair, a secretary and a treasurer. The  
9 positions of secretary and treasurer may be held by one  
10 member. Funds of the district may be disbursed only upon the  
11 order or pursuant to resolution of the board, by warrant or  
12 check signed by the treasurer or other person authorized by  
13 the board. However, a "petty cash" account may be authorized  
14 by the board. The board may give the treasurer additional  
15 powers and duties that it deems appropriate.

16           (5) Members of the board may each be paid a salary or  
17 honorarium to be determined by at least a majority-plus-one  
18 vote of the board, which salary or honorarium may not exceed  
19 \$500 per month for each member. Special notice of the meeting  
20 at which the board will consider a salary change shall be  
21 published at least once at least 14 days prior thereto in a  
22 newspaper published in Lee County. Separate compensation for  
23 the board member serving as treasurer may be authorized by  
24 like vote so long as total compensation for the board member  
25 does not exceed \$500 per month. Members may be reimbursed for  
26 travel and per diem expenses as provided in s. 112.061,  
27 Florida Statutes.

28           (6) If a vacancy occurs on the board for any reason,  
29 the remaining members may appoint a qualified person to fill  
30 the seat until the next general election, at which time an  
31 election shall be held to fill the vacancy for the remaining

1 term, if any. The board shall remove any member who has three  
2 consecutive, unexcused absences from regularly scheduled  
3 meetings. The board shall adopt rules defining excused and  
4 unexcused absences.

5 (7) Each member shall, upon assuming office, take and  
6 subscribe to the oath of office prescribed by s. 5(b), Art. II  
7 of the State Constitution and s. 876.05, Florida Statutes.  
8 Each member, within 30 days of assuming office, must give the  
9 Governor a good and sufficient surety bond in the sum of  
10 \$1,000, the cost thereof being borne by the district,  
11 conditioned on his faithful performance of his duties of  
12 office.

13 (8) The board shall keep a permanent record book  
14 entitled "Record of Proceedings of (name of district)," in  
15 which the minutes of all meetings, resolutions, proceedings,  
16 certificates, bonds given by commissioners, and corporate acts  
17 shall be recorded. The record book shall be open to inspection  
18 in the same manner as state, county, and municipal records are  
19 open under ch. 119, Florida Statutes. The record book shall be  
20 kept at the office or other regular place of business  
21 maintained by the board in Lee County.

22 (9) All meetings of the board shall be open to the  
23 public consistent with ch. 286, Florida Statutes, s. 189.417,  
24 Florida Statutes, and other applicable general law.

25 Section 6. General powers.--The district shall have,  
26 and the board may exercise by majority vote, the following  
27 powers:

28 (1) To sue and be sued in the name of the district; to  
29 adopt and use a seal and authorize the use of a facsimile  
30 thereof; and to make and execute contracts and other  
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1 instruments necessary or convenient to the exercise of its  
2 powers.

3 (2) To provide for a pension or retirement plan for  
4 its employees. Notwithstanding the prohibition against extra  
5 compensation as provided in s. 215.425, Florida Statutes, the  
6 board may provide for an extra compensation program, including  
7 a lump-sum bonus payment program, to reward outstanding  
8 employees whose performance exceeds standards, if the program  
9 provides that a bonus payment may not be included in an  
10 employee's regular base rate of pay and may not be carried  
11 forward in subsequent years.

12 (3) To contract for the services of consultants to  
13 perform planning, engineering, legal, or other professional  
14 services.

15 (4) To borrow money and accept gifts; to apply for and  
16 use grants or loans of money or other property from the United  
17 States, the state, a unit of local government, or any person  
18 for any district purposes and enter into agreements required  
19 in connection therewith; and to hold, use, sell, and dispose  
20 of such moneys or property for any district purpose in  
21 accordance with the terms of the gift, grant, loan, or  
22 agreement relating thereto.

23 (5) To adopt resolutions and procedures prescribing  
24 the powers, duties, and functions of the officers of the  
25 district; the conduct of the business of the district; the  
26 maintenance of records; and the form of other documents and  
27 records of the district. The board may also adopt ordinances  
28 and resolutions that are necessary to conduct district  
29 business, provided such ordinances shall not conflict with any  
30 ordinances of a local general purpose government within whose  
31 jurisdiction the district is located.



1           (6) To maintain an office at places it designates in  
2 Lee County and to appoint an agent of record.

3           (7) To acquire, by purchase, lease, gift, dedication,  
4 devise, or otherwise, real and personal property or any estate  
5 therein for any purpose authorized by this act and to trade,  
6 sell, or otherwise dispose of surplus real or personal  
7 property. The board may purchase equipment by an installment  
8 sales contract, if funds are available to pay the current  
9 year's installments on the equipment and to pay the amounts  
10 due that year on all other installments and indebtedness.

11           (8) To hold, control, and acquire by donation or  
12 purchase any public easement, dedication to public use,  
13 platted reservation for public purposes, or reservation for  
14 those purposes authorized by sections 1-13 of this act and to  
15 use such easement, dedication, or reservation for any purpose  
16 authorized by sections 1-13 of this act consistent with  
17 applicable adopted local government comprehensive plans and  
18 land development regulations.

19           (9) To lease as lessor or lessee to or from any  
20 person, firm, corporation, association, or body, public or  
21 private, any facility or property of any nature for the use of  
22 the district to carry out any purpose authorized by sections  
23 1-13 of this act.

24           (10) To borrow money and issue bonds, revenue  
25 anticipation notes, or certificates payable from and secured  
26 by a pledge of funds, revenues, taxes, and assessments,  
27 warrants, notes, or other evidence of indebtedness and  
28 mortgage real and personal property when necessary to carry  
29 out the district's duties and authority under sections 1-13 of  
30 this act.

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1           (11) To charge user and impact fees authorized by  
2 resolution of the board, in amounts necessary to conduct  
3 district activities and services, and to enforce their receipt  
4 and collection in the manner prescribed by resolution not  
5 inconsistent with law.

6           (12) To exercise the right and power of eminent  
7 domain, pursuant to ch. 73 or ch. 74, Florida Statutes, over  
8 any property within the district, except municipal, county,  
9 state, special district, or federal property used for a public  
10 purpose, for the uses and purposes of the district relating  
11 solely to the establishment and maintenance of fire stations  
12 and fire substations, specifically including the power to take  
13 easements that serve such facilities consistent with  
14 applicable adopted local government comprehensive plans and  
15 land development regulations.

16           (13) To cooperate or contract with other persons or  
17 entities, including other governmental agencies, as is  
18 necessary, convenient, incidental, or proper in connection  
19 with providing effective mutual aid and furthering any power,  
20 duty, or purpose authorized by sections 1-13 of this act.

21           (14) To assess and impose upon real property in the  
22 district ad valorem taxes and special assessments as  
23 authorized by sections 1-13 of this act.

24           (15) To impose and foreclose special assessment liens  
25 as provided by sections 1-13 of this act or to impose,  
26 collect, and enforce non-ad valorem assessments pursuant to  
27 ch. 197, Florida Statutes.

28           (16) To select as a depository for its funds any  
29 qualified public depository as defined in s. 280.02, Florida  
30 Statutes, which meets all the requirements of ch. 280, Florida  
31 Statutes, and has been designated by the treasurer as a

1 qualified public depository, upon such terms and conditions as  
2 to the payment of interest upon the funds deposited as the  
3 board deems just and reasonable.

4 (17) To provide adequate insurance on all real and  
5 personal property, equipment, employees, volunteer  
6 firefighters, and other personnel.

7 (18) To organize, participate, and contribute  
8 monetarily to organizations or associations relating to the  
9 delivery of or improvement of fire control, prevention,  
10 emergency rescue services, or district administration.

11 (19) As the exercise of the powers conferred by  
12 sections 1-13 of this act constitutes actions of a political  
13 subdivision of the state performing essential public  
14 functions, and as the property of each district constitutes  
15 public property used for public purposes, all assets and  
16 properties of the districts shall be exempt from all taxes of  
17 the state and any political subdivision, agency, or  
18 instrumentality thereof, including property acquired through  
19 the foreclosure of any tax or assessment lien.

20 Section 7. Special powers.--The independent special  
21 fire control districts of Lee County shall provide for fire  
22 suppression and prevention by establishing and maintaining  
23 fire stations and fire substations and acquiring and  
24 maintaining such fire-fighting and fire-protection equipment  
25 deemed necessary to prevent or fight fires. All construction  
26 shall be in compliance with applicable state, regional, and  
27 local regulations including adopted comprehensive plans and  
28 land development regulations. The district shall have the  
29 authority to access and utilize public water supply systems at  
30 no charge for the purposes of firefighting and fire  
31 prevention. The board shall have and may exercise, any or all

1 of the following special powers relating to facilities and  
2 duties authorized by sections 1-13 of this act:

3 (1) Establish and maintain emergency medical and  
4 rescue response services and acquire and maintain rescue,  
5 medical, and other emergency equipment, pursuant to the  
6 provisions of ch. 401, Florida Statutes, and any certificate  
7 of public convenience and necessity or its equivalent issued  
8 thereunder.

9 (2) Employ, train, coordinate, and equip such  
10 personnel and volunteer firefighters, as are necessary to  
11 accomplish the duties of the district. The board may employ  
12 and fix the compensation of a fire chief or chief  
13 administrator. The board shall prescribe the duties of this  
14 employee, which shall include supervision and management of  
15 the operations of the district and its employees and  
16 maintenance and operation of its facilities and equipment. The  
17 fire chief or chief administrator may employ and terminate the  
18 employment of such other persons, including, without  
19 limitation, professional, supervisory, administrative,  
20 maintenance, and clerical employees, as are necessary and  
21 authorized by the board. The compensation and other conditions  
22 of employment of the officers and employees of the district  
23 shall be provided by the board.

24 (3) Conduct public education to promote awareness of  
25 methods to prevent fires and reduce the loss of life and  
26 property from fires or other public safety concerns.

27 (4) Adopt and enforce firesafety standards and codes  
28 and enforce the rules of the State Fire Marshal consistent  
29 with the exercise of the duties authorized by ch. 553 or ch.  
30 633, Florida Statutes, with respect to fire suppression,  
31 prevention, and firesafety code enforcement.

1 (5) Conduct arson investigations and cause-and-origin  
2 investigations.

3 (6) Adopt hazardous material safety plans and  
4 emergency response plans in coordination with the county and  
5 County Emergency Management Agency pursuant to ch. 252,  
6 Florida Statutes.

7 (7) Contract with general-purpose local government for  
8 emergency management planning and services.

9 Section 8. Taxes; non-ad valorem assessments; impact  
10 fees and user charges.--

11 (1) AD VALOREM TAXES.--A board may levy and assess ad  
12 valorem taxes on all taxable property in the district to  
13 construct, operate, and maintain district facilities and  
14 services; to pay the principal of, and interest on, general  
15 obligation bonds of the district; and to provide for any  
16 sinking or other funds established in connection with such  
17 bonds. An ad valorem tax levied by the board for operating  
18 purposes, exclusive of debt service on bonds, may not exceed  
19 3.75 mills, subject to referendum as required by the State  
20 Constitution and this act, unless a higher amount has been  
21 previously authorized by law. The levy of ad valorem taxes  
22 pursuant to this section must be approved by referendum called  
23 by the board when the proposed levy of ad valorem taxes  
24 exceeds the amount authorized by prior special act or general  
25 law of local application. Nothing in this act shall require a  
26 referendum on the levy of ad valorem taxes in an amount  
27 previously authorized by special act or general law of local  
28 application. Such tax shall be assessed, levied, and collected  
29 in the same manner as county taxes. The levy of ad valorem  
30 taxes approved by referendum shall be reported within 60 days  
31 after the vote to the Department of Community Affairs.

1           (2) NON-AD VALOREM ASSESSMENTS.--A district may levy  
 2 non-ad valorem assessments as defined in s. 197.3632, Florida  
 3 Statutes, to construct, operate, and maintain district  
 4 facilities and services. The rate of such assessments must be  
 5 fixed by resolution of the board of commissioners pursuant to  
 6 the procedures contained in section 9 of this act. Non-ad  
 7 valorem assessment rates set by the board may exceed the  
 8 maximum rates established by special act or referendum in an  
 9 amount not to exceed the average annual growth rate in Florida  
 10 personal income over the previous 5 years. Non-ad valorem rate  
 11 increases within the personal income threshold are deemed to  
 12 be within the maximum rate authorized by law at the time of  
 13 initial imposition. Proposed non-ad valorem assessment  
 14 increases which exceed the rate set the previous fiscal year  
 15 or the rate previously set by special act, whichever is more  
 16 recent, by more than the average annual growth rate in Florida  
 17 personal income over the last 5 years, or the first time levy  
 18 of non-ad valorem assessments in a district, must be approved  
 19 by referendum of the electors of the district. The referendum  
 20 on the first time levy of a special assessment shall include  
 21 notice of the future non-ad valorem assessment rate increases  
 22 permitted by this act without referendum. Non-ad valorem  
 23 assessments shall be imposed, collected, and enforced pursuant  
 24 to section 9 of this act.

25           (3) USER CHARGES.--

26           (a) The board may provide a reasonable schedule of  
 27 charges for emergency services, including firefighting  
 28 occurring in or to structures outside the district, motor  
 29 vehicles, marine vessels, aircraft, or rail cars, or as a  
 30 result of the operation of such motor vehicles or marine  
 31 vessels, to which the district is called to render such

1 emergency service and may charge a fee for the services  
2 rendered in accordance with the schedule.

3 (b) The board may provide a reasonable schedule of  
4 charges for fighting fires occurring in or at refuse dumps or  
5 as a result of an illegal burn, which fire, dump, or burn is  
6 not authorized by general or special law, rule, regulation,  
7 order, or ordinance, which the district is called upon to  
8 fight or extinguish.

9 (c) The board may provide a reasonable schedule of  
10 charges for responding, standing by as a protective measure,  
11 or assisting in or mitigating emergencies that either threaten  
12 or could threaten the health and safety of persons, property,  
13 or the environment, to which the district has been called,  
14 including, without limitation, a charge for responding to  
15 false alarms.

16 (d) The board may provide a reasonable schedule of  
17 charges for inspecting structures, plans, and equipment to  
18 determine compliance with firesafety codes and standards.

19 (e) The district shall have a lien upon any real  
20 property, motor vehicle, marine vessel, aircraft, or rail car  
21 for any charge assessed under this subsection.

22 (4) IMPACT FEES.--If the general purpose local  
23 government has not adopted an impact fee for fire services  
24 which is distributed to the district for construction within  
25 its jurisdictional boundaries, the board may establish a  
26 schedule of impact fees in compliance with any standards set  
27 by general law for new construction, to pay for the cost of  
28 new facilities and equipment, the need for which is in whole  
29 or in part the result of new construction. The impact fees  
30 collected by the district under this subsection must be kept  
31 separate from other revenues of the district and must be used

1 exclusively to acquire, purchase, or construct new facilities  
2 or portions thereof needed to provide fire protection and  
3 emergency services to new construction. As used in this  
4 subsection, the term "new facilities" means land, buildings,  
5 and capital equipment, including, without limitation, fire and  
6 emergency vehicles, radiotelemetry equipment, and other  
7 firefighting or rescue equipment. The board shall maintain  
8 adequate records to ensure that impact fees are expended only  
9 for permissible new facilities or equipment. The board may  
10 enter into agreements with local general-purpose governments  
11 to share in the revenues from fire protection impact fees  
12 imposed by such governments.

13 Section 9. Procedures for the levy and collection of  
14 assessments.--

15 (1) A district may provide for the levy of non-ad  
16 valorem assessments under this act on the lands and real  
17 estate benefited by the exercise of the powers authorized in  
18 this act, or any part thereof, for all or any part of the cost  
19 thereof. Non-ad valorem assessments may be levied only on  
20 benefited real property at a rate of assessment based on the  
21 special benefit accruing to such property from such services  
22 or improvements. The district may use any assessment  
23 apportionment methodology that meets the "fair apportionment"  
24 standards.

25 (2) The board may determine to exercise any power  
26 authorized by this act and defray the whole or any part of the  
27 expense thereof by non-ad valorem assessments. A district  
28 shall adopt a non-ad valorem assessment roll pursuant to the  
29 procedures contained in this section or in s. 197.3632,  
30 Florida Statutes, if:

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1 (a) The non-ad valorem assessment is levied for the  
2 first time;

3 (b) The non-ad valorem assessment is increased beyond  
4 the maximum rate authorized by general law or special act at  
5 the time of initial imposition pursuant to section 8 of this  
6 act;

7 (c) The local government's boundaries have changed,  
8 unless all newly affected property owners have provided  
9 written consent for such assessment to the local governing  
10 board; or

11 (d) There is a change in the purpose for such  
12 assessment or in the use of the revenue generated by such  
13 assessment.

14  
15 The board shall so declare by resolution stating the nature of  
16 the proposed service, the location of any capital facilities,  
17 personnel, and equipment needed to provide the service, and  
18 any other projected expense of providing the service or  
19 improvement, and the part or portion of the expense thereof to  
20 be paid by non-ad valorem assessments, the manner in which  
21 said assessments shall be made, when said assessments are to  
22 be paid, and what part, if any, shall be apportioned to be  
23 paid from other revenues or funds of the district. Said  
24 resolution shall also designate the lands upon which the  
25 non-ad valorem assessments shall be levied. Such lands may be  
26 designated by an assessment plat. Such resolution shall also  
27 state the total estimated costs of the service and/or  
28 improvement. Such estimated cost may include the cost of  
29 operations including personnel, equipment, construction or  
30 reconstruction, the cost of all labor and materials, the cost  
31 of all lands, property, rights, easements, and franchises

1 acquired, financing charges, interest prior to and during  
2 construction and for 1 year after completion of construction,  
3 discount on the sale of assessment bonds, cost of plans and  
4 specifications, surveys of estimates of costs and of revenues,  
5 cost of engineering and legal services, and all other expenses  
6 necessary or incident to determining the feasibility or  
7 practicability of such construction or reconstruction,  
8 administrative expense, and such other expense may be  
9 necessary or incident to the financing herein authorized.

10 (3) At the time of the adoption of the resolution  
11 provided for in subsection (2), there shall be on file at the  
12 district's offices, an assessment plat showing the area to be  
13 assessed, with construction and operational plans and  
14 specifications, and an estimate of the cost of the proposed  
15 service and/or improvement, which assessment plat, plans and  
16 specifications, and estimate shall be open to the inspection  
17 of the public.

18 (4) Upon adoption of the resolution provided for in  
19 subsection (2), or completion of the preliminary assessment  
20 roll provided for in subsection (5), whichever is later, the  
21 board shall publish notice of the resolution once in a  
22 newspaper of general circulation in Lee County. The notice  
23 shall state in brief and general terms a description of the  
24 proposed service and/or improvements and that the plans,  
25 specifications, and estimates are available to the public at  
26 the district's offices. The notice shall also state the date  
27 and time of the hearing to hear objections provided for in  
28 subsection (7), which hearing shall be no earlier than 15 days  
29 after publication of said notice. Such publication shall be  
30 verified by the affidavit of the publisher and filed with the  
31 secretary to the board.

1           (5) Upon the adoption of the resolution provided for  
2 in subsection (2), the board shall cause to be made a  
3 preliminary assessment roll in accordance with the method of  
4 assessment provided for in said resolution, said assessment  
5 roll shall show the lots and lands assessed and the amount of  
6 the benefit to and the assessment against each lot or parcel  
7 of land, and, if said assessment is to be paid in  
8 installments, the number of annual installments in which the  
9 assessment is divided shall also be entered and shown upon  
10 said assessment roll.

11           (6) Upon the completion of said preliminary assessment  
12 roll, the board shall by resolution fix a time and place at  
13 which the owners of the property to be assessed or any other  
14 persons interested therein may appear before said board and be  
15 heard as to the advisability of providing said service or,  
16 making such improvements, as to the cost thereof, as to the  
17 manner of payment therefor, and as to the amount thereof to be  
18 assessed against each property so improved. Ten days' notice  
19 in writing of such time and place shall be given to such  
20 property owners. The notice shall include the amount of the  
21 assessment and shall be served by mailing a copy to each of  
22 such property owners at his last known address, the names and  
23 addresses of such property owners to be obtained from the  
24 records of the property appraiser, proof of such mailing to be  
25 made by the affidavit of the secretary.

26           (7) At the time and place named in the notice provided  
27 for in subsection (4), the board shall meet and hear testimony  
28 from affected property owners as to the advisability of  
29 providing the service and/or making the improvements and  
30 funding them with non-ad valorem assessments on property.  
31 Following the testimony, the board shall make a final decision

1 on whether to levy the non-ad valorem assessments, adjusting  
2 assessments as may be warranted by information received at or  
3 prior to the hearing. If any property which may be chargeable  
4 under this section shall have been omitted from the  
5 preliminary roll or if the prima facie assessment shall not  
6 have been made against it, the board may place on such roll an  
7 apportionment to such property. The owners of any property so  
8 added to the assessment roll shall be mailed a copy of the  
9 notice provided for in subsection (6), and granted 15 days  
10 from such date of mailing to file any objections with the  
11 board. When so approved by resolution of the board, a final  
12 assessment roll shall be filed with the vice chair of the  
13 board, and such assessments shall stand confirmed and remain  
14 legal, valid, and binding first liens upon the property  
15 against which such assessments are made until paid. The  
16 assessment so made shall be final and conclusive as to each  
17 lot or parcel assessed unless proper steps be taken within 30  
18 days of the filing of the final assessment roll in a court of  
19 competent jurisdiction to secure relief. If the assessment  
20 against any property shall be sustained or reduced or abated  
21 by the court, the vice chair shall note that fact on the  
22 assessment roll opposite the description of the property  
23 affected thereby and notify the county property appraiser and  
24 the tax collector in writing. The amount of the non-ad valorem  
25 assessment against any lot or parcel which may be abated by  
26 the court, unless the assessment upon the entire district be  
27 abated, or the amount by which such assessment is so reduced,  
28 may by resolution of the board be made chargeable against the  
29 district at large, or, at the discretion of the board, a new  
30 assessment roll may be prepared and confirmed in the manner  
31 hereinabove provided for the preparation and confirmation of

1 the original assessment roll. The board may by resolution  
 2 grant a discount equal to all or a part of the payee's  
 3 proportionate share of services or the cost of a capital  
 4 project consisting of bond financing costs, such as  
 5 capitalized interest, funded reserves, and bond discount  
 6 included in the estimated cost of the project, upon payment in  
 7 full of any assessment during such period prior to the time  
 8 such financing costs are incurred as may be specified by the  
 9 board.

10 (8) The non-ad valorem assessments shall be payable at  
 11 the time and in the manner stipulated in the resolution  
 12 providing for the improvement or services; shall remain liens,  
 13 coequal with the lien of all state, county, district, and  
 14 municipal taxes, superior in dignity to all other liens,  
 15 titles, and claims, until paid; shall bear interest, at a rate  
 16 authorized by law, or, if bonds have been issued, at a rate  
 17 not to exceed 1 percent above the rate of interest at which  
 18 the bonds authorized pursuant to this act and used for a  
 19 capital improvement are sold, from the date of the acceptance  
 20 of the improvement; and may, by the resolution aforesaid and  
 21 only for capital outlay projects, be made payable in equal  
 22 installments over a period not to exceed 20 years, to which,  
 23 if not paid when due, there shall be added a penalty at the  
 24 rate of 1 percent per month, until paid. However, the  
 25 assessments may be paid without interest at any time within 30  
 26 days after the improvement is completed and a resolution  
 27 accepting the same has been adopted by the board.

28 (9) The non-ad valorem assessments approved by the  
 29 board may be levied, assessed, and collected pursuant to ss.  
 30 197.3631-197.3635, Florida Statutes. The collection and  
 31 enforcement of the non-ad valorem assessment levied by the

1 district shall be at the same time and in like manner as  
 2 county taxes.

3 (10) All assessments shall constitute a lien upon the  
 4 property so assessed from the date of confirmation of the  
 5 resolution ordering the improvement of the same nature and to  
 6 the same extent as the lien for general county, municipal, or  
 7 district taxes falling due in the same year or years in which  
 8 such assessments or installments thereof fall due, and any  
 9 assessment or installment not paid when due may be collected  
 10 with such interest and with a reasonable attorney's fee and  
 11 cost, but without penalties, by the district by proceedings in  
 12 a court of equity to foreclose the lien of assessment as a  
 13 lien for mortgages is or may be foreclosed under the laws of  
 14 the state; provided that any such proceedings to foreclose  
 15 shall embrace all installments of principal remaining unpaid  
 16 with accrued interest thereon, which installments shall, by  
 17 virtue of the institution of such proceedings, immediately  
 18 become due and payable. Nevertheless, if, prior to any sale of  
 19 the property under decree of foreclosure in such proceedings,  
 20 payment be made of the installment or installments which are  
 21 shown to be due under the provisions of the resolution passed  
 22 pursuant to subsection (9), and by this subsection and all  
 23 costs including attorney's fees, such payment shall have the  
 24 effect of restoring the remaining installments to their  
 25 original maturities and the proceedings shall be dismissed. It  
 26 shall be the duty of the district to enforce the prompt  
 27 collection of assessments by the means herein provided, and  
 28 such duty may be enforced at the suit of any holder of bonds  
 29 issued under this act in a court of competent jurisdiction by  
 30 mandamus or other appropriate proceedings or action. Not later  
 31 than 30 days after the annual installments are due and

1 payable, it shall be the duty of the board to direct the  
2 attorney or attorneys whom the board shall then designate, to  
3 institute actions within 3 months after such direction to  
4 enforce the collection of all non-ad valorem assessments  
5 remaining due and unpaid at the time of such direction. Such  
6 action shall be prosecuted in the manner and under the  
7 conditions in and under which mortgages are foreclosed under  
8 the laws of the state. It shall be lawful to join in one  
9 action the collection of assessments against any or all  
10 property assessed by virtue of the same assessment roll unless  
11 the court shall deem such joinder prejudicial to the interest  
12 of any defendant. The court shall allow a reasonable  
13 attorney's fee for the attorney or attorneys of the district,  
14 and the same shall be collectible as a part of or in addition  
15 to the costs of the action. At the sale pursuant to decree in  
16 any such action, the district may be a purchaser to the same  
17 extent as an individual person or corporation, except that the  
18 part of the purchase price represented by the assessments sued  
19 upon and the interest thereon need not be paid in cash.  
20 Property so acquired by the district may be sold or otherwise  
21 disposed of, the proceeds of such disposition to be placed in  
22 the fund provided by subsection (11). However, no sale or  
23 other disposition thereof shall be made unless the notice  
24 calling for bids therefor to be received at a stated time and  
25 place shall have been published in a newspaper of general  
26 circulation in the district once in each of 4-successive weeks  
27 prior to such disposition.

28 (11) All assessments and charges made under the  
29 provisions of this section for the payment of all or any part  
30 of the cost of any improvements or services for which  
31 assessment bonds shall have been issued under the provisions

1 of this act are hereby pledged to the payment of the principal  
2 of and the interest on such assessment bonds and shall, when  
3 collected, be placed in a separate fund, properly designated,  
4 which fund shall be used for no other purpose than the payment  
5 of such principal and interest.

6 Section 10. District may issue bonds, notes, or other  
7 evidences of indebtedness.--

8 (1) A district may issue general obligation bonds,  
9 assessment bonds, revenue bonds, notes, or other evidences of  
10 indebtedness, collectively bonds, to finance all or a part of  
11 any proposed improvements authorized to be undertaken under  
12 this act or under general or special law, provided that the  
13 total annual payments for principal and interest on such  
14 indebtedness shall not exceed 50 percent of the total annual  
15 budgeted revenues of the district. The bonds shall be issued  
16 in such denominations, mature on such dates and in such  
17 amounts, and may be subject to optional and mandatory  
18 redemption, all as shall be determined by resolutions adopted  
19 by the governing board of said district. Bonds of said  
20 district may bear interest at a fixed or floating or  
21 adjustable rate and may be issued as interest-bearing,  
22 interest-accruing bonds or zero-coupon bonds at such rate or  
23 rates not exceeding the maximum rate permitted by general law,  
24 all as shall be determined by resolutions of the governing  
25 board of said district. Principal and interest shall be  
26 payable in the manner determined by the governing board. The  
27 bonds shall be signed by manual or facsimile signature of the  
28 chair or vice chair of the governing board, attested with the  
29 seal of said district and by the manual or facsimile signature  
30 of the secretary or assistant secretary of said governing  
31 board.



1           (2) The bonds shall be payable from the non-ad valorem  
 2 assessments, or other non-ad valorem revenues including  
 3 without limitation, user fees or charges or rental income  
 4 authorized to be levied or collected or received pursuant to  
 5 this act or general law. General obligation bonds payable from  
 6 ad valorem taxes may also be issued by such district only  
 7 after compliance with s. 12, Art. VII of the State  
 8 Constitution. Subject to referendum approval, a district may  
 9 pledge its full faith and credit for the payment of principal  
 10 and interest on such general obligation bonds and for any  
 11 reserve funds provided therefor and may unconditionally and  
 12 irrevocably pledge itself to levy ad valorem taxes on all  
 13 property in the district, to the extent necessary for the  
 14 payment thereof. A district is authorized, after notice and  
 15 opportunity to be heard has been afforded to those affected,  
 16 to impose, charge and collect non-ad valorem revenues in  
 17 connection with any of the improvements authorized under this  
 18 act and to pledge the same for the payment of bonds.

19           (3) In connection with, or incidental to, the sale and  
 20 issuance of bonds, the district may enter into any contracts  
 21 which the governing board determines to be necessary or  
 22 appropriate to achieve a desirable effective interest rate in  
 23 connection with the bonds by means of, but not limited to,  
 24 contracts commonly known as investment contracts, funding  
 25 agreements, interestrate swap agreements, currency swap  
 26 agreements, forward payment conversion agreements, futures, or  
 27 contracts providing for payments based on levels of or changes  
 28 in interest rates, or contracts to exchange cash flows or a  
 29 series of payments, or contracts, including, without  
 30 limitation, options, puts, or calls to hedge payment, rate,  
 31 spread, or similar exposure. Such contracts or arrangements

1 may also be entered into by the district in connection with,  
 2 or incidental to, entering into any agreement which secures  
 3 bonds or provides liquidity therefor. Such contracts and  
 4 arrangements shall be made upon the terms and conditions  
 5 established by the governing board, after giving due  
 6 consideration for the credit worthiness of the counterparties,  
 7 where applicable, including any rating by a nationally  
 8 recognized rating service or any other criteria as may be  
 9 appropriate.

10 (4) In connection with, or incidental to, the sale and  
 11 issuance of the bonds, or entering into any of the contracts  
 12 or arrangements referred to in subsection (3), the district  
 13 may enter into such credit enhancement or liquidity  
 14 agreements, with such payment, interest rate, security,  
 15 default, remedy, and any other terms and conditions as the  
 16 governing board shall determine.

17 (5) Notwithstanding any provisions of state law  
 18 relating to the investment or reinvestment of surplus funds of  
 19 any governmental unit, proceeds of the bonds and any money set  
 20 aside or pledged to secure payment of the principal of,  
 21 premium, if any, and interest on the bonds, or any of the  
 22 contracts entered into pursuant to subsection (3), may be  
 23 invested in securities or obligations described in the  
 24 resolution providing for the issuance of bonds.

25 (6) The bonds shall be sold in the manner not  
 26 inconsistent with general law, shall show the purpose for  
 27 which they are issued, and shall be payable out of the money  
 28 pledged therefor. The funds derived from the sale of bonds  
 29 shall be used for the purpose of paying the cost of the  
 30 improvements and such costs, expenses, fees, and salaries as  
 31 may be authorized by law.

1           (7) The non-ad valorem assessments or portion thereof  
 2 levied to pay principal on bonds issued pursuant to this act  
 3 with respect to improvements financed therewith shall not  
 4 exceed the benefits assessed regarding such services or  
 5 improvements. In the event the bonds are sold at a discount,  
 6 the amount of the discount shall not be treated as principal,  
 7 but shall be treated as interest. Premium payable upon the  
 8 redemption of bonds shall also be treated as interest.  
 9 Interest to accrue on account of issuing bonds shall not be  
 10 construed as a part of the costs of the works or improvements  
 11 in determining whether or not the costs of making such  
 12 improvements are equal to or in excess of the benefits  
 13 assessed. In the event the property appraiser and tax  
 14 collector deduct their fees and charges from the amount of  
 15 non-ad valorem assessments levied and collected, and in the  
 16 event the landowners receive the statutorily permitted  
 17 discount for early payment of such non-ad valorem assessments,  
 18 the amount of such fees, charges, and discount shall not be  
 19 included in the amount of non-ad valorem assessments levied by  
 20 the district in determining whether such assessments are equal  
 21 to or in excess of the benefits assessed.

22           (8) A district may, whenever in the judgment of the  
 23 governing body thereof finds it is advisable and for the best  
 24 interests of the citizens of the district, issue bonds to  
 25 refund any or all of the then outstanding bonded indebtedness  
 26 of such district.

27           (9) The principal amount of refunding bonds may be in  
 28 any amount not in excess of the benefits assessed against the  
 29 lands with respect to which the refunded bonds were issued  
 30 less the principal amount of the refunded bonds previously  
 31 paid from non-ad valorem assessments. The proceeds of such

1 refunding bonds shall only be used to pay the principal,  
2 premium, if any, and interest on the bonds to be refunded, any  
3 discount or expense of such sale of the refunding bonds and to  
4 provide a debt service reserve fund for such refunding bonds.  
5 The district may also use other available revenues to pay  
6 costs associated with the issuance or administration of such  
7 refunding bonds.

8 (10) Assessments shall be levied for the payment of  
9 the refunding bonds in the same manner as the assessments were  
10 levied for the refunded bonds and the refunding bonds shall be  
11 secured by the same lien as the refunded bonds, and any  
12 additional interest which will accrue on account of such  
13 refunding bonds shall be included and added to the original  
14 assessment and shall be secured by the same lien; but the  
15 interest to accrue shall not be considered as a part of the  
16 cost of construction in determining whether the assessment  
17 exceeds the benefits assessed.

18 (11) No proceedings shall be required for the issuance  
19 of bonds or refunding bonds other than those provided by this  
20 section and by general law.

21 Section 11. Facility plans.--Each independent special  
22 fire control district shall adopt a 5-year plan to identify  
23 the facilities, equipment, personnel, and revenue needed by  
24 the district over the next 5-year period. The plan shall be  
25 updated in accordance with s. 189.415, Florida Statutes, and  
26 satisfies the requirement for a public facilities report  
27 required by s. 189.415(2), Florida Statutes.

28 Section 12. District expansion, merger, and  
29 dissolution.--The boundaries of a district may be modified,  
30 extended, or enlarged as follows:

31

1           (1) Lands may be added or deleted from a district only  
2 by special act of the Legislature, subject to a referendum  
3 vote. Lands added to a district shall also require a board  
4 resolution approving the addition of lands to the district.  
5 The addition or deletion of lands may be effective only upon  
6 an affirmative majority vote of the electors in the lands to  
7 be included or deleted in the district.

8           (2) The merger of a district with all or portions of  
9 other independent special district or dependent fire control  
10 districts is effective only upon ratification by the  
11 Legislature. A district may not, solely by reason of a merger  
12 with another governmental entity, increase ad valorem taxes on  
13 property within the original limits of the district beyond the  
14 maximum established by the district's enabling legislation,  
15 unless approved by the electors of the district by referendum.

16           (3) A district may only be dissolved by special act of  
17 the Legislature, subject to referendum vote of the electors of  
18 the district, which may be conducted by mail ballot. If  
19 legislative dissolution of a district is proposed in order to  
20 consolidate fire services under county or municipal  
21 government, the county or municipality shall prepare a report  
22 setting forth the plans for merger, and the report shall  
23 address the following factors in evaluating the proposed  
24 merger:

25           (a) Whether, in light of independent fiscal analysis,  
26 level-of-service implications, and other public policy  
27 considerations, the proposed merger is the best alternative  
28 for delivering fire services and facilities to the affected  
29 area.

30  
31

1 (b) Whether the fire services and facilities to be  
2 provided pursuant to the merger will be compatible with the  
3 capacity and uses of existing local services and facilities.

4 (c) Whether the merger is consistent with applicable  
5 provisions of the state comprehensive plan, the strategic  
6 regional policy plan, and the local government comprehensive  
7 plans of the affected area.

8 (d) Whether the proposed merger adequately provides  
9 for the assumption of all indebtedness.

10  
11 The county commission shall consider the report in a public  
12 hearing held within the jurisdiction of the district. If  
13 adopted by the county commission, the request for legislative  
14 dissolution of the district may proceed. The adopted report  
15 shall be filed as an attachment to the economic impact  
16 statement regarding the proposed special act or general act of  
17 local application dissolving a district.

18 Section 13. This act shall take effect upon becoming a  
19 law.