

By Representative C. Green

1 A bill to be entitled
2 An act relating to Lee County; providing for
3 codification of special laws regarding
4 independent special fire control districts
5 pursuant to s. 191.015, Florida Statutes,
6 relating to the Captiva Island Fire Control
7 District, an independent special taxing fire
8 control district in Lee County; providing
9 legislative intent; codifying, reenacting, and
10 amending chapter 30929, Laws of Florida, 1955,
11 and chapters 75-417 and 87-447, Laws of
12 Florida; providing status, purpose, and
13 boundaries of the district; providing for
14 amendment of the district charter; providing
15 for a district governing body; providing for
16 election and terms of members of the governing
17 body; providing for organization of the
18 governing body; providing powers and duties of
19 the governing body; providing for the adoption
20 of a district budget; requiring the governing
21 body to set and fix a millage rate for the levy
22 of ad valorem taxes; requiring the adoption of
23 a 5-year plan by the district; specifying
24 duties of the tax collector with respect to the
25 collection of taxes under the act; providing
26 for construction of the act; providing
27 severability; repealing chapter 30929, Laws of
28 Florida, 1955, and chapters 75-417 and 87-447,
29 Laws of Florida; providing an effective date.
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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Pursuant to section 191.015, Florida
2 Statutes, this act constitutes the codification of all special
3 acts relating to the Captiva Island Fire Control District. It
4 is the intent of the Legislature in enacting this law to
5 provide a single, comprehensive special act charter for the
6 district, including all current legislative authority granted
7 to the district by its several legislative enactments and any
8 additional authority granted by this act. It is further the
9 intent of this act to preserve all district authority,
10 including the authority to annually assess and levy against
11 the taxable property in the district a tax not to exceed the
12 limit set forth in prior special acts pertaining to the
13 district as further authorized by chapter 97-340, Laws of
14 Florida, chapter 191, Florida Statutes, or any other
15 applicable general or special law, to conform the charter to
16 chapter 191, Florida Statutes, the Independent Special Fire
17 Control District Act, other provisions of general law, and the
18 Lee County Independent District Special Fire Control District
19 Act, chapter 97-340, Laws of Florida.

20 Section 2. Chapter 30929, Laws of Florida, 1955, and
21 chapters 75-417 and 87-447, Laws of Florida, relating to the
22 Captiva Island Fire Control District, are codified, reenacted,
23 amended, and repealed as provided herein.

24 Section 3. This act establishes a new charter for the
25 Captiva Island Fire Control District, which was created by
26 chapter 30929, Laws of Florida, 1955, as Captiva Island Fire
27 Control District.

28 Section 4. This act supersedes and repeals all
29 previous special acts relating to the Captiva Island Fire
30 Control District and sets forth within this charter those
31 matters, as applicable, which are covered by such previous

1 special acts. Amendments to this district charter may be made
2 only by special act of the Legislature. This act shall be
3 construed so as to preserve to the district all powers
4 previously granted.

5 Section 5. The district is an independent special fire
6 control district organized and existing for all purposes set
7 forth in this act and chapter 191, Florida Statutes, as they
8 may be amended from time to time.

9 Section 6. The Captiva Island Fire Control District is
10 re-created and the charter for said district is re-created and
11 reenacted to read:

12 Section 1. Name of District.--The name of the district
13 shall be the Captiva Island Fire Control District.

14 Section 2. Boundaries of the District.--The following
15 lands shall be included in the district:

16
17 All of Captiva Island, Lee County, Florida.

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19 The boundaries of the district may be modified, extended, or
20 enlarged upon approval or ratification by the Legislature.

21 Section 3. Governing Body.--

22 (a) The district shall be governed by a board of
23 commissioners which shall consist of three resident electors
24 of the district, pursuant to chapter 97-340, Laws of Florida,
25 elected by a vote of the electors of the district pursuant to
26 section 191.005, Florida Statutes.

27 (b) Members shall be elected for 4-year terms, elected
28 on 2-year staggered terms. Seats shall be numbered 1, 2, and
29 3, respectively, with seats 1 and 3 designated for election at
30 the same time and seat 2 elected in the alternating election.

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

11 (d) At the time of adoption of this charter, members
12 of the board shall continue to serve without compensation. Any
13 provision for payment of a salary or honorarium shall be
14 determined in accordance with and subject to limitations set
15 forth in section 191.005(4), Florida Statutes.

16 (e) If a vacancy occurs on the board for any reason,
17 the remaining members may appoint a qualified person to fill
18 the seat until the next general election, at which time an
19 election shall be held to fill the vacancy for the remaining
20 term, if any. The board shall remove any member who has three
21 consecutive, unexcused absences from regularly scheduled
22 meetings. The board shall adopt rules defining excused and
23 unexcused absences.

24 (f) Each member shall, upon assuming office, take and
25 subscribe to the oath of office prescribed by s. 5(b), Art. II
26 of the State Constitution and section 876.05, Florida
27 Statutes.

28 (g) Each member, within 30 days of assuming office,
29 must give the Governor a good and sufficient surety bond in
30 the sum of \$5,000, the cost thereof being borne by the
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1 district, conditioned on his or her faithful performance of
2 the duties of office.

3 (h) The board shall keep a permanent record book
4 entitled "Record of Proceedings of Captiva Island Fire Control
5 District" in which the minutes of all meetings, resolutions,
6 proceedings, certificates, bonds given by commissioners, and
7 corporate acts shall be recorded. The record book shall be
8 open to inspection in the same manner as state, county, and
9 municipal records are open under chapter 119, Florida
10 Statutes. The record book shall be kept at the office or other
11 regular place of business maintained by the board in Lee
12 County.

13 (i) All meetings of the board shall be open to the
14 public consistent with chapter 286, Florida Statutes, section
15 189.417, Florida Statutes, and other applicable general law.

16 Section 4. The district shall have, and the board may
17 exercise by majority vote, all powers that an independent
18 special fire control district is authorized by law to have,
19 specifically including, without limitation, all powers set
20 forth in chapter 97-340, Laws of Florida, and in sections
21 191.006, 191.008, 191.009, 191.011, 191.012, and 191.013,
22 Florida Statutes. Without limiting any general or special
23 powers otherwise granted by law, the district shall also have
24 the power to establish and maintain fire suppression and
25 control services; to provide emergency medical services and
26 rescue response services; to acquire and maintain fire
27 stations and equipment pursuant to law; and to acquire and
28 maintain rescue, medical, and other emergency equipment
29 pursuant to the provisions of chapter 401, Florida Statutes,
30 and any certificate of public convenience and necessity or its
31 equivalent issued thereunder.

1 Section 5. Budget.--For the purposes of carrying into
2 effect this act, the board shall annually prepare, consider
3 and adopt a district budget pursuant to the applicable
4 requirements of chapter 200, Florida Statutes, as it may be
5 amended from time to time.

6 Section 6. Taxing Authority.--The district board shall
7 fix and cause to be levied on all taxable property of the
8 district, a millage sufficient to meet the requirements of the
9 budget. The millage shall not exceed 10 mills per year.

10 Section 7. Plan.--The district shall adopt a 5-year
11 plan to identify the facilities, equipment, personnel, and
12 revenue needed by the district over the next 5-year period.
13 The plan shall be updated in accordance with section 189.415,
14 Florida Statutes, and satisfies the requirement for a public
15 facilities report required by section 189.415(2), Florida
16 Statutes.

17 Section 8. Tax Collector's Responsibility.--When such
18 taxes as provided for herein shall have been collected by the
19 Lee County tax collector, he or she shall, on or before the
20 tenth day of each month, report to the secretary of the board
21 the collections made for the preceding month and remit the
22 same to the treasurer. Thereupon the tax collector shall be
23 relieved from all other and further liability as to the amount
24 so paid the treasurer of the board.

25 Section 7. This act shall be construed as remedial and
26 shall be liberally construed to promote the purpose for which
27 it is intended.

28 Section 8. It is declared to be the intent of the
29 Legislature that if any section, subsection, sentence, clause,
30 phrase, or portion of this act is held invalid or
31 unconstitutional for any reason, by any court of competent

1 jurisdiction, such holding shall not affect the validity of
2 the remaining portions hereof.

3 Section 9. Chapter 30929, Laws of Florida, 1955, and
4 chapters 75-417 and 87-447, Laws of Florida, are repealed.

5 Section 10. This act shall take effect upon becoming a
6 law.

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