

By Representative C. Green

1                                   A bill to be entitled  
2           An act relating to the Estero Fire Rescue  
3           District, Lee County; codifying and reenacting  
4           the district's charter, chapter 76-408, Laws of  
5           Florida, as amended; providing legislative  
6           intent; providing definitions; providing for  
7           creation of the district; specifying district  
8           boundaries; providing for a board of district  
9           commissioners; providing for organization of  
10          the board; providing for elections; providing  
11          powers and duties of the board; providing for  
12          levy of ad valorem taxes; providing for tax  
13          rolls; providing duties and responsibilities of  
14          the Lee County Tax Collector and the Lee County  
15          Property Appraiser; specifying taxes as liens  
16          on district lands; providing for collection and  
17          enforcement of taxes; providing for disposition  
18          of district funds; authorizing the district to  
19          borrow money and to issue revenue anticipation  
20          certificates; limiting liability of the board  
21          and individual commissioners; providing  
22          limitations on use of district funds;  
23          authorizing the district to buy, own, lease,  
24          and maintain a fire department; requiring a  
25          record of district meetings; authorizing the  
26          board to adopt rules; authorizing the district  
27          to adopt a fire prevention code; providing  
28          severability; providing effect in cases of  
29          conflict; providing for repeal of prior special  
30          acts relating to the Estero Fire Protection and  
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1           Rescue Service District; providing an effective  
2           date.

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

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

16           Section 2. Chapters 76-408, 81-414, 81-421, 83-447,  
17 84-467, 84-468, 87-442, 87-447, 88-545, 90-400, and 94-455,  
18 Laws of Florida, relating to the Estero Fire Protection and  
19 Rescue Service District, are codified, reenacted, amended, and  
20 repealed as herein provided.

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

25           Section 1. Definitions.--As used in this Charter  
26 unless otherwise specified:

27           (1) "Board" and "Board of Commissioners" mean the  
28 Board of Commissioners of and for the District.

29           (2) "Commissioner" means a member of the Board of  
30 Commissioners of and for the District.

31           (3) "County" means Lee County.

1           (4) "District" means the Estero Fire Rescue District,  
2 an independent special fire control district.

3           (5) "Property Appraiser" means the Lee County Property  
4 Appraiser.

5           (6) "Tax Collector" means the Lee County Tax  
6 Collector.

7           Section 2. Creation; Legal Description.--

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

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

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

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

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

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

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

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

1           584.54 feet to a point 80.04 feet east of the  
2           northwest corner of said southwest one quarter  
3           and the east right-of-way line of said Corlico  
4           Road; thence S1°11'15"W along said right-of-way  
5           line for 2549.45 feet to the Point of  
6           Beginning.

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

13           Section 3. District Board.--

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

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

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

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

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

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

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

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

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

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

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

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

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

28       Section 4. Organization of Board.--

29       (1) The Commissioners, within 60 days after newly  
30 elected members have taken office and annually in November, in  
31 those years when there is no election, shall organize by

1 electing from their number, a chairperson, vice-chairperson, a  
2 secretary, and a treasurer. However, the same member may be  
3 both secretary and treasurer.

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

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

16 Section 5. Levy of Ad Valorem Taxes.--

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

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

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

28 Section 6. Fiscal Year, Protest Procedures, Property  
29 Appraiser, Tax Collector.--

30 (1) The District's fiscal year shall begin on October  
31 1 and end on September 30 of each year. The Lee County

1 Property Appraiser shall furnish the Commissioners a tax roll  
2 covering all taxable properties within the District on or  
3 before June 1 of each year, and any property owner in the  
4 District shall have the right during the period from June 10  
5 to June 20 of each year to file protests in writing against  
6 the proposed assessments, the amount or rate thereof, and  
7 during the period from June 20 to June 30 of each year, to  
8 appear before the Board in support of such protests. The  
9 Board shall hold at least one meeting during said period to  
10 consider such protests. The notification to the public of  
11 such meeting shall be posted in not less than three public  
12 places in conspicuous locations and be advertised once in a  
13 newspaper of general circulation in Lee County.

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

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

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

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

30 Section 7. Tax Liens on Lands, Collection and  
31 Enforcement.--The taxes levied and assessed by the District



1 shall be a lien upon the land so assessed along with the  
2 County taxes assessed against such land until said taxes have  
3 been paid, and if the taxes levied by the District become  
4 delinquent, such taxes shall be considered a part of the  
5 County tax, subject to the same penalties, charges, fees, and  
6 remedies for enforcement and collection and shall be enforced  
7 and collected as provided by general law for the collection of  
8 such taxes.

9 Section 8. District Funds.--

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

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

17 Section 9. Borrowing Money, Revenue Anticipation  
18 Certificates, Liability of Board and Commissioners.--

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

25 (2) The Board shall have the power and authority to  
26 issue revenue anticipation certificates for the purpose of  
27 paying all or any part of the cost of purchasing any real or  
28 personal property for the District. Such revenue anticipation  
29 certificates shall be issued and validated under general law.  
30 In addition, the Board shall have the power and authority to  
31 pledge anticipation revenue and delinquent tax assessment

1 liens for the payment of such certificates, which shall be the  
2 sole security for said loan.

3 (3) Neither the Board nor any individual Commissioner  
4 shall be personally or individually liable for the repayment  
5 of such loan. Such repayment shall be made out of tax  
6 receipts of the District except as provided in this  
7 subsection. The Commissioners shall not create any  
8 indebtedness or incur obligations for any sum or amount which  
9 they are unable to repay out of District funds then in their  
10 hands except as otherwise provided in this act. However, the  
11 Commissioners may make purchases of equipment on an  
12 installment basis as necessary if funds are available for the  
13 payment of the current year's installment on such equipment  
14 plus the amount due in that year of any other installments and  
15 the repayment of any bank loan or other existing indebtedness  
16 which may be due that year.

17 Section 10. Use of District Funds.--

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

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

3 Section 11. Record of Meetings, Board to Adopt Rules,  
4 Annual Report, Budget.--

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

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

16 Section 12. Fire Prevention Code, Personnel,  
17 Salaries.--

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

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

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

1 any other sections or provisions of this Charter or the  
2 application of such sections or provisions to any other  
3 situation, circumstances or person, and it is intended that  
4 this law shall be construed and applied as if such section or  
5 provision had not been included herein for any  
6 unconstitutional application.

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

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

18 Section 4. Chapters 76-408, 81-414, 81-421, 83-447,  
19 84-467, 84-468, 87-442, 87-447, 88-545, 90-400, and 94-455,  
20 Laws of Florida, are repealed.

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

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

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

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