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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:

20
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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