

By Representative C. Green

1 A bill to be entitled
2 An act relating to the South Trail Fire
3 Protection and Rescue Service District, Lee
4 County; providing for codification of special
5 laws relating to South Trail Fire Protection
6 and Rescue Service District pursuant to s.
7 191.015, F.S.; providing legislative intent;
8 amending, codifying, and reenacting all prior
9 special acts; providing for codification of all
10 prior special acts, as amended; providing for
11 the creation, status, purpose, and boundaries
12 of the District; providing for amendment to the
13 District boundaries; providing for charter
14 amendments; providing for a governing board;
15 providing for powers and duties, including, but
16 not limited to, those set forth in chapter 191,
17 F.S., and chapter 97-340, Laws of Florida;
18 providing authority to establish rules and
19 regulations; providing for adoption of a fire
20 code; providing authority to levy ad valorem
21 assessments; providing authority for other
22 means of financing for the District; providing
23 for the effect of annexation by the City of
24 Fort Myers; providing construction and effect;
25 providing for severability; providing for
26 repeal of prior special acts; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. (1) Pursuant to section 191.015, Florida
2 Statutes, this act constitutes the codification of all special
3 acts relating to the South Trail Fire Protection and Rescue
4 Service District. It is the intent of the Legislature to
5 provide a single, comprehensive special act charter for the
6 South Trail Fire Protection and Rescue Service District which
7 includes all current legislative authority granted to the
8 District by general law and by its several legislative
9 enactments, as said laws may be amended from time to time, and
10 any additional authority granted by this act. It is the
11 further intent of this act to preserve all District authority,
12 including the authority to annually assess and levy against
13 taxable property in the District a tax not to exceed 2 mills
14 on the assessed valuation, except as provided in chapter
15 97-340, Laws of Florida, and chapter 191, Florida Statutes, as
16 may be amended from time to time.

17 (2) It is the further intent of the Legislature to
18 amend the District's boundaries to incorporate within the
19 geographic boundaries of the District additional land, as
20 described herein, which land is commonly known as Page Field
21 Commons and which land is immediately adjacent to the
22 District's current boundaries and is currently being served by
23 the District under the terms of an interlocal agreement.

24 Section 2. Chapters 76-412, 81-414, 81-418, 81-419,
25 83-450, 87-447, 88-476, 88-545, 91-364, and 96-501, Laws of
26 Florida, relating to the South Trail Fire Protection and
27 Rescue Service District, are hereby codified, reenacted, and
28 amended as provided herein.

29 Section 3. The South Trail Fire Protection and Rescue
30 Service District, an independent special district, hereinafter
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1 referred to as the "District," is re-created and the charter
2 for such District is re-created and reenacted to read:

3 Section 1. The geographic boundaries of the South
4 Trail Fire Protection and Rescue District shall include the
5 following described lands:

6
7 That part of Lee County, Florida, as described
8 as follows:

9
10 In Township 44 South, Range 25 East, that
11 portion of Section 32 lying Southeasterly of
12 the right of way of Colonial Boulevard
13 extension, otherwise known as State Road 82 B,
14 and all of Sections 33 and 34, and in Township
15 45 South, Range 24 East, that portion of
16 Section 11 lying East of the District limits of
17 the Iona-McGregor Fire Protection and Rescue
18 Service District and lying South and East of
19 the city limits of the City of Fort Myers,
20 Florida, that portion of Section 12 not within
21 the boundaries of the Page Field-Lee County
22 Airport (except as specifically provided
23 herein), all of Sections 13, 14, 23, 24, 25,
24 26, 35, 36 and in Township 45 South, Range 25
25 East, all of Sections 3, 4, 5, 6, 7, 8, 9, 10,
26 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30,
27 31, 32, 33 and 34, and less and except that
28 portion of all the above-described lands
29 located within the municipal boundaries of the
30 City of Fort Myers.

1 Together with the following described property:

2

3 All that portion of Section 31, Township 44
4 South, Range 26 East which lies southwesterly
5 of State Road 82.

6

7 And: All that portion of Sections 5 & 6,
8 Township 45 South, Range 26 East which lies
9 southwesterly of State Road 82.

10

11 And: All of Sections 7 and 8, Township 45
12 South, Range 26 East.

13

14 And: All of Section 17, Township 45 South,
15 Range 26 East, less and except that portion of
16 the southwest quarter (SW 1/4) which lies
17 southeasterly of Daniels Parkway.

18

19 And: All that portion of Sections 18 & 19,
20 Township 45 South, Range 26 East which lies
21 northwesterly of Daniels Parkway.

22

23 And: That portion of Section 20, Township 45
24 South, Range 26 East which is more particularly
25 described as follows: Beginning at the
26 southeast corner of the said Section 20; thence
27 S.88°18'45"W. for 2658.71 feet along the south
28 line of the southeast quarter (SE 1/4) of said
29 Section 20 to the south quarter corner of said
30 Section 20; thence N.01°15'38"W. for 2341.40
31 feet; thence N.54°00'00"E. for 3220.85 feet to

1 an intersection with the east line of said
2 Section 20; thence S.01°25'28"E. for 4157.00
3 feet to the Point of Beginning.

4
5 And: That portion of Section 29, Township 45
6 South, Range 26 East which is more particularly
7 described as follows: From the east quarter of
8 said Section 29, thence S.00°01'11"W. for
9 1201.08 feet along the east line of said
10 Section 29 to the Point of Beginning; thence
11 depart said east line and run S.54°00'06"W. for
12 2902.43 feet through said Section 29 to an
13 intersection with the south line of said
14 Section 29; thence easterly along the south
15 line of said Section 29 to the southeast corner
16 of said Section 29; thence northerly along the
17 east line of said Section 29 to the Point of
18 Beginning.

19
20 And: That portion of Section 30, Township 45
21 South, Range 26 East which is more particularly
22 described as follows: Beginning at the
23 southwest corner of said Section 30; thence
24 N.00°50'50"W. for 1889.08 feet; thence
25 N.54°00'00"E. for 1119.11 feet to the easterly
26 line of a 100 foot wide roadway and public
27 utility right-of-way (ROW) as described in deed
28 recorded in Official Records Book 1398 at Page
29 2143, Public Records of Lee County, Florida;
30 thence run along the east line of said roadway
31 and public utility ROW the following courses

1 and distances; S.00°51'02"E. for 2533.16 feet;
2 S.00°51'53"E. for 119.91 feet to the south line
3 of said Section 30: thence westerly along the
4 said south line of said Section 30 to the Point
5 of Beginning.
6
7 And: All that portion of Section 31, Township
8 45 South, Range 26 East which lies westerly of
9 the easterly line of a 100 foot wide roadway
10 and public utility right-of-way (ROW) as
11 described in the deed recorded in Official
12 Records Book 1398 at Page 2143, Public Records
13 of Lee County, Florida.
14
15 And: All of Section 1, Township 45 South,
16 Range 25 East, less and except the westerly
17 1709.78 feet of said Section 1.
18
19 And: All of Section 11, Township 45 South,
20 Range 25 East, less and except the northwest
21 quarter (NW 1/4) of said Section 11.
22
23 And: All of Sections 12, 13, and 14, Township
24 45 South, Range 25 East.
25
26 And: All of Section 23, Township 45 South,
27 Range 25 East, less and except the following
28 described parcel: From the northeast corner of
29 said Section 23, thence S.00°17'50"E. for
30 2073.11 feet along the east line of the
31 northeast quarter (NE 1/4) of said Section 23

1 to the Point of Beginning: thence continue
2 along said east line S.00°17'50"E. for 557.70
3 feet to the east quarter corner of said Section
4 23; thence S.01°05'16"E. for 2644.46 feet along
5 the east line of the southeast quarter (SE 1/4)
6 to the southeast corner of said Section 23:
7 thence S.88°05'55"W. for 675.73 feet along the
8 south line of said Section 23; thence
9 N.01°04'08"W. for 2544.53 feet; thence
10 S.88°06'12"W. for 2717.58 feet; thence
11 S.83°46'46"W. for 418.33 feet; thence N.
12 00°36'27"W. for 199.98 feet; thence
13 N.83°46'46"E. for 418.33 feet; thence
14 N.88°06'12"E. for 2041.84 feet; thence
15 N.00°39'21"W. for 55.70 feet; thence
16 N.88°06'12" for 155.55 feet; thence
17 N.54°36'12"E. for 729.32 feet; thence
18 N.88°10'25"E. for 598.20 feet to the Point of
19 Beginning.
20
21 And: All that portion of Section 24, Township
22 45 South, Range 25 East which lies northerly of
23 Daniels Parkway.
24
25 And: That portion of Section 26, Township 45
26 South, Range 25 East which is more particularly
27 described as follows: The West half (W 1/2) of
28 the West half (W 1/2); and the northeast
29 quarter (NE 1/4) of the northwest quarter (NW
30 1/4).
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1 And: That portion of Section 35, Township 45
2 South, Range 25 East which is more particularly
3 described as follows: The West half (W 1/2) of
4 the West half (W 1/2).
5
6 And: That portion of Section 36, Township 45
7 South, Range 25 East which is more particularly
8 described as follows: Beginning at the
9 northeast corner of said Section 36; thence
10 S.00°52'30"E. for 2643.76 feet along the east
11 line of the northeast quarter (NE 1/4) of said
12 Section 36 to the east quarter corner of said
13 Section 36; thence S.00°57'40"E. for 2645.22
14 feet along the east line of the southeast
15 quarter (SE 1/4) of said Section 36 to the
16 southeast corner of said Section 36; thence
17 S.89°08'14"W. for 2643.68 feet along the south
18 line of the southeast quarter (SE 1/4) of said
19 Section 36 to the south quarter of said Section
20 36: thence S.89°08'14"W. for 2643.68 feet along
21 the south line of the southwest quarter (SW
22 1/4) of said Section 36 to the southwest corner
23 of said Section 36; thence N.00°25'56"W. for
24 1344.37 feet along the West line of the
25 southwest quarter of said Section 36; thence
26 N.89°22'24"E. for 1319.01 feet; thence
27 N.00°33'08"W. for 3068.39 feet; thence
28 N.54°00'00"E. for 1608.76 feet to an
29 intersection with the north line of said
30 Section 36; thence S.89°53'50"E. for 2621.29
31

1 feet along said north line of said Section 36
2 to the Point of Beginning.

3
4 A parcel or tract of land lying in Section 12,
5 Township 45 South, Range 24 East, Lee County,
6 Florida, and being more particularly described
7 as follows:

8
9 Commence at the northwest corner of Section 12,
10 Township 45 South, Range 24 East; thence N
11 89°44'43"E along the north line of the
12 Northwest Quarter (NW 1/4) of said Section 12 a
13 distance of 33.00 feet to the Point of
14 Beginning of the herein described parcel.

15
16 From said Point of Beginning thence S00°30'07"
17 W, parallel with and offset 33.00 feet east
18 from the west line of the Northwest Quarter (NW
19 1/4) of said Section 12, a distance of 66.27
20 feet to an intersection with the south
21 right-of-way line of the Fowler Street
22 Extension and the east right-of-way line of
23 U.S. 41 (State Road 45-Tamiami Trail); (the
24 following six (6) courses are along the east
25 right-of-way of U.S. 41 (State Road 45-Tamiami
26 Trail): thence continue S00°30'07"W a distance
27 of 788.69 feet; thence S45°24'36"E a distance
28 of 53.94 feet; thence S83°55'07" W a distance
29 of 39.00 feet; thence S00°30'07"W a distance of
30 47.42 feet; thence N89°39'14"E a distance of
31 35.00 feet; thence S00°30'07"W a distance of

1 1114.87 feet to an intersection with the north
2 right-of-way line of Danley Drive; (the
3 following three (3) courses are along the north
4 line of Danley Drive): thence N89°30'55"E a
5 distance of 16.50 feet; thence S 00°30'07" W a
6 distance of 9.99 feet; thence N89°32'17"E a
7 distance of 23.51 feet; thence N00°30'07"E a
8 distance of 1196.13 feet; thence N45°24'36" W a
9 distance of 48.72 feet; thence N00°30'07" E a
10 distance of 838.23 feet to an intersection with
11 the north line of the Northwest Quarter
12 (NW-1/4) of said Section 12; thence N89°48'16"W
13 along the aforementioned north line a distance
14 of 40.00 feet to the Point of Beginning.

15
16 Said parcel contains 1.948 acres, more or less.

17
18 Together with:

19
20 A parcel or tract of land lying in Section 1,
21 Township 45 South, Range 24 East, Lee County,
22 Florida, and being more particularly described
23 as follows:

24
25 Commence at the southwest corner of Section 1,
26 Township 45 South, Range 24 East; thence
27 N89°44'43"E along the south line of the
28 Southwest Quarter (SW-1/4) of said Section 1, a
29 distance of 33.00 feet to the Point of
30 Beginning of the herein described parcel.

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1 From said Point of Beginning, thence N00°06'40"
2 W, parallel with and offset 33.00 feet east
3 from the west line of the Southwest Quarter
4 (SW-1/4) of said Section 1, a distance of
5 203.68 feet to an intersection with the
6 southern boundary of the tract known as Page
7 Field Commons; thence S45°59'18"E along the
8 southern boundary of Page Field Commons a
9 distance of 55.72 feet; thence S00°06'40"E
10 parallel with and offset 73.00 feet east from
11 the aforementioned west line of the Southwest
12 Quarter (SW-1/4) of Section 1 a distance of
13 165.10 feet; thence N89°48'16" W a distance of
14 40.00 feet to the Point of Beginning.

15
16 Said parcel contains 7,376 square feet, more or
17 less.

18
19 Together with:

20
21 A tract or parcel of land lying in Section 1,
22 Township 45 South, Range 24 East, Lee County,
23 Florida, commonly known as Page Field Commons,
24 which tract or parcel is described as follows:

25
26 From the southwest corner of said Section 1,
27 run N00°06'40"W along the West line of said
28 Section for 203.76 feet; thence run N89°53'20"E
29 (perpendicular to said section line) for 33.00
30 feet to the East line of State Road 45 (U.S.
31

1 41) (Tamiami Trail) and the Point of Beginning
2 of the herein described parcel.
3
4 From said Point of Beginning run N00°06'40"W
5 along said East line for 2399.68 feet; thence
6 run N89°20'39"E for 696.11 feet to a West line
7 of Fowler Street Extension (Official Record
8 Book 2688, Page 1581, Lee County Records;
9 thence run southerly along said west line along
10 the arc of a curve to the left of radius
11 1017.93 feet (delta 00°38'34") (chord bearing
12 S12°01'52"E) (chord 11.42 feet) for 11.42 feet
13 to a point of tangency; thence run S12°21'09"E
14 along said west line of Fowler Street for
15 1182.45 feet to a point of curvature; thence
16 run southerly and southwesterly along the arc
17 of a curve to the right of radius 1082.92 feet
18 (delta 61°48'25") (chord bearing S18°33'04"W)
19 (chord 1112.36 feet) for 1168.18 feet; thence
20 run S53°48'02"W for 97.76 feet; thence run
21 southwesterly along the arc of curve to the
22 right of radius 1079.92 feet (delta 14°32'14")
23 (chord bearing S61°54'07"W) (chord 273.26 feet)
24 for 274.00 feet; thence run S85°05'58"W for
25 47.25 feet; thence run southwesterly along the
26 arc of a curve to the right of radius 1067.92
27 feet (delta 00°54'28") (chord bearing
28 S72°03'46"W) (chord 16.92 feet) for 16.92 feet
29 to a point of tangency; thence run S72°31'00"W
30 for 158.58 feet; thence run N45°59'18"W for
31 81.31 feet to the Point of Beginning.

1
2 Containing 45.38 acres, more or less.

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4 Bearings hereinabove mentioned are based on
5 assuming the south line of Section 1, Township
6 45 South, Range 24 East bears N89°44'31"E.

7 Section 2. Nothing contained herein shall deny the
8 right of the Chief or other governing officials of the
9 District to render such services to communities adjacent to
10 the lands described herein, or such other places as from time
11 to time may be deemed desirable.

12 Section 3. (1) The District shall be governed by a
13 board (the "Board") which shall consist of five (5) resident
14 electors of the District elected by a vote of the electors of
15 the District according to the procedures set forth in chapter
16 191, Florida Statutes, and chapter 97-340, Laws of Florida, as
17 well as other general laws and special laws, as said laws may
18 be amended from time to time.

19 (2) Notwithstanding any provision of general law or
20 special law to the contrary, any Board member of the District
21 may be removed from office pursuant to recall election. The
22 procedure for conducting a recall election shall be the same
23 as for conducting a municipal recall election pursuant to
24 section 100.361, Florida Statutes, as may be amended from time
25 to time.

26 (3) Annually, or within sixty (60) days after the
27 election of members of the Board, the members shall meet and
28 elect from the membership a chair, a vice-chair, a secretary,
29 and a treasurer; provided, however, the same member may be
30 both secretary and treasurer. The District shall have all of
31 the duties and the Board may exercise those general and

1 special powers provided in chapters 189 and 191, Florida
2 Statutes, chapter 97-340, Laws of Florida, and any other
3 applicable general law or special law, as said laws may be
4 amended from time to time.

5 (4) The Board may employ such personnel as deemed
6 necessary for the proper function and operation of the fire
7 department and establish and maintain emergency medical and
8 rescue response services and acquire and maintain rescue,
9 medical, and other emergency equipment as prescribed by
10 general law and special law, as said laws may be amended from
11 time to time. The salaries of District personnel and other
12 wages shall be determined by the Board.

13 (5) The Board is authorized to make and adopt rules
14 and regulations not inconsistent with this act or any general
15 law or local law, as may be amended from time to time, as it
16 may deem necessary for the transaction of its business and
17 implementing and carrying out the provisions of this act.
18 Such rules and regulations shall be adopted in accordance with
19 applicable general law and special law, as may be amended from
20 time to time. The Board shall have the authority to provide
21 all things necessary for the prevention, extinguishment, and
22 control of fires in the District.

23 (6) The Board is authorized to adopt a fire code not
24 inconsistent with general law or local law.

25 Section 4. (1) The District shall have the right,
26 power, and authority to levy millage tax against taxable
27 property within the District to provide funds for the purpose
28 of the District; provided, however, two (2) mills is the
29 maximum that can be levied in any one (1) year, except as
30 provided in chapter 191, Florida Statutes, chapter 97-340,
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1 Laws of Florida, or any other applicable general law or
2 special law, as said laws may be amended from time to time.

3 (2) Taxes and assessments herein provided for shall be
4 assessed and collected in the manner prescribed by applicable
5 general law or special law, as said laws may be amended from
6 time to time.

7 (3) The District may be financed by any method
8 established by this act, chapter 189, Florida Statutes,
9 chapter 191, Florida Statutes, or chapter 97-340, Laws of
10 Florida, as may be amended from time to time.

11 Section 5. Beginning on the effective date of this
12 act, any properties that may be annexed by the City of Fort
13 Myers and located within the District shall remain the
14 responsibility of the District until January 1 of the
15 following year, at which time the City shall assume the
16 responsibility for fire control and such property shall no
17 longer be a part of, or subject to, the taxing authority of
18 the fire control taxing District. The municipal governing
19 authority shall enter into an agreement to purchase, lease, or
20 maintain real property and equipment of the District, if it is
21 located within the area so annexed. Such agreement shall be
22 reached by negotiated settlement. Should the City and the
23 fire control taxing District not be able to reach a negotiated
24 settlement, then the City shall have eminent domain authority
25 for all real property owned by the fire control District and
26 annexed by the City. The presently appointed or elected
27 commissioners of the District who reside within the areas
28 annexed by the City of Fort Myers shall continue to serve as
29 the commissioners of the District until the local governing
30 authority assumes responsibility for the lands so annexed.

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1 Section 4. This act shall be construed as a remedial
2 act and shall be liberally construed to promote the purpose
3 for which it is intended which is a codification, reenactment,
4 amendment, and repeal of the several legislative enactments of
5 the District.

6 Section 5. If any clause, section, or provision of
7 this act is declared unconstitutional or invalid for any cause
8 or reason, it shall be eliminated from this act, and the
9 remaining portion of the act shall remain in full force and
10 effect as if said unconstitutional or invalid portion had not
11 been incorporated herein.

12 Section 6. Chapters 76-412, 81-414, 81-418, 81-419,
13 83-450, 87-447, 88-476, 88-545, 91-364, and 96-501, Laws of
14 Florida, as said laws relate to the District, are repealed.

15 Section 7. This act shall take effect upon becoming a
16 law.

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