

By Senator Saunders

25-1767-00

See HB 793

1                                   A bill to be entitled  
2           An act relating to the North Fort Myers Fire  
3           Control and Rescue Service District, Lee  
4           County; providing for codification of special  
5           laws relating to the North Fort Myers Fire  
6           Control and Rescue Service District pursuant to  
7           section 191.015, F.S.; providing legislative  
8           intent; creating and establishing a fire  
9           control and rescue service district in said  
10          county and fixing the boundaries of the  
11          district; providing for a governing board;  
12          prescribing the powers and duties of the board;  
13          providing for minimum charter requirements in  
14          accordance with chapter 189, F.S.; providing  
15          for assessment of taxes; providing for liberal  
16          construction; providing for severability;  
17          amending, codifying, reenacting, and repealing  
18          chapter 29240, Laws of Florida, 1953, chapter  
19          30925, Laws of Florida, 1955, and chapters  
20          61-2396, 63-1540, 71-732, 71-745, 72-601,  
21          76-400, 77-591, 78-550, 85-443, 86-384, Laws of  
22          Florida, ss. 3, 4, and 5 of chapter 87-447, and  
23          chapters 89-523 and 91-390, Laws of Florida,  
24          relating to the North Fort Myers Fire Control  
25          District and the North Fort Myers Fire Control  
26          and Rescue Service District; 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. Pursuant to section 191.015, Florida  
2 Statutes, this act constitutes the codification of all special  
3 acts relating to the North Fort Myers Fire Control and Rescue  
4 Service District. It is the intent of the Legislature 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, chapter 97-340, Laws  
9 of Florida, or chapter 189 or chapter 191, Florida Statutes,  
10 as they may be amended from time to time. It is further the  
11 intent of this act to preserve all district authority,  
12 including the authority to annually assess and levy against  
13 the taxable property in the district a tax not to exceed 2  
14 mills on the dollar of assessed valuation, except as provided  
15 in chapter 97-340, Laws of Florida, chapter 189, or chapter  
16 191, Florida Statutes, or any other applicable general or  
17 special law.

18           Section 2. Chapter 29240, Laws of Florida, 1953,  
19 chapter 30925, Laws of Florida, 1955, and chapters 61-2396,  
20 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550,  
21 85-443, and 86-384, sections 3, 4, and 5 of chapter 87-447,  
22 and chapters 89-523 and 91-390, Laws of Florida, relating to  
23 the North Fort Myers Fire Control and Rescue Service District,  
24 are amended, codified, reenacted, and repealed as provided  
25 herein.

26           Section 3. The North Fort Myers Fire Control and  
27 Rescue Service District, an independent special district, is  
28 organized and exists for all purposes set forth in this act,  
29 chapter 97-340, Laws of Florida, and chapters 189 and 191,  
30 Florida Statutes. To the extent of any conflict between this  
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1 act and chapter 97-340, Laws of Florida, those provisions of  
2 chapter 97-340, Laws of Florida, shall supersede this act.

3 Section 4. The North Fort Myers Fire Control and  
4 Rescue Service District was created by special act of the  
5 Legislature in 1955. The district's charter may be amended  
6 only by special act of the Legislature.

7 Section 5. The North Fort Myers Fire Control and  
8 Rescue Service District is re-created and the charter for such  
9 district is re-created and reenacted to read:

10 Section 1. Boundaries of the district.--The following  
11 described area shall be known as the North Fort Myers Fire  
12 Control and Rescue Service District, hereinafter called the  
13 district:

14  
15 Beginning at a point on the north bank of the  
16 Caloosahatchee River where the line between  
17 ranges 23 and 24 east in township 45 south  
18 intersects said bank, run north along said  
19 range line between ranges 23 and 24 east to the  
20 northeast corner of section 25, township 44  
21 south, range 23 east; thence run west along the  
22 north line of said section 25 and the north  
23 line of sections 26 and 27 of township 44  
24 south, range 23 east to the northwest corner of  
25 said section 27; thence run north along the  
26 west line of sections 22 and 15 to the  
27 northwest corner of section 15; thence run east  
28 along the north line of section 15 to the  
29 northeast corner thereof; thence run north  
30 along the west line of section 11 to the  
31 northwest corner thereof; thence run east along

1       the north line of said section 11 to the  
2       northeast corner thereof; thence run north  
3       along the west line of section 1 to the  
4       northwest corner thereof on the north line of  
5       said township 44 south, range 23 east; thence  
6       run east along the line between townships 43  
7       and 44 south to the southwest corner of section  
8       32, township 43 south, range 24 east; thence  
9       run north along the west line of sections 32,  
10       29, 20, 17, 8, and 5 of township 43 south,  
11       range 24 east to a point on the north line of  
12       said township and the line between Lee and  
13       Charlotte counties; thence run east along said  
14       township and county line to the range line  
15       between ranges 24 and 25 east; thence run south  
16       along said range line to the northwest corner  
17       of section 7, township 43 south, range 25 east;  
18       thence run east along the north line of said  
19       section 7 to the northeast corner thereof;  
20       thence run south along the east line of  
21       sections 7 and 18 to the southeast corner of  
22       section 18; thence run east along the north  
23       line of section 20 to the northeast corner  
24       thereof; thence run south along the east line  
25       of sections 20, 29, and 32 in said township 43  
26       south, range 25 east to the waters of the  
27       Caloosahatchee River; thence run southwesterly  
28       along said waters to the point of beginning.  
29       LESS THE FOLLOWING DESCRIBED LANDS:  
30       All of sections 1, 11, 12, 14, 15, 22, and 23  
31       of township 44 south, range 23 east and

1        sections 5, 6, and 7 of township 44 south,  
2        range 24 east and all except the east 1,080  
3        feet of the north quarter of section 8,  
4        township 44 south, range 24 east.  
5        All of sections 17, 20, 21, and 32 of township  
6        43 south, range 24 east.  
7        Section 29 of township 43 south, range 24 east,  
8        excepting thereof the east half of the  
9        southeast quarter of the northeast quarter.  
10       That part of Section 22 of township 43 south,  
11       range 24 east platted as Cape Coral Unit 86  
12       according to Plat Book 24, Pages 144 through  
13       161 of the Public Records of Lee County,  
14       Florida.  
15       Section 33 of township 43 south, range 24 east,  
16       excepting thereof the following parcels:  
17       That parcel conveyed to Lee County Electric  
18       Cooperative, Inc., as described in Official  
19       Records Book 322, at Page 678, of the Public  
20       Records of Lee County, Florida;  
21       The north 668 feet of the northeast quarter of  
22       the northwest quarter lying west of the  
23       westerly right-of-way line of Corbett Road;  
24       The northeast quarter of the northwest quarter;  
25       The west half of the northwest quarter of the  
26       northeast quarter;  
27       The north 50 feet of the southeast quarter of  
28       the northwest quarter from the northeast corner  
29       of said fraction running westerly 327 feet more  
30       or less to the approximate centerline of Yellow  
31       Fever Creek;

1           The north 50 feet of the west half of the  
2           southwest quarter of the northeast quarter;  
3           The east half of the west half of the northeast  
4           quarter;  
5           The east half of the northeast quarter;  
6           The south 400.64 feet of the southeast quarter  
7           of the northeast quarter of the southeast  
8           quarter;  
9           The south 400.64 feet of the east half of the  
10          east half of the southwest quarter of the  
11          northeast quarter of the southeast quarter;  
12          The east half of the east half of the northwest  
13          quarter of the southeast quarter of the  
14          southeast quarter; and  
15          The east half of the southeast quarter of the  
16          southeast quarter;  
17          That part of section 4, township 44 south,  
18          range 24 east contained within the following  
19          described parcels;  
20          The west half of the northeast quarter of the  
21          northwest quarter, and the north half of the  
22          northwest quarter of the northwest quarter, and  
23          the northwest quarter of the southeast quarter  
24          of the northwest quarter lying northwesterly of  
25          Pine Island Road, as described in Ordinance  
26          33-87;  
27          The south half of the northwest quarter of the  
28          northwest quarter and that part of the east  
29          half of the southwest quarter of the northwest  
30          quarter lying northwesterly of the right-of-way  
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1        of Pine Island Road (State Road No. 78) as  
2        described in Ordinance 34-87;  
3        The west half of the southwest quarter of the  
4        northwest quarter lying northwesterly of Pine  
5        Island Road and subject to a 30-foot easement  
6        for power line along the westerly boundary, as  
7        described in Ordinance 35-87;  
8        A parcel of land located in the north half of  
9        the north half of said section 4, more  
10       particularly described as follows: Beginning at  
11       the point of intersection of the northerly line  
12       of said section 4 and the easterly right-of-way  
13       line of Corbett Road, said point being a point  
14       on a curve concave to the west having for its  
15       elements a central angle of 22°36'52" and  
16       radius of 1,242.00 feet; thence southerly along  
17       the arc of said easterly right-of-way line to  
18       the point of tangency; thence continue along  
19       said right-of-way S06°33'04"E 687.23 feet;  
20       thence along said right-of-way S14°09'20"E  
21       78.18 feet to an intersection with the  
22       northerly right-of-way line of Pine Island Road  
23       (State Road No. 78); thence N59°35'00"E  
24       1,254.38 feet to a Florida Department of  
25       Transportation right-of-way marker; thence  
26       N30°25'00"W 17.00 feet to a Florida Department  
27       of Transportation right-of-way marker; thence  
28       N59°35'00"E 650.11 feet to an approximate point  
29       on the westerly bank of a creek known as Yellow  
30       Fever Creek; thence northwesterly along said  
31       bank 128.1 feet more or less to a point 25.0

1       feet southerly of and on a line perpendicular  
2       to the northerly line of said section 4; thence  
3       N02°25'23"W along said line 25.00 feet to said  
4       northerly line of section 4; thence S87°34'37"W  
5       along said northerly line to the Point of  
6       Beginning, as described in Ordinance 38-88; and  
7       A parcel of land located in the west half of  
8       said section 4, more particularly described as  
9       follows: Commencing from the southwesterly  
10       corner of said section 4; thence N05°30'06"W  
11       along the westerly line of said section 4 40.19  
12       feet to the northerly right-of-way line of  
13       State Road 78-A (Pondella Road), being the  
14       Point of Beginning; thence continue N05°30'06"W  
15       along said westerly line 2,674.71 feet to the  
16       west quarter corner of said section 4; thence  
17       N05°26'36"W along the westerly line of said  
18       section 4 245.80 feet to the southerly  
19       right-of-way line of State Road 78 (Pine Island  
20       Road); thence N61°43'10"E along said southerly  
21       right-of-way line 660.09 feet to the westerly  
22       right-of-way line of Orchid Road (50 feet  
23       wide); thence S05°19'13"E along said westerly  
24       right-of-way line 558.42 feet; thence  
25       S05°22'02"E 704.41 feet continuing along said  
26       westerly right-of-way line of Orchid Road;  
27       thence N89°83'58"E 708.79 feet; thence  
28       S05°13'41"E 654.01 feet to a concrete monument;  
29       thence N89°55'56"E 656.98 feet to a concrete  
30       monument; thence S05°05'30"E 679.34 feet to a  
31       concrete monument; thence S89°58'03"W 1,310.72

1           feet to a concrete monument; thence S05°22'02"E  
2           638.61 feet to a concrete monument on the  
3           northerly right-of-way line of State Road 78-A  
4           (Pondella Road); thence westerly 653.84 feet  
5           along said northerly right-of-way line to the  
6           Point of Beginning, as described in Ordinance  
7           42-86.

8           That part of section 9, township 44 south,  
9           range 24 east described as the west half of the  
10           west half of the northwest quarter, being also  
11           that part of Unit 17, Plat Book 14, Pages 23  
12           through 38, Cape Coral, lying in said section  
13           9, township 44 south, range 24 east.

14           That part of section 21, township 44 south,  
15           range 24 east lying south of a line 680 feet  
16           north of and parallel with the section line  
17           between sections 21 and 28, township 44 south,  
18           range 24 east, from the intersection of said  
19           line with the westerly limits of the City of  
20           Fort Myers; thence running westerly along said  
21           parallel line N89°59'47"W 2,229.62 feet to the  
22           section line lying between sections 20 and 21,  
23           township 44 south, range 24 east.

24           All lying in Lee County, Florida.

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26           Section 2. Governing board.--The North Fort Myers Fire  
27           Control and Rescue Service Board, hereinafter referred to as  
28           the board, shall have five members. Each member shall be a  
29           qualified elector who resides within the district, shall be  
30           elected on a nonpartisan basis by the qualified electors  
31           residing in the district, and shall serve a term of 4 years.

1 Board members may receive compensation in accordance with  
2 chapter 97-340, Laws of Florida, and chapter 191, Florida  
3 Statutes, as they may be amended from time to time. The  
4 procedures for conducting district elections and for  
5 qualification of electors shall be pursuant to chapters 189  
6 and 191, Florida Statutes, and chapter 97-340, Laws of  
7 Florida, as they may be amended from time to time.

8 Section 3. Governing board organization; duties;  
9 powers.--

10 (1) In accordance with chapter 97-340, Laws of  
11 Florida, each elected member of the board shall assume office  
12 10 days following the member's election. Annually, within 60  
13 days after the election of new members of said board, the  
14 board shall meet and elect from the membership a chair, a vice  
15 chair, a secretary, and a treasurer, provided, however, the  
16 same member may be both secretary and treasurer.

17 (2) The district shall have and the board may exercise  
18 all the powers and duties set forth in this charter, chapter  
19 97-340, Laws of Florida, and chapter 191, Florida Statutes, as  
20 they may be amended from time to time.

21 (3) The district shall also hold all powers,  
22 functions, and duties set forth in chapters 189, 191, and 197,  
23 Florida Statutes, and chapter 97-340, Laws of Florida, as they  
24 may be amended from time to time, including, but not limited  
25 to, ad valorem taxation, bond issuance, other revenue-raising  
26 capabilities, budget preparation and approval, liens and  
27 foreclosure of liens, use of tax deeds and tax certificates as  
28 appropriate for non-ad valorem assessments, and contractual  
29 agreements. The district may be financed by any method  
30 established in this charter, chapter 189 or chapter 191,  
31 Florida Statutes, chapter 97-340, Laws of Florida, or any

1 other applicable general or special law, as they may be  
2 amended from time to time.

3 (4) The methods for assessing and collecting non-ad  
4 valorem assessments, fees, or service charges shall be as set  
5 forth in chapter 170, chapter 189, chapter 191, or chapter  
6 197, Florida Statutes, and chapter 97-340, Laws of Florida, as  
7 they may be amended from time to time.

8 (5) The district's planning requirements shall be as  
9 set forth in this charter, chapters 189 and 191, Florida  
10 Statutes, and chapter 97-340, Laws of Florida, as they may be  
11 amended from time to time.

12 (6) The district's geographic boundary limitations  
13 shall be as set forth in this charter.

14 (7) Requirements for financial disclosure, meeting  
15 notices, reporting, public records maintenance, and per diem  
16 expenses for officers and employees shall be as set forth in  
17 chapters 112, 119, 189, 191, and 286, Florida Statutes, and  
18 chapter 97-340, Laws of Florida, as they may be amended from  
19 time to time.

20 (8) The district may annually levy an ad valorem tax  
21 of up to 2 mills on the taxable property within the district,  
22 except as provided by chapter 97-340, Laws of Florida, or  
23 chapter 191, Florida Statutes, as they may be amended from  
24 time to time.

25 Section 4. Policies and regulations.--The board is  
26 hereby authorized and empowered to adopt policies and  
27 regulations for the prevention of fires, fire control, and the  
28 provision of rescue services within the district pursuant to  
29 this charter, chapter 97-340, Laws of Florida, and chapter  
30 191, Florida Statutes. Such policies and regulations after  
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1 being made by the board shall have the force and effect as  
2 law.

3 Section 5. Procedure for assessing taxes.--The taxes  
4 provided for in this charter shall be assessed and collected  
5 in accordance with chapter 200, Florida Statutes.

6 Section 6. Chapter 29240, Laws of Florida, 1953,  
7 chapter 30925, Laws of Florida, 1955, and chapters 61-2396,  
8 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550,  
9 85-443, 86-384, sections 3, 4, and 5 of chapter 87-447, and  
10 chapters 89-523 and 91-390, Laws of Florida, are repealed.

11 Section 7. This act shall be construed as remedial and  
12 shall be liberally construed to promote the purpose for which  
13 it is intended.

14 Section 8. In the event any section or provision of  
15 this act is determined to be invalid or unenforceable, such  
16 determination shall not affect the validity of or  
17 enforceability of each other section and provision of this  
18 act.

19 Section 9. In the event of a conflict of the  
20 provisions of this act with the provisions of any other act  
21 the provisions of this act shall control to the extent of such  
22 conflict.

23 Section 10. This act shall take effect upon becoming a  
24 law.

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