

By Senator Saunders

25-1766-00

See HB 791

1 A bill to be entitled
2 An act relating to Iona-McGregor Fire
3 Protection and Rescue Service District, Lee
4 County; providing for codification of special
5 laws relating to Iona-McGregor Fire Protection
6 and Rescue Service District pursuant to s.
7 191.015, F.S.; providing legislative intent;
8 amending, codifying, and reenacting chapters
9 75-421, 76-402, 77-593, 80-526, 80-527, 81-411,
10 82-317, and 83-448 and sections 1(1) and 2 of
11 chapter 88-545, Laws of Florida; providing
12 definitions; providing the status, purpose, and
13 boundaries of the district; providing for
14 charter amendments; providing for a governing
15 board; providing for compensation; requiring a
16 bond; providing powers and duties; providing
17 for financial disclosure and public meetings
18 and records; providing authority to levy ad
19 valorem taxes; providing for liens; providing
20 for deposit and use of district funds;
21 providing authority to borrow money; providing
22 authority to establish policies and regulations
23 and a Fire Prevention Code; providing for
24 dissolution procedures; establishing
25 requirements for actions against the district;
26 providing authority to exercise eminent domain;
27 providing construction and effect; repealing
28 all prior special acts of the Legislature
29 relating to the Iona-McGregor Fire Protection
30 and Rescue Service District; providing an
31 effective date.

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

2
3 Section 1. Intent.--Pursuant to section 191.015,
4 Florida Statutes, this act constitutes the codification of all
5 special acts relating to Iona-McGregor Fire Protection and
6 Rescue Service District. It is the intent of the Legislature
7 to provide a single, comprehensive special act charter for the
8 district, including all current legislative authority granted
9 to the district by its several legislative enactments and any
10 additional authority granted by this act, chapter 97-340, Laws
11 of Florida, and chapters 189 and 191, Florida Statutes, as
12 they may be amended from time to time. It is further the
13 intent of this act to preserve all district authority,
14 including the authority to annually assess and levy against
15 the taxable property in the district a tax not to exceed 1.75
16 mills on the dollar of assessed valuation, except as provided
17 in chapter 97-340, Laws of Florida or chapter 191, Florida
18 Statutes, as they may be amended from time to time.

19 Section 2. Codification.--Chapters 75-421, 76-402,
20 77-593, 80-526, 80-527, 81-411, 82-317, and 83-448, and
21 subsection (1) of section 1 and section 2 of chapter 88-545,
22 Laws of Florida, relating to Iona-McGregor Fire Protection and
23 Rescue Service District are amended, codified, reenacted, and
24 repealed as provided herein.

25 Section 3. The Iona-McGregor Fire Protection and
26 Rescue Service District is re-created and the charter for such
27 district is re-created and reenacted to read:

28 Section 1. Definitions.--As used in this act, unless
29 otherwise specified:

30 (1) "District" means the Iona-McGregor Fire Protection
31 and Rescue Service District.

1 (2) "Board" and "Board of Commissioners" means the
2 Board of Commissioners of and for the district.

3 (3) "Commissioner" means a member of the Board of
4 Commissioners of and for the district.

5 (4) "County" means Lee County.

6 Section 2. District creation; status; charter
7 amendments; boundaries.--

8 (1) There is created an independent special taxing
9 fire protection and rescue service district incorporating
10 lands in Lee County described in subsection (3) which shall be
11 a public corporation having the powers, duties, rights,
12 obligations, and immunities herein set forth, under the name
13 of the Iona-McGregor Fire Protection and Rescue Service
14 District. The district is organized and exists for all
15 purposes set forth in this act, chapter 97-340, Laws of
16 Florida, and chapters 189 and 191, Florida Statutes. To the
17 extent of any conflict between this act and chapter 97-340,
18 Laws of Florida, those provisions of chapter 97-340, Laws of
19 Florida, shall supersede this act.

20 (2) The district was created by special act of the
21 Legislature in 1975. Its charter may be amended only by
22 special act of the Legislature.

23 (3) The lands to be included within the district are
24 the following described lands in Lee County:

25
26 In Township 45 South, Range 24 East, the
27 unincorporated portions of Section 2 and 3, all
28 of Sections 9 and 10, the west half (1/2) of
29 the northwest quarter (1/4) and the west half
30 (1/2) of the southwest quarter (1/4) of Section
31 11, all of Sections 15 and 16, the east half

1 (1/2) of Section 17, all of sections 20, 21,
2 22, 27, 28, 29, 30, 31, 32, 33, 34, and in
3 Township 46 South, Range 24 East, that portion
4 of Section 2 lying west of the waters of Hendry
5 Creek, all of sections 3, 4, 5, 6, the north
6 half (1/2) of 7, all of sections 8, 9, 10,
7 those portions of sections 11 and 14 lying west
8 of the waters of Hendry Creek, all of sections
9 15, 16, 17, 22, that portion of Section 23
10 lying west of the waters of Hendry Creek, and
11 in Township 45 South, Range 23 East, the south
12 half (1/2) of Section 25, the south half (1/2)
13 of Section 27, the southeast quarter (1/4) of
14 Section 28, all of sections 33, 34, 35, 36, and
15 in Township 46 South, Range 23 East, all of
16 Sections 1, 2, 3, 4, 9, 10, 11, and 12 less and
17 except the southeast quarter (1/4) thereof, the
18 west half (1/2) of 13, and the east half (1/2)
19 of 14 less and except that portion located
20 within the territorial limits, of the Fort
21 Myers Beach Fire Control District, and less and
22 except that portion of all the above described
23 lands located within the municipal boundaries
24 of the City of Fort Myers.

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26 (4) Nothing herein shall deny the right of the chief
27 or other governing officials of the district to render such
28 services to communities adjacent to the land described in
29 subsection (3), or such other places as from time to time may
30 be deemed desirable.

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1 Section 3. Governing board elections; authority to
2 employ personnel.--

3 (1) The business and affairs of the district shall be
4 conducted and administered by a board of five commissioners
5 who shall serve a term of 4 years each. The procedures for
6 conducting district elections and for qualification of
7 candidates and electors shall be pursuant to chapters 189 and
8 191, Florida Statutes, and chapter 97-340, Laws of Florida, as
9 they may be amended from time to time.

10 (2) The board may employ such personnel as deemed
11 necessary for the proper function and operation of a fire
12 department and shall determine the compensation for such
13 personnel.

14 Section 4. Governing board organization; bond; powers,
15 duties.--

16 (1) In accordance with chapter 97-340, Laws of
17 Florida, each elected member of the board shall assume office
18 10 days following the member's election. Annually, within 60
19 days after the election of new members of said board, the
20 commissioners shall organize by electing from their number a
21 chair, a vice-chair, a secretary, and a treasurer. However,
22 the same member may be both secretary and treasurer.

23 (2) The commissioners shall receive compensation for
24 actual expenses incurred while performing the duties of their
25 offices in accordance with general law governing public
26 officials.

27 (3) Each commissioner, upon taking office, shall
28 execute to the Governor for the benefit of the district a bond
29 as required by chapter 97-340, Laws of Florida, as it may be
30 amended from time to time, conditioned upon the faithful
31 performance of the duties of the commissioner's office. The

1 premium for such bonds shall be paid from the funds of the
2 district.

3 (4) The district shall have and the board may exercise
4 all the powers and duties set forth in this act, chapter
5 97-340, Laws of Florida, and chapters 189 and 191, Florida
6 Statutes, as they may be amended from time to time.

7 (5) The district shall also hold all powers,
8 functions, and duties set forth in this act and chapters 189,
9 191, and 197, Florida Statutes, and chapter 97-340, Laws of
10 Florida, as they may be amended from time to time, including,
11 but not limited to, ad valorem taxation, bond issuance, other
12 revenue-raising capabilities, budget preparation and approval,
13 liens and foreclosure of liens, use of tax deeds and tax
14 certificates as appropriate for non-ad valorem assessments,
15 and contractual agreements. The district may be financed by
16 any method established in this act, chapters 189 or 191,
17 Florida Statutes, or chapter 97-340, Laws of Florida, as they
18 may be amended from time to time.

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

24 (7) The district's planning requirements shall be as
25 set forth in this act, chapters 189 and 191, Florida Statutes,
26 and chapter 97-340, Laws of Florida, as they may be amended
27 from time to time.

28 (8) The district's geographic boundary limitations
29 shall be as set forth in this act.

30 (9) Requirements for financial disclosure, meeting
31 notices, reporting, public records maintenance, and per diem

1 expenses for officers and employees shall be as set forth in
2 chapters 112, 119, 189, 191, and 286, Florida Statutes, and
3 chapter 97-340, Laws of Florida, as they may be amended from
4 time to time.

5 Section 5. Ad valorem taxation.--

6 (1) The board shall have the right, power, and
7 authority to levy a millage tax against the taxable property
8 within the district to provide funds for the purposes of the
9 district.

10 (2) The tax rate shall be fixed by resolution of the
11 board, but in no event shall exceed 1.75 mills of assessed
12 valuation of the taxable property within the district, except
13 as provided by chapter 97-340, Laws of Florida, and chapter
14 191, Florida Statutes, as they may be amended from time to
15 time.

16 (3) It is the legislative intent that this act will
17 authorize the Lee County Property Appraiser and the Lee County
18 Tax Collector to take all appropriate action to comply with
19 the intent and purpose of this act.

20 Section 6. Procedures for levying ad valorem tax.--The
21 district shall levy and collect ad valorem taxes in accordance
22 with chapter 200, Florida Statutes, as it may be amended from
23 time to time.

24 Section 7. Tax liens.--The taxes levied and assessed
25 by the district shall be a lien upon the land so assessed,
26 along with the county taxes assessed against such land, until
27 paid, and if the taxes become delinquent, such taxes shall be
28 considered a part of the county tax, subject to the same
29 penalties, charges, fees, and remedies for enforcement and
30 collection, and shall be enforced and collected as provided by
31 general law for the collection of such taxes.

1 Section 8. Board procedures, policies, regulations.--

2 (1) A record shall be kept of all meetings of the
3 board. In such meetings, concurrence of a majority of the
4 commissioners shall be necessary to any affirmative action by
5 the board.

6 (2) The board may adopt policies and regulations, not
7 inconsistent with any portion of this act, chapters 189 or
8 191, Florida Statutes, or chapter 97-340, Laws of Florida, as
9 it may deem necessary for the transaction of its business and
10 in implementing and carrying out the provisions of this act.
11 The board shall have authority to provide all things necessary
12 for the prevention, extinguishment, and control of fires in
13 the district.

14 Section 9. Fire Prevention Code.--The board shall have
15 the right and power to enact a Fire Prevention Code or
16 ordinance in addition to, but not in conflict with, governing
17 local or state building and fire codes.

18 Section 10. Dissolution.--The district shall exist
19 until dissolved in accordance with chapters 189 and 191,
20 Florida Statutes, and chapter 97-340, Laws of Florida.

21 Section 11. Actions against the district.--No suit,
22 action, or proceeding shall be instituted or maintained in any
23 court against the district or the commissioners, or any
24 commissioner thereof, for or upon any claim, right, or demand
25 of any kind or nature unless the person or persons making such
26 claim or demand or claiming such right shall have, within 30
27 days after the alleged accrual of such claim, right, or
28 demand, given to the commissioners, or one of them, a notice
29 in writing setting forth the nature of the right, claim, or
30 demand, the amount thereof, the place and manner in which such
31 claim or right accrued, together with the names and addresses

1 of all witnesses by whom such rights or demands are to be
2 proved or established, all with sufficient detail to enable
3 the district and the commissioners to fully investigate such
4 claim, right, or demand; and no suit, action, or proceeding on
5 any such claim, right, or demand shall be instituted within 3
6 months after such notice shall have been given.

7 Section 4. Construction.--This act shall be construed
8 as remedial and shall be liberally construed to promote the
9 purpose for which it is intended.

10 Section 5. Effect.--In the event that any part of this
11 act should be held void for any reason, such holding shall not
12 affect any other part thereof.

13 Section 6. Repeal of prior special acts.--Chapters
14 75-421, 76-402, 77-593, 80-526, 80-527, 81-411, 82-317, and
15 83-448, and subsection (1) of section 1 and section 2 of
16 chapter 88-545, Laws of Florida, are repealed and replaced by
17 this act, chapter 97-340, Laws of Florida, and chapters 189
18 and 191, Florida Statutes, upon the effective date of this
19 act.

20 Section 7. This act shall take effect upon becoming a
21 law.

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