

By Senator Saunders

25-1796-00

See HB 875

1                                   A bill to be entitled  
2           An act relating to Lee County; providing for  
3           codification of special laws regarding  
4           independent special fire control districts  
5           pursuant to chapter 97-256, Laws of Florida,  
6           relating to the Matlacha/Pine Island Fire  
7           Control District, an independent special taxing  
8           fire protection and rescue district in Lee  
9           County; providing legislative intent;  
10          codifying, reenacting, and amending chapters  
11          61-2409, 63-1558, 65-1827, 76-401, 79-501,  
12          80-522, 83-451, 85-446, 89-511, and 95-464,  
13          Laws of Florida; providing status, purpose, and  
14          boundaries of the district; providing for  
15          amendment of the district charter; providing  
16          for a district governing board; specifying  
17          procedures for conducting district elections  
18          and qualifications of candidates and electors;  
19          providing for organization of the governing  
20          board; providing powers and duties of the  
21          governing board; specifying methods for  
22          assessing and collecting non-ad valorem  
23          assessments, fees, and service charges;  
24          providing for district planning requirements;  
25          specifying requirements for financial  
26          disclosure, meeting notices, reporting, public  
27          records maintenance, and per diem expenses;  
28          authorizing the board to make policies and  
29          regulations; setting the millage rate for the  
30          levy of ad valorem taxes by the district;  
31          providing for posting of surety bond;

1 authorizing the provision of emergency  
2 ambulance service; authorizing the board to  
3 adopt an ambulance fee or service charge;  
4 providing for dissolution of the district;  
5 providing for construction of the act;  
6 providing severability; repealing chapters  
7 61-2409, 63-1558, 65-1827, 76-401, 79-501,  
8 80-522, 83-451, 85-446, 89-511, and 95-464,  
9 Laws of Florida; providing an effective date.

10

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

12

13 Section 1. Intent.--Pursuant to chapter 97-256, Laws  
14 of Florida, this act constitutes the codification of all  
15 special acts relating to the Matlacha/Pine Island Fire Control  
16 District. It is the intent of the Legislature in enacting  
17 this law to provide a single, comprehensive special act  
18 charter for the district, including all current legislative  
19 authority granted to the district by its several legislative  
20 enactments and any additional authority granted by this act  
21 and chapters 189 and 191, Florida Statutes, as amended from  
22 time to time. It is further the intent of this act to  
23 preserve all district authority, including the authority to  
24 annually assess and levy against the taxable property in the  
25 district a tax not to exceed 2 mills on the dollar of assessed  
26 valuation, except as provided in chapter 97-340, Laws of  
27 Florida or chapter 191, Florida Statutes, as they may be  
28 amended from time to time.

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30 Section 2. Codification.--Chapters 61-2409, 63-1558,  
31 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and  
95-464, Laws of Florida, relating to the Matlacha/Pine Island

1 Fire Control District, are codified, reenacted, amended, and  
2 repealed as provided herein.

3 Section 3. The Matlacha/Pine Island Fire Control  
4 District is re-created and the charter for said district is  
5 re-created and reenacted to read:

6 Section 1. District status; charter amendments;  
7 boundaries.--

8 (1) The Matlacha/Pine Island Fire Control District  
9 shall exist as an independent special taxing fire protection  
10 and rescue district incorporating lands in Lee County as  
11 described in subsection (3). The District is organized and  
12 exists for all purposes set forth in this act, chapter 97-340,  
13 Laws of Florida, and chapters 189 and 191, Florida Statutes.  
14 To the extent of any conflict between this act and chapter  
15 97-340, Laws of Florida, the provisions of chapter 97-340  
16 shall supersede this act.

17 (2) The District was created by special act of the  
18 Legislature in 1963. Its charter may be amended only by  
19 special act of the Legislature.

20 (3) The following described area is known as the  
21 Matlacha/Pine Island Fire Control District, hereafter called  
22 the District:

23 Fractional Section 25 except Government Lot 3,  
24 Government Lot 1 of Section 26, Government Lot  
25 3 of Section 35, and fractional Section 36 in  
26 Township 43 South, Range 21 East. Fractional  
27 Section 29 except Government Lot 1, fractional  
28 Section 30 except Government Lot 1, Government  
29 Lot 2 of Section 33, fractional Section 32 and  
30 Section 31 in Township 43 South, Range 22 East.

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1           That part of Township 44 South, Range 21 East  
2           on Pine Island. All that part of Township 44  
3           South, Range 22 East lying on Pine Island and  
4           Little Pine Island, Government Lot 4 of Section  
5           32 of said Township and Range, all surveyed and  
6           unsurveyed parts of Section 24 and said  
7           Township and Range lying between Little Pine  
8           Island and the Mainland except Government Lot  
9           2, all that part of said Section 24 lying on  
10          the Mainland, and fractional Section 13 of said  
11          Township and Range. Sections 16, 17, 18, 19,  
12          20 and 21, and the North West quarter of  
13          Section 29 of Township 44 South, Range 23 East.  
14          That part of Township 45 South, Range 22 East  
15          lying on Pine Island and Little Pine Island.  
16          That part of Township 46 South, Range 22 East  
17          lying on Pine Island.  
18          That part of Section 6, Township 46 South,  
19          Range 23 East lying on Pine Island;  
20          All land within the perimeter boundaries of  
21          Galt Island Subdivision, as described in Plat  
22          Book 51, Pages 33-36, located on Galt Island In  
23          Pine Island Sound, in Lee County.  
24          LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:  
25          SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
26          All of Section 16, Township 44 South, Range 23  
27          East, EXCEPTING THEREOF;  
28          The west half of the east half of the west half  
29          of the southeast quarter of the southwest  
30          quarter (W 1/2 E 1/2 W 1/2 SE 1/4 SW 1/4) of  
31

1        said Section 16, as described in Parcel 51, Lee  
2        County Case No. 71-1137;  
3        SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
4        All of Section 17, Township 44 South, Range 23  
5        East; EXCEPTING THEREOF;  
6        The east half of the east half of the east half  
7        of the southeast quarter of the southeast  
8        quarter (E 1/2 E 1/2 E 1/2 SE 1/4 SE 1/4) of  
9        Lot 1, T.M. Stevens unrecorded tracts according  
10       to a plat on file with the Tax Assessor of Lee  
11       County, Florida, in Section 17, Township 44  
12       South, Range 23 East, as described in Parcel  
13       110, Lee County Case No. 71-1137;  
14       The east half of the west half of the west half  
15       of the southeast quarter of the southwest  
16       quarter (E 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4), and  
17       the west half of the west half of the west half  
18       of the southeast quarter of the southwest  
19       quarter (W 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4) of  
20       said Section 17, Township 44 South, Range 23  
21       East, as parcels of Greater Pine Island Water  
22       Company;  
23       SECTION 18, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
24       All of that part of Unit 58, Plat Book 23,  
25       Pages 128 through 147, Cape Coral lying in  
26       Section 18, Township 44 South, Range 23 East,  
27       and all of that part of Unit 59, Plat Book 19,  
28       Pages 140 through 153, Cape Coral, also lying  
29       in Section 18, Township 44 South, Range 23  
30       East;  
31       SECTION 19, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

1           The west half of the east half of the northeast  
2           quarter of the northeast quarter (W 1/2 E 1/2  
3           NE 1/4 NE 1/4) of Section 19, Township 44  
4           South, Range 23 East, as described in Ordinance  
5           1-88;  
6           Lot 18 of Tract 2, of a recorded map, being the  
7           west half of the east half of the east half of  
8           the northeast quarter of the northeast quarter  
9           (W 1/2 E 1/2 E 1/2 NE 1/4 NE 1/4) of Section  
10           19, Township 44 South, Range 23 East, as  
11           described in Ordinance 72-88;  
12           SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
13           The east half of the east half of the west half  
14           of the northwest quarter of the northwest  
15           quarter (E 1/2 E 1/2 W 1/2 NW 1/4 NW 1/4) of  
16           Section 20, Township 44 South, Range 23 East,  
17           as described in Ordinance 73-88;  
18           The south half of the northwest quarter of the  
19           southeast quarter (S 1/2 NW 1/4 SE 1/4) of  
20           Section 20, Township 44 South, Range 23 East,  
21           less and except the westerly 30 feet thereof,  
22           as described in Parcel 1 of Ordinance 51-88;  
23           The north half of the northwest quarter of the  
24           southeast quarter (N 1/2 NW 1/4 SE 1/4) of  
25           Section 20, Township 44 South, Range 23 East,  
26           as described in Parcel 2, Ordinance 51-88;  
27           The south half of the southeast quarter (S 1/2  
28           SE 1/4) of Section 20, Township 44 South, Range  
29           23 East, as described in Parcel 3, Ordinance  
30           51-88;  
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1       The north half of the northeast quarter (N 1/2  
2       NE 1/4) less the easterly 880 feet in Section  
3       20, Township 44 South, Range 23 East, together  
4       with the west half of the south half of the  
5       northeast quarter (W 1/2 S 1/2 NE 1/4) of  
6       Section 20, Township 44 South, Range 23 East,  
7       as described in Parcel 4, Ordinance 51-88;  
8       SECTION 21, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
9       The east half (E 1/2) of Section 21, Township  
10       44 South, Range 23 East;  
11       The east half of the northeast quarter of the  
12       northwest quarter (E 1/2 NE 1/4 NW 1/4) of said  
13       Section 21;  
14       The southeast quarter of the northwest quarter  
15       (SE 1/4 NW 1/4) of said Section 21;  
16       The east half of the southwest quarter (E 1/2  
17       SW 1/4) of said Section 21;  
18       The west half of the southwest quarter (W 1/2  
19       SW 1/4) of said Section 21, less the south 990  
20       feet thereof, and less the north half of the  
21       northeast quarter of the northwest quarter of  
22       the southwest quarter (N 1/2 NE 1/4 NW 1/4 SW  
23       1/4), and less the north half of the northwest  
24       quarter of the northwest quarter of the  
25       southwest quarter (N 1/2 NW 1/4 NW 1/4 SW 1/4)  
26       of said Section 21, as described in Parcel "A"  
27       of Ordinance 8-86;  
28       The southerly 990 feet of the west half of the  
29       southwest quarter of Section 21, Township 44  
30       South, Range 23 East, as described in Parcel  
31       "B" or Ordinance 8-86;

1           SECTION 13, TOWNSHIP 44 SOUTH, RANGE 22 EAST:  
2           All of fractional Section 13, Township 44  
3           South, Range 22 East, EXCEPTING THEREOF;  
4           That area lying southerly of the City of Cape  
5           Coral Territorial Limit, more specifically  
6           Matlacha Shores Subdivision - Plat Book 10,  
7           Page 29, Matlacha Shores First Addition - Plat  
8           Book 10, Page 42, and Matlacha Isles - Plat  
9           book 16, Page 133, together with the unplatted  
10          area lying southerly of the above referenced  
11          subdivisions.  
12          All lying in Lee County, Florida.

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14           Section 2. Governing board creation.--There is created  
15          a board known as the Matlacha/Pine Island Fire Control Board  
16          and hereafter referred to as the board. The board shall be  
17          composed of five (5) members and shall conduct and administer  
18          the business and affairs of the District. The procedures for  
19          conducting District elections and for qualification of  
20          candidates and electors shall be pursuant to chapters 189 and  
21          191, Florida Statutes, and chapter 97-340, Laws of Florida, as  
22          they may be amended from time to time.

23           Section 3. Governing board organization; powers and  
24          duties.--

25           (1) In accordance with chapter 97-340, Laws of  
26          Florida, each elected member of the board shall assume office  
27          10 days following the member's election. Annually, within 60  
28          days after the election of new members of the board, the  
29          members shall meet and elect from the membership a chair, a  
30          vice-chair, a secretary and a treasurer, provided, however,  
31          the same member may be both secretary and treasurer.



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

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

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

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

27           (6) The District's geographic boundary limitations  
28 shall be as set forth in this act.

29           (7) Requirements for financial disclosure, meeting  
30 notices, reporting, public records maintenance, and per diem  
31 expenses for officers and employees shall be as set forth in

1 chapters 112, 119, 189, 191, and 286, Florida Statutes, and  
2 chapter 97-340, Laws of Florida, as they may be amended from  
3 time to time.

4 Section 4. Policies and regulations.--The board is  
5 authorized to make policies and regulations for the prevention  
6 of fires and for fire control within the District. Said  
7 policies and regulations, after being made by the board, shall  
8 have the force and effect as law.

9 Section 5. Millage rate.--The District may annually  
10 levy an ad valorem tax of up to two (2) mills on the taxable  
11 property in the district, except as provided by chapter  
12 97-340, Laws of Florida, or chapter 191, Florida Statutes, as  
13 amended from time to time. The board shall levy and collect  
14 such ad valorem taxes in accordance with chapter 200, Florida  
15 Statutes.

16 Section 6. Payments made by treasurer.--All warrants  
17 for the payment of labor, equipment, and other expenses of the  
18 board, and in carrying into effect this act and the purpose  
19 thereof, shall be payable by the treasurer of the board on  
20 accounts and vouchers approved by the board.

21 Section 7. Posting of bond.--Each board member, upon  
22 taking office, shall execute to the Governor for the benefit  
23 of the district a bond as required by chapter 97-340, Laws of  
24 Florida, as it may be amended from time to time; premiums on  
25 said bond to be paid out of district funds.

26 Section 8. Provision of emergency ambulance  
27 service.--The Fire Control Board of the District shall have  
28 the right, power, and authority to buy, own, operate, and  
29 maintain an emergency ambulance service within the District,  
30 and shall have the right, power, and authority to levy non-ad  
31

1 valorem assessments upon certain properties located within the  
2 district pursuant to applicable general law.

3 Section 9. Ambulance service fees.--The Fire Control  
4 Board shall have the right, power, and authority to adopt a  
5 fee or service charge for ambulance service paid by the user,  
6 in accordance with this act, chapter 97-340, Laws of Florida  
7 or chapter 191, Florida Statutes. The fee, charge, or rate  
8 therefor may be fixed by a resolution of the Fire Control  
9 Board at a regular meeting of said Board, or in the same  
10 manner, the rate or charge may be changed or abolished.

11 Section 10. Dissolution.--The District may be  
12 dissolved pursuant to the terms of Chapter 97-340, Laws of  
13 Florida and chapters 189 and 191, Florida Statutes, as they  
14 may be amended from time to time.

15 Section 4. Chapters 61-2409, 63-1558, 65-1827, 76-401,  
16 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of  
17 Florida, are repealed.

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

23 Section 6. Construction.--This act shall be construed  
24 as remedial and shall be liberally construed to promote the  
25 purpose for which it is intended.

26 Section 7. This act shall take effect upon becoming a  
27 law.

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