

By Representative Goodlette

1 A bill to be entitled
2 An act relating to the Golden Gate Fire Control
3 and Rescue District, Collier County; providing
4 for codification of special laws regarding
5 special districts; providing that the district
6 is an independent special district; providing
7 legislative intent; providing for applicability
8 of chapters 191 and 189, F.S., and other
9 general laws; providing a district charter;
10 providing boundaries; providing for a district
11 board; providing authority of the board;
12 providing for staff; providing duties and
13 powers of the board; providing for elections to
14 the board; providing salary of board members;
15 providing for removal of board members;
16 providing for revenue raising; providing for
17 increasing millage; providing for taxation;
18 providing findings; providing for capital
19 improvement impact fees; providing
20 severability; providing for liberal
21 construction; providing that this act shall
22 take precedence over any conflicting law to the
23 extent of such conflict; reenacting, amending,
24 repealing, and codifying chapters 67-1240,
25 73-443, 82-284, 84-413, 85-403, 87-498, 88-503,
26 88-512, 88-519, 89-451, 90-435, and 91-363,
27 Laws of Florida; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 construed so as to preserve to the district all powers
2 previously granted.

3 Section 1.03 The district is organized and exists for
4 all purposes set forth in this act and chapters 189 and 191,
5 Florida Statutes, as they may be amended from time to time.
6 All provisions of chapters 189 and 191, Florida Statutes, and
7 all power and authority granted thereunder are hereby
8 applicable to the Golden Gate Fire Control and Rescue
9 District.

10 ARTICLE II

11 Name of district

12 Section 2.01 The name of the district shall be: Golden
13 Gate Fire Control and Rescue District.

14 Section 2.02 The district shall be an independent
15 special district of the State of Florida and a body corporate
16 and politic.

17 ARTICLE III

18 Boundaries of the district

19 Section 3.01 The district shall include the following
20 described lands:

21
22 Township 48 South, Range 26 East, Sections 25,
23 26, 27, 28, 33, 34, 35, 36.

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25 Township 48 South, Range 27 East, Sections 29,
26 30, 31, 32.

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28 Township 49 South, Range 26 East, Sections 1,
29 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20,
30 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

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1 fire equipment and personnel, training facilities for fire and
2 rescue, and other buildings deemed necessary by the district
3 board to provide adequate protection from unwanted fire and to
4 carry out rescue operations. The district board shall have the
5 authority to accept gifts or donations of equipment or money
6 for use by the district. The district board shall have the
7 authority to purchase, lease, sell, exchange, or otherwise
8 acquire and dispose of property intended for use by the
9 district and to borrow money, issue bonds, and enter into term
10 indebtedness, provided reputable institutions or companies are
11 used and provided all agreements are within the laws of the
12 State of Florida. In addition, the district board shall have
13 the authority to extend its services beyond the district
14 boundaries, provided it is in cooperation with another
15 governmental entity, whether federal, state, county, or
16 municipal.

17 Section 4.02 The district board shall have the
18 authority to provide a paid staff to carry out its
19 responsibilities. This staff shall serve at the pleasure of
20 the district board. The district board shall also have the
21 authority to promulgate rules and regulations related to fire
22 prevention and life safety, and to take whatever steps
23 necessary to enforce these rules and regulations. These rules
24 and regulations shall have the same force and effect as law 10
25 days after copies thereof, executed by the district board
26 president and secretary, have been posted in at least three
27 public places.

28 Section 4.03 The duties and powers of the board of
29 commissioners shall be as set forth in this act and chapter
30 191, Florida Statutes, as they may be amended from time to
31 time.

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ARTICLE V

Governing board

Section 5.01 Pursuant to chapter 98-489, Laws of Florida, and as previously approved by referendum vote of the qualified electors of the district, the district shall be governed by a district board consisting of three commissioners who are residents of the district.

Section 5.02 In accordance with section 919.005, Florida Statutes, the board shall be elected in nonpartisan elections by the electors of the district. Except as provided in this act and in chapter 191, Florida Statutes, such elections shall be held at the time and in the manner prescribed by law for holding general elections in accordance with section 189.405(2)(a) and (3), Florida Statutes, and each member shall be elected for a term of 4 years and serve until the member's successor assumes office. Candidates for the board shall qualify with the Collier County Supervisor of Elections. Each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat on the board for which the candidate is qualifying. The cost of such elections shall be paid from funds of the district.

Section 5.03 It shall be considered a conflict of interest and unlawful for board members to enter into any type of agreement with the district which will bring about personal, monetary, or other gain, or to individually interfere with the day-to-day operations of the district staff.

Section 5.04 In accordance with section 191.005, Florida Statutes, members of the board may each be paid, from the funds of the district, a salary or honorarium for his or her services in an amount not to exceed \$500 per month for

1 each member. In addition, members may be reimbursed for travel
2 and per diem expenses as provided in section 112.061, Florida
3 Statutes.

4 Section 5.05 The district board shall remove any
5 member who has three consecutive, unexcused absences from
6 regularly scheduled meetings. The board shall adopt policies
7 by resolution defining excused and unexcused absences.

8 ARTICLE VI

9 Finances

10 Section 6.01 The powers, functions, and duties of the
11 district regarding 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, and the methods for financing the
16 district and for collecting non-ad valorem assessments, fees,
17 or service charges, shall be as set forth in this act, in
18 chapters 170, 189, 191, and 197, Florida Statutes, and in any
19 applicable general or special law as they may be amended from
20 time to time.

21 Section 6.02 The district board shall annually make an
22 itemized estimate of the amount of money required to carry out
23 the provisions of this act for the next fiscal year, which
24 shall be from October 1 to and including the next succeeding
25 September 30, which estimate shall show for what purpose the
26 moneys are required and the amount necessary to be raised by
27 taxation within the district.

28 Section 6.03 The total millage for the district shall
29 not exceed 1 mill in any one fiscal year. However, the total
30 millage may be increased pursuant to section 191.009, Florida
31 Statutes, after such increase has been approved by referendum.

1 Section 6.04 Taxes herein provided for shall be
2 assessed and collected in the same manner as provided for the
3 assessment and collection of county taxes and subject to the
4 same commission and fees for assessing and collecting as for
5 the assessment and collection of county taxes.

6 Section 6.05 All warrants for the payment of labor,
7 equipment, materials, and other allowable expenses incurred by
8 the district board in carrying out the provisions of this act
9 shall be payable on accounts and vouchers approved by the
10 district board.

11 Section 6.06 It is the responsibility of the district
12 board to provide adequate bonding to protect the assets of the
13 district. The district may issue general obligation bonds,
14 assessment bonds, revenue bonds, notes, bond anticipation
15 notes, or other evidences of indebtedness in accordance with
16 section 191.012, Florida Statutes.

17 Section 6.07 The district board shall allow for the
18 collection of impact fees for capital improvement on new
19 construction within the district.

20 (1)(a) It is hereby found and determined that Collier
21 County is located in one of the fastest growing areas in the
22 nation. New construction and resulting population growth is
23 placing a strain upon the capabilities of the district to
24 continue to provide the high level of professional fire
25 protection and related emergency services for which the
26 residents of the district pay and which they deserve.

27 (b) It is readily apparent that additional equipment
28 and facilities will be needed to meet the expanded commercial
29 and residential growth within the district, at a cost beyond
30 that which can be provided from current and anticipated ad
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1 valorem tax revenues assessed, collected, and received by the
2 district.

3 (c) It is hereby declared that the cost of new
4 facilities and equipment for fire protection and related
5 emergency services shall be borne by new users of the
6 district's services to the extent that new construction
7 requires new facilities and equipment, but only to that
8 extent.

9 (d) It is therefore the legislative intent of this
10 section to transfer to the new user of the district's fire
11 protection and related emergency services a fair share of the
12 costs that new users impose on the district for new
13 facilities.

14 (e) It is hereby declared that the amounts of impact
15 fees for capital improvement provided for in this section are
16 just, reasonable, and equitable.

17 (2) No person shall issue or obtain a building permit
18 for new residential dwelling units or new commercial or
19 industrial structures within the district, or issue or obtain
20 construction plan approval for new mobile home developments
21 located within the district, until the developer thereof shall
22 have paid the applicable impact fee for capital improvement to
23 the district hereinafter set forth.

24 (3) Impact fees for capital improvement to be assessed
25 and collected hereunder shall be as follows, unless revised
26 pursuant to the provisions of section 191.009(4), Florida
27 Statutes:

28 (a) Each new residential dwelling unit: \$0.15 per
29 square foot of living area.

30 (b) New commercial or industrial structures: \$0.30 per
31 square foot of usable area.

1 (c) New mobile home developments: \$0.15 per square
2 foot of permitted living area.

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4 "Living area" shall be defined as that area of any structure
5 that is covered by a roof. "Permitted living area" means 25
6 percent of the area covered by the individual lots.

7 (4) For the purpose of this section, each unit of any
8 multifamily structure, whether it be a duplex, triplex,
9 cooperative apartment, or condominium or similar type
10 structure shall be considered and constitute a residential
11 dwelling unit.

12 (5) For purposes of this section, motels, hotels,
13 shopping centers, churches, nursing homes, hospitals,
14 congregate living facilities (when not part of an actual
15 residence), schools, fraternal lodges, veterans' lodges, or
16 similar type structures shall be considered commercial
17 structures.

18 (6) Impact fees for capital improvement collected by
19 the district pursuant to this section shall be kept and
20 maintained as a separate fund from other revenues of the
21 district and shall be used exclusively for the acquisition,
22 purchase, or construction of new facilities and equipment, or
23 portions thereof, required to provide fire protection and
24 related emergency services to new construction.

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26 "New facilities and equipment" means land, buildings, and
27 capital equipment, including, but not limited to, such fire
28 and emergency vehicles and communications equipment as may,
29 from time to time, be deemed necessary by the district to
30 provide fire protection and related emergency services to the
31 areas of new construction.

1 (7) The impact fees for capital improvement collected
2 hereunder shall not be used for the acquisition, purchase, or
3 construction of facilities or equipment which must be obtained
4 in any event to meet the needs of the district, regardless of
5 growth within the district.

6 (8) The district board shall maintain adequate records
7 to ensure that impact fees for capital improvement collected
8 hereunder are expended only for permissible new facilities or
9 equipment.

10 (9) The impact fee for capital improvement called for
11 in this section may be reduced by 50 percent if the owner of
12 the permitted structure will install fire sprinklers in
13 accordance with NFPA Pamphlet 13, unless such fire sprinklers
14 are mandated or required to be installed by any local, state,
15 or federal law, rule, ordinance, statute, or fire code.

16 ARTICLE VII

17 Miscellaneous

18 Section 7.01 All contracts, obligations, rules,
19 resolutions, or policies of any nature existing on the date of
20 enactment of this act shall remain in full force and effect,
21 and this act shall in no way affect the validity of such
22 contracts, obligations, rules, resolutions, or policies.

23 Section 7.02 This act shall not affect the terms of
24 office of the present district board, nor shall it affect the
25 terms and conditions of employment of any employees of the
26 district.

27 Section 7.03 Requirements for financial disclosure,
28 meeting notices, reporting, public records maintenance, and
29 planning shall be as set forth in this act and in chapters
30 189, 191, and 286, Florida Statutes, as they may be amended
31 from time to time.

1 Section 4. Repeal of prior special acts.--Chapter
2 67-1240, Laws of Florida; subsection (3) of section 2 of
3 chapter 79-443, Laws of Florida; chapter 82-284, Laws of
4 Florida; chapter 84-413, Laws of Florida; chapter 85-403, Laws
5 of Florida; chapter 87-498, Laws of Florida; chapter 88-508,
6 Laws of Florida; chapter 88-512, Laws of Florida; section 2 of
7 chapter 88-519, Laws of Florida; chapter 89-451, Laws of
8 Florida; chapter 90-435, Laws of Florida; and chapter 91-363,
9 Laws of Florida, are repealed 10 days after the effective date
10 of this act.

11 Section 5. Severability.--It is declared to be the
12 intent of the Legislature that if any section, subsection,
13 sentence, clause, phrase, or portion of this act is for any
14 reason held invalid or unconstitutional by a court of
15 competent jurisdiction, such portion shall be deemed a
16 separate, distinct, and independent provision, and such
17 holding shall not affect the validity of the remaining
18 portions hereof.

19 Section 6. Liberal construction.--The provisions of
20 this act shall be liberally construed in order to effectively
21 carry out the purposes of this act in the interest of the
22 public health, welfare, and safety of the citizens served by
23 the district.

24 Section 7. Conflict.--In the event of a conflict of
25 any provision of this act with the provisions of any other
26 act, the provisions of this act shall control to the extent of
27 such conflict.

28 Section 8. This act shall take effect upon becoming a
29 law.
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