

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 79-443, 82-284, 84-413, 85-403, 87-498, 88-508,
26 88-512, 88-519, 89-451, 90-435, and 91-363,
27 Laws of Florida; providing an effective date.

28
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 Township 49 South, Range 27 East, Sections 1,
2 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
3 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
4 28, 29, 30, 31, 32, 33, 34, 35, 36.

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6 Township 49 South, Range 28 East, Sections 4,
7 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29,
8 30, 31, 32, 33.

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10 Township 50 South, Range 26 East, Sections 2,
11 3, 4, 9, 10, 11, 14, 15, 16.

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13 Section 3.02 In the event that any area, tract, or
14 parcel of land within the boundaries of the district shall
15 hereafter become annexed to a municipality, such area, tract,
16 or parcel of land shall be regarded as removed from the
17 district as of the next January 1 following such annexation
18 for the purpose of the levy of general ad valorem taxes by the
19 district. On and after the effective date of annexation, the
20 district shall be relieved of providing fire service to the
21 annexed area. The municipality and the district may reach an
22 agreement to determine what portion, if any, of the existing
23 indebtedness or property of the district shall be assumed by
24 the municipality of which the annexed territory will become a
25 part, the fair value of such indebtedness or property, and the
26 manner of transfer and financing. Nothing herein shall relieve
27 the property annexed from the payment of general obligation
28 debt service incurred by the district before annexation.

29 ARTICLE IV

30 Powers of the district

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1 Section 4.01 The district board of commissioners shall
 2 have the authority and responsibility for and on behalf of the
 3 people residing, visiting, or passing through the district to
 4 establish, equip, operate, and maintain a fire department and
 5 rescue service, including, but not limited to, providing fire
 6 hydrants or other types of water supply, buildings for housing
 7 fire equipment and personnel, training facilities for fire and
 8 rescue, and other buildings deemed necessary by the district
 9 board to provide adequate protection from unwanted fire and to
 10 carry out rescue operations. The district board shall have the
 11 authority to accept gifts or donations of equipment or money
 12 for use by the district. The district board shall have the
 13 authority to purchase, lease, sell, exchange, or otherwise
 14 acquire and dispose of property intended for use by the
 15 district and to borrow money, issue bonds, and enter into term
 16 indebtedness, provided reputable institutions or companies are
 17 used and provided all agreements are within the laws of the
 18 State of Florida. In addition, the district board shall have
 19 the authority to extend its services beyond the district
 20 boundaries, provided it is in cooperation with another
 21 governmental entity, whether federal, state, county, or
 22 municipal.

23 Section 4.02 The district board shall have the
 24 authority to provide a paid staff to carry out its
 25 responsibilities. This staff shall serve at the pleasure of
 26 the district board. The district board shall also have the
 27 authority to promulgate rules and regulations related to fire
 28 prevention and life safety, and to take whatever steps
 29 necessary to enforce these rules and regulations. These rules
 30 and regulations shall have the same force and effect as law 10
 31 days after copies thereof, executed by the district board

1 president and secretary, have been posted in at least three
2 public places.

3 Section 4.03 The duties and powers of the board of
4 commissioners shall be as set forth in this act and chapter
5 191, Florida Statutes, as they may be amended from time to
6 time.

7 ARTICLE V

8 Governing board

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

14 Section 5.02 In accordance with section 191.005,
15 Florida Statutes, the board shall be elected in nonpartisan
16 elections by the electors of the district. Except as provided
17 in this act and in chapter 191, Florida Statutes, such
18 elections shall be held at the time and in the manner
19 prescribed by law for holding general elections in accordance
20 with section 189.405(2)(a) and (3), Florida Statutes, and each
21 member shall be elected for a term of 4 years and serve until
22 the member's successor assumes office. Candidates for the
23 board shall qualify with the Collier County Supervisor of
24 Elections. Each candidate for a seat on the board shall
25 designate, at the time the candidate qualifies, the seat on
26 the board for which the candidate is qualifying. The cost of
27 such elections shall be paid from funds of the district.

28 Section 5.03 It shall be considered a conflict of
29 interest and unlawful for board members to enter into any type
30 of agreement with the district which will bring about
31 personal, monetary, or other gain, or to individually

1 interfere with the day-to-day operations of the district
2 staff.

3 Section 5.04 In accordance with section 191.005,
4 Florida Statutes, members of the board may each be paid, from
5 the funds of the district, a salary or honorarium for his or
6 her services in an amount not to exceed \$500 per month for
7 each member. In addition, members may be reimbursed for travel
8 and per diem expenses as provided in section 112.061, Florida
9 Statutes.

10 Section 5.05 The district board shall remove any
11 member who has three consecutive, unexcused absences from
12 regularly scheduled meetings. The board shall adopt policies
13 by resolution defining excused and unexcused absences.

14 ARTICLE VI

15 Finances

16 Section 6.01 The powers, functions, and duties of the
17 district regarding ad valorem taxation, bond issuance, other
18 revenue-raising capabilities, budget preparation and approval,
19 liens and foreclosure of liens, use of tax deeds and tax
20 certificates as appropriate for non-ad valorem assessments,
21 and contractual agreements, and the methods for financing the
22 district and for collecting non-ad valorem assessments, fees,
23 or service charges, shall be as set forth in this act, in
24 chapters 170, 189, 191, and 197, Florida Statutes, and in any
25 applicable general or special law as they may be amended from
26 time to time.

27 Section 6.02 The district board shall annually make an
28 itemized estimate of the amount of money required to carry out
29 the provisions of this act for the next fiscal year, which
30 shall be from October 1 to and including the next succeeding
31 September 30, which estimate shall show for what purpose the

1 moneys are required and the amount necessary to be raised by
2 taxation within the district.

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

7 Section 6.04 Taxes herein provided for shall be
8 assessed and collected in the same manner as provided for the
9 assessment and collection of county taxes and subject to the
10 same commission and fees for assessing and collecting as for
11 the assessment and collection of county taxes.

12 Section 6.05 All warrants for the payment of labor,
13 equipment, materials, and other allowable expenses incurred by
14 the district board in carrying out the provisions of this act
15 shall be payable on accounts and vouchers approved by the
16 district board.

17 Section 6.06 It is the responsibility of the district
18 board to provide adequate bonding to protect the assets of the
19 district. The district may issue general obligation bonds,
20 assessment bonds, revenue bonds, notes, bond anticipation
21 notes, or other evidences of indebtedness in accordance with
22 section 191.012, Florida Statutes.

23 Section 6.07 The district board shall allow for the
24 collection of impact fees for capital improvement on new
25 construction within the district.

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

3 (b) It is readily apparent that additional equipment
4 and facilities will be needed to meet the expanded commercial
5 and residential growth within the district, at a cost beyond
6 that which can be provided from current and anticipated ad
7 valorem tax revenues assessed, collected, and received by the
8 district.

9 (c) It is hereby declared that the cost of new
10 facilities and equipment for fire protection and related
11 emergency services shall be borne by new users of the
12 district's services to the extent that new construction
13 requires new facilities and equipment, but only to that
14 extent.

15 (d) It is therefore the legislative intent of this
16 section to transfer to the new user of the district's fire
17 protection and related emergency services a fair share of the
18 costs that new users impose on the district for new
19 facilities.

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

23 (2) No person shall issue or obtain a building permit
24 for new residential dwelling units or new commercial or
25 industrial structures within the district, or issue or obtain
26 construction plan approval for new mobile home developments
27 located within the district, until the developer thereof shall
28 have paid the applicable impact fee for capital improvement to
29 the district hereinafter set forth.

30 (3) Impact fees for capital improvement to be assessed
31 and collected hereunder shall be as follows, unless revised

1 pursuant to the provisions of section 191.009(4), Florida
2 Statutes:

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

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

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

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

13 (4) For the purpose of this section, each unit of any
14 multifamily structure, whether it be a duplex, triplex,
15 cooperative apartment, or condominium or similar type
16 structure shall be considered and constitute a residential
17 dwelling unit.

18 (5) For purposes of this section, motels, hotels,
19 shopping centers, churches, nursing homes, hospitals,
20 congregate living facilities (when not part of an actual
21 residence), schools, fraternal lodges, veterans' lodges, or
22 similar type structures shall be considered commercial
23 structures.

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

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1 "New facilities and equipment" means land, buildings, and
2 capital equipment, including, but not limited to, such fire
3 and emergency vehicles and communications equipment as may,
4 from time to time, be deemed necessary by the district to
5 provide fire protection and related emergency services to the
6 areas of new construction.

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

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

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

22 ARTICLE VII

23 Miscellaneous

24 Section 7.01 All contracts, obligations, rules,
25 resolutions, or policies of any nature existing on the date of
26 enactment of this act shall remain in full force and effect,
27 and this act shall in no way affect the validity of such
28 contracts, obligations, rules, resolutions, or policies.

29 Section 7.02 This act shall not affect the terms of
30 office of the present district board, nor shall it affect the
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1 terms and conditions of employment of any employees of the
2 district.

3 Section 7.03 Requirements for financial disclosure,
4 meeting notices, reporting, public records maintenance, and
5 planning shall be as set forth in this act and in chapters
6 189, 191, and 286, Florida Statutes, as they may be amended
7 from time to time.

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

18 Section 5. Severability.--It is declared to be the
19 intent of the Legislature that if any section, subsection,
20 sentence, clause, phrase, or portion of this act is for any
21 reason held invalid or unconstitutional by a court of
22 competent jurisdiction, such portion shall be deemed a
23 separate, distinct, and independent provision, and such
24 holding shall not affect the validity of the remaining
25 portions hereof.

26 Section 6. Liberal construction.--The provisions of
27 this act shall be liberally construed in order to effectively
28 carry out the purposes of this act in the interest of the
29 public health, welfare, and safety of the citizens served by
30 the district.

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1 Section 7. Conflict.--In the event of a conflict of
2 any provision of this act with the provisions of any other
3 act, the provisions of this act shall control to the extent of
4 such conflict.

5 Section 8. This act shall take effect upon becoming a
6 law.

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