

1
2 An act relating to the San Carlos Park Fire
3 Protection and Rescue Service District, Lee
4 County; reenacting and codifying chapters
5 76-411, 80-521, 84-469, s. 7 of chapter 87-447,
6 s. 1(5) of chapter 88-545, and chapters 89-494,
7 94-457, 95-463, 96-458, and 97-320, Laws of
8 Florida, relating to the San Carlos Park Fire
9 Protection and Rescue Service District,
10 pursuant to s. 191.015, F.S.; providing
11 legislative intent; providing the status,
12 purpose, and boundaries of the district;
13 providing for charter amendments; providing for
14 a governing board; providing for powers and
15 duties; providing for compensation and bonds;
16 providing authority to levy ad valorem
17 assessments; providing authority to establish
18 policies and regulations; providing for a fire
19 code; providing construction and effect;
20 providing for conflicts; repealing all prior
21 special acts relating to the district;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Intent.--Pursuant to section 191.015,
27 Florida Statutes, this act constitutes the codification of all
28 special acts relating to the San Carlos Park Fire Protection
29 and Rescue Service District. It is the intent of the
30 Legislature to provide a single, comprehensive special act
31 charter for the district including all current legislative

1 authority granted to the district by its several legislative
2 enactments and any additional authority granted by this act
3 and chapters 189 and 191, Florida Statutes, as amended from
4 time to time. It is further the intent of this act to preserve
5 all district authority, including the authority to annually
6 assess and levy against the taxable property in the district a
7 tax not to exceed 3.75 mills on the dollar of assessed
8 valuation as provided in chapter 97-340, Laws of Florida, or
9 chapter 191, Florida Statutes, as they may be amended from
10 time to time, and as approved by referendum of the qualified
11 electors in the district.

12 Section 2. Codification.--Chapters 76-411, 80-521, and
13 84-469, section 7 of chapter 87-447, subsection (5) of section
14 1 of chapter 88-545, and chapters 89-494, 94-457, 95-463,
15 96-458, and 97-320, Laws of Florida, related to San Carlos
16 Park Fire Protection and Rescue Service District, are amended,
17 codified, reenacted, and repealed as provided herein.

18 Section 3. The San Carlos Park Fire Protection and
19 Rescue Service District is re-created and the charter for such
20 district is re-created and reenacted to read:

21 Section 1. As used in this act, unless otherwise
22 specified:

23 (1) "District" means the San Carlos Park Fire
24 Protection and Rescue Service District.

25 (2) "Board" and "board of commissioners" means the
26 board of commissioners of and for the district.

27 (3) "Commissioner" means a member of the board of
28 commissioners of and for the district.

29 (4) "County" means Lee County.

30 Section 2. District status; charter amendments;
31 boundaries.--

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

13 (2) The district was created by special act of the
14 Legislature in 1976. Its charter may be amended only by
15 special act of the Legislature.

16 (3) The lands to be included within the district are
17 the following described lands in Lee County, Florida:

18 Township 46S, Range 24E:

19 In Township 46 South, Range 24 East, all of
20 Section 1, those portions of Sections 2 and 11
21 lying East of the waters of Hendry Creek, all
22 of Sections 12 and 13, and those portions of
23 Sections 14, 23, and 24 lying East of the
24 waters of Hendry Creek.

25 Township 46S, Range 25E:

26 In Township 46 South, Range 25 East, all of
27 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
28 15, 16, 17, 18, 19, 20, 21, and 22.
29
30
31

1 Sections 13, 14, 23, and 24, less the following
2 described real property:

3
4 All that part of Sections 13, 14, 23, and 24
5 being more particularly described as follows:

6
7 COMMENCING at the west 1/4 corner of Section
8 14, Township 46 South, Range 25 East; thence N.
9 88°41'31"W. along a grid bearing based on State
10 Plane Coordinates West Zone 1983/90 Adjustments
11 for 354.67 feet to a 5/8" rebar set; thence
12 continue along said grid system in the
13 following 35 courses; thence S.14°12'35"E.
14 1348.50 feet to a 5/8" rebar set; thence N.
15 88°27'56"E. 961.61 feet to a 5/8" rebar set,
16 the POINT OF BEGINNING of the parcel herein
17 described; thence N. 88°27'56"E. 1930.23 feet
18 to a 5/8" rebar set; thence N. 47°45'12"E.
19 1504.15 feet to a 5/8" rebar set; thence N.
20 01°42'48" W. 306.16 feet to a 5/8" rebar set;
21 thence N. 88°17'12"E. 1027.78 feet to a 5/8"
22 rebar set; thence N. 03°10'23" W. 430.68 feet
23 to a 5/8" rebar set; thence N. 89°01'42"E.
24 450.44 feet to a 5/8" rebar set; thence S.
25 00°58'18" E. 320.18 feet to a 5/8" rebar set;
26 thence N. 88°44'00" E. 3706.20 feet to a 5/8"
27 rebar set; thence S. 19°49'36" W. 1336.16 feet
28 to a 5/8" rebar set; thence S. 02°55'16" E.
29 211.28 feet to a 5/8" rebar set; thence S. 75°
30 24'23" W. 644.69 feet to a 5/8" rebar set;
31 thence S. 01°12'51" E. 1175.90 feet to a 5/8"

1 rebar set; thence S. 40°23'38" W. 337.56 feet
2 to a 5/8" rebar set; thence N. 88°17'12" E.
3 566.82 feet to a 5/8" rebar set; thence S.
4 41°03'57" E. 465.55 feet to a 5/8" rebar set;
5 thence S. 02°13'31" E. 339.07 feet to a 5/8"
6 rebar set; thence S. 21°20'50" W. 1025.84 feet
7 to a 5/8" rebar set; thence S. 62°11'53" W.
8 2704.19 feet to a 5/8" rebar set; thence N.
9 31°47'37" W. 631.23 feet to a 5/8" rebar set;
10 thence S. 88°17'12" W. 233.76 feet to a 5/8"
11 rebar set; thence N. 87°48'55" W. 1464.69 feet
12 to a 5/8" rebar set; thence N. 05°08'14" E.
13 497.70 feet to a 5/8" rebar set; thence N.
14 54°09'13" W. 1057.64 feet to a 5/8" rebar set;
15 thence S. 49°19'44" W. 344.73 feet to a 5/8"
16 rebar set; thence S. 03°26'59" E. 196.03 feet
17 to a 5/8" rebar set; thence S. 20°50'23" E.
18 471.34 feet to a 5/8" rebar set; thence S.
19 38°37'17" W. 273.32 feet to a 5/8" rebar set;
20 thence N. 59°16'15" W. 1233.78 feet to a 5/8"
21 rebar set; thence N. 03°31'24" W. 140.92 feet
22 to a 5/8" rebar set; thence northerly, 851.92
23 feet along the arc of a circular curve concave
24 to the west through a central angle of
25 24°24'21" having a radius of 2,000.00 feet and
26 being subtended by a chord which bears N.
27 15°43'35" W. 845.50 feet to a 5/8" rebar set;
28 thence N. 27°55'45" W. 854.72 feet to a 5/8"
29 rebar set; thence northerly, 851.92 feet along
30 the arc of a circular curve concave to the east
31 through a central angle of 24°24'21" having a

1 radius of 2,000.00 feet and being subtended by
2 a chord which bears N. 15°43'35" W. 845.50 feet
3 to a 5/8" rebar set; thence N. 03°31'24" W.
4 574.66 feet to the Point of Beginning of the
5 parcel herein described.

6
7 And also excluding that certain tract of land
8 in the Southwest Quarter (SW 1/4) of Section
9 23, Township 46 South, Range 25 East, Lee
10 County, Florida, lying West of I-75
11 right-of-way line. Said lands containing 62.35
12 acres, more or less.

13
14 Township 46S, Range 26E:

15
16 In Township 46 South, Range 26 East, Sections
17 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
18 15, 16, 17, 18, 19, and Section 20 which lies
19 North of Corkscrew Road, less the following
20 described property:

21
22 A tract or parcel of land lying in said
23 Section 5 and Section 8, Township 46 South,
24 Range 26 East more particularly described as
25 follows:

26
27 Beginning at a found concrete post (3'x3')
28 (unnumbered) marking the Southeast corner of
29 said Section 5 thence North 01°08'49" West
30 along the East line of the Southeast Quarter
31 (SE 1/4) of said Section 5 for 3138.22 feet to

1 a found concrete monument (4'x4') stamped
2 "Starnes and Associates" marking the East
3 quarter (E 1/4) corner of said Section 5;
4 thence North 01°08'49" West along the East line
5 of the Northeast Quarter (NE 1/4) of said
6 Section 5 for 652.25 feet; thence South
7 88°51'11" West for 1931.00 feet; thence South
8 01°08'49" East for 1791.52 feet; thence South
9 88°51'11" West for 719.50 feet; thence South
10 01°08'49" East for 1886.91 feet to an
11 intersection with the South line of said
12 Section 5; thence continue South 01°08'49" East
13 for 338.07 feet to the North line of Alico Road
14 (100 feet wide) as monumented and occupied;
15 thence North 88°59'45" East along the North
16 line of said Alico Road for 2650.25 feet to the
17 East line of the Northeast Quarter (NE 1/4) of
18 said Section 8; thence North 01°04'59" West
19 along said East line for 232.63 feet to the
20 Point of Beginning.

21
22 (4) Nothing herein shall deny the right of the chief
23 or other governing officials of the district to render such
24 services to communities adjacent to the land described in
25 subsection (3), or such other places as from time to time may
26 be deemed desirable.

27 Section 3. Governing board creation; powers, duties.--

28 (1) The business and affairs of the district shall be
29 conducted and administered by a board of five commissioners,
30 who shall serve a term of 4 years each. The procedures for
31 conducting district elections and for qualification of

1 candidates and electors shall be pursuant to chapters 189 and
2 191, Florida Statutes, and chapter 97-340, Laws of Florida, as
3 they may be amended from time to time.

4 (2) The board may employ such personnel as deemed
5 necessary for the proper function and operation of the fire
6 department and establish and maintain emergency medical and
7 rescue response services and acquire and maintain rescue,
8 medical, and other emergency equipment subject to the
9 provisions of chapter 401, Florida Statutes. The salaries of
10 fire department and emergency service personnel, and any other
11 wages, shall be determined by the board.

12 (3) The district shall have and the board may exercise
13 all the powers and duties set forth in this act, chapter
14 97-340, Laws of Florida, and chapters 189 and 191, Florida
15 Statutes, as they may be amended from time to time.

16 (4) The district shall also hold all powers,
17 functions, and duties set forth in this act and chapters 189,
18 191, and 197, Florida Statutes, and chapter 97-340, Laws of
19 Florida, as amended from time to time, including, but not
20 limited to, ad valorem taxation, bond issuance, other
21 revenue-raising capabilities, budget preparation and approval,
22 liens and foreclosure of liens, use of tax deeds and tax
23 certificates as appropriate for non-ad valorem assessments,
24 and contractual agreements. The district may be financed by
25 any method established in this act, chapter 189 or chapter
26 191, Florida Statutes, or chapter 97-340, Laws of Florida, as
27 amended from time to time.

28 (5) The methods for assessing and collecting non-ad
29 valorem assessments, fees, or service charges shall be as set
30 forth in chapters 170, 189, 191, and 197, Florida Statutes,
31

1 and chapter 97-340, Laws of Florida, as amended from time to
2 time.

3 (6) The district's planning requirements shall be as
4 set forth in this act, chapters 189 and 191, Florida Statutes,
5 and chapter 97-340, Laws of Florida, as amended from time to
6 time.

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

9 (8) Requirements for financial disclosure, meeting
10 notices, reporting, public records maintenance, and per diem
11 expenses for officers and employees shall be as set forth in
12 chapters 112, 119, 189, 191, and 286, Florida Statutes, and
13 chapter 97-340, Laws of Florida, as they may be amended from
14 time to time.

15 Section 4. Governing board organization; compensation
16 and bond.--

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

24 (2) The commissioners shall receive compensation for
25 actual expenses incurred while performing the duties of their
26 office in accordance with general law governing per diem for
27 public officials. Commissioners may receive compensation for
28 their services in accordance with chapter 97-340, Laws of
29 Florida, and chapter 191, Florida Statutes, as they may be
30 amended from time to time.

31

1 (3) Each commissioner, upon taking office and in
2 accordance with chapter 97-340, Laws of Florida, and chapters
3 189 and 191, Florida Statutes, shall execute to the Governor
4 for the benefit of the district, a bond conditioned upon the
5 faithful performance of the duties of the commissioner's
6 office. The premium for such bonds shall be paid from the
7 funds of the district.

8 Section 5. Ad valorem taxing authority.--

9 (1) The board shall have the right, power, and
10 authority to levy millage tax against the taxable real estate
11 within the district to provide funds for the purpose of this
12 district. However, they shall not exceed \$3.75 per \$1,000 of
13 net taxable assessed valuation as provided by chapter 97-340,
14 Laws of Florida, or chapter 191, Florida Statutes, as amended
15 from time to time, and as approved by referendum of the
16 qualified electors in the district.

17 (2) The district shall levy and collect ad valorem
18 taxes in accordance with chapter 200, Florida Statutes, as
19 amended from time to time.

20 Section 6. Board action; authority to adopt policies
21 and regulations; annual report.--

22 (1) A record shall be kept of all meetings of the
23 board and in such meetings concurrence of a majority of the
24 commissioners shall be necessary to any affirmative action by
25 the board.

26 (2) The board may adopt policies and regulations, not
27 inconsistent with any portion of this act, chapter 191,
28 Florida Statutes, or chapter 97-340, Laws of Florida, as
29 amended from time to time, as it may deem necessary for the
30 transaction of its business and in implementing and carrying
31 out the provisions of this act. The board shall have the

1 authority to provide all things necessary for rescue services
2 and the prevention, extinguishment, and control of fires in
3 the district.

4 Section 7. Fire code.--The board shall have the right
5 and power to enact a fire prevention code or ordinance in
6 addition to, but not in conflict with, applicable state and
7 local building and fire codes.

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

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

14 Section 6. Conflict.--Except as otherwise provided in
15 this act, in the event of a conflict of the provisions of this
16 act with the provisions of any other act, the provisions of
17 this act shall control to the extent of such conflict.

18 Section 7. Repeal of prior special acts.--Chapters
19 76-411, 80-521, and 84-469, subsection (5) of section 1 of
20 chapter 88-545, and chapters 89-494, 94-457, 95-463, 96-458,
21 and 97-320, Laws of Florida, are repealed.

22 Section 8. This act shall take effect upon becoming a
23 law.