

By Representative C. Green

1                                   A bill to be entitled  
2           An act relating to the Sanibel Fire & Rescue  
3           District, Lee County; providing legislative  
4           intent; amending chapter 97-340, Laws of  
5           Florida, relating to the Sanibel Fire & Rescue  
6           District; re-creating and reenacting an  
7           independent fire control and rescue district in  
8           Lee County; renaming the district; fixing  
9           boundaries of the district; providing for a  
10          governing body; providing powers, budget, and  
11          taxing authority of the district; requiring the  
12          development of a plan; providing severability;  
13          repealing chapter 30930, Laws of Florida, 1955,  
14          chapters 59-1495, 61-2401, 71-742, 75-420,  
15          79-492, 81-414, 81-423, 87-447, and 96-459,  
16          Laws of Florida, related to the district;  
17          providing that this act shall take precedence  
18          over any conflicting law to the extent of such  
19          conflict; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23           Section 1. Pursuant to section 191.015, Florida  
24 Statutes, this act constitutes the codification of all special  
25 acts relating to the Sanibel Fire & Rescue District. It is the  
26 intent of the Legislature to provide a single, comprehensive  
27 special act charter for the district, including all current  
28 legislative authority granted to the district by its several  
29 legislative enactments, and any additional authority granted  
30 by this act. It is further the intent of this act to preserve  
31 all district authority, including the authority to annually

1 assess and levy against the taxable property in the district a  
2 tax not to exceed the limit set forth in prior special acts  
3 pertaining to the district as further authorized by chapter  
4 97-340, Laws of Florida, chapter 191, Florida Statutes, or any  
5 other applicable general or special law; to conform the  
6 charter to chapter 191, Florida Statutes, the Independent  
7 Special Fire Control District Act, other provisions of general  
8 law, and the Lee County Independent District Special Fire  
9 Control District Act, chapter 97-340, Laws of Florida.

10       Section 2. Chapter 30930, Laws of Florida, 1955,  
11 chapters 59-1495, 61-2401, 71-742, 75-420, 79-492, 81-414,  
12 81-423, 87-447, and 96-459, Laws of Florida, and applicable  
13 provisions of chapter 97-340, Laws of Florida, relating to the  
14 Sanibel Island Fire Control District, are codified, reenacted,  
15 amended, and repealed as provided herein.

16       Section 3. This act establishes a charter for the  
17 Sanibel Fire & Rescue District, which was created by chapter  
18 30930, Laws of Florida, 1955, as Sanibel Island Fire Control  
19 District.

20       Section 4. This act supersedes and repeals all  
21 previous special acts relating to the Sanibel Island Fire  
22 Control District and sets forth within this charter those  
23 matters, as applicable, which are covered by such previous  
24 special acts. Amendments to this district charter may be made  
25 only by special act of the Legislature. This act shall be  
26 construed so as to preserve to the district all powers  
27 previously granted.

28       Section 5. The district is an independent special fire  
29 control district organized and existing for all purposes set  
30 forth in this act and chapter 191, Florida Statutes, as they  
31 may be amended from time to time.

1           Section 6. The Sanibel Fire & Rescue District is  
2 re-created and reenacted to read:

3           Section 1. Name of District.--The name of the district  
4 shall be the Sanibel Fire & Rescue District.

5           Section 2. Boundaries of the District.--The following  
6 lands shall be included in the district:

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8           All that part of Lee County, Florida, lying and  
9 being within the corporate limits of the City  
10 of Sanibel, and that portion of the Sanibel  
11 Causeway comprising Township 46 South, Range 23  
12 East, Sections 8, 17, and 20.

13  
14 The boundaries of the district may be modified, extended, or  
15 enlarged upon approval or ratification by the Legislature.

16           Section 3. Governing Body.--

17           (a) The district shall be governed by a board of  
18 commissioners which shall consist of three resident electors  
19 of the district, pursuant to chapter 97-340, Laws of Florida,  
20 elected by a vote of the electors of the district pursuant to  
21 section 191.005, Florida Statutes.

22           (b) Members shall be elected for 4 year terms, elected  
23 on two-year staggered terms. Seats shall be numbered 1, 2,  
24 and 3, respectively, with seats 1 and 3 designated for  
25 election at the same time and seat 2 elected in the  
26 alternating election.

27           (c) Annually, within 60 days after the newly elected  
28 members have taken office, the board shall organize by  
29 electing from its number a chair, a vice chair, a secretary,  
30 and a treasurer. The positions of secretary and treasurer may  
31 be held by one member. Funds of the district may be disbursed

1 only upon the order or pursuant to resolution of the board, by  
2 warrant or check signed by the treasurer or other person  
3 authorized by the board. However, a "petty cash" account may  
4 be authorized by the board. The board may give the treasurer  
5 additional powers and duties that it deems appropriate.

6 (d) At the time of adoption of this charter, members  
7 of the board shall continue to serve without compensation.  
8 Any provision for payment of a salary or honorarium shall be  
9 determined in accordance with and subject to limitations set  
10 forth in section 191.005(4), Florida Statutes.

11 (e) If a vacancy occurs on the board for any reason,  
12 the remaining members may appoint a qualified person to fill  
13 the seat until the next general election, at which time an  
14 election shall be held to fill the vacancy for the remaining  
15 term, if any. The board shall remove any member who has three  
16 consecutive, unexcused absences from regularly scheduled  
17 meetings. The board shall adopt rules defining excused and  
18 unexcused absences.

19 (f) Each member shall, upon assuming office, take and  
20 subscribe to the oath of office prescribed by s. 5(b), Art. II  
21 of the State Constitution and section 876.05, Florida  
22 Statutes.

23 (g) Each member, within 30 days of assuming office,  
24 must give the Governor a good and sufficient surety bond in  
25 the sum of \$5,000, the cost thereof being borne by the  
26 district, conditioned on his or her faithful performance of  
27 his or her duties of office.

28 (h) The board shall keep a permanent record book  
29 entitled "Record of Proceedings of Sanibel Fire & Rescue  
30 District" in which the minutes of all meetings, resolutions,  
31 proceedings, certificates, bonds given by commissioners, and

1 corporate acts shall be recorded. The record book shall be  
2 open to inspection in the same manner as state, county, and  
3 municipal records are open under chapter 119, Florida  
4 Statutes. The record book shall be kept at the office or other  
5 regular place of business maintained by the board in Lee  
6 County.

7 (i) All meetings of the board shall be open to the  
8 public consistent with chapter 286, Florida Statutes, section  
9 189.417, Florida Statutes, and other applicable general law.

10 Section 4. Powers.--The district shall have, and the  
11 board may exercise by majority vote, all powers that an  
12 independent special fire control district is authorized by law  
13 to have, specifically including, without limitation, all  
14 powers set forth in chapter 97-340, Laws of Florida, and in  
15 sections 191.006, 191.008, 191.009, 191.011, 191.012, and  
16 191.013, Florida Statutes. Without limiting any general or  
17 special powers otherwise granted by law, the district shall  
18 also have the power to establish and maintain fire suppression  
19 and control services; to provide emergency medical services  
20 and rescue response services; to acquire and maintain fire  
21 stations and equipment pursuant to law; and to acquire and  
22 maintain rescue, medical, and other emergency equipment  
23 pursuant to the provisions of chapter 401, Florida Statutes,  
24 and any certificate of public convenience and necessity or its  
25 equivalent issued thereunder.

26 Section 5. Budget.--For the purposes of carrying into  
27 effect this act, the board shall annually prepare, consider,  
28 and adopt a district budget pursuant to the applicable  
29 requirements of chapter 200, Florida Statutes, as it may be  
30 amended from time to time.

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1           Section 6. Taxing Authority.--The district board shall  
2 fix and cause to be levied on all taxable property of the  
3 district a millage sufficient to meet the requirements of the  
4 budget. The millage shall not exceed 10 mills per year.

5           Section 7. Plan.--The district shall adopt a 5-year  
6 plan to identify the facilities, equipment, personnel, and  
7 revenue needed by the district over the next 5-year period.  
8 The plan shall be updated in accordance with section 189.415,  
9 Florida Statutes, and satisfies the requirement for a public  
10 facilities report required by section 189.415(2), Florida  
11 Statutes.

12           Section 8. Tax Collector's Responsibility.--When such  
13 taxes as provided for herein shall have been collected by the  
14 Lee County tax collector, he or she shall, on or before the  
15 tenth day of each month, report to the secretary of the board  
16 the collections made for the preceding month and remit the  
17 same to the treasurer. Thereupon the tax collector shall be  
18 relieved from all other and further liability as to the amount  
19 so paid the treasurer of the board.

20           Section 7. This act shall be construed as remedial and  
21 shall be liberally construed to promote the purpose for which  
22 it is intended.

23           Section 8. It is declared to be the intent of the  
24 Legislature that if any section, subsection, sentence, clause,  
25 phrase, or portion of this act is held invalid, unenforceable,  
26 or unconstitutional for any reason, by any court of competent  
27 jurisdiction, such holding shall not affect the validity of  
28 the remaining portions hereof.

29           Section 9. Chapter 30930, Laws of Florida, 1955, and  
30 chapters 59-1495, 61-2401, 71-742, 75-420, 79-492, 81-414,  
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1 81-423, 87-447, and 96-459, Laws of Florida, shall be repealed  
2 10 days after the effective date of this act.

3           Section 10. In the event of a conflict of the  
4 provisions of this act with the provisions of any other act,  
5 the provisions of this act shall control to the extent of such  
6 conflict.

7           Section 11. This act shall take effect upon becoming a  
8 law.

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