

By Senator Saunders

25-1267-02

See HB

1 A bill to be entitled
2 An act relating to the Bayshore Fire Protection
3 and Rescue Service District, Lee County;
4 providing for codification of special laws
5 relating to the District; amending, codifying,
6 reenacting, and repealing all prior special
7 acts; providing definitions; providing for
8 creation, status, charter amendments, and
9 boundaries; providing for a board of
10 commissioners and for its powers, duties, and
11 responsibilities; providing authority to levy
12 ad valorem taxes and non-ad valorem
13 assessments; providing for the District's
14 fiscal year; providing for deposit of District
15 funds; authorizing the District to borrow
16 money; providing for use of District funds;
17 authorizing the board to adopt policies,
18 regulations, and a fire-prevention code;
19 providing for liberal construction; providing
20 severability; providing an effective date.

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

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

1 chapters 189 and 191, Florida Statutes, and chapter 97-340,
2 Laws of Florida, as amended from time to time. It is further
3 the intent of this act to preserve all District authority,
4 including the authority to annually assess and levy against
5 the taxable property in the District a tax not to exceed the
6 limit provided in chapter 97-340, Laws of Florida, or chapter
7 191, Florida Statutes, and as approved by referendum of the
8 qualified electors in the District.

9 Section 2. Chapters 76-414, 80-520, 84-466, 87-422,
10 91-398, and 95-459, Laws of Florida, relating to the Bayshore
11 Fire Protection and Rescue Service District, are amended,
12 codified, reenacted, and repealed as provided in this act.

13 Section 3. The Bayshore Fire Protection and Rescue
14 Service District is re-created and the charter for the
15 District is re-created and reenacted to read:

16 Section 1. Definitions.--As used in this act, the
17 term:

18 (1) "District" means the Bayshore Fire Protection and
19 Rescue Service District.

20 (2) "Board" and "board of commissioners" mean the
21 board of commissioners of and for the District.

22 (3) "Commissioner" means a member of the board of
23 commissioners of and for the District.

24 (4) "County" means Lee County.

25 Section 2. District status; boundaries; charter
26 amendments.--

27 (1) There is created an independent special taxing
28 fire protection and rescue service district incorporating
29 lands in Lee County described in subsection (2) which shall be
30 a public corporation having the powers, duties, rights,
31 obligations, and immunities herein set forth, under the name

1 of the Bayshore Fire Protection and Rescue Service District.
2 The District is organized and exists for all purposes and
3 shall hold all powers set forth in this act, chapters 189 and
4 191, Florida Statutes, and chapter 97-340, Laws of Florida. To
5 the extent of any conflict between this act and chapter
6 97-340, Laws of Florida, the provisions of chapter 97-340,
7 Laws of Florida, shall supersede this act.

8 (2) The lands to be included within the District are
9 the following described lands in Lee County, Florida:

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11 In Township 43 South, Range 25 East, all of
12 sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12,
13 13, 14, 15, 16, 17, 21, 22, 23, that portion of
14 section 24 lying North of the waters of the
15 Caloosahatchee River, that portion of section
16 25 lying North of the waters of the
17 Caloosahatchee River, that portion of section
18 26 lying North of the Caloosahatchee River, all
19 of section 27, all of section 28 and in
20 Township 43 South, Range 26 East, all of
21 sections 4, 5, 6, 7, 8, 9, 16, 17, 18, and
22 those portions of sections 19, 20, and 21 lying
23 North of the waters of the Caloosahatchee
24 River.

25
26 (3) Nothing in this act shall deny the right of the
27 chief or other governing officials of the District to render
28 such services to communities adjacent to the land described in
29 subsection (2), or such other places as from time to time may
30 be deemed desirable.

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1 (4) The District was created by special act of the
2 Legislature in 1976. Its charter may be amended only by
3 special act of the Legislature.

4 Section 3. Governing board; creation; employment of
5 personnel; compensation; organization; commissioners' bond.--

6 (1) Pursuant to chapter 97-340, Laws of Florida, the
7 business and affairs of the District shall be conducted and
8 administered by a board of five commissioners, who shall serve
9 terms of 4 years each. The procedures for conducting District
10 elections and for qualification of candidates and electors
11 shall be pursuant to chapters 189 and 191, Florida Statutes,
12 and chapter 97-340, Laws of Florida, as they may be amended
13 from time to time.

14 (2) The board may employ such personnel as it deems
15 necessary for the proper function and operation of a fire and
16 rescue department. The salaries of fire department and
17 emergency service personnel, and any other wages, shall be
18 determined by the board.

19 (3) In accordance with chapter 191, Florida Statutes,
20 and chapter 97-340, Laws of Florida, each elected member of
21 the board shall assume office 10 days following the member's
22 election. Annually, within 60 days after the election of new
23 members of the board, the members shall organize by electing
24 from their number a chair, a vice-chair, a secretary, and a
25 treasurer. However, the same member may be both secretary and
26 treasurer.

27 (4) The commissioners shall receive compensation for
28 actual expenses incurred while performing the duties of their
29 office in accordance with general law governing per diem for
30 public officials. Commissioners may receive compensation for
31 their services in accordance with chapter 97-340, Laws of

1 Florida, and chapter 191, Florida Statutes, as amended from
2 time to time.

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

10 Section 4. Powers; duties; responsibilities.--

11 (1) The District shall have and the board may exercise
12 all the powers and duties set forth in this act, chapters 189,
13 191, and 197, Florida Statutes, and chapter 97-340, Laws of
14 Florida, as they may be amended from time to time, including,
15 but not limited to, ad valorem taxation, bond issuance, other
16 revenue-raising capabilities, budget preparation and approval,
17 liens and foreclosure of liens, use of tax deeds and tax
18 certificates as appropriate for non-ad valorem assessments,
19 and contractual agreements. The District may be financed by
20 any method established in this act, chapter 189 or chapter
21 191, Florida Statutes, or chapter 97-340, Laws of Florida, as
22 amended from time to time.

23 (2) The methods for assessing and collecting non-ad
24 valorem assessments, fees, or service charges shall be as set
25 forth in this act, chapter 170, chapter 189, chapter 191, or
26 chapter 197, Florida Statutes, and chapter 97-340, Laws of
27 Florida, as amended from time to time.

28 (3) The District's planning requirements shall be as
29 set forth in this act, chapters 189 and 191, Florida Statutes,
30 and chapter 97-340, Laws of Florida, as amended from time to
31 time.

1 (4) Requirements for financial disclosure, meeting
2 notices, reporting, public records maintenance, and per diem
3 expenses for officers and employees shall be as set forth in
4 this act, chapters 112, 119, 189, 191, and 286, Florida
5 Statutes, and chapter 97-340, Laws of Florida, as amended from
6 time to time.

7 Section 5. Ad valorem taxing authority; non-ad valorem
8 assessments.--

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 purposes of this
12 District. However, these funds shall not exceed the limit
13 provided by chapter 97-340, Laws of Florida, or chapter 191,
14 Florida Statutes, as amended from time to time.

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

18 (3) Non-ad valorem assessments.--The District is
19 authorized to levy and enforce non-ad valorem assessments in
20 accordance with chapters 189, 191, and 197, Florida Statutes,
21 and chapter 97-340, Laws of Florida.

22 Section 6. Fiscal year.--The District's fiscal year
23 shall begin on October 1 and end on September 30.

24 Section 7. District funds.--

25 (1) All funds of the District shall be deposited in
26 qualified public depositories, in accordance with chapters 191
27 and 280, Florida Statutes, as they may be amended from time to
28 time.

29 (2) No funds of the District shall be paid or
30 disbursed except by check signed by the treasurer of the board
31 and either the chair or vice-chair of the board.

1 Section 8. Authority to borrow money.--
2 (1) The board shall have the power and authority to
3 borrow money or issue other evidences of indebtedness for the
4 purposes of the District in accordance with chapters 189 and
5 191, Florida Statutes, and chapter 97-340, Laws of Florida, as
6 amended from time to time. However, the total payments in any
7 one year, including principal and interest, on any
8 indebtedness incurred by the District may not exceed 50
9 percent of the total annual budgeted revenues of the District
10 for the year in which the payments are to be made.
11 (2) Neither the District commissioners as a body nor
12 any of them as an individual shall be personally or
13 individually liable for the repayment of such loan. Such
14 repayment shall be made out of tax receipts of the District
15 except as provided in this subsection. The commissioners shall
16 not create any indebtedness or incur obligations for any sum
17 or amount that they are unable to repay out of District funds
18 then in their hands except as otherwise provided in this act.
19 However, the commissioners may make purchases of equipment on
20 an installment basis as necessary if funds are available for
21 the payment of the current year's installment on such
22 equipment plus the amount due in that year of any other
23 installments and the repayment of any bank loan or other
24 existing indebtedness which may be due that year.
25 Section 9. Board action; authority to adopt policies
26 and regulations.--
27 (1) A record shall be kept of all meetings of the
28 board and in such meetings concurrence of a majority of the
29 commissioners shall be necessary to any affirmative action by
30 the board.
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1 (2) The board may adopt policies and regulations not
2 inconsistent with any portion of this act, chapter 189 or
3 chapter 191, Florida Statutes, or chapter 97-340, Laws of
4 Florida, as amended from time to time, as it may deem
5 necessary for the transaction of its business and in
6 implementing and carrying out the provisions of this act. The
7 board shall have authority to provide all things necessary for
8 the prevention, extinguishment, and control of fires and for
9 the operation of a rescue service in the District.

10 Section 10. Fire prevention code.--The board shall
11 have the right and power to enact a fire prevention code or
12 ordinance in addition to, but not in conflict with, applicable
13 state and local building and fire codes.

14 Section 4. This act shall be construed as remedial and
15 shall be liberally construed to promote the purpose for which
16 it is intended.

17 Section 5. In the event that any part of this act
18 should be held void for any reason, such holding shall not
19 affect any other part thereof.

20 Section 6. Except as otherwise provided in this act,
21 in the event of a conflict of the provisions of this act with
22 the provisions of any other act, the provisions of this act
23 shall control to the extent of such conflict.

24 Section 7. Chapters 76-414, 80-520, 84-466, 87-422,
25 91-398, and 95-459, Laws of Florida, are repealed.

26 Section 8. This act shall take effect upon becoming a
27 law.

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