



HB 1251

2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A bill to be entitled

An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Bayshore Fire Protection and Rescue Service District, located in Lee County. It is the intent of the Legislature to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time. It is further the intent of this act to preserve all District authority, including



HB 1251

2003

31 the authority to annually assess and levy against the taxable
32 property in the District a tax not to exceed the limit provided
33 in chapter 97-340, Laws of Florida, or chapter 191, Florida
34 Statutes, and as approved by referendum of the qualified
35 electors in the District.

36 Section 2. Chapters 76-414, 80-520, 84-466, 87-422, 91-
37 398, and 95-459, Laws of Florida, relating to the Bayshore Fire
38 Protection and Rescue Service District, are amended, codified,
39 reenacted, and repealed as provided herein.

40 Section 3. The Bayshore Fire Protection and Rescue Service
41 District is re-created and the charter for the District is re-
42 created and reenacted to read:

43 Section 1. Definitions.--As used in this act, unless
44 otherwise specified:

45 (1) "District" means the Bayshore Fire Protection and
46 Rescue Service District.

47 (2) "Board" and "board of commissioners" mean the board of
48 commissioners of and for the District.

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

51 (4) "County" means Lee County.

52 Section 2. District status; boundaries; charter
53 amendments.--

54 (1) There is created an independent special taxing fire
55 protection and rescue service district incorporating lands in
56 Lee County described in subsection (2), which shall be a public
57 corporation having the powers, duties, rights, obligations, and
58 immunities herein set forth, under the name of the Bayshore Fire
59 Protection and Rescue Service District. The District is
60 organized and exists for all purposes and shall hold all powers



HB 1251

2003

61 set forth in this act, chapters 189 and 191, Florida Statutes,
62 and chapter 97-340, Laws of Florida. To the extent of any
63 conflict between this act and chapter 97-340, Laws of Florida,
64 the provisions of chapter 97-340, Laws of Florida, shall
65 supersede this act.

66 (2) The lands to be included within the District are the
67 following described lands in Lee County:

68 In Township 43 South, Range 25 East, all of sections
69 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16,
70 17, 21, 22, 23, that portion of section 24 lying North
71 of the waters of the Caloosahatchee River, that
72 portion of section 25 lying North of the waters of the
73 Caloosahatchee River, that portion of section 26 lying
74 North of the Caloosahatchee River, all of section 27,
75 all of section 28 and in Township 43 South, Range 26
76 East, all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18,
77 and those portions of sections 19, 20, and 21 lying
78 North of the waters of the Caloosahatchee River.

79 (3) Nothing herein shall deny the right of the chief or
80 other governing officials of the District to render such
81 services to communities adjacent to the land described in
82 subsection (2), or such other places as from time to time may be
83 deemed desirable.

84 (4) The District was created by special act of the
85 Legislature in 1976. Its charter may be amended only by special
86 act of the Legislature.

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

89 (1) Pursuant to chapter 97-340, Laws of Florida, the
90 business and affairs of the District shall be conducted and



HB 1251

2003

91 administered by a board of five commissioners, who shall serve
92 terms of 4 years each. The procedures for conducting District
93 elections and for qualification of candidates and electors shall
94 be pursuant to chapters 189 and 191, Florida Statutes, and
95 chapter 97-340, Laws of Florida, as they may be amended from
96 time to time.

97 (2) The board may employ such personnel as it deems
98 necessary for the proper function and operation of a fire and
99 rescue department. The salaries of fire department and emergency
100 service personnel, and any other wages, shall be determined by
101 the board.

102 (3) In accordance with chapter 191, Florida Statutes, and
103 chapter 97-340, Laws of Florida, each elected member of the
104 board shall assume office 10 days following the member's
105 election. Annually, within 60 days after the election of new
106 members of said board, the members shall organize by electing
107 from their number a chair, a vice chair, a secretary, and a
108 treasurer. However, the same member may be both secretary and
109 treasurer.

110 (4) The commissioners shall receive compensation for
111 actual expenses incurred while performing the duties of their
112 office in accordance with general law governing per diem for
113 public officials. Commissioners may receive compensation for
114 their services in accordance with chapter 97-340, Laws of
115 Florida, and chapter 191, Florida Statutes, as amended from time
116 to time.

117 (5) Each commissioner, upon taking office and in
118 accordance with chapter 97-340, Laws of Florida, and chapters
119 189 and 191, Florida Statutes, shall execute to the Governor for
120 the benefit of the District a bond conditioned upon the faithful



HB 1251

2003

121 performance of the duties of the commissioner's office. The
122 premium for such bonds shall be paid from the funds of the
123 District.

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

125 (1) The District shall have and the board may exercise all
126 the powers and duties set forth in this act, chapters 189, 191,
127 and 197, Florida Statutes, and chapter 97-340, Laws of Florida,
128 as they may be amended from time to time, including, but not
129 limited to, ad valorem taxation, bond issuance, other revenue-
130 raising capabilities, budget preparation and approval, liens and
131 foreclosure of liens, use of tax deeds and tax certificates as
132 appropriate for non-ad valorem assessments, and contractual
133 agreements. The District may be financed by any method
134 established in this act, chapter 189 or chapter 191, Florida
135 Statutes, or chapter 97-340, Laws of Florida, as amended from
136 time to time.

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

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

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



HB 1251

2003

151 Section 5. Ad valorem taxing authority; non-ad valorem
152 assessments.--

153 (1) The board shall have the right, power, and authority
154 to levy millage tax against the taxable real estate within the
155 District to provide funds for the purpose of this District.
156 However, they shall not exceed the limit provided by chapter 97-
157 340, Laws of Florida, or chapter 191, Florida Statutes, as
158 amended from time to time. Although the district is authorized
159 to levy a maximum millage rate as provided for in section
160 191.009(1), Florida Statutes, the district must receive
161 referendum approval, as required by the State Constitution and
162 section 191.009, Florida Statutes, for any increased millage
163 rate above such rate that has been previously authorized by a
164 special act and approved by referendum.

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

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

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

174 Section 7. District funds.--

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

179 (2) No funds of the District shall be paid or disbursed
180 except by check signed by the treasurer of the board and either



HB 1251

2003

181 the chair or vice chair of the board.

182 Section 8. Authority to borrow money.--

183 (1) The board shall have the power and authority to borrow
184 money or issue other evidences of indebtedness for the purposes
185 of the District in accordance with chapters 189 and 191, Florida
186 Statutes, and chapter 97-340, Laws of Florida, as amended from
187 time to time. However, the total payments in any one year,
188 including principal and interest, on any indebtedness incurred
189 by the District may not exceed 50 percent of the total annual
190 budgeted revenues of the District for the year in which the
191 payments are to be made.

192 (2) Neither the District commissioners as a body nor any
193 of them as an individual shall be personally or individually
194 liable for the repayment of such loan. Such repayment shall be
195 made out of tax receipts of the District except as provided in
196 this subsection. The commissioners shall not create any
197 indebtedness or incur obligations for any sum or amount which
198 they are unable to repay out of District funds then in their
199 hands except as otherwise provided in this act. However, the
200 commissioners may make purchases of equipment on an installment
201 basis as necessary if funds are available for the payment of the
202 current year's installment on such equipment plus the amount due
203 in that year on any other installments and the repayment of any
204 bank loan or other existing indebtedness which may be due that
205 year.

206 Section 9. Board action; authority to adopt policies and
207 regulations.--

208 (1) A record shall be kept of all meetings of the board
209 and in such meetings concurrence of a majority of the
210 commissioners shall be necessary to any affirmative action by



HB 1251

2003

211 the board.

212 (2) The board may adopt policies and regulations not
213 inconsistent with any portion of this act, chapter 189 or
214 chapter 191, Florida Statutes, or chapter 97-340, Laws of
215 Florida, as amended from time to time, as it may deem necessary
216 for the transaction of its business and in implementing and
217 carrying out the provisions of this act. The board shall have
218 authority to provide all things necessary for the prevention,
219 extinguishment, and control of fires and for the operation of a
220 rescue service in the District.

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

225 Section 4. This act shall be construed as remedial and
226 shall be liberally construed to promote the purpose for which it
227 is intended.

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

231 Section 6. Except as otherwise provided in this act, in
232 the event of a conflict of the provisions of this act with the
233 provisions of any other act, the provisions of this act shall
234 control to the extent of such conflict.

235 Section 7. Chapters 76-414, 80-520, 84-466, 87-422, 91-
236 398, and 95-459, Laws of Florida, are repealed.

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