



HB 1251

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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

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:



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

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reenacted, and repealed as provided herein.

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

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

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



57 (2) "Board" and "board of commissioners" mean the board of
58 commissioners of and for the District.

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

61 (4) "County" means Lee County.

62 Section 2. District status; boundaries; charter
63 amendments.--

64 (1) There is created an independent special taxing fire
65 protection and rescue service district incorporating lands in
66 Lee County described in subsection (2), which shall be a public
67 corporation having the powers, duties, rights, obligations, and
68 immunities herein set forth, under the name of the Bayshore Fire
69 Protection and Rescue Service District. The District is
70 organized and exists for all purposes and shall hold all powers
71 set forth in this act, chapters 189 and 191, Florida Statutes,
72 and chapter 97-340, Laws of Florida. To the extent of any
73 conflict between this act and chapter 97-340, Laws of Florida,
74 the provisions of chapter 97-340, Laws of Florida, shall
75 supersede this act.

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

78 In Township 43 South, Range 25 East, all of sections
79 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16,
80 17, 21, 22, 23, that portion of section 24 lying North
81 of the waters of the Caloosahatchee River, that
82 portion of section 25 lying North of the waters of the
83 Caloosahatchee River, that portion of section 26 lying
84 North of the Caloosahatchee River, all of section 27,



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85 all of section 28 and in Township 43 South, Range 26
86 East, all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18,
87 and those portions of sections 19, 20, and 21 lying
88 North of the waters of the Caloosahatchee River.

89 (3) Nothing herein shall deny the right of the chief or
90 other governing officials of the District to render such
91 services to communities adjacent to the land described in
92 subsection (2), or such other places as from time to time may be
93 deemed desirable.

94 (4) The District was created by special act of the
95 Legislature in 1976. Its charter may be amended only by special
96 act of the Legislature.

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

99 (1) Pursuant to chapter 97-340, Laws of Florida, the
100 business and affairs of the District shall be conducted and
101 administered by a board of five commissioners, who shall serve
102 terms of 4 years each. The procedures for conducting District
103 elections and for qualification of candidates and electors shall
104 be pursuant to chapters 189 and 191, Florida Statutes, and
105 chapter 97-340, Laws of Florida, as they may be amended from
106 time to time.

107 (2) The board may employ such personnel as it deems
108 necessary for the proper function and operation of a fire and
109 rescue department. The salaries of fire department and emergency
110 service personnel, and any other wages, shall be determined by
111 the board.



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112 (3) In accordance with chapter 191, Florida Statutes, and
113 chapter 97-340, Laws of Florida, each elected member of the
114 board shall assume office 10 days following the member's
115 election. Annually, within 60 days after the election of new
116 members of said board, the members shall organize by electing
117 from their number a chair, a vice chair, a secretary, and a
118 treasurer. However, the same member may be both secretary and
119 treasurer.

120 (4) The commissioners shall receive compensation for
121 actual expenses incurred while performing the duties of their
122 office in accordance with general law governing per diem for
123 public officials. Commissioners may receive compensation for
124 their services in accordance with chapter 97-340, Laws of
125 Florida, and chapter 191, Florida Statutes, as amended from time
126 to time.

127 (5) Each commissioner, upon taking office and in
128 accordance with chapter 97-340, Laws of Florida, and chapters
129 189 and 191, Florida Statutes, shall execute to the Governor for
130 the benefit of the District a bond conditioned upon the faithful
131 performance of the duties of the commissioner's office. The
132 premium for such bonds shall be paid from the funds of the
133 District.

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

135 (1) The District shall have and the board may exercise all
136 the powers and duties set forth in this act, chapters 189, 191,
137 and 197, Florida Statutes, and chapter 97-340, Laws of Florida,
138 as they may be amended from time to time, including, but not
139 limited to, ad valorem taxation, bond issuance, other revenue-



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140 raising capabilities, budget preparation and approval, liens and
141 foreclosure of liens, use of tax deeds and tax certificates as
142 appropriate for non-ad valorem assessments, and contractual
143 agreements. The District may be financed by any method
144 established in this act, chapter 189 or chapter 191, Florida
145 Statutes, or chapter 97-340, Laws of Florida, as amended from
146 time to time.

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

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

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

161 Section 5. Ad valorem taxing authority; non-ad valorem
162 assessments.--

163 (1) The board shall have the right, power, and authority
164 to levy millage tax against the taxable real estate within the
165 District to provide funds for the purpose of this District.
166 However, they shall not exceed the limit provided by chapter 97-
167 340, Laws of Florida, or chapter 191, Florida Statutes, as



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168 amended from time to time. Although the district is authorized
169 to levy a maximum millage rate as provided for in section
170 191.009(1), Florida Statutes, the district must receive
171 referendum approval, as required by the State Constitution and
172 section 191.009, Florida Statutes, for any increased millage
173 rate above such rate that has been previously authorized by a
174 special act and approved by referendum.

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

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

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

184 Section 7. District funds.--

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

189 (2) No funds of the District shall be paid or disbursed
190 except by check signed by the treasurer of the board and either
191 the chair or vice chair of the board.

192 Section 8. Authority to borrow money.--

193 (1) The board shall have the power and authority to borrow
194 money or issue other evidences of indebtedness for the purposes
195 of the District in accordance with chapters 189 and 191, Florida



196 Statutes, and chapter 97-340, Laws of Florida, as amended from
 197 time to time. However, the total payments in any one year,
 198 including principal and interest, on any indebtedness incurred
 199 by the District may not exceed 50 percent of the total annual
 200 budgeted revenues of the District for the year in which the
 201 payments are to be made.

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

216 Section 9. Board action; authority to adopt policies and
 217 regulations.--

218 (1) A record shall be kept of all meetings of the board
 219 and in such meetings concurrence of a majority of the
 220 commissioners shall be necessary to any affirmative action by
 221 the board.

222 (2) The board may adopt policies and regulations not
 223 inconsistent with any portion of this act, chapter 189 or



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224 chapter 191, Florida Statutes, or chapter 97-340, Laws of
225 Florida, as amended from time to time, as it may deem necessary
226 for the transaction of its business and in implementing and
227 carrying out the provisions of this act. The board shall have
228 authority to provide all things necessary for the prevention,
229 extinguishment, and control of fires and for the operation of a
230 rescue service in the District.

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

235 Section 4. This act shall be construed as remedial and
236 shall be liberally construed to promote the purpose for which it
237 is intended.

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

241 Section 6. Chapters 76-414, 80-520, 84-466, 87-422, 91-
242 398, and 95-459, Laws of Florida, are repealed.

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