

By Senator Saunders

37-728-03

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 the board's powers, duties,  
11          and responsibilities; providing authority to  
12          levy 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12 codified, reenacted, and repealed as provided herein.

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, unless  
17 otherwise specified:

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  
30 be 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:

10  
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 herein shall deny the right of the chief  
27 or other governing officials of the District to render such  
28 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.

31

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 said 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 purpose of this  
12 District. However, they shall not exceed the limit provided by  
13 chapter 97-340, Laws of Florida, or chapter 191, Florida  
14 Statutes, as amended from time to time. Although the district  
15 is authorized to levy a maximum millage rate as provided for  
16 in section 191.009(1), Florida Statutes, the district must  
17 receive referendum approval, as required by the State  
18 Constitution and section 191.009, Florida Statutes, for any  
19 increased millage rate above such rate that has been  
20 previously authorized by a special act and approved by  
21 referendum.

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

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

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

31           Section 7. District funds.--

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

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

8           Section 8. Authority to borrow money.--

9           (1) The board shall have the power and authority to  
10 borrow money or issue other evidences of indebtedness for the  
11 purposes of the District in accordance with chapters 189 and  
12 191, Florida Statutes, and chapter 97-340, Laws of Florida, as  
13 amended from time to time. However, the total payments in any  
14 one year, including principal and interest, on any  
15 indebtedness incurred by the District may not exceed 50  
16 percent of the total annual budgeted revenues of the District  
17 for the year in which the payments are to be made.

18           (2) Neither the District commissioners as a body nor  
19 any of them as an individual shall be personally or  
20 individually liable for the repayment of such loan. Such  
21 repayment shall be made out of tax receipts of the District  
22 except as provided in this subsection. The commissioners shall  
23 not create any indebtedness or incur obligations for any sum  
24 or amount which they are unable to repay out of District funds  
25 then in their hands except as otherwise provided in this act.  
26 However, the commissioners may make purchases of equipment on  
27 an installment basis as necessary if funds are available for  
28 the payment of the current year's installment on such  
29 equipment plus the amount due in that year on any other  
30 installments and the repayment of any bank loan or other  
31 existing indebtedness which may be due that year.

1           Section 9. Board action; authority to adopt policies  
2 and regulations.--

3           (1) A record shall be kept of all meetings of the  
4 board and in such meetings concurrence of a majority of the  
5 commissioners shall be necessary to any affirmative action by  
6 the board.

7           (2) The board may adopt policies and regulations not  
8 inconsistent with any portion of this act, chapter 189 or  
9 chapter 191, Florida Statutes, or chapter 97-340, Laws of  
10 Florida, as amended from time to time, as it may deem  
11 necessary for the transaction of its business and in  
12 implementing and carrying out the provisions of this act. The  
13 board shall have authority to provide all things necessary for  
14 the prevention, extinguishment, and control of fires and for  
15 the operation of a rescue service in the District.

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

20           Section 4. 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 5. In the event that any part of this act  
24 should be held void for any reason, such holding shall not  
25 affect any other part thereof.

26           Section 6. Except as otherwise provided in this act,  
27 in the event of a conflict of the provisions of this act with  
28 the provisions of any other act, the provisions of this act  
29 shall control to the extent of such conflict.

30           Section 7. Chapters 76-414, 80-520, 84-466, 87-422,  
31 91-398, and 95-459, Laws of Florida, are repealed.



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