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A bill to be entitled

An act relating to the Upper Captiva Fire Protection and Rescue Service District, Lee County; providing legislative intent; codifying, reenacting, and amending all prior special acts pertaining to the district; re-creating and reenacting an independent fire protection, control, and rescue service district in said county; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing construction and severability; repealing prior special acts related to the district; 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 Upper Captiva Fire Protection and Rescue Service District (hereinafter called the "district"). 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. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy taxes, impact fees, and non-ad valorem assessments as authorized by chapter 97-340, Laws of Florida, chapter 191, Florida Statutes, or any other applicable general or special law, and to conform the charter to chapter 191, Florida Statutes, the

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30 Independent Special Fire Control District Act, other provisions
 31 of general law, and the Lee County Independent Special Fire
 32 Control District Act, chapter 97-340, Laws of Florida.

33 Section 2. Chapters 89-478 and 90-397, Laws of Florida,
 34 are codified, reenacted, amended, and repealed as provided
 35 herein.

36 Section 3. The charter for the Upper Captiva Fire
 37 Protection and Rescue Service District is re-created and
 38 reenacted to read:

39 Section 1. Name.--The name of the district shall be the
 40 Upper Captiva Fire Protection and Rescue Service District.

41 Section 2. Boundaries.--

42 (1) The lands to be included within the district are the
 43 following described lands in Lee County, Florida:

44 Upper Captiva Island:

45 All that part of North Captiva Island lying in
 46 Sections 4,5,8,9, 15, and 16, Township 45 South, range
 47 21 East, and Section 32, Township 44 South, Range 21
 48 East, bounded on the North by Captiva Pass, West by
 49 the Gulf of Mexico, South by Redfish Pass, and East by
 50 Pine Island Sound.

51 (2) Nothing in this charter shall deny the right of the
 52 fire chief or governing officials of the district to render such
 53 services in the waters adjacent to the land, or to communities
 54 adjacent to the land, described in subsection (1), or to such
 55 other places as from time to time may be deemed advisable.

56 (3) The boundaries of the district may be modified,
 57 extended, or enlarged upon approval or ratification by the
 58 Legislature.

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59 Section 3. Powers.--The district shall have, and the board
 60 may exercise by majority vote, all powers that an independent
 61 special fire control district is authorized by law to have,
 62 specifically including, without limitation, all powers set forth
 63 in chapter 97-340, Laws of Florida, not inconsistent herewith,
 64 and all powers set forth in chapter 189, Florida Statutes, to
 65 the extent applicable, and chapter 191, Florida Statutes, as it
 66 may be amended from time to time. Without limiting any general
 67 or special powers otherwise granted by law, the district shall
 68 have the power to establish and maintain fire suppression and
 69 control services; provide emergency medical services and rescue
 70 response services; acquire and maintain fire stations and
 71 equipment pursuant to law; acquire and maintain rescue, medical,
 72 and other emergency equipment pursuant to the provisions of
 73 chapter 401, Florida Statutes, and provide or obtain any
 74 certificate of public convenience and necessity or its
 75 equivalent issued thereunder; employ such personnel and engage
 76 services of such persons as are deemed necessary for the proper
 77 function and operation of the district; provide or require
 78 maintenance of roadways, rights-of-way, alleyways, and pathways
 79 and docking facilities for fire safety and rescue purposes and
 80 to impose fees, impact fees, or assessments upon real property
 81 for such purposes; and to adopt ordinances and resolutions
 82 necessary to conduct district business, provided that they are
 83 not in conflict with any ordinances of Lee County.

84 Section 4. Governing body; elections; vacancies; no
 85 compensation; oath; bond.--

86 (1) The district shall be governed by a board of five
 87 commissioners who shall be qualified electors residing within

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88 the district, be elected by the qualified electors residing
 89 within the district, and serve terms of 4 years each or until a
 90 successor takes office. Terms shall be staggered, with two
 91 commissioners elected in one election cycle and three
 92 commissioners elected in the other election cycle, in accordance
 93 with term expiration schedules in place at the time of adoption
 94 of this charter pursuant to chapter 97-340, Laws of Florida.

95 (2) Elections shall be on the first Tuesday next
 96 succeeding the first Monday in November of even-numbered years,
 97 unless otherwise required by law or by action of the Lee County
 98 Supervisor of Elections pursuant to law.

99 (3) Elections shall be on a nonpartisan basis.

100 (4) If a vacancy occurs on the board for any reason, the
 101 remaining commissioners may appoint a qualified person to fill
 102 the seat until the next general election, at which time an
 103 election shall be held to fill the vacancy for the remaining
 104 term, if any.

105 (5) Commissioners shall continue to serve without
 106 compensation, but shall be entitled to payment or reimbursement
 107 of actual and necessary expenses incurred in performance of
 108 their duties, to the extent authorized by board bylaws. Any
 109 future provision for payment of any salary or honorarium shall
 110 be determined in accordance with and subject to limitations set
 111 forth in section 191.005(4), Florida Statutes.

112 (6) Each commissioner shall, upon assuming office, take
 113 and subscribe to the oath of office prescribed by s. 5(b), Art.
 114 II of the State Constitution and section 876.05, Florida
 115 Statutes.

116 (7) Each commissioner, within 30 days after assuming

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117 office, must give the Governor a good and sufficient surety bond
 118 in the sum of \$5,000, and the treasurer the sum of \$10,000, or
 119 as otherwise may be required by law, the cost thereof being
 120 borne by the district, conditioned on his or her faithful
 121 performance of his or her duties of office.

122 Section 5. Officers; bylaws; removal; disbursements;
 123 records; open meetings; quorum.--

124 (1) The commissioners, immediately upon their election or
 125 within 10 days thereafter, and annually in November, shall
 126 organize by electing from their number a chair, a vice chair, a
 127 secretary, and a treasurer. The same commissioner may be both
 128 secretary and treasurer. The board shall adopt bylaws to provide
 129 policies and procedures for conducting its business and
 130 exercising its powers granted herein. The bylaws shall define
 131 excused and unexcused absences. The board shall remove any
 132 commissioner who has three consecutive, unexcused absences from
 133 regularly scheduled meetings.

134 (2) Funds of the district may be disbursed only upon the
 135 order or pursuant to resolution of the board, by warrant or
 136 check signed by the treasurer or other person or persons
 137 authorized by the board. However, a petty cash account may be
 138 authorized by the board. The board may give the treasurer
 139 additional powers and duties that it deems appropriate.

140 (3) The board, through its secretary, shall keep a
 141 permanent record book entitled "Record of Proceedings of Upper
 142 Captiva Fire Protection and Rescue Service District" in which
 143 the minutes of all meetings, resolutions, proceedings,
 144 certificates, bonds given by commissioners, and corporate acts
 145 shall be recorded. The record book shall be open to inspection

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146 in the same manner as state, county, and municipal records are
 147 open under chapter 119, Florida Statutes. The record book shall
 148 be kept at the office or other regular place of business
 149 maintained by the board in Lee County. All meetings of the board
 150 shall be open to the public as may be required by chapters 189
 151 and 286, Florida Statutes, and other applicable general law.

152 (4) Unless otherwise required by law, a majority of
 153 commissioners in office shall constitute a quorum for the
 154 conduct of business. Action may be taken only by a majority vote
 155 of a quorum present.

156 Section 6. Fiscal year; budget; millage; taxes;
 157 assessments.--The fiscal year begins on October 1 of each year
 158 and extends until September 30 of the ensuing year.

159 (1) The board shall annually prepare, consider, and adopt
 160 a district budget pursuant to the applicable requirements of
 161 chapter 200, Florida Statutes, as it may be amended from time to
 162 time, for purposes of providing funds for the district.

163 (2) The board shall fix and cause to be levied on all
 164 taxable property of the district a millage sufficient to meet
 165 the requirements of the budget. The millage rate shall not
 166 exceed 3.75 mills per year, except as otherwise provided in
 167 section 191.009, Florida Statutes. All taxes shall be levied,
 168 assessed, and collected in the same manner as county taxes.

169 (3) Non-ad valorem assessments and user and impact fees
 170 shall be levied and collected in accordance with the provisions
 171 of sections 191.009 and 191.011, Florida Statutes.

172 Section 7. Indebtedness; use of funds.--

173 (1) The district may incur debt and issue bonds or any
 174 other evidences of indebtedness as provided and to the extent

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175 limited by s. 12, Art. VII of the State Constitution and section
 176 191.012, Florida Statutes.

177 (2) Funds of the district may be used for any purpose of
 178 the district in accordance with this charter and with provisions
 179 of any other applicable general laws and special acts.

180 (3) The district is specifically authorized to expend
 181 funds to purchase, lease, own, and maintain a fire department
 182 and rescue service within the district's jurisdiction; to
 183 construct one or more fire stations or rescue service facilities
 184 as the board deems necessary in the exercise of its powers; and
 185 to dispose of surplus real or personal property and to enter
 186 into interlocal agreements or other arrangements to assist in
 187 achievement of the powers and purposes of the district.

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

194 Section 4. This act shall be construed as remedial and
 195 shall be liberally construed to promote the purpose for which
 196 it is intended.

197 Section 5. It is declared to be the intent of the
 198 Legislature that if any section, subsection, sentence, clause,
 199 phrase, or portion of this act is held invalid or
 200 unconstitutional for any reason, by any court of competent
 201 jurisdiction, such holding shall not affect the validity of the
 202 remaining portions hereof.

203 Section 6. Chapters 89-478 and 90-397, Laws of Florida,

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204 are repealed.

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