

CHAMBER ACTION

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

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Upper Captiva Fire Protection and
8 Rescue Service District, Lee County; providing legislative
9 intent; codifying, reenacting, and amending all prior
10 special acts pertaining to the district; re-creating and
11 reenacting an independent fire protection, control, and
12 rescue service district in said county; fixing boundaries
13 of the district; providing powers; providing for a
14 governing body, officers, budget and taxing authority, and
15 indebtedness; providing for planning; providing
16 construction and severability; repealing a prior special
17 act relating to the district; amending chapter 97-340,
18 Laws of Florida; correcting a reference; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Pursuant to section 191.015, Florida Statutes,
 24 this act constitutes the codification of all special acts
 25 relating to the Upper Captiva Fire Protection and Rescue Service
 26 District (hereinafter called the "district"). It is the intent
 27 of the Legislature to provide a single, comprehensive, special
 28 act charter for the district, including all current legislative
 29 authority granted to the district by its several legislative
 30 enactments, and any additional authority granted by this act. It
 31 is further the intent of this act to preserve all district
 32 authority, including the authority to annually assess and levy
 33 taxes, impact fees, and non-ad valorem assessments as authorized
 34 by chapter 191, Florida Statutes, or any other applicable
 35 general or special law, and to conform the charter to chapter
 36 191, Florida Statutes, the Independent Special Fire Control
 37 District Act, and other provisions of general law.

38 Section 2. Chapter 90-397, Laws of Florida, is codified,
 39 reenacted, amended, and repealed as provided herein.

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

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

45 Section 2. Boundaries.--

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

48 Upper Captiva Island:

49 All that part of North Captiva Island lying in

50 Sections 4,5,8,9, 15, and 16, Township 45 South, range

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51 21 East, and Section 32, Township 44 South, Range 21
 52 East, bounded on the North by Captiva Pass, West by
 53 the Gulf of Mexico, South by Redfish Pass, and East by
 54 Pine Island Sound.

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

60 (3) The boundaries of the district may be modified,
 61 extended, or enlarged upon approval or ratification by the
 62 Legislature.

63 Section 3. Powers.--The district shall have, and the board
 64 may exercise by majority vote, all powers that an independent
 65 special fire control district is authorized by law to have,
 66 specifically including, without limitation, all powers set forth
 67 in chapter 189, Florida Statutes, to the extent applicable, and
 68 chapter 191, Florida Statutes, as it may be amended from time to
 69 time. Without limiting any general or special powers otherwise
 70 granted by law, the district shall have the power to establish
 71 and maintain fire suppression and control services; provide
 72 emergency medical services and rescue response services; acquire
 73 and maintain fire stations and equipment pursuant to law;
 74 acquire and maintain rescue, medical, and other emergency
 75 equipment pursuant to the provisions of chapter 401, Florida
 76 Statutes, and provide or obtain any certificate of public
 77 convenience and necessity or its equivalent issued thereunder;
 78 employ such personnel and engage services of such persons as are

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79 deemed necessary for the proper function and operation of the
 80 district; provide or require maintenance of roadways, rights-of-
 81 way, alleyways, and pathways and docking facilities for fire
 82 safety and rescue purposes and to impose fees, impact fees, or
 83 assessments upon real property for such purposes; and adopt
 84 ordinances and resolutions necessary to conduct district
 85 business, provided that they are not in conflict with any
 86 ordinances of Lee County.

87 Section 4. Governing body; elections; vacancies; no
 88 compensation; oath; bond.--

89 (1) The district shall be governed by a board of five
 90 commissioners who shall be qualified electors residing within
 91 the district, be elected by the qualified electors residing
 92 within the district, and serve terms of 4 years each or until a
 93 successor takes office. Terms shall be staggered, with two
 94 commissioners elected by seats pursuant to section 191.005,
 95 Florida Statutes, in one election cycle and three commissioners
 96 elected in the other election cycle, in accordance with term
 97 expiration schedules in place at the time of adoption of this
 98 charter. Seats 1, 2, and 3 shall be elected in 2004, and seats 4
 99 and 5 shall be elected in 2006. Candidates shall qualify in
 100 accordance with section 191.005, Florida Statutes, except that
 101 candidates are not required to open campaign depositories or
 102 appoint a treasurer where the only expenditures are the campaign
 103 filing fee or the supervisor's fee for checking signatures.

104 (2) Elections shall be on the first Tuesday next
 105 succeeding the first Monday in November of even-numbered years,

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106 unless otherwise required by law or by action of the Lee County
 107 Supervisor of Elections pursuant to law.

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

109 (4) If a vacancy occurs on the board for any reason, the
 110 remaining commissioners may appoint a qualified person to fill
 111 the seat until the next general election, at which time an
 112 election shall be held to fill the vacancy for the remaining
 113 term, if any.

114 (5) Commissioners shall continue to serve without
 115 compensation, but shall be entitled to payment or reimbursement
 116 of actual and necessary expenses incurred in performance of
 117 their duties, to the extent authorized by board bylaws. Any
 118 future provision for payment of any salary or honorarium shall
 119 be determined in accordance with and subject to limitations set
 120 forth in section 191.005(4), Florida Statutes.

121 (6) Each commissioner shall, upon assuming office, take
 122 and subscribe to the oath of office prescribed by s. 5(b), Art.
 123 II of the State Constitution and section 876.05, Florida
 124 Statutes.

125 (7) Each commissioner, within 30 days after assuming
 126 office, must give the Governor a good and sufficient surety bond
 127 in the sum of \$5,000, and the treasurer the sum of \$10,000, or
 128 as otherwise may be required by law, the cost thereof being
 129 borne by the district, conditioned on his or her faithful
 130 performance of his or her duties of office.

131 Section 5. Officers; bylaws; removal; disbursements;
 132 records; open meetings; quorum.--

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133 (1) The commissioners, immediately upon their election or
 134 within 10 days thereafter, and annually in November, shall
 135 organize by electing from their number a chair, a vice chair, a
 136 secretary, and a treasurer. The same commissioner may be both
 137 secretary and treasurer. The board shall adopt bylaws to provide
 138 policies and procedures for conducting its business and
 139 exercising its powers granted herein. The bylaws shall define
 140 excused and unexcused absences. The board shall remove any
 141 commissioner who has three consecutive, unexcused absences from
 142 regularly scheduled meetings.

143 (2) Funds of the district may be disbursed only upon the
 144 order or pursuant to resolution of the board, by warrant or
 145 check signed by the treasurer or other person or persons
 146 authorized by the board. However, a petty cash account may be
 147 authorized by the board. The board may give the treasurer
 148 additional powers and duties that it deems appropriate.

149 (3) The board, through its secretary, shall keep a
 150 permanent record book entitled "Record of Proceedings of Upper
 151 Captiva Fire Protection and Rescue Service District" in which
 152 the minutes of all meetings, resolutions, proceedings,
 153 certificates, bonds given by commissioners, and corporate acts
 154 shall be recorded. The record book shall be open to inspection
 155 in the same manner as state, county, and municipal records are
 156 open under chapter 119, Florida Statutes. The record book shall
 157 be kept at the office or other regular place of business
 158 maintained by the board in Lee County. All meetings of the board
 159 shall be open to the public as may be required by chapters 189
 160 and 286, Florida Statutes, and other applicable general law.

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161 (4) Unless otherwise required by law, a majority of
 162 commissioners in office shall constitute a quorum for the
 163 conduct of business. Action may be taken only by a majority vote
 164 of a quorum present.

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

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

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

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

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

182 (1) The district may incur debt and issue bonds or any
 183 other evidences of indebtedness as provided and to the extent
 184 limited by s. 12, Art. VII of the State Constitution and section
 185 191.012, Florida Statutes.

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

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189 (3) The district is specifically authorized to expend
 190 funds to purchase, lease, own, and maintain a fire department
 191 and rescue service within the district's jurisdiction; to
 192 construct one or more fire stations or rescue service facilities
 193 as the board deems necessary in the exercise of its powers; and
 194 to dispose of surplus real or personal property and to enter
 195 into interlocal agreements or other arrangements to assist in
 196 achievement of the powers and purposes of the district.

197 Section 8. Plan.--The district shall adopt a 5-year plan
 198 to identify the facilities, equipment, personnel, and revenue
 199 needed by the district over the next 5-year period. The plan
 200 shall be updated in accordance with section 189.415, Florida
 201 Statutes, and satisfies the requirement for a public facilities
 202 report required by section 189.415(2), Florida Statutes.

203 Section 4. This act shall be construed as remedial and
 204 shall be liberally construed to promote the purpose for which
 205 it is intended.

206 Section 5. It is declared to be the intent of the
 207 Legislature that if any section, subsection, sentence, clause,
 208 phrase, or portion of this act is held invalid or
 209 unconstitutional for any reason, by any court of competent
 210 jurisdiction, such holding shall not affect the validity of the
 211 remaining portions hereof.

212 Section 6. Chapter 90-397, Laws of Florida, is repealed.

213 Section 7. Section 1 of chapter 97-340, Laws of Florida,
 214 is amended to read:

215 Section 1. Short title.--Sections 1-13 of this act may be
 216 cited as the "Lee County Independent Special Fire Control

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217 District Act." This act shall apply to the Alva Fire Control and
 218 Rescue Service District, created pursuant to chapter 76-413,
 219 Laws of Florida; Bayshore Fire Protection and Rescue Service
 220 District, created pursuant to chapter 76-414, Laws of Florida;
 221 Bonita Springs Fire Control and Rescue District, created
 222 pursuant to chapter 65-1828, Laws of Florida; Estero Fire
 223 Protection and Rescue Service District, created pursuant to
 224 chapter 76-408, Laws of Florida; Fort Myers Beach Fire Control
 225 District, created pursuant to chapter 27676, Laws of Florida,
 226 1951, and chapter 73-532, Laws of Florida; Fort Myers Shores
 227 Fire Protection and Rescue District, created pursuant to chapter
 228 76-409, Laws of Florida; Iona-McGregor Fire Protection and
 229 Rescue Service District, created pursuant to chapter 75-421,
 230 Laws of Florida; Lehigh Acres Fire Control and Rescue Service
 231 District, created pursuant to chapter 63-1546, Laws of Florida;
 232 Matlacha-Pine Island Fire Control District, created pursuant to
 233 chapter 63-1588, Laws of Florida; North Fort Myers Fire Control
 234 and Rescue Service District, created pursuant to chapter 29240,
 235 Laws of Florida, 1953; San Carlos Park Fire Protection and
 236 Rescue Service District, created pursuant to chapter 76-411,
 237 Laws of Florida; Sanibel Fire Control District, created pursuant
 238 to chapter 30930, Laws of Florida, 1955; South Trail Fire
 239 Protection and Rescue Service District, created pursuant to
 240 chapter 76-412, Laws of Florida; Tice Fire Protection and Rescue
 241 Service District, created pursuant to chapter 76-410, Laws of
 242 Florida; and Captiva Island Fire Control District, created
 243 pursuant to chapter 30929, Laws of Florida, 1955, ~~and Upper~~
 244 ~~Captiva Fire Protection and Rescue Service District, created~~

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245 | ~~pursuant to chapter 90-397, Laws of Florida;~~ as all such
246 | enabling acts have been amended, shall be governed by the
247 | provisions of this act.

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