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A bill to be entitled

An act relating to Boca Grande Fire Control District, Charlotte and Lee Counties; codifying, reenacting, amending, and repealing special laws relating to the district; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, Florida Statutes, and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for the removal of board members; providing for revenue raising; providing for the levying of non-ad valorem special assessments; providing for capital improvement impact fees; providing severability; providing for liberal construction; 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 Boca Grande Fire Control District. It is the intent of the Legislature in enacting this law 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 to conform the charter to chapter 191, Florida Statutes, the Independent

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30 Special Fire Control District Act, and other provisions of
 31 general law. It is further the intent of this act to preserve
 32 all district authority, including the authority to annually
 33 assess and levy against the taxable property in the district an
 34 ad valorem tax not to exceed the limit provided in the
 35 district's prior special acts.

36 Section 2. Chapters 22372 (1943), 23382 (1945), 57-1514,
 37 69-1239, 73-533, 74-523, 75-419, 79-500, and 87-477, Laws of
 38 Florida, are codified, reenacted, amended, and repealed as
 39 herein provided.

40 Section 3. The charter for the Boca Grande Fire Control
 41 District is re-created and reenacted to read:

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

44 (1) "Board" means the governing board of the Boca Grande
 45 Fire Control District.

46 (2) "District" means the Boca Grande Fire Control
 47 District.

48 (3) "Elector" means a person who is a resident of the
 49 district and is qualified to vote in a general election within
 50 the local general-purpose government jurisdiction in which the
 51 district is located.

52 (4) "Emergency medical service" means basic and advanced
 53 life support service as defined in section 401.23, Florida
 54 Statutes.

55 (5) "Rescue response service" means an initial response to
 56 an emergency or accident situation including, without
 57 limitation, a plane crash, trench or building collapse, swimming
 58 or boating accident, and motor vehicle accident.

59 Section 2. Status; charter amendments; boundaries;
 60 district purposes.--The Boca Grande Fire Control District is a
 61 public corporation having the powers, duties, obligations, and
 62 immunities herein set forth. The district is organized and
 63 exists for all purposes, and shall hold all powers, set forth in
 64 this act and chapters 189 and 191, Florida Statutes.

65 (1) The lands to be included within the district are the
 66 following described lands in Charlotte and Lee Counties:

67 all that portion of Gasparilla Island located within
 68 Lee County, Florida; all that portion of Gasparilla
 69 Island located within Charlotte County, Florida; and
 70 all of Cole Island (lying northerly of Gasparilla
 71 Island), Charlotte County, Florida.

72 (2) The purpose of this act is to promote the health,
 73 welfare, and safety of the citizens and residents of Charlotte
 74 and Lee Counties who reside within the geographical limits of
 75 that area known as the Boca Grande Fire Control District, by
 76 providing for firefighting equipment, the establishment and
 77 maintenance of fire stations and fire substations, the
 78 acquisition and maintenance of all firefighting and protection
 79 equipment necessary for the prevention of fires or fighting of
 80 fires, the employment and training of such personnel as may be
 81 necessary to accomplish fire prevention and firefighting, the
 82 establishment and maintenance of emergency medical service, the
 83 establishment and maintenance of rescue response service, the
 84 acquisition and maintenance of rescue and other emergency
 85 equipment, and the employment and training of necessary
 86 emergency personnel. The district shall have all other powers
 87 necessary as to carry out the purposes of the district as

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88 otherwise provided by law, including, but not limited to, the
 89 power to adopt all necessary measures, rules, and regulations
 90 and policies relating to said purposes.

91 (3) Nothing herein shall prevent the district from
 92 cooperating with the state or other local governments to render
 93 such services to communities adjacent to the land described in
 94 this section, or other such places as from time to time may be
 95 deemed desirable.

96 (4) The district was created by special act of the
 97 Legislature in 1943. Its charter may be amended only by special
 98 act of the Legislature.

99 Section 3. Board of commissioners.--

100 (1) Pursuant to chapter 191, Florida Statutes, the
 101 business and affairs of the district shall be governed and
 102 administered by a board of three commissioners, as provided in
 103 chapter 97-340, Laws of Florida. The commissioners shall serve
 104 terms of 4 years each, subject to the provisions of chapter 191,
 105 Florida Statutes, chapter 97-340, Laws of Florida, and this act.
 106 Each commissioner shall hold office until his or her successor
 107 is elected and qualified under the provisions of this act. The
 108 procedures for conducting district elections and for
 109 qualification of candidates and electors shall be pursuant to
 110 chapters 189 and 191, Florida Statutes, as they may be amended
 111 from time to time.

112 (2) The board may employ such personnel as deemed
 113 necessary for the proper function and operation of a fire
 114 department. The salaries of commissioners, fire department and
 115 emergency service personnel, and any other wages, shall be
 116 determined by the board.

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117 Section 4. Officers; board compensation; bond.--

118 (1) In accordance with chapter 191, Florida Statutes, each
 119 electd member of the board shall assume office 10 days
 120 following the member's election. Annually, within 60 days after
 121 the election of new members of said board, the members shall
 122 organize by electing from their number a chair, vice chair,
 123 secretary, and treasurer. However, the same member may be both
 124 secretary and treasurer, in accordance with chapter 191, Florida
 125 Statutes, as amended from time to time.

126 (2) The commissioners shall receive reimbursement for
 127 actual expenses incurred while performing the duties of their
 128 offices in accordance with general law governing per diem for
 129 public officials.

130 (3) Each commissioner, upon taking office and in
 131 accordance with chapters 189 and 191, Florida Statutes, shall
 132 execute to the Governor, for the benefit of the district, a bond
 133 conditioned upon the faithful performance of the duties of the
 134 commissioner's office. The premium for such bonds shall be paid
 135 from district funds.

136 Section 5. Powers; duties; ad valorem assessments; non-ad
 137 valorem assessments.--

138 (1) The district shall have and the board may exercise all
 139 the powers and duties set forth in this act, and chapters 189,
 140 191, and 197, Florida Statutes, as they may be amended from time
 141 to time, including, but not limited to, ad valorem taxation,
 142 bond issuance, other revenue-raising capabilities, budget
 143 preparation and approval, liens and foreclosure of liens, use of
 144 tax deeds and tax certificates as appropriate for non-ad valorem
 145 assessments, and contractual agreements. The district shall have

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146 the authority to access and utilize the public water supply
 147 system at no charge for the purposes of firefighting and fire
 148 prevention. The district may be financed by any method
 149 established in this act or chapter 189 or chapter 191, Florida
 150 Statutes, as amended from time to time.

151 (2) The board shall continue to have the right, power, and
 152 authority to levy annually an ad valorem tax against the taxable
 153 real estate within the district to provide funds for the
 154 purposes of the district as authorized by chapter 97-340, Laws
 155 of Florida, in an amount not to exceed the limit provided in
 156 chapter 191, Florida Statutes, as amended from time to time.
 157 Although the district is authorized to levy a maximum millage
 158 rate as provided for in section 191.009(1), Florida Statutes,
 159 the district must receive referendum approval, as required by
 160 the Florida Constitution and section 191.009, Florida Statutes,
 161 for any increased millage rate above 2 mills as previously
 162 authorized by chapters 57-1514, 69-1239, and 79-500, Laws of
 163 Florida.

164 (3) The methods and procedures for assessing and
 165 collecting non-ad valorem assessments, fees, or service charges
 166 shall be as set forth in this act, chapter 170, chapter 189,
 167 chapter 191, or chapter 197, Florida Statutes, as amended from
 168 time to time.

169 (4) The district shall levy and collect ad valorem taxes
 170 in accordance with chapter 200, Florida Statutes, as amended
 171 from time to time.

172 (5) The district is authorized to levy and enforce non-ad
 173 valorem assessments in accordance with chapters 170, 189, 191,
 174 and 197, Florida Statutes, as amended from time to time.

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175 (6) The district's planning requirements shall be as set
 176 forth in this act and chapters 189 and 191, Florida Statutes, as
 177 amended from time to time.

178 (7) Requirements for financial disclosure, meeting
 179 notices, reporting, public records maintenance, and per diem
 180 expenses for officers and employees shall be as set forth in
 181 this act and chapters 112, 119, 189, 191, and 286, Florida
 182 Statutes, as amended from time to time.

183 Section 6. Impact fees.--

184 (1) Pursuant to section 191.009(4), Florida Statutes, it
 185 is hereby declared that the cost of new facilities for fire
 186 protection and emergency service should be borne by new users of
 187 the district's services to the extent new construction requires
 188 new facilities, but only to that extent. It is the legislative
 189 intent of this section to transfer to the new users of the
 190 district's fire protection and emergency services a fair share
 191 of the costs that new users impose on the district for new
 192 facilities. This section shall only apply in the event that the
 193 local general-purpose government in which the district is
 194 located has not adopted an impact fee for fire services which is
 195 distributed to the district for construction within its
 196 jurisdictional boundaries.

197 (2) The impact fees collected by the district pursuant to
 198 this section shall be kept as a separate fund from other
 199 revenues of the district and shall be used exclusively for the
 200 acquisition, purchase, or construction of new facilities or
 201 portions thereof required to provide fire protection and
 202 emergency service to new construction. "New facilities" means
 203 land, buildings, and capital equipment, including, but not

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204 limited to, fire and emergency vehicles and radio telemetry
 205 equipment. The fees shall not be used for the acquisition,
 206 purchase, or construction of facilities which must be obtained
 207 in any event, regardless of growth within the district. The
 208 board shall maintain adequate records to ensure that impact fees
 209 are expended only for permissible new facilities. The board may
 210 enter into agreements with local general-purpose governments to
 211 share in the revenues from fire protection impact fees imposed
 212 by such governments.

213 Section 7. Ad valorem taxes a lien.--The taxes levied and
 214 assessed by the district shall be a lien upon the land so
 215 assessed along with the county taxes assessed against such land
 216 until said assessments and taxes have been paid, and if the
 217 taxes levied by the district become delinquent, such taxes shall
 218 be considered a part of the county tax subject to the same
 219 penalties, charges, fees, and remedies for enforcement and
 220 collection and shall be enforced and collected as provided by
 221 general law, including, but not limited to, chapter 191, Florida
 222 Statutes, for the collection of such taxes.

223 Section 8. Deposit of taxes, assessments, fees; authority
 224 to disburse funds.--

225 (1) The funds of the district shall be deposited in
 226 qualified public depositories, in accordance with chapters 191
 227 and 280, Florida Statutes, as they may be amended from time to
 228 time.

229 (2) All warrants for the payment of labor, equipment, and
 230 other expenses of the board, and in carrying into effect this
 231 act and the purposes thereof, shall be payable by the treasurer
 232 of the board on accounts and vouchers approved and authorized by

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233 the board.

234 Section 9. Authority to borrow money.--

235 (1) The board of commissioners shall have the power and
 236 authority to borrow money or issue other evidences of
 237 indebtedness, including, but not limited to, bonds, for the
 238 purpose of the district in accordance with chapters 189 and 191,
 239 Florida Statutes, as amended from time to time.

240 (2) The board of commissioners shall not be personally or
 241 individually liable for the repayment of such loan. Such
 242 repayment shall be made out of the tax receipts of the district
 243 subject to the provisions of chapters 189 and 191, Florida
 244 Statutes.

245 Section 10. Use of district funds.--No funds of the
 246 district shall be used for any purposes other than the
 247 administration of the affairs and business of the district; the
 248 construction, care, maintenance, upkeep, operation, and purchase
 249 of firefighting and rescue equipment or a fire station or
 250 stations; the payment of public utilities; and the payment of
 251 salaries of district personnel as the board may from time to
 252 time determine to be necessary for the operations and
 253 effectiveness of the district.

254 Section 11. Record of board meetings; authority to adopt
 255 policies and regulations; annual reports; budget.--

256 (1) A record shall be kept of all meetings of the board,
 257 and in such meetings concurrence of a majority of the
 258 commissioners present shall be necessary for any affirmative
 259 action by the board.

260 (2) The board shall have the authority to adopt and amend
 261 policies and regulations for the administration of the affairs

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262 of the district under the terms of this act, chapters 189 and
 263 191, Florida Statutes, and all other applicable provisions of
 264 Florida law, which shall include, but not be limited to, the
 265 authority to adopt the necessary policies and regulations for
 266 the administration and supervision of the property and personnel
 267 of the district and for the prevention of fires, fire control,
 268 and rescue work within the district. Said commissioners shall
 269 have all the lawful power and authority necessary to implement
 270 the purposes for which the said fire district is created, which
 271 power and authority shall include, but not be limited to, the
 272 power to purchase or lease all necessary fire equipment, rescue
 273 equipment, and all other equipment necessary to carry out the
 274 purposes of said fire district; to purchase all necessary real
 275 and personal property; to purchase and carry standard insurance
 276 policies on all such equipment; to employ such personnel as may
 277 be necessary to carry out the purpose of said fire district; to
 278 provide adequate insurance for said employees; to purchase and
 279 carry appropriate insurance for the protection of all
 280 firefighters and personnel as well as all equipment and personal
 281 property on loan to the district; to provide benefits to
 282 employees and commissioners; to sell surplus real and personal
 283 property in the same manner and subject to the same restrictions
 284 as provided for such sales by counties; and to enter into
 285 contracts with qualified service providers, other fire
 286 departments, municipalities, and state and federal governmental
 287 units for the purpose of obtaining financial aid, assistance or
 288 benefits, expanding services, providing effective mutual aid,
 289 and for otherwise carrying out the purposes of the district. The
 290 commissioners shall adopt a fiscal year for said fire district

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291 which shall be October 1 to September 30.

292 (3) For the purposes of carrying into effect this act, the
 293 board shall annually prepare, consider, and adopt a district
 294 budget pursuant to the applicable requirements of chapters 189,
 295 191, and 200, Florida Statutes, as they may be amended from time
 296 to time.

297 Section 12. Authority to enact fire prevention ordinances;
 298 appoint fire marshal; acquire land; enter contracts; establish
 299 salaries; general and special powers; authority to provide
 300 emergency medical and rescue services.--

301 (1) The board of commissioners shall have the right and
 302 power to enact fire prevention ordinances in the same manner
 303 provided for the adoption of policies and regulations in
 304 subsection (2) of section 11, and when the provisions of such
 305 fire prevention ordinances are determined by the board to be
 306 violated, the office of the state attorney, upon written notice
 307 of such violation issued by the board, is authorized to
 308 prosecute such person or persons held to be in violation
 309 thereof. Any person found guilty of a violation may be punished
 310 as provided in chapter 775, Florida Statutes, as a misdemeanor
 311 of the second degree. The cost of such prosecution shall be paid
 312 out of the district funds unless otherwise provided by law.

313 (2) The board shall have the power to appoint a fire
 314 marshal, who shall be a person experienced in all types of
 315 firefighting and fire prevention and who shall work with and
 316 cooperate with the Florida State Fire Marshal in which the
 317 district is situated in the prevention of fires of all types.
 318 The district fire marshal shall be authorized to enter, at all
 319 reasonable hours, any building or premises for the purpose of

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320 making any inspection or investigation which the State Fire
 321 Marshal is authorized to make pursuant to state law and
 322 regulation. The owner, lessee, manager, or operator of any
 323 building or premises shall permit the district fire marshal to
 324 enter and inspect the building or premises at all reasonable
 325 hours. The district fire marshal shall report any violations of
 326 state fire safety law or regulations to the appropriate
 327 officials.

328 (3) The board shall have the power to acquire by gift,
 329 lease, or purchase lands or rights in lands, and any other
 330 property, real and personal, tangible or intangible, necessary,
 331 desirable, or convenient for carrying out the purposes of the
 332 district, and to pay any and all costs of same out of the funds
 333 of the district.

334 (4) The board shall have the power to enter into contracts
 335 or to otherwise join with any other district, city, town, the
 336 United States of America, or any agency or authority thereunder
 337 for the purpose of expanding services, providing effective
 338 mutual aid, and accomplishing and carrying out the purposes for
 339 which the district was created and for the further purpose of
 340 specifically obtaining financial aid, assistance, or subsidy.

341 (5) The district is authorized to establish and maintain
 342 emergency medical and rescue response services and to acquire
 343 and maintain rescue, medical, and other emergency equipment,
 344 subject to the provisions of chapter 401, Florida Statutes.

345 Section 13. Annexations.--If any municipality or other
 346 fire control district annexes any land included in the district,
 347 such annexation shall follow the procedures set forth in section
 348 171.093, Florida Statutes, as amended from time to time.

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349 Section 14. Immunity from tort liability.--

350 (1) The district and its officers, agents, and employees
 351 shall have the same immunity from tort liability as other
 352 agencies and subdivisions of the state. The provisions of
 353 chapter 768, Florida Statutes, as from time to time amended,
 354 shall apply to all claims asserted against the district.

355 (2) The district commissioners and all officers, agents,
 356 and employees of the district shall have the same immunity and
 357 exemption from personal liability as is provided by general law
 358 of the state for state, county, and municipal officers.

359 (3) The district shall defend all claims against the
 360 commissioners, officers, agents, and employees which arise
 361 within the scope of employment or purposes of the district and
 362 shall pay all judgments against said persons, except where said
 363 persons acted in bad faith or with malicious purpose or in a
 364 manner exhibiting wanton and willful disregard of human rights,
 365 safety, or property.

366 Section 15. District expansion; merger; dissolution.--The
 367 district boundaries may be modified, extended, or enlarged as
 368 follows:

369 (1) Lands may be added or deleted from the district only
 370 by special act of the Legislature, subject to a referendum vote.
 371 Lands added to the district shall also require a board
 372 resolution approving the addition of lands to the district. The
 373 addition or deletion of lands may be effective only upon an
 374 affirmative majority vote of the electors in the lands to be
 375 included or deleted in the district.

376 (2) The merger of the district with all or portions of
 377 another independent special district or dependent fire district

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378 is effective only upon ratification by the Legislature. The
379 district may not, solely by merger with another governmental
380 entity, increase ad valorem taxes on property within the
381 original limits of the district beyond the maximum established
382 by chapter 191, Florida Statutes, unless approved by the
383 electors of the district by referendum.

384 (3) The district may only be dissolved by special act of
385 the Legislature, subject to referendum vote of the electors of
386 the district, which may be conducted by mail ballot. If
387 legislative dissolution of a district is proposed in order to
388 consolidate fire services under a county or municipal
389 government, the county or municipality shall prepare a report
390 setting forth the plans for merger, and the report shall address
391 the following factors in evaluating the proposed merger:

392 (a) Whether, in light of independent fiscal analysis,
393 level-of-service implications, and other public policy
394 considerations, the proposed merger is the best alternative for
395 delivering fire services and facilities to the affected area.

396 (b) Whether the fire services and facilities to be
397 provided pursuant to the merger will be compatible with the
398 capacity and uses of existing local services and facilities.

399 (c) Whether the merger is consistent with the applicable
400 provisions of the state comprehensive plan, the strategic
401 regional policy plan, and the local government comprehensive
402 policy plans of the affected area.

403 (d) Whether the proposed merger adequately provides for
404 the assumption of all indebtedness.

405 Section 4. This act shall be construed as remedial and
406 shall be liberally construed to promote the purpose for which it

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407 is intended.

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

411 Section 6. Chapters 22372 (1943), 23382 (1945), 57-1514,
412 69-1239, 73-533, 74-523, 75-419, 79-500, and 87-477, Laws of
413 Florida, are repealed.

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