

1                                   A bill to be entitled  
 2           An act relating to the Paradise Coast Fire Control and  
 3           Rescue District, Collier County; creating the district as  
 4           an independent special district; providing for future  
 5           merger of districts; providing legislative intent;  
 6           providing purpose of the district; providing boundaries;  
 7           providing for a governing body; providing powers of the  
 8           district; providing that the district may levy ad valorem  
 9           taxes and non-ad valorem assessments; authorizing the  
 10          district to borrow money; providing for impact fees;  
 11          providing for elections; providing that the district may  
 12          exercise the power of eminent domain; providing for effect  
 13          of municipal annexation or incorporation; providing  
 14          immunity from tort liability; providing for transition;  
 15          providing for district employees in the event of a merger;  
 16          providing for creation of the Southwest Florida Fire  
 17          Control and Rescue District by merger of the district with  
 18          another specified district; providing for transfer of  
 19          powers; providing for a referendum on merger of districts;  
 20          providing a contingent effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Legislative findings.—Collier County is  
 25           comprised of 2,032 square miles with three municipalities and a  
 26           large unincorporated area within the developed portion of the  
 27           county. In addition to county and municipal governments, there  
 28           are five independent special fire control and rescue districts

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29 that provide fire and rescue services to unincorporated areas in  
30 Collier County. They are the Big Corkscrew Independent Special  
31 Fire Control and Rescue District, the East Naples Fire Control  
32 and Rescue District, the Golden Gate Fire Control and Rescue  
33 District, the Immokalee Fire Control and Rescue District, and  
34 the North Naples Fire Control and Rescue District. As a result  
35 of having five independent special fire control and rescue  
36 districts providing similar services, decreasing revenues and  
37 increasing costs of providing such services, the Legislature  
38 intends to create a voluntary process allowing the existing  
39 independent special fire control and rescue districts in Collier  
40 County to merge their existing operations into one of two newly  
41 created independent special fire control districts with a  
42 procedure for the future merger of these two districts into a  
43 consolidated independent special fire control district. It is  
44 the intent of the Legislature that these two new districts not  
45 become operational until an existing independent special fire  
46 control and rescue district elects to merge into one of the  
47 newly created districts. Although an immediate consolidated  
48 independent special fire control and rescue district may be  
49 ideal, the Legislature recognizes that it may be necessary to  
50 allow for the incremental consolidation of similar independent  
51 special fire control districts in order to make the complete  
52 consolidation successful. The Legislature also recognizes that  
53 although general law allows for the merger of independent  
54 special fire control and rescue districts, it is silent as to  
55 the process that must be followed. To promote and assist with  
56 the future merger of these two newly created independent special

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57 fire control districts, a process is also created to allow for  
58 the future merger of these two districts without further action  
59 of the Legislature. This new consolidated independent special  
60 fire control district may also provide the future opportunity  
61 for the provision of fire and rescue services at the highest  
62 level of services in Collier County with uniform countywide  
63 standards. The special district created pursuant to this act is  
64 a separate governmental entity independent of Collier County,  
65 any municipality in Collier County, or any other independent  
66 special fire control and rescue district in Collier County.

67 Section 2. Creation; survival; operations.—

68 (1) Pursuant to chapters 189 and 191, Florida Statutes,  
69 there is created the Paradise Coast Fire Control and Rescue  
70 District, an independent special fire control and rescue  
71 district and body corporate and politic located in Collier  
72 County, hereinafter referred to as either the "district" or  
73 "PCFCD." Although the district is created by this act, the  
74 district will only become operational pursuant to subsection  
75 (4).

76 (2) All current legislative authority granted to any  
77 independent special fire control and rescue district or  
78 districts electing to merge with PCFCD shall survive the merger  
79 with the district and shall be powers of the district, including  
80 the ability to levy an ad valorem millage rate as authorized by  
81 the Legislature and previously approved by referendum of the  
82 electing independent special fire control and rescue district or  
83 districts.

84 (3) An independent special fire control and rescue

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85 district electing to merge with the PCFCD shall adopt a  
86 resolution electing to merge with the PCFCD resulting in the  
87 PCFCD providing service to its residents. An independent special  
88 fire control and rescue district that makes such election prior  
89 to its designated district becoming operational pursuant to  
90 subsection (4) shall include within its resolution the  
91 referendum question that is to be presented as provided in  
92 section 21. If more than one independent special district elect  
93 to merge with the PCFCD prior to it becoming operational but  
94 disagree as to which referendum question to present, then option  
95 1 in section 21 shall be the referendum question presented to  
96 the electors.

97 (4) The PCFCD shall not become operational ("operational  
98 date") until 14 days after the approval by a majority vote of  
99 those qualified electors of the independent special fire control  
100 and rescue district or the combined qualified electors of the  
101 independent special fire control and rescue districts in Collier  
102 County voting in a referendum requested by the independent  
103 special fire control and rescue district or districts, called by  
104 the Board of County Commissioners of Collier County, and  
105 conducted by the Supervisor of Elections of Collier County.

106 (5) If the PCFCD's operational date will be less than 5  
107 months prior to a general election, the resolutions of all  
108 independent special fire control and rescue districts that elect  
109 to merge with the PCFCD must be adopted no later than 75 days  
110 prior to the general election.

111 (6) After PCFCD's operational date, the district's  
112 governing board shall determine if it wants to revise the name

113 of the district during its initial organizational meeting and  
 114 shall notify the Department of State and the Department of  
 115 Community Affairs of the district's operational date and its new  
 116 name, if applicable.

117 Section 3. Purpose.—The purpose of this act is to promote  
 118 the health, welfare, and safety of the citizens and residents of  
 119 Collier County by providing for firefighting equipment; to  
 120 establish and maintain fire stations and fire substations; to  
 121 acquire and maintain all firefighting and protection equipment  
 122 necessary for the prevention of fires or fighting of fires; to  
 123 employ and train such personnel as may be necessary to  
 124 accomplish fire prevention and firefighting; to establish and  
 125 maintain emergency medical services; to acquire and maintain  
 126 rescue and other emergency equipment; and to employ and train  
 127 necessary emergency personnel within the district's boundaries.  
 128 The district shall have all other powers necessary to carry out  
 129 the purposes of the district as otherwise provided by law,  
 130 including, but not limited to, the power to adopt all necessary  
 131 measures, rules, regulations, and policies relating to such  
 132 purposes. Nothing in this act shall prevent the district from  
 133 cooperating with the state or other local governments to render  
 134 such services as from time to time may be deemed desirable.

135 Section 4. Boundaries; service provider.—

136 (1) The lands within the district shall be limited to  
 137 those areas in Collier County where an independent special fire  
 138 control and rescue district has adopted a resolution electing to  
 139 merge with the district as provided for in section 2. The  
 140 district shall be the service provider to such lands of the

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141 independent special fire control and rescue district upon the  
142 effective date of merger.

143 (2) The district's boundaries shall also include those  
144 properties in which the county or a municipality transfers its  
145 powers to provide fire protection and rescue services to such  
146 properties by the district in accordance with this act. The  
147 district shall be the service provider to such properties upon  
148 the effective date of the transfer. The district may not levy ad  
149 valorem taxes upon the transferred properties until such time as  
150 an ad valorem millage rate is approved by the electors of the  
151 area. However, the district shall be able to charge non-ad  
152 valorem assessments and all other fees immediately upon the  
153 properties after the transfer. Until the electors of the  
154 transferred properties approve the district's millage rate, the  
155 local government that transferred its powers to the district  
156 shall pay the district, by January 1 of each year, an amount  
157 equal to the ad valorem taxes or assessments that the district  
158 would have collected had the district been able to levy and  
159 assess its ad valorem taxes on the transferred properties.

160 (3) The district shall also be the service provider for  
161 those areas in which an interlocal agreement has been entered  
162 into with another local government providing for the provision  
163 of service by the district and those areas that have been  
164 annexed pursuant to chapter 171, Florida Statutes, in which the  
165 independent special fire control and rescue district is  
166 currently providing services pursuant to section 171.093 or part  
167 II of chapter 171, Florida Statutes.

168 Section 5. Service delivery areas.—A service delivery

169 area, hereinafter referred to as an "SDA," shall be created that  
 170 corresponds with the boundaries of each independent special fire  
 171 control and rescue district that elects to merge with the  
 172 district upon providing written notification to the district of  
 173 its resolution. The boundaries of the electing independent  
 174 special fire control and rescue district shall be those  
 175 boundaries at the time of the resolution's adoption. Any  
 176 independent special district that elected to merge with the  
 177 district prior to the district's operational date shall have a  
 178 corresponding SDA automatically created upon the district's  
 179 operational date. An SDA shall be created to include those  
 180 properties for which the county or a municipality transfers to  
 181 the district its powers to provide fire protection and rescue  
 182 services in accordance with this act. The district may create an  
 183 SDA for those areas for which an interlocal agreement has been  
 184 entered into with another local government within Collier County  
 185 that provides for district services but is not a complete  
 186 transfer of powers to the district ("ex officio SDA").

187 Section 6. Governing body.—

188 (1) In accordance with chapter 191, Florida Statutes, the  
 189 district shall be governed by the fire board, whose members  
 190 shall also be known as commissioners.

191 (2) (a) From the district's operational date until the next  
 192 general election, the fire board shall be comprised of elected  
 193 officials from any independent special fire control and rescue  
 194 district that elects to merge with the district.

195 (b) The fire board shall be composed as follows:

196 1. If only one independent special fire control and rescue

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197 district elects to merge with the district to be its service  
198 provider prior to the district's operational date, the business  
199 and affairs of the district shall be conducted and administered  
200 by a fire board that consists of the electing independent  
201 special fire control and rescue district's governing body who  
202 shall serve until the next general election. The fire board  
203 shall meet and organize the district within 45 days after the  
204 district's operational date.

205 2. If more than one independent special fire control and  
206 rescue district elects to merge with the district prior to the  
207 district's operational date, each electing independent special  
208 fire control and rescue district shall appoint three of its  
209 governing board members to serve on the fire board. Appointment  
210 by each of the independent special fire control and rescue  
211 districts electing to merge with the district shall occur within  
212 30 days after the district's operational date. The newly  
213 appointed fire board shall meet and organize the district within  
214 45 days after the district's operational date. The independent  
215 special fire control and rescue district that first adopts a  
216 resolution electing to merge with the district shall be  
217 responsible for organizing the district's initial meeting of the  
218 fire board.

219 3. After the operational date and until the next general  
220 election after such date, an independent special fire control  
221 and rescue district that elects to merge with the district shall  
222 appoint three of its governing body members to the fire board  
223 and provide written notification to the district of its election  
224 and appointment of members within 15 days after such action.



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225 4. If there is an even number of board members as a result  
226 of subparagraph 2. or subparagraph 3., the chair of the board  
227 may only vote in the event of a tie vote of the fire board.

228 5. A quorum of the fire board shall be a majority of its  
229 members, excluding ex officio members, except that should the  
230 membership of the fire board reach 12 members, a quorum may be  
231 set by resolution of the fire board provided that in no instance  
232 may the resolution set the quorum at fewer than seven members.  
233 In order to take official action, an affirmative vote of a  
234 majority of those members present shall be required.

235 6. During the organizational meeting provided for under  
236 subparagraphs 2. and 3., the fire board shall organize by  
237 electing from its members a chair, a vice chair, a secretary,  
238 and a treasurer to serve for the duration of their terms.

239 7. Members of the fire board shall serve until the members  
240 that are elected in the next general election after the  
241 operational date take their oaths of office.

242 8. If the fire board creates an SDA to represent an area  
243 in which there is an interlocal agreement with a local  
244 government in Collier County for the district to provide  
245 service, also known as an ex officio SDA, the local government  
246 shall appoint one of its governing board members to serve on the  
247 fire board as an ex officio nonvoting member.

248 (c) The fire board shall operate the district in  
249 accordance with this act and chapters 189 and 191, Florida  
250 Statutes, and with any other applicable general or special law,  
251 except as provided in this act.

252 (d) Members of the fire board may each be paid a salary or

253 honorarium to be determined by at least a majority plus one vote of  
 254 the board pursuant to chapter 191, Florida Statutes.

255 (3) (a) Beginning with the next general election after the  
 256 district's operational date, the fire board shall be comprised  
 257 of at least five members, with a member elected from each of the  
 258 SDAs created pursuant to section 5, excluding any ex officio  
 259 SDA. If there are fewer than five SDAs at the time of the  
 260 election and until there are at least five SDAs within the  
 261 boundaries of the district, the fire board shall be comprised of  
 262 five members pursuant to section 191.005, Florida Statutes,  
 263 elected as follows: if there is only one SDA, there shall be  
 264 five at-large seats; if there are two SDAs, there shall be two  
 265 members elected from each SDA and one member elected at large  
 266 within the boundaries of the district; if there are three SDAs,  
 267 there shall be a member elected from each SDA and two members  
 268 elected at large within the boundaries of the district; and if  
 269 there are four SDAs, there shall be a member elected from each  
 270 SDA and one member elected at large within the boundaries of the  
 271 district. An at-large member represents the entire district.

272 (b) The fire board shall be elected pursuant to chapter  
 273 191, Florida Statutes, by the electors of the district in a  
 274 nonpartisan election held at the time and in the manner  
 275 prescribed for holding general elections in section  
 276 189.405(2) (a), Florida Statutes.

277 (c) Each SDA, excluding ex officio SDAs, shall be  
 278 represented on the fire board by a member who is a resident of  
 279 the SDA and who has been elected by the electors of the SDA. Any  
 280 at-large member on the fire board shall be a resident of the

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281 district and shall be elected by the electors of the district.  
282 Each ex officio SDA shall have a nonvoting member ("ex officio  
283 member") on the fire board who is a resident of the ex officio  
284 SDA and is appointed by the local government that the district  
285 is providing service for pursuant to an interlocal agreement.

286 (d) The office of each board member, excluding board  
287 members representing ex officio SDAs, is designated as a seat on  
288 the fire board, distinguished from each other seat by a numeral,  
289 and shall represent the associated SDA or at-large seat. Each  
290 candidate must designate, at the time he or she qualifies, the  
291 seat on the fire board for which he or she is a candidate: 1, 2,  
292 3, 4, or 5. The candidate for each seat who receives the most  
293 votes shall be elected to the fire board.

294 (e) Commissioners shall serve for terms of 4 years each,  
295 subject to the provisions of chapter 191, Florida Statutes, and  
296 shall not be subject to term limits. For the commissioners  
297 elected in the next general election after the district's  
298 operational date, the members elected for the odd-numbered seats  
299 shall serve for 4-year terms each and the members elected for  
300 the even-numbered seats shall serve for 2-year terms each.

301 (f) If a commissioner ceases to reside in the SDA from  
302 which he or she was elected or within the district if an at-  
303 large seat, the office shall be declared vacant, the  
304 commissioner shall be disqualified from further service, and the  
305 remaining commissioners shall appoint a qualified person from  
306 the SDA associated with the vacant seat.

307 (g) Each commissioner shall hold office until his or her  
308 successor is qualified and elected or, in the case of a

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309 commissioner representing an ex officio SDA, his or her  
310 successor is appointed, unless that commissioner ceases to be  
311 qualified, dies, resigns, or is removed from office.

312 (h) All candidates must qualify for election in accordance  
313 with chapters 189 and 191, Florida Statutes. In the event a  
314 candidate seeks to qualify for election by obtaining signatures  
315 in accordance with section 191.005, Florida Statutes, the  
316 qualified signatures shall be signatures of electors within the  
317 SDA for which the candidate seeks election, or if a candidate  
318 seeks to qualify for election for an at-large seat by obtaining  
319 signatures, such signatures shall be signatures of electors  
320 within the district.

321 (i) Any additional expenses of holding elections for  
322 commissioners at the regular county elections shall be paid out  
323 of the funds of the district if required by the proper  
324 authority.

325 (j) A quorum of the fire board shall be a majority of its  
326 members, excluding ex officio members. In order to take official  
327 action, an affirmative vote of a majority of those members  
328 present shall be required. If the fire board consists of an even  
329 number of members, the chair of the fire board shall only vote  
330 in the event of a tie.

331 (k) Each elected member shall assume office 10 days after  
332 the member's election or appointment. Within 60 days after a  
333 general election, the fire board shall organize by electing from  
334 its members, excluding ex officio members, a chair, a vice  
335 chair, a secretary, and a treasurer. The positions of secretary  
336 and treasurer may be held by one member.

337       (4) Any independent special fire control and rescue  
338 district electing to merge with the district after the general  
339 election after the district's operational date shall appoint  
340 three members of its governing board to serve on the fire board  
341 and provide written notification to the district of its  
342 appointments 15 days after approval by a majority vote of those  
343 qualified electors of the independent special fire control and  
344 rescue district voting in a referendum regarding the merger of  
345 such independent special fire control and rescue district with  
346 the PCFCD. At the next general election after the independent  
347 special fire control and rescue district's merger with the  
348 district, the three governing board members appointed pursuant  
349 to this subsection shall no longer be members of the fire board.  
350 The seat associated with the lowest numeric at-large seat that  
351 is elected at this general election shall be associated solely  
352 with the SDA associated with the electing independent special  
353 fire control and rescue district and shall no longer be an at-  
354 large seat.

355       (5) If the fire board creates an SDA to represent an area  
356 for which there is an interlocal agreement with a local  
357 government in Collier County for the district to provide  
358 service, also known as an ex officio SDA, the local government  
359 shall appoint one of its governing board members to serve on the  
360 fire board as an ex officio nonvoting member.

361       (6) The fire board shall operate the district in  
362 accordance with this act and chapters 189 and 191, Florida  
363 Statutes, and with any other applicable general or special law,  
364 except as provided in this act.

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365 (7) Members of the fire board may each be paid a salary or  
366 honorarium to be determined by at least a majority plus one vote of  
367 the board pursuant to chapter 191, Florida Statutes.

368 Section 7. Powers of the district.-

369 (1) The fire board shall have the power to create SDAs  
370 pursuant to section 5.

371 (2) The district shall have all powers and duties granted by  
372 this charter and chapters 189, 191, 197, and 401, Florida Statutes,  
373 including, but not limited to, ad valorem taxation, bond issuance,  
374 other revenue-raising capabilities, budget preparation and  
375 approval, liens and foreclosure of liens, use of tax deeds and tax  
376 certificates as appropriate for non-ad valorem assessments, and  
377 contractual agreements. The district may be financed by any method  
378 established in this act or in chapter 189 or chapter 191, Florida  
379 Statutes.

380 (3) The district, through the fire board, shall promulgate by  
381 resolution the following:

382 (a) Standards for all levels of service for firefighting  
383 and rescue services.

384 (b) One integrated communications system for all fire and  
385 rescue services.

386 (c) Closest response for delivery of all fire and rescue  
387 services within the boundaries of the district.

388 (4) The district shall create a 5-year plan for the  
389 provision of fire and rescue services within its boundaries.

390 (5) The district shall have the authority to establish,  
391 equip, operate, and maintain a fire department and provide  
392 rescue services, including emergency medical services.

393       (6) The district is authorized to adopt and amend policies  
394 and regulations for the administration of the affairs of the  
395 district under the terms of this act and chapters 189 and 191,  
396 Florida Statutes, which shall include, but is not limited to,  
397 the authority to adopt the necessary policies and regulations  
398 for the administration and supervision of the property and  
399 personnel of the district and for fire prevention, fire control,  
400 rescue work, and emergency medical services within the district.  
401 Such commissioners shall have the lawful power and authority  
402 necessary to implement the purposes for which the district is  
403 created, which power and authority shall include, but is not  
404 limited to, the power to purchase all necessary fire equipment,  
405 rescue equipment, medical equipment, and all other equipment  
406 necessary to carry out the purposes of the district; to purchase  
407 all necessary real and personal property; to purchase and carry  
408 standard insurance policies on such property and equipment; to  
409 employ personnel, including firefighters and paramedics, as may  
410 be necessary to carry out the purposes of the district; to  
411 provide for insurance for such employees and fire board members;  
412 to buy, lease, sell, exchange, or otherwise acquire or receive  
413 as a gift and dispose of firefighting and emergency medical  
414 equipment and other real, personal, tangible or intangible, or  
415 mixed property that it may from time to time deem necessary to  
416 prevent and extinguish fires or provide emergency medical  
417 services; to provide water, water supply, water stations, and  
418 other necessary buildings; to accept gifts or donations of  
419 equipment or money for the use of the district; and to do all  
420 things necessary to provide adequate water supply, fire

421 prevention, proper fire protection, rescue services, and  
422 emergency medical services for the district.

423 (7) The district is authorized to enter into interlocal  
424 agreements for any purpose related to providing fire or  
425 emergency medical services within Collier County pursuant to  
426 part I of chapter 163, Florida Statutes, including the provision  
427 of services outside of the district. The district is authorized  
428 to enter into interlocal agreements regarding the collection of  
429 any revenues and to pay administrative charges by the collection  
430 entity.

431 (8) The district is authorized to enter into contracts  
432 with private entities in order to carry out the purposes of the  
433 district.

434 (9) The district may establish and maintain emergency  
435 medical and rescue response services within the district  
436 consistent with section 191.008(1), Florida Statutes, and the  
437 provisions of chapter 401, Florida Statutes.

438 (10) In addition to any other power to borrow money as may  
439 be provided by this act or by general law, the district has the  
440 authority to borrow money or issue other evidences of  
441 indebtedness for the purposes of the district in accordance with  
442 chapters 189 and 191, Florida Statutes.

443 (11) The district shall have authority to inspect and  
444 investigate all property for fire hazards as authorized by law.  
445 The fire board, by resolution duly adopted, may assess fees for  
446 fire inspection and maintenance and replacement of hydrants in  
447 an amount reasonably related to the cost thereof and may adopt  
448 provisions creating a lien or providing for civil enforcement of



449 such assessments.

450 (12) (a) The district is authorized to promulgate and enact  
451 fire prevention ordinances, rules, and regulations for the  
452 prevention of fire and for fire control in the district in the  
453 same manner provided for the adoption of policies and  
454 regulations pursuant to general law. When the provisions of such  
455 fire prevention ordinances are determined by the board to be  
456 violated, the office of the state attorney, upon written notice  
457 of such violation issued by the board, is authorized to  
458 prosecute such person or persons held to be in violation  
459 thereof. Any person found guilty of a violation may be punished  
460 as provided in chapter 775, Florida Statutes, as a misdemeanor  
461 of the second degree. The cost of such prosecution shall be paid  
462 out of district funds unless otherwise provided by law. The  
463 district has the authority to enforce fire safety code  
464 violations and enact resolutions relating to such enforcement  
465 pursuant to section 633.052(2), Florida Statutes, as well as to  
466 adopt local amendments to the Florida Fire Prevention Code  
467 pursuant to section 633.0215(10), Florida Statutes.

468 (b) The fire board shall have the power to appoint a fire  
469 marshal, who shall be a person experienced in all types of  
470 firefighting and fire prevention and who shall work with and  
471 cooperate with the State Fire Marshal in the prevention of fires  
472 of all types. The district fire marshal shall be authorized to  
473 enter, at all reasonable hours, any building or premises for the  
474 purpose of making any inspection or investigation that the State  
475 Fire Marshal is authorized to make pursuant to state law and  
476 regulation. The owner, lessee, manager, or operator of any

477 building or premises shall permit the district fire marshal to  
 478 enter and inspect the building or premises at all reasonable  
 479 hours. The district fire marshal shall report any violations of  
 480 state fire safety law or regulations to the appropriate  
 481 officials. Each of the electing independent special fire control  
 482 and rescue district's existing obligations arising from the  
 483 interlocal agreement regarding the creation and operation of the  
 484 Collier County Fire Code Officials Office shall be transferred  
 485 to the district.

486 (c) All fire inspectors engaged by the district shall be a  
 487 Florida certified firefighter pursuant to chapter 633, Florida  
 488 Statutes.

489 Section 8. Finances.-

490 (1) The powers, functions, and duties of the district  
 491 regarding ad valorem taxation, bond issuance, other revenue-  
 492 raising capabilities, budget preparation and approval, liens and  
 493 foreclosure of liens, use of tax deeds and tax certificates as  
 494 appropriate for non-ad valorem assessments, and contractual  
 495 agreements and the methods for financing the district and for  
 496 collecting non-ad valorem assessments, fees, or service charges,  
 497 shall be as set forth in this act, in chapters 170, 189, 191,  
 498 219, and 197, Florida Statutes, and in any applicable general or  
 499 special law.

500 (2) (a) The district shall levy and collect ad valorem  
 501 taxes in accordance with section 191.009 and chapter 200,  
 502 Florida Statutes. The taxes levied and assessed by the district  
 503 shall be a lien upon the land so assessed along with the county  
 504 taxes assessed against such land until such assessments and

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505 taxes have been paid, and if the taxes levied by the district  
506 become delinquent, such taxes shall be considered a part of the  
507 county tax subject to the same penalties, charges, fees, and  
508 remedies for enforcement and collection and shall be enforced  
509 and collected as provided by general law for the collection of  
510 such taxes. The district shall have the authority to levy a  
511 millage rate up to the amount that was approved by referendum as  
512 required by the Florida Constitution and chapter 191, Florida  
513 Statutes, within the boundaries of each of the independent  
514 special fire control and rescue districts that have merged with  
515 the district. Nothing in this act shall prevent the district  
516 from levying a millage rate as provided for in section 191.009,  
517 Florida Statutes, or a millage rate that has been approved by  
518 referendum.

519 (b) The district may not, solely by reason of a merger  
520 with an independent special fire control and rescue district,  
521 increase ad valorem taxes on property within the original limits  
522 of the independent special fire control and rescue district  
523 beyond the maximum ad valorem rate approved by the electors of  
524 the district by referendum. For each independent special fire  
525 control and rescue district merging with the district, the  
526 district may levy an ad valorem millage within the associated  
527 SDA up to the millage rate that was previously approved by the  
528 electors of that independent special fire control and rescue  
529 district or the ad valorem millage rate approved by the  
530 independent special fire control and rescue district's electors  
531 at the time they approved the independent special fire control  
532 and rescue district's merger with PCFCD unless a higher rate is

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533 subsequently approved pursuant to chapter 191, Florida Statutes.  
534 If the independent special fire control and rescue district's  
535 referendum-approved ad valorem millage rate is lower than the  
536 district's ad valorem millage rate that was approved, the  
537 district may only charge an ad valorem millage rate within the  
538 SDA that does not exceed the referendum approved ad valorem  
539 millage rate within such area until such time as an increased  
540 millage rate is approved by the electors of the corresponding  
541 SDA. The intent is to preserve and transfer all authority to the  
542 district to levy ad valorem taxes upon the property within the  
543 SDA up to the millage rate that was previously approved by  
544 referendum of the electing independent special fire control and  
545 rescue district.

546 (3) The fire board shall annually, during the month of  
547 June, make an itemized estimate of the amount of money required  
548 to carry out the provisions of this act for the next fiscal year  
549 of the board, which fiscal year shall be from October 1 to and  
550 including the next succeeding September 30, which estimate shall  
551 state the purpose for which the money is required and the amount  
552 necessary to be raised by taxation within the district, which  
553 budget and proposed millage rate shall be noticed, heard, and  
554 adopted in accordance with chapters 192 through 200, Florida  
555 Statutes.

556 (4) The methods for assessing and collecting non-ad  
557 valorem assessments, fees, or service charges shall be as set  
558 forth in this act, chapter 170, chapter 189, chapter 191, or  
559 chapter 197, Florida Statutes.

560 (5) Notwithstanding section 191.009(2), Florida Statutes,

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561 the district is authorized to levy and enforce non-ad valorem  
562 assessments in accordance with chapters 170, 189, 191, and 197,  
563 Florida Statutes, within its boundaries. Notwithstanding section  
564 191.009(2), Florida Statutes, the approval of this special act  
565 by referendum shall be deemed to also be the approval of the  
566 first-time levy of non-ad valorem assessments in the district.  
567 Once adopted by the district, non-ad valorem assessments shall  
568 not be increased by more than the average annual growth rate in  
569 Florida personal income over the previous 5 years without a  
570 referendum.

571 (6) The district's planning requirements shall be as set  
572 forth in this act and chapters 189 and 191, Florida Statutes.

573 (7) Requirements for financial disclosure, meeting  
574 notices, reporting, public records maintenance, and per diem  
575 expenses for officers and employees shall be as set forth in  
576 this act and chapters 112, 119, 189, 191, and 286, Florida  
577 Statutes.

578 Section 9. Authority to borrow money.—The district shall  
579 have the power to issue general obligation bonds, assessment  
580 bonds, bond anticipations notes, notes, or certificates or other  
581 evidences of indebtedness, hereinafter referred to as "bonds,"  
582 pledging the full faith, credit, and taxing power of the  
583 district consistent with the purposes of the district in  
584 accordance with the requirements of section 191.012, Florida  
585 Statutes, and other applicable general law.

586 Section 10. Impact fees.—

587 (1) The board may allow for the assessment and collection  
588 of impact fees for capital improvement on new construction

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589 within the district.

590 (a) As growth continues in Collier County, it is readily  
591 apparent that additional equipment and facilities will be needed  
592 to meet the expanding commercial and residential growth within  
593 the district.

594 (b) It is declared that the cost of new facilities and  
595 equipment for fire protection and related emergency services  
596 shall be borne by new users of the district's services, to the  
597 extent that new construction requires new facilities and  
598 equipment, but only to that extent.

599 (c) It is therefore the legislative intent to transfer to  
600 the new users of the district's fire protection a fair share of  
601 the costs of new facilities imposed on the district by new  
602 users.

603 (d) It is declared that the amounts of impact fees for  
604 capital improvement provided for in this section are just,  
605 reasonable, and equitable.

606 (2) No person shall issue or obtain a building permit for  
607 new residential dwelling units or new commercial or industrial  
608 structures within the district, or issue or obtain construction  
609 plan approval for new mobile home developments located within  
610 the district, until the developers thereof have paid to the  
611 district the applicable impact fees for capital improvements  
612 hereinafter set forth. Impact fees for capital improvements to  
613 be assessed and collected hereunder shall be pursuant to the  
614 Collier County 2005 First/Rescue Services Impact Fee Update  
615 Study or subsequent impact fee study pursuant to section  
616 191.009(4), Florida Statutes.

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617       (3) Impact fees for capital improvements collected by the  
618 district pursuant to this section shall be kept and maintained  
619 as a separate fund from other revenues of the district and shall  
620 be used exclusively for the acquisition, purchase, or  
621 construction of new facilities and equipment, or portions  
622 thereof, required to provide fire protection and related  
623 emergency services to new construction. New facilities and  
624 equipment shall be as provided for in section 191.009(4),  
625 Florida Statutes.

626       (4) The district shall maintain adequate records to ensure  
627 that impact fees for capital improvements collected under this  
628 section are expended only for permissible new facilities or  
629 equipment.

630       (5) The fire board shall determine the maximum amount of  
631 impact fees to be assessed in any one fiscal year. This  
632 determination shall be made prior to the immediately succeeding  
633 fiscal year. The fire board's determination of the amount of the  
634 impact fee to be assessed in any one fiscal year shall be based  
635 on the requirements set forth in this section.

636       (6) The district is authorized to enter into agreements  
637 regarding the collection of impact fees.

638       (7) The district shall comply with the requirements in  
639 section 163.31801, Florida Statutes.

640       (8) It is the legislative intent to preserve and transfer  
641 all authority to the district to charge impact fees upon new  
642 development within the SDA that was previously implemented by  
643 the governing board of the electing independent special fire  
644 control and rescue district.

645           Section 11. Deposit of taxes, assessments, fees; authority  
 646 to disburse funds.—

647           (1) The funds of the district shall be deposited in  
 648 qualified public depositories, in accordance with chapters 191  
 649 and 280, Florida Statutes.

650           (2) All warrants for the payment of labor, equipment, and  
 651 other expenses of the board, and in carrying into effect this  
 652 act and the purposes thereof, shall be payable by the treasurer  
 653 of the board on accounts and vouchers approved and authorized by  
 654 the board.

655           Section 12. Elections.—

656           (1) When a referendum or special election is required  
 657 under the provisions of this act, the district shall reimburse  
 658 the county for the costs of such election.

659           (2) The procedures for conducting any district elections  
 660 or referendum required and the qualifications of any elector of  
 661 the district shall be as set forth in chapters 189 and 191,  
 662 Florida Statutes, except as provided in this act.

663           Section 13. Eminent domain.—The district shall have the  
 664 authority to exercise the power of eminent domain pursuant to  
 665 chapters 73, 74, and 191, Florida Statutes, over any property,  
 666 except municipal, county, state, or federal property, pursuant  
 667 to section 191.006, Florida Statutes.

668           Section 14. Annexation.—

669           (1) Part II of chapter 171, Florida Statutes, the  
 670 Interlocal Service Boundary Agreement Act, shall apply to all  
 671 types of annexations by a municipality within the boundaries of  
 672 the district, and a resolution providing that a municipality



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673 declines to participate in the process shall not be deemed a  
674 responding resolution under this part and shall result in  
675 section 171.203(5), Florida Statutes, being applicable. If part  
676 II of chapter 171, Florida Statutes, is repealed, then section  
677 171.093, Florida Statutes, shall apply to all types of  
678 annexations by a municipality within the boundaries of the  
679 district.

680 (2) If a new municipality is incorporated within the  
681 boundaries of the district, the district's boundaries shall  
682 continue to include the incorporated lands and it shall remain  
683 the service provider.

684 (3) Any moneys owed to an independent special fire control  
685 and rescue district pursuant to section 171.093, Florida  
686 Statutes, or any interlocal service boundary agreement, as a  
687 result of annexation predating the district, shall be paid to  
688 the district if such independent special fire control and rescue  
689 district elects to be served by the district.

690 Section 15. Miscellaneous.—

691 (1) The district's charter may only be amended by special  
692 act of the Legislature.

693 (2) In the event any section or provision of this act is  
694 determined to be invalid or unenforceable, such determination  
695 shall not affect the validity and enforceability of each other  
696 section and provision of this act.

697 (3) The district shall exist until the Legislature  
698 approves a special act providing for its dissolution, and such  
699 special act is contingent upon approval by the electors of the  
700 district unless the district elects to merge into the Southwest

701 Florida Fire Control and Rescue District, an independent special  
 702 fire control and rescue district.

703 (4) Notwithstanding sections 191.014(3) and 189.4042(2),  
 704 Florida Statutes, if the district elects to merge into the  
 705 Southwest Florida Fire Control and Rescue District, the district  
 706 shall dissolve upon transition of services to the Southwest  
 707 Florida Fire Control and Rescue District, and such dissolution  
 708 need not be approved by the Legislature or by the electors by  
 709 referendum.

710 (5) In order to avoid disincentivizing the consolidation  
 711 of independent special fire control and rescue districts in  
 712 Collier County, notwithstanding section 212.055(8)(d), Florida  
 713 Statutes, for purposes of determining whether the interlocal  
 714 agreement includes a majority of service providers in the  
 715 county, similar to Collier County's MSTUs, each SDA, excluding  
 716 ex officio SDAs, shall be considered an individual participating  
 717 jurisdiction. In addition, for purposes of determining the  
 718 distribution of the surtax proceeds to the participating  
 719 entities, the district's expenditures of ad valorem taxes and  
 720 non-ad valorem assessments for fire control and emergency rescue  
 721 services in each of the immediately preceding 5 fiscal years  
 722 shall be the combined expenditures for the district and for each  
 723 independent special fire control and rescue district that  
 724 elected to be serviced by the district.

725 Section 16. Immunity from tort liability.-

726 (1) The district and its officers, agents, and employees  
 727 shall have the same immunity from tort liability as other  
 728 agencies and subdivisions of the state. The provisions of

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729 chapter 768, Florida Statutes, shall apply to all claims  
730 asserted against the district.

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

735 (3) The district shall defend all claims against the  
736 commissioners, officers, agents, and employees which arise  
737 within the scope of employment or purposes of the district and  
738 shall pay all judgments against such persons, except where such  
739 persons acted in bad faith or with malicious purpose or in a  
740 manner exhibiting wanton and willful disregard of human rights,  
741 safety, or property.

742 Section 17. Transition to the PCFCD.-

743 (1) Notwithstanding section 189.4042(2), Florida Statutes,  
744 any independent special fire control and rescue district that  
745 adopts a resolution electing to merge with the PCFCD prior to  
746 the district's operational date shall merge with the PCFCD on  
747 September 30 of the calendar year after the majority approval of  
748 a referendum pursuant to section 21, and all of the independent  
749 special fire control and rescue district's special acts shall  
750 expire on the date of such merger. Any independent special fire  
751 control and rescue district that adopts a resolution electing to  
752 merge with the PCFCD after the district's operational date shall  
753 merge with the PCFCD on September 30 of the calendar year after  
754 the majority approval of a referendum pursuant to section 22,  
755 and all of the independent special fire control and rescue  
756 district's special acts shall expire on the date of such merger.

757 All assets, liabilities, property, and contractual or other  
 758 obligations of the electing independent special fire control and  
 759 rescue district are transferred to its district on September 30  
 760 of the calendar year that the independent special fire control  
 761 and rescue district merges with the PCFCD.

762 (2) The PCFCD shall begin providing services to the  
 763 jurisdiction of the independent special fire control and rescue  
 764 district on October 1 of the calendar year that the independent  
 765 special fire control and rescue district has merged with the  
 766 PCFCD. The PCFCD is required to provide services to any  
 767 independent special fire control and rescue district within  
 768 Collier County that elects to merge with the district in  
 769 accordance with the above schedule. Each independent special  
 770 fire control and rescue district must provide a copy of its  
 771 resolution electing to merge with the PCFCD to the district  
 772 within 10 days after the adoption of the resolution.

773 Section 18. Employees; pension plans; funding.-

774 (1) Upon the effective date of a merger with the district,  
 775 all employees employed by an independent special fire control  
 776 and rescue district merging with the district shall be employed  
 777 by the district without loss of rank or equivalent position of  
 778 command or administrative position, pay, benefits, accrued  
 779 leave, seniority, or pension. This section does not guarantee  
 780 permanent employment with the district or employment with the  
 781 district for any duration of time.

782 (2) Wages, hours, and conditions of employment of  
 783 employees upon the effective date of the merger of the  
 784 independent special fire control and rescue district with the

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785 PCFCD shall be no less than those enjoyed while employed by  
786 their former employer.

787 (3) Nothing shall limit the district's authority to make  
788 any and all necessary employment decisions regarding personnel  
789 transferred to the district or personnel subsequently hired by  
790 the district. For those employees who are members of a  
791 bargaining unit certified by the Public Employees Relations  
792 Commission, the requirements of chapter 447, Florida Statutes,  
793 apply to such district actions.

794 (4) All employees shall have the right to remain in their  
795 current retirement plan, or transfer to another retirement plan  
796 in accordance with law, if another retirement plan is adopted by  
797 the fire board. However, after the effective date of this act,  
798 an employee's employment shall not be considered terminated for  
799 retirement purposes until the employee separates from employment  
800 from the district. No employee may receive benefits, other than  
801 through a deferred retirement option program, from any  
802 retirement plan adopted by the independent special fire control  
803 and rescue district that merged with the district while actively  
804 employed by the district.

805 (5) For an independent special fire control and rescue  
806 district that has a lawfully established firefighters' pension  
807 trust fund in accordance with chapter 175, Florida Statutes, at  
808 the time it merges with the district, the associated plan shall  
809 not be deemed terminated pursuant to section 175.361, Florida  
810 Statutes, and the boundaries of the SDA attributable to such  
811 independent special fire control and rescue district shall be  
812 deemed to be the lawfully established boundaries of an

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813 independent special fire control and rescue district as required  
814 by chapter 175, Florida Statutes. The existing board of trustees  
815 of the firefighters' pension trust fund shall remain for the  
816 associated independent special fire control and rescue district  
817 pension trust fund even upon the independent special fire  
818 control and rescue district's dissolution pursuant to this act  
819 and shall operate pursuant to chapter 175, Florida Statutes,  
820 within the boundaries of the appropriate SDA. For purposes of  
821 section 175.061(1) (a), Florida Statutes, the two members of the  
822 board of trustees for a chapter plan that are required to be  
823 legal residents of the special fire control and rescue district  
824 shall be legal residents of the associated SDA and shall be  
825 appointed by the fire board. For purposes of section 175.101,  
826 Florida Statutes, a district has the authority to levy a premium  
827 tax on the insurance policies within its boundaries. That  
828 portion of the tax receipts attributable to insurance policies  
829 covering property within an SDA shall be used by the district  
830 for the sole use of its firefighters that are members of the  
831 firefighters' pension trust fund associated with such SDA. If  
832 there is no lawfully established pension trust fund under  
833 chapter 175, Florida Statutes, associated with an SDA, the  
834 moneys from such tax receipts attributable to the insurance  
835 policies covering such property shall be used for the benefit of  
836 the district's firefighters. For purposes of chapter 175,  
837 Florida Statutes, the boundaries of the district shall be deemed  
838 to include an area that has been annexed, including those  
839 annexations that have occurred prior to this act's effective  
840 date, until such time as the district is no longer providing

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841 services to the annexed property. Notwithstanding section  
842 175.351, Florida Statutes, the district may use premium tax  
843 revenues to fund the cost of compliance as provided in section  
844 175.162(2)(a), Florida Statutes, for its lawfully established  
845 pension trust fund.

846 (6) Contributions for upgrading the first 2 percent of the  
847 member's average monthly compensation shall be pursuant to  
848 section 121.0515(5), Florida Statutes. Contributions for  
849 upgrading additional special risk credit in excess of 2 percent  
850 but not to exceed 3 percent of the member's average monthly  
851 compensation shall be an amount representing the actuarial  
852 accrued liability for the difference in accrual value during the  
853 period of service for which credit is being purchased.

854 Contributions shall be calculated by an actuary designated by  
855 the Division of Retirement of the Department of Management  
856 Services using the discount rate and Florida Retirement System  
857 defined benefit plan liabilities in the most recent actuarial  
858 valuation. The contribution for service credit being purchased  
859 must be paid by the member or by the employer on behalf of the  
860 member immediately upon notification by the Division of  
861 Retirement of the Department of Management Services.

862 Section 19. Southwest Florida Fire Control and Rescue  
863 District.—

864 (1) If the governing bodies of the PCFCD and the Panther  
865 Creek Fire Control and Rescue District, or the subsequently  
866 renamed districts, elect to merge into a consolidated  
867 independent special fire control and rescue district, the  
868 Southwest Florida Fire Control and Rescue District, an

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869 independent special fire control and rescue district in Collier  
870 County, shall be created 14 days after the adoption of a  
871 resolution to merge by each of the above-referenced independent  
872 special fire control and rescue districts without further action  
873 of the Legislature or vote of the electors ("creation date").  
874 Notice of such election shall be jointly filed with the  
875 Department of State and the Department of Community Affairs. The  
876 legislative intent is to preserve and transfer all authority of  
877 the PCFCD and the Panther Creek Fire Control and Rescue District  
878 to the Southwest Florida Fire Control and Rescue District.

879 (2) The Southwest Florida Fire Control and Rescue  
880 District's charter shall be this act with the exception of the  
881 provision as provided for in subsection (7).

882 (3) Each SDA within the PCFCD and the Panther Creek Fire  
883 Control and Rescue District shall be an SDA within the Southwest  
884 Florida Fire Control and Rescue District.

885 (4) It is the intent of the Legislature to preserve and  
886 transfer all authority to the Southwest Florida Fire Control and  
887 Rescue District to levy ad valorem taxes up to a millage rate  
888 that was previously approved by referendum of the electors of  
889 the PCFCD and the Panther Creek Fire Control and Rescue District  
890 or previously approved by the electors of any independent  
891 special fire control and rescue district that merged with either  
892 district. The Southwest Florida Fire Control and Rescue District  
893 may only levy ad valorem millage within each of the districts,  
894 or within each SDA if there are differing millage rates within a  
895 district, up to the millage rate that was approved at a  
896 referendum by the electors of such district until such time as



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897 an increased millage rate is approved as provided for by section  
 898 191.009, Florida Statutes.

899 (5) Notwithstanding sections 191.014(3) and 189.4042(2),  
 900 Florida Statutes, if the PCFCD and the Panther Creek Fire  
 901 Control and Rescue District, or the subsequently renamed  
 902 districts, each adopt a resolution electing to merge into the  
 903 Southwest Florida Fire Control and Rescue District prior to  
 904 March 1 of a calendar year, then the PCFCD and the Panther Creek  
 905 Fire Control and Rescue District shall merge with the Southwest  
 906 Florida Fire Control and Rescue District on September 30 of such  
 907 year and all of their special acts, with the exception of this  
 908 special act, expire. If the adoption of the resolutions to merge  
 909 occurs after March 1 of a calendar year, then the PCFCD and the  
 910 Panther Creek Fire Control and Rescue District shall merge with  
 911 the Southwest Florida Fire Control and Rescue District on  
 912 September 30 of the calendar year after such year and all of  
 913 their special acts, with the exception of this special act,  
 914 expire. The Southwest Florida Fire Control and Rescue District  
 915 shall begin providing services on October 1 of the calendar year  
 916 that the districts merge with it.

917 (6) All assets, liabilities, property, and contractual or  
 918 other obligations of the PCFCD and the Panther Creek Fire  
 919 Control and Rescue District are transferred to the Southwest  
 920 Florida Fire Control and Rescue District on September 30 of the  
 921 calendar year the districts merge with the Southwest Florida  
 922 Fire Control and Rescue District.

923 (7) The Fire Board of the Southwest Florida Fire Control  
 924 and Rescue District shall be comprised of the elected officials

925 from the merging districts who shall serve until their  
 926 replacements are elected at the next general election following  
 927 its creation. Section 6 of the Southwest Florida Fire Control  
 928 and Rescue District's charter shall read in lieu thereof:

929 Section 6. Governing body.—

930 (1) In accordance with chapter 191, Florida Statutes, the  
 931 district shall be governed by the fire board.

932 (2) (a) After the district's creation date and until the  
 933 next general election, the fire board shall be comprised of the  
 934 members of the governing boards of the PCFCD and the Panther  
 935 Creek Fire Control and Rescue District, or subsequently renamed  
 936 districts.

937 (b) An organizational meeting of the fire board shall be  
 938 held within 45 days after district's creation date.

939 (c) A quorum of the fire board shall be a majority of its  
 940 members, excluding ex officio SDA members. In order to take  
 941 official action, an affirmative vote of a majority of those  
 942 members present shall be required. The chair of the board may  
 943 only vote in the event of a tie vote of the fire board.

944 (d) During the organizational meeting provided for under  
 945 paragraph (b), the fire board shall organize by electing from  
 946 its members a chair, vice chair, secretary, and treasurer to  
 947 serve for the duration of their terms.

948 (e) Members of the fire board shall serve until the  
 949 members who are elected in the general election after the  
 950 district's creation date take their oaths of office.

951 (3) (a) Beginning with the first general election held  
 952 after the district's creation date, the fire board shall be

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953 comprised of at least five members, with a member elected from  
954 each of the SDAs that have been previously created, excluding  
955 any ex officio SDA. If there are fewer than five SDAs at the  
956 time of the district's first general election and until there  
957 are five SDAs within the boundaries of the district, the fire  
958 board shall be comprised of five members pursuant to section  
959 191.005, Florida Statutes, with each SDA having a representative  
960 on the fire board and the remainder of the members, if  
961 applicable, being elected at large within the jurisdictional  
962 boundaries of the district. An at-large member represents the  
963 entire district.

964 (b) The fire board shall be elected pursuant to chapter  
965 191, Florida Statutes, by the electors of the district in a  
966 nonpartisan election held at the time and in the manner  
967 prescribed for holding general elections in section  
968 189.405(2)(a), Florida Statutes.

969 (c) Each SDA, excluding ex officio SDAs, shall be  
970 represented on the fire board by a member who is a resident of  
971 the SDA and who has been elected by the electors of the SDA. Any  
972 at-large member on the fire board shall be a resident of the  
973 district and shall be elected by the electors of the district.  
974 Each ex officio SDA shall have a nonvoting member ("ex officio  
975 member") on the fire board who is a resident of the ex officio  
976 SDA and is appointed by the local government that the district  
977 is providing service for pursuant to an interlocal agreement.

978 (d) The office of each board member, excluding board  
979 members representing ex officio SDAs, is designated as a seat on  
980 the fire board, distinguished from each other seat by a numeral,

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981 and shall represent the associated SDA or at-large seat. Each  
982 candidate must designate, at the time he or she qualifies, the  
983 seat on the fire board for which he or she is a candidate: 1, 2,  
984 3, 4, or 5. The candidate for each seat who receives the most  
985 votes shall be elected to the fire board.

986 (e) Commissioners shall serve for terms of 4 years each,  
987 subject to the provisions of chapter 191, Florida Statutes, and  
988 shall not be subject to term limits. For the commissioners  
989 elected in the next general election after the district's  
990 creation date, the members elected for the odd-numbered seats  
991 shall serve for 4-year terms each and the members elected for  
992 the even-numbered seats shall serve for 2-year terms each.

993 (f) If a commissioner ceases to reside in the SDA from  
994 which he or she was elected or within the district if an at-  
995 large seat, the office shall be declared vacant, the  
996 commissioner shall be disqualified from further service, and the  
997 remaining commissioners shall appoint a qualified person from  
998 the SDA associated with the vacant seat.

999 (g) Each commissioner shall hold office until his or her  
1000 successor is qualified and elected or, in the case of a  
1001 commissioner representing an ex officio SDA, his or her  
1002 successor is appointed, unless that commissioner ceases to be  
1003 qualified, dies, resigns, or is removed from office.

1004 (h) All candidates must qualify for election in accordance  
1005 with chapters 189 and 191, Florida Statutes. In the event a  
1006 candidate seeks to qualify for election by obtaining signatures  
1007 in accordance with section 191.005, Florida Statutes, the  
1008 qualified signatures shall be signatures of electors within the

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1009 SDA for which the candidate seeks election, or if a candidate  
1010 seeks to qualify for election for an at-large seat by obtaining  
1011 signatures, such signatures shall be signatures of electors  
1012 within the district.

1013 (i) Any additional expenses of holding elections for  
1014 commissioners at the regular county elections shall be paid out  
1015 of the funds of the district if required by the proper  
1016 authority.

1017 (j) A quorum of the fire board shall be a majority of its  
1018 members, excluding ex officio members. In order to take official  
1019 action, an affirmative vote of a majority of those members  
1020 present shall be required.

1021 (k) Each elected member shall assume office 10 days after  
1022 the member's election or appointment. Within 60 days after a  
1023 general election, the fire board shall organize by electing from  
1024 its members, excluding ex officio members, a chair, a vice  
1025 chair, a secretary, and a treasurer. The positions of secretary  
1026 and treasurer may be held by one member.

1027 (4) Any independent special fire control and rescue  
1028 district electing to merge with the district after the general  
1029 election following the district's creation date shall appoint  
1030 three members of its governing board to serve on the fire board  
1031 15 days after approval by a majority vote of those qualified  
1032 electors of the independent special fire control and rescue  
1033 district voting in a referendum regarding the merger of such  
1034 district with the district. At the next general election after  
1035 the independent special fire control and rescue district's  
1036 merger with the district, the three governing board members

1037 appointed pursuant to this subsection shall no longer be members  
 1038 of the fire board. The seat associated with the lowest numeric  
 1039 at-large seat that is elected at this general election shall be  
 1040 associated solely with the SDA associated with the electing  
 1041 independent special fire control and rescue district and shall  
 1042 no longer be an at-large seat. If the resulting appointment  
 1043 results in the fire board consisting of an even number of  
 1044 members, the chair of the board shall only vote in the event of  
 1045 a tie.

1046 (5) If the fire board creates an SDA to represent an area  
 1047 for which there is an interlocal agreement with a local  
 1048 government in Collier County for the district to provide  
 1049 service, also known as an ex officio SDA, the local government  
 1050 shall appoint one of its governing board members to serve on the  
 1051 fire board as an ex officio nonvoting member.

1052 (6) The fire board shall operate the district in  
 1053 accordance with this act and chapters 189 and 191, Florida  
 1054 Statutes, and with any other applicable general or special law,  
 1055 except as provided in this act.

1056 (7) Members of the fire board may each be paid a salary or  
 1057 honorarium to be determined by at least a majority plus one vote of  
 1058 the board pursuant to chapter 191, Florida Statutes.

1059 (8) Sections 5 and 7 shall be applicable to the Southwest  
 1060 Florida Fire Control and Rescue District.

1061 Section 20. Transfer of powers.—In accordance with section  
 1062 4, Article VIII, of the State Constitution, by law or by  
 1063 resolution of both the governing bodies of the affected local  
 1064 government and the district, a county, municipality, or

1065 independent special fire control and rescue district may  
 1066 transfer its fire protection and rescue services to the  
 1067 district. The district may not levy ad valorem taxes upon the  
 1068 transferred properties until such time as an ad valorem millage  
 1069 rate is approved by the electors of the area. However, the  
 1070 district shall be able to charge non-ad valorem assessments and  
 1071 all other fees immediately upon the properties after the  
 1072 transfer. Until the electors of the transferred properties  
 1073 approve the district's millage rate, the local government that  
 1074 transferred its powers to the district shall pay the district,  
 1075 by January 1 of each year, an amount equal to the ad valorem  
 1076 taxes that the district would have collected had the district  
 1077 been able to levy and collect its ad valorem taxes on the  
 1078 transferred properties.

1079 Section 21. Referendum on the merger with PCFCD.—

1080 (1) Upon notification to the Board of County Commissioners  
 1081 of Collier County and the Supervisor of Elections of Collier  
 1082 County by at least one independent special fire control and  
 1083 rescue district of the adoption of a resolution calling for a  
 1084 referendum on merging with the PCFCD, thus making the district  
 1085 operational, the Board of County Commissioners of Collier County  
 1086 shall call and the Supervisor of Elections of Collier County  
 1087 shall conduct a referendum of the qualified electors of each  
 1088 notifying independent special fire control and rescue district  
 1089 on the question of whether the independent special fire control  
 1090 and rescue district shall merge with the district and shall be  
 1091 authorized to levy ad valorem taxes and non-ad valorem  
 1092 assessments at the next regularly scheduled general election

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1093 date after notification by at least one independent special fire  
1094 control and rescue district. The qualified electors residing  
1095 within each independent special fire control and rescue district  
1096 that has provided notification to the Supervisor of Elections of  
1097 Collier County shall vote on such referendum. Upon approval of a  
1098 majority of the qualified electors of the requesting independent  
1099 special fire control and rescue district voting in the  
1100 referendum, the district shall become operational. If more than  
1101 one independent special fire control and rescue district  
1102 provides notification to the Supervisor of Elections of Collier  
1103 County of the adoption of a resolution calling for a referendum  
1104 on the merger with the PCFCD, the district shall become  
1105 operational upon approval of a majority of the combined  
1106 qualified electors of the independent special fire control and  
1107 rescue districts voting in such referendum. The referendum shall  
1108 not be a separate vote of each independent special fire control  
1109 and rescue district. The election shall be in accordance with  
1110 the provisions of law relating to elections currently in force  
1111 in Collier County. The cost of the referendum shall be  
1112 reimbursed to Collier County by the requesting independent  
1113 special fire control and rescue district. If more than one  
1114 independent special fire control and rescue district requests  
1115 the referendum, each independent special fire control and rescue  
1116 district shall reimburse to Collier County its proportioned  
1117 share of the cost of the referendum based on the total number of  
1118 qualified electors within its boundaries as compared to the  
1119 total number of qualified electors of the combined independent  
1120 special fire control and rescue districts calling for the



1121 referendum. In this election, the procedures prescribed in  
 1122 sections 101.6101-101.6107, Florida Statutes, may not be used.

1123 (2) Notwithstanding section 101.161, Florida Statutes, one  
 1124 of the following referendum questions shall be presented to the  
 1125 electors if the independent special fire control and rescue  
 1126 district or districts elect to request approval of the merger:

1127 Option 1:

1128 REFERENDUM ON MERGER WITH THE PARADISE COAST FIRE CONTROL  
 1129 AND RESCUE DISTRICT AND ITS AUTHORITY

1130  
 1131 In an effort to consolidate the independent special fire  
 1132 control and rescue districts in Collier County, shall your  
 1133 independent special fire control and rescue district merge  
 1134 into the Paradise Coast Fire Control and Rescue District,  
 1135 an independent special fire control and rescue district in  
 1136 Collier County, that may be subsequently renamed, which is  
 1137 authorized to exercise all powers as set forth in its  
 1138 charter and chapters 191 and 189, Florida Statutes, and  
 1139 your district's existing powers, including the authority to  
 1140 levy an ad valorem millage rate up to [to be inserted by  
 1141 the Supervisor of Elections of Collier County] mills, non-  
 1142 ad valorem assessments, and impact fees, resulting in the  
 1143 Paradise Coast Fire Control and Rescue District becoming  
 1144 your new fire and rescue service provider and the  
 1145 dissolution of your existing independent fire control and  
 1146 rescue district upon the effective date of the merger, and  
 1147 allowing for the future merger of the Paradise Coast Fire  
 1148 Control and Rescue District into the Southwest Florida Fire

1149 Control and Rescue District without further legislative or  
 1150 voter approval?

1151  
 1152 Yes

1153 No

1154  
 1155 Option 2:

1156 REFERENDUM ON MERGER WITH THE PARADISE COAST FIRE CONTROL  
 1157 AND RESCUE DISTRICT AND ITS AUTHORITY

1158  
 1159 In an effort to consolidate the independent special fire  
 1160 control and rescue districts in Collier County, shall your  
 1161 independent special fire control and rescue district merge  
 1162 into the Paradise Coast Fire Control and Rescue District,  
 1163 an independent special fire control and rescue district in  
 1164 Collier County that will be subsequently renamed, which is  
 1165 authorized to exercise all powers as set forth in its  
 1166 charter and chapters 191 and 189, Florida Statutes, and  
 1167 your district's existing powers, including the authority to  
 1168 levy an ad valorem millage rate up to 3.75 mills, non-ad  
 1169 valorem assessments, and impact fees, resulting in the  
 1170 Paradise Coast Fire Control and Rescue District becoming  
 1171 your new fire and rescue service provider and the  
 1172 dissolution of your existing independent fire control and  
 1173 rescue district upon the effective date of the merger?

1174  
 1175 The Paradise Coast Fire Control and Rescue District shall  
 1176 not charge an ad valorem millage rate higher than [to be

1177 inserted by the Supervisor of Elections of Collier County]  
 1178 mills for the first 5 fiscal years after it becomes  
 1179 operational. The district may increase this authorized  
 1180 millage rate by a total of 0.5 mills every 5 years up to  
 1181 the maximum 3.75 mills, unless a greater increase in the  
 1182 millage rate is approved by referendum by the district's  
 1183 electors.

1184  
 1185 Yes  
 1186 No

1188 (3) The maximum ad valorem millage rate provided for in  
 1189 the referendum in subsection (2) shall be determined and  
 1190 inserted into the referendum question by the Supervisor of  
 1191 Elections of Collier County prior to the election. The maximum  
 1192 ad valorem millage rate included in the referendum shall be  
 1193 determined as follows:

1194 (a) The final certified taxable property value, as  
 1195 provided by the Collier County Property Appraiser, for each  
 1196 independent special fire control and rescue district  
 1197 participating in the referendum for the most recent fiscal year  
 1198 shall be multiplied by the maximum millage rate allowable by  
 1199 each independent special fire control and rescue district  
 1200 participating in the referendum.

1201 (b) The resulting revenue amount from each independent  
 1202 special fire control and rescue district participating in the  
 1203 referendum shall then be added together to arrive at a total  
 1204 revenue amount for the PCFCD.

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1205 (c) This combined revenue amount shall then be divided by  
1206 the combined taxable property value of each independent special  
1207 fire control and rescue district participating in the referendum  
1208 to arrive at the millage rate necessary to generate that amount  
1209 of revenue.

1210 (d) This millage rate shall then be adjusted by the growth  
1211 in per capita Florida personal income as provided by the  
1212 Department of Revenue on the Maximum Millage Levy Calculation  
1213 Preliminary Disclosure Form (Form DR-420MM-P) to arrive at an  
1214 adjusted millage rate, and this adjusted millage rate shall then  
1215 be multiplied by 1.10 as provided in general law to arrive at  
1216 the maximum starting millage rate for the PCFCD, which shall be  
1217 included in the referendum question. The Supervisor of Elections  
1218 of Collier County shall also present the referendum question  
1219 that has been selected to be presented pursuant to this act.

1220 Section 22. Referendum on the merger with the PCFCD after  
1221 its operational date.-

1222 (1) Upon notification to the Board of County Commissioners  
1223 of Collier County and the Supervisor of Elections of Collier  
1224 County by an independent special fire control and rescue  
1225 district of its adoption of a resolution calling for a  
1226 referendum on merging with the PCFCD, the Board of County  
1227 Commissioners of Collier County shall call and the Supervisor of  
1228 Elections of Collier County shall conduct a referendum of the  
1229 qualified electors of the notifying independent special fire  
1230 control and rescue district on the question of whether the  
1231 independent special fire control and rescue district shall merge  
1232 with the district and shall be authorized to levy ad valorem

1233 taxes and non-ad valorem assessments at the next regularly  
 1234 scheduled general election date after notification or at a  
 1235 special election as requested by the independent special fire  
 1236 control and rescue district. The qualified electors residing  
 1237 within the independent special fire control and rescue district  
 1238 that has provided notification to the Supervisor of Elections of  
 1239 Collier County shall vote on such referendum. Upon approval by a  
 1240 majority of the qualified electors of the requesting independent  
 1241 special fire control and rescue district voting in the  
 1242 referendum, the district shall merge pursuant to this act. The  
 1243 election shall be in accordance with the provisions of law  
 1244 relating to the elections currently in force in Collier County.  
 1245 The cost of the referendum shall be reimbursed to Collier County  
 1246 by the requesting independent special fire control and rescue  
 1247 district. In this election, the procedures prescribed in  
 1248 sections 101.6101-101.6107, Florida Statutes, may not be used.  
 1249 There shall be no referendum of the qualified electors of the  
 1250 PCFCD regarding whether the independent special fire control and  
 1251 rescue district shall be allowed to merge with the PCFCD.

1252 (2) Notwithstanding section 101.161, Florida Statutes, the  
 1253 following referendum question shall be presented to the electors  
 1254 of the independent special fire control and rescue district if  
 1255 the district elects to request approval of the merger with the  
 1256 PCFCD and the merger will occur after PCFCD's operational date:

1257  
 1258 REFERENDUM ON MERGER WITH THE PARADISE COAST FIRE CONTROL  
 1259 AND RESCUE DISTRICT AND ITS AUTHORITY  
 1260

1261 In an effort to consolidate the independent special  
 1262 fire control and rescue districts in Collier County,  
 1263 shall your independent special fire control and rescue  
 1264 district merge into the Paradise Coast Fire Control  
 1265 and Rescue District, an independent special fire  
 1266 control and rescue district in Collier County, as may  
 1267 be subsequently renamed, which is authorized to  
 1268 exercise all powers as set forth in its charter and  
 1269 chapters 191 and 189, Florida Statutes, and your  
 1270 district's existing powers, including the authority to  
 1271 levy an ad valorem millage rate up to [to be inserted  
 1272 by the Supervisor of Elections of Collier County]  
 1273 mills, non-ad valorem assessments, and impact fees,  
 1274 resulting in the Paradise Coast Fire Control and  
 1275 Rescue District becoming your new fire and rescue  
 1276 service provider and the dissolution of your existing  
 1277 independent fire control and rescue district upon the  
 1278 effective date of the merger, and allowing for the  
 1279 future merger of the Paradise Coast Fire Control and  
 1280 Rescue District into the Southwest Florida Fire  
 1281 Control and Rescue District without further  
 1282 legislative or voter approval?

1283  
 1284 Yes

1285 No

1286  
 1287 (3) The maximum ad valorem millage rate provided for in  
 1288 the referendum in subsection (2) shall be determined and

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1289 inserted into such language by the Supervisor of Elections of  
1290 Collier County prior to the election. The maximum ad valorem  
1291 millage rate included in the referendum shall be either the ad  
1292 valorem millage rate that is currently levied by PCFCD or the  
1293 maximum ad valorem millage rate that has been previously  
1294 approved by referendum, whichever is higher.

1295 Section 23. This act shall take effect on the same date  
1296 that HB 809 or similar legislation takes effect, if such  
1297 legislation is adopted in the same legislative session or an  
1298 extension thereof and becomes law.