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1 A bill to be entitled
2 An act relating to the Panther Creek 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

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

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 Panther Creek 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

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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

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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.

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

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.

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.

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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

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.

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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 Paradise
865 Coast 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 Paradise Coast Fire Control and Rescue
878 District to the Southwest Florida Fire Control and Rescue
879 District.

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

883 (3) Each SDA within the PCFCD and the Paradise Coast Fire
884 Control and Rescue District shall be an SDA within the Southwest
885 Florida Fire Control and Rescue District.

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

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897 approved at a referendum by the electors of such district until
898 such time as an increased millage rate is approved as provided
899 for by section 191.009, Florida Statutes.

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

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

924 (7) The Fire Board of the Southwest Florida Fire Control

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

930 Section 6. Governing body.—

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

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

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

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

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

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

952 (3) (a) Beginning with the first general election held

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

965 (b) The fire board shall be elected pursuant to chapter
966 191, Florida Statutes, by the electors of the district in a
967 nonpartisan election held at the time and in the manner
968 prescribed for holding general elections in section
969 189.405(2)(a), Florida Statutes.

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

979 (d) The office of each board member, excluding board
980 members representing ex officio SDAs, is designated as a seat on

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

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

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

1000 (g) Each commissioner shall hold office until his or her
 1001 successor is qualified and elected or, in the case of a
 1002 commissioner representing an ex officio SDA, his or her
 1003 successor is appointed, unless that commissioner ceases to be
 1004 qualified, dies, resigns, or is removed from office.

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

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1009 qualified signatures shall be signatures of electors within the
1010 SDA for which the candidate seeks election, or if a candidate
1011 seeks to qualify for election for an at-large seat by obtaining
1012 signatures, such signatures shall be signatures of electors
1013 within the district.

1014 (i) Any additional expenses of holding elections for
1015 commissioners at the regular county elections shall be paid out
1016 of the funds of the district if required by the proper
1017 authority.

1018 (j) A quorum of the fire board shall be a majority of its
1019 members, excluding ex officio members. In order to take official
1020 action, an affirmative vote of a majority of those members
1021 present shall be required.

1022 (k) Each elected member shall assume office 10 days after
1023 the member's election or appointment. Within 60 days after a
1024 general election, the fire board shall organize by electing from
1025 its members, excluding ex officio members, a chair, a vice
1026 chair, a secretary, and a treasurer. The positions of secretary
1027 and treasurer may be held by one member.

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

1037 merger with the district, the three governing board members
 1038 appointed pursuant to this subsection shall no longer be members
 1039 of the fire board. The seat associated with the lowest numeric
 1040 at-large seat that is elected at this general election shall be
 1041 associated solely with the SDA associated with the electing
 1042 independent special fire control and rescue district and shall
 1043 no longer be an at-large seat. If the resulting appointment
 1044 results in the fire board consisting of an even number of
 1045 members, the chair of the board shall only vote in the event of
 1046 a tie.

1047 (5) If the fire board creates an SDA to represent an area
 1048 for which there is an interlocal agreement with a local
 1049 government in Collier County for the district to provide
 1050 service, also known as an ex officio SDA, the local government
 1051 shall appoint one of its governing board members to serve on the
 1052 fire board as an ex officio nonvoting member.

1053 (6) The fire board shall operate the district in
 1054 accordance with this act and chapters 189 and 191, Florida
 1055 Statutes, and with any other applicable general or special law,
 1056 except as provided in this act.

1057 (7) Members of the fire board may each be paid a salary or
 1058 honorarium to be determined by at least a majority plus one vote of
 1059 the board pursuant to chapter 191, Florida Statutes.

1060 (8) Sections 5 and 7 shall be applicable to the Southwest
 1061 Florida Fire Control and Rescue District.

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

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1065 government and the district, a county, municipality, or
 1066 independent special fire control and rescue district may
 1067 transfer its fire protection and rescue services to the
 1068 district. The district may not levy ad valorem taxes upon the
 1069 transferred properties until such time as an ad valorem millage
 1070 rate is approved by the electors of the area. However, the
 1071 district shall be able to charge non-ad valorem assessments and
 1072 all other fees immediately upon the properties after the
 1073 transfer. Until the electors of the transferred properties
 1074 approve the district's millage rate, the local government that
 1075 transferred its powers to the district shall pay the district,
 1076 by January 1 of each year, an amount equal to the ad valorem
 1077 taxes that the district would have collected had the district
 1078 been able to levy and collect its ad valorem taxes on the
 1079 transferred properties.

1080 Section 21. Referendum on the merger with PCFCD.—

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

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

1121 special fire control and rescue districts calling for the
 1122 referendum. In this election, the procedures prescribed in
 1123 sections 101.6101-101.6107, Florida Statutes, may not be used.

1124 (2) Notwithstanding section 101.161, Florida Statutes, one
 1125 of the following referendum questions shall be presented to the
 1126 electors if the independent special fire control and rescue
 1127 district or districts elect to request approval of the merger:

1128 Option 1:

1129 REFERENDUM ON MERGER WITH THE PANTHER CREEK FIRE CONTROL
 1130 AND RESCUE DISTRICT AND ITS AUTHORITY

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

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1149 Control and Rescue District into the Southwest Florida Fire
 1150 Control and Rescue District without further legislative or
 1151 voter approval?

1152
 1153 Yes

1154 No

1155
 1156 Option 2:

1157 REFERENDUM ON MERGER WITH THE PANTHER CREEK FIRE CONTROL
 1158 AND RESCUE DISTRICT AND ITS AUTHORITY

1159
 1160 In an effort to consolidate the independent special fire
 1161 control and rescue districts in Collier County, shall your
 1162 independent special fire control and rescue district merge
 1163 into the Panther Creek Fire Control and Rescue District, an
 1164 independent special fire control and rescue district in
 1165 Collier County that will be subsequently renamed, which is
 1166 authorized to exercise all powers as set forth in its
 1167 charter and chapters 191 and 189, Florida Statutes, and
 1168 your district's existing powers, including the authority to
 1169 levy an ad valorem millage rate up to 3.75 mills, non-ad
 1170 valorem assessments, and impact fees, resulting in the
 1171 Panther Creek Fire Control and Rescue District becoming
 1172 your new fire and rescue service provider and the
 1173 dissolution of your existing independent fire control and
 1174 rescue district upon the effective date of the merger?

1175
 1176 The Panther Creek Fire Control and Rescue District shall

1177 not charge an ad valorem millage rate higher than [to be
 1178 inserted by the Supervisor of Elections of Collier County]
 1179 mills for the first 5 fiscal years after it becomes
 1180 operational. The district may increase this authorized
 1181 millage rate by a total of 0.5 mills every 5 years up to
 1182 the maximum 3.75 mills, unless a greater increase in the
 1183 millage rate is approved by referendum by the district's
 1184 electors.

1185
 1186 Yes

1187 No

1188
 1189 (3) The maximum ad valorem millage rate provided for in
 1190 the referendum in subsection (2) shall be determined and
 1191 inserted into the referendum question by the Supervisor of
 1192 Elections of Collier County prior to the election. The maximum
 1193 ad valorem millage rate included in the referendum shall be
 1194 determined as follows:

1195 (a) The final certified taxable property value, as
 1196 provided by the Collier County Property Appraiser, for each
 1197 independent special fire control and rescue district
 1198 participating in the referendum for the most recent fiscal year
 1199 shall be multiplied by the maximum millage rate allowable by
 1200 each independent special fire control and rescue district
 1201 participating in the referendum.

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

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1205 revenue amount for the PCFCD.

1206 (c) This combined revenue amount shall then be divided by
 1207 the combined taxable property value of each independent special
 1208 fire control and rescue district participating in the referendum
 1209 to arrive at the millage rate necessary to generate that amount
 1210 of revenue.

1211 (d) This millage rate shall then be adjusted by the growth
 1212 in per capita Florida personal income as provided by the
 1213 Department of Revenue on the Maximum Millage Levy Calculation
 1214 Preliminary Disclosure Form (Form DR-420MM-P) to arrive at an
 1215 adjusted millage rate, and this adjusted millage rate shall then
 1216 be multiplied by 1.10 as provided in general law to arrive at
 1217 the maximum starting millage rate for the PCFCD, which shall be
 1218 included in the referendum question. The Supervisor of Elections
 1219 of Collier County shall also present the referendum question
 1220 that has been selected to be presented pursuant to this act.

1221 Section 22. Referendum on the merger with the PCFCD after
 1222 its operational date.-

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

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1233 with the district and shall be authorized to levy ad valorem
 1234 taxes and non-ad valorem assessments at the next regularly
 1235 scheduled general election date after notification or at a
 1236 special election as requested by the independent special fire
 1237 control and rescue district. The qualified electors residing
 1238 within the independent special fire control and rescue district
 1239 that has provided notification to the Supervisor of Elections of
 1240 Collier County shall vote on such referendum. Upon approval by a
 1241 majority of the qualified electors of the requesting independent
 1242 special fire control and rescue district voting in the
 1243 referendum, the district shall merge pursuant to this act. The
 1244 election shall be in accordance with the provisions of law
 1245 relating to the elections currently in force in Collier County.
 1246 The cost of the referendum shall be reimbursed to Collier County
 1247 by the requesting independent special fire control and rescue
 1248 district. In this election, the procedures prescribed in
 1249 sections 101.6101-101.6107, Florida Statutes, may not be used.
 1250 There shall be no referendum of the qualified electors of the
 1251 PCFCD regarding whether the independent special fire control and
 1252 rescue district shall be allowed to merge with the PCFCD.

1253 (2) Notwithstanding section 101.161, Florida Statutes, the
 1254 following referendum question shall be presented to the electors
 1255 of the independent special fire control and rescue district if
 1256 the district elects to request approval of the merger with the
 1257 PCFCD and the merger will occur after PCFCD's operational date:

1258
 1259 REFERENDUM ON MERGER WITH THE PANTHER CREEK FIRE CONTROL
 1260 AND RESCUE DISTRICT AND ITS AUTHORITY

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1261
1262 In an effort to consolidate the independent special
1263 fire control and rescue districts in Collier County,
1264 shall your independent special fire control and rescue
1265 district merge into the Panther Creek Fire Control and
1266 Rescue District, an independent special fire control
1267 and rescue district in Collier County, as may be
1268 subsequently renamed, which is authorized to exercise
1269 all powers as set forth in its charter and chapters
1270 191 and 189, Florida Statutes, and your district's
1271 existing powers, including the authority to levy an ad
1272 valorem millage rate up to [to be inserted by the
1273 Supervisor of Elections of Collier County] mills, non-
1274 ad valorem assessments, and impact fees, resulting in
1275 the Panther Creek Fire Control and Rescue District
1276 becoming your new fire and rescue service provider and
1277 the dissolution of your existing independent fire
1278 control and rescue district upon the effective date of
1279 the merger, and allowing for the future merger of the
1280 Panther Creek Fire Control and Rescue District into
1281 the Southwest Florida Fire Control and Rescue District
1282 without further 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 807 or similar legislation takes effect, if such
1297 legislation is adopted in the same legislative session or an
1298 extension thereof and becomes law.