

1 A bill to be entitled
 2 An act relating to the Southwest Florida 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 transfer of powers; providing for a
 16 referendum on merger of districts; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Legislative findings.—Collier County is
 22 comprised of 2,032 square miles with three municipalities and a
 23 large unincorporated area within the developed portion of the
 24 county. In addition to county and municipal governments, there
 25 are five independent special fire control and rescue districts
 26 that provide fire and rescue services to unincorporated areas in
 27 Collier County: the Big Corkscrew Independent Special Fire
 28 Control and Rescue District, the East Naples Fire Control and

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29 Rescue District, the Golden Gate Fire Control and Rescue
30 District, the Immokalee Fire Control and Rescue District, and
31 the North Naples Fire Control and Rescue District. As a result
32 of having five independent special fire control and rescue
33 districts providing similar services and the decreasing revenues
34 and increasing costs of providing such services, the Legislature
35 intends to create a voluntary process allowing the existing
36 independent special fire control and rescue districts in Collier
37 County to merge their existing operations into a newly created
38 independent special fire control and rescue district known as
39 the Southwest Florida Fire Control and Rescue District. The
40 Legislature recognizes that although general law allows for the
41 merger of independent special fire control and rescue districts,
42 it is silent as to the process that must be followed. It is the
43 intent of the Legislature that the Southwest Florida Fire
44 Control and Rescue District not become operational until an
45 existing independent special fire control and rescue district
46 elects to merge into it and such merger is approved by
47 referendum of the residents of the electing independent special
48 fire control and rescue district. This new consolidated
49 independent special fire control district may provide the future
50 opportunity for the provision of fire and rescue services at the
51 highest level of services in Collier County with uniform
52 countywide standards as this act allows for the future transfer
53 of areas currently served by municipal service taxing units or
54 municipalities into the district. The special district created
55 pursuant to this act is a separate governmental entity
56 independent of Collier County, any municipality in Collier

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57 County, or any other independent special fire control and rescue
58 district in Collier County.

59 Section 2. Creation; survival; operations.—

60 (1) Pursuant to chapters 189 and 191, Florida Statutes,
61 there is created the Southwest Florida Fire Control and Rescue
62 District, an independent special fire control and rescue
63 district and body corporate and politic located in Collier
64 County, hereinafter referred to as the "district" or the
65 "SWFFCD." Although the district is created by this act, the
66 district will only become operational pursuant to subsection
67 (4).

68 (2) All current legislative authority granted to any
69 independent special fire control and rescue district or
70 districts electing to merge with the SWFFCD shall survive the
71 merger with the district and shall be powers of the district,
72 including the ability to levy an ad valorem millage rate as
73 authorized by the Legislature and previously approved by
74 referendum of the residents of the electing independent special
75 fire control and rescue district or districts.

76 (3) An independent special fire control and rescue
77 district electing to merge with the SWFFCD shall adopt a
78 resolution stating its desire to merge with the SWFFCD resulting
79 in the SWFFCD providing service to its qualified electors if
80 approved by the residents of the independent special fire
81 control and rescue district that adopted the resolution. An
82 independent special fire control and rescue district that makes
83 such election prior to the district becoming operational
84 pursuant to subsection (4) shall include within its resolution

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85 the referendum question that is to be presented as provided in
86 section 20. If more than one independent special fire control
87 and rescue district elects to merge with the SWFFCD prior to its
88 becoming operational but disagree as to which referendum
89 question to present, then option 3 in section 20 shall be the
90 referendum question presented to the electors.

91 (4) The SWFFCD shall not become operational ("operational
92 date") until 14 days after the approval by at least a majority
93 vote of those qualified electors of the independent special fire
94 control and rescue district, or if more than one independent
95 special fire control and rescue district is voting in the
96 referendum, 14 days after the approval by at least a majority
97 vote of those qualified electors of one of the independent
98 special fire control and rescue districts, participating in the
99 referendum conducted by the Supervisor of Elections of Collier
100 County. Only an independent special fire control and rescue
101 district whose residents have approved the merger by at least a
102 majority vote of its qualified electors shall merge into the
103 district.

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

109 (6) After the SWFFCD's operational date, the district
110 shall notify the Department of State and the Department of
111 Community Affairs of the district's operational date within 30
112 days after its initial organization meeting.

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113 Section 3. Purpose.—The purpose of this act is to promote
114 the health, welfare, and safety of the citizens and residents of
115 Collier County by providing for firefighting and rescue
116 services, and emergency medical services, if authorized pursuant
117 to chapters 191 and 401, Florida Statutes. The district shall
118 have all powers necessary to carry out the purposes of the
119 district as otherwise provided by this act, including, but not
120 limited to, the power to adopt all necessary measures, rules,
121 regulations, and policies relating to such purposes. Nothing in
122 this act shall prevent the district from cooperating with the
123 state or other local governments to render such services as from
124 time to time may be deemed desirable.

125 Section 4. Boundaries; service provider.—

126 (1) The lands within the district shall be limited to
127 those areas in Collier County where an independent special fire
128 control and rescue district merges with the district as provided
129 in section 2. The district shall be the service provider upon
130 the effective date of the merger.

131 (2) The district's boundaries shall also include those
132 properties in which the county or a municipality transfers its
133 powers to provide fire protection and rescue services to such
134 properties by the district in accordance with this act. The
135 district shall be the service provider to such properties upon
136 the effective date of the transfer. The district may not levy ad
137 valorem taxes upon the transferred properties until such time as
138 an ad valorem millage rate is approved by the qualified electors
139 of the transferred area. However, the district may charge all
140 other fees that it is authorized to impose and collect

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141 immediately upon the properties after the transfer. Until the
142 electors of the transferred properties approve the district's
143 millage rate, the local government that transferred its powers
144 to the district shall pay the district, by January 1 of each
145 year, an amount equal to the ad valorem taxes that the district
146 would have collected had the district been able to levy, assess,
147 and collect its ad valorem millage rates on the transferred
148 properties.

149 (3) The district shall also be the service provider for
150 those areas in which an interlocal agreement has been entered
151 into with another local government for the provision of service
152 by the district and those areas that have been annexed pursuant
153 to chapter 171, Florida Statutes, in which the independent
154 special fire control and rescue district is currently providing
155 services pursuant to section 171.093 or part II of chapter 171,
156 Florida Statutes.

157 (4) The district shall submit, at its own expense, local
158 legislation that provides the specific boundaries of the
159 district as soon as practicable after the district's operational
160 date and each subsequent time that either an independent special
161 fire control and rescue district merges into the district or
162 another local government transfers its powers to the district to
163 provide services.

164 Section 5. Service delivery areas.—A service delivery
165 area, hereinafter referred to as an "SDA," shall be created that
166 corresponds with the boundaries of each independent special fire
167 control and rescue district that merges with the district upon
168 providing a copy of its resolution and referendum approval

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

184 Section 6. Governing body.—

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

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

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

193 1. If only one independent special fire control and rescue
194 district merges with the district prior to the district's
195 operational date, the business and affairs of the district shall
196 be conducted and administered by a fire board that consists of

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197 the electing independent special fire control and rescue
198 district's governing body, who shall serve until the next
199 general election. The fire board shall meet and organize the
200 district within 45 days after the district's operational date.

201 2. If more than one independent special fire control and
202 rescue district elects to merge with the district prior to the
203 district's operational date, each electing independent special
204 fire control and rescue district shall appoint three of its
205 governing body members to serve on the fire board. Appointment
206 by each of the independent special fire control and rescue
207 districts merging with the district shall occur within 15 days
208 after the district's operational date. The newly appointed fire
209 board shall meet and organize the district within 45 days after
210 the district's operational date. The independent special fire
211 control and rescue district that first adopts a resolution
212 electing to merge with the district shall be responsible for
213 organizing the district's initial meeting of the fire board.

214 3. After the operational date and until the next general
215 election after such date, an independent special fire control
216 and rescue district that merges with the district shall appoint
217 three of its governing body members to the fire board and
218 provide written notification to the district of its election and
219 appointment of members within 15 days following the receipt of
220 approval by its residents at referendum.

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

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

232 6. During the organizational meeting provided for under
 233 subparagraph 2., the fire board shall organize by electing from
 234 its members a chair, a vice chair, a secretary, and a treasurer
 235 to serve for the duration of their terms.

236 7. If the fire board creates an SDA to represent an area
 237 in which there is an interlocal agreement with a local
 238 government in Collier County for the district to provide
 239 service, also known as an ex officio SDA, the local government
 240 shall appoint one of its governing body members to serve on the
 241 fire board as an ex officio, nonvoting member.

242 8. If a transfer of powers by the county or a municipality
 243 occurs in accordance with this act resulting in revision of the
 244 district's boundaries to include the associated properties, the
 245 local government shall appoint one of its governing body members
 246 to serve on the fire board as a voting member. Each local
 247 government shall only have one member on the fire board.

248 9. Members of the fire board, excluding ex officio
 249 members, shall serve until the members that are elected in the
 250 next general election after the operational date take their
 251 oaths of office.

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

256 (d) Members of the fire board may each be paid a salary or
257 honorarium to be determined by at least a majority plus one vote
258 of the board pursuant to chapter 191, Florida Statutes.

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

276 (b) The fire board shall be elected pursuant to chapter
277 191, Florida Statutes, by the electors of the district in a
278 nonpartisan election held at the time and in the manner

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279 prescribed for holding general elections in section
280 189.405(2) (a), Florida Statutes.

281 (c) Each SDA, excluding ex officio SDAs, shall be
282 represented on the fire board by a member who is a resident of
283 the SDA and who has been elected by the electors of the SDA. Any
284 at-large member on the fire board shall be a resident of the
285 district and shall be elected by the electors of the district.
286 Each ex officio SDA's officio member must be a resident of the
287 ex officio SDA and appointed by the local government that the
288 district is providing service for pursuant to an interlocal
289 agreement.

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

299 (e) Members of the fire board, including ex officio
300 members, shall serve for terms of 4 years each, subject to
301 chapter 191, Florida Statutes, and shall not be subject to term
302 limits. For the members elected in the next general election
303 after the district's operational date, the members elected for
304 the odd-numbered seats shall serve for 4-year terms each and the
305 members elected for the even-numbered seats shall serve for 2-
306 year terms each.

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307 (f) If a fire board member ceases to reside in the SDA
308 from which he or she was elected or within the district if an
309 at-large seat, the office shall be declared vacant, the member
310 shall be disqualified from further service, and the remaining
311 members shall appoint a qualified person from the SDA associated
312 with the vacant seat.

313 (g) Each fire board member shall hold office until his or
314 her successor is qualified and elected or, in the case of a
315 member representing an ex officio SDA, his or her successor is
316 appointed, unless that member ceases to be qualified, dies,
317 resigns, or is removed from office.

318 (h) All candidates must qualify for election in accordance
319 with chapters 189 and 191, Florida Statutes. In the event a
320 candidate seeks to qualify for election by obtaining signatures,
321 the qualified signatures shall be signatures of electors within
322 the SDA for which the candidate seeks election, or if a
323 candidate seeks to qualify for election for an at-large seat by
324 obtaining signatures, such signatures shall be signatures of
325 electors within the district.

326 (i) Any additional expenses of holding elections for
327 commissioners at the regular county elections shall be paid out
328 of the funds of the district if required by the proper
329 authority.

330 (j) A quorum of the fire board shall be a majority of its
331 members, excluding ex officio members. In order to take official
332 action, an affirmative vote of a majority of those voting
333 members present shall be required. If the fire board consists of

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334 an even number of members, the chair of the fire board shall
335 only vote in the event of a tie.

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

342 (4) Any independent special fire control and rescue
343 district merging with the district following the general
344 election after the district's operational date shall appoint
345 three members of its governing body to serve on the fire board
346 and provide written notification to the district of its
347 appointments 15 days after such approval. At the next general
348 election after the independent special fire control and rescue
349 district's merger with the district, the three governing body
350 members appointed pursuant to this subsection shall no longer be
351 members of the fire board. The seat associated with the lowest
352 numeric at-large seat that is elected at this general election
353 shall be associated solely with the SDA associated with the
354 electing independent special fire control and rescue district
355 and shall no longer be an at-large seat. If there are already
356 more than five SDAs within the district resulting in no at-large
357 seats on the fire board, then a new seat number shall be
358 designated.

359 (5) If a transfer of powers by the county or a
360 municipality occurs in accordance with this act resulting in
361 revision of the district's boundaries to include the associated

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362 properties and the subsequent creation of a SDA, the local
363 government shall appoint one of its governing body members to
364 serve on the fire board as a voting member, who shall serve in
365 accordance with the terms of this act. Each local government
366 shall only have one appointed member on the fire board. At the
367 next general election after the transfer to the district, the
368 one member appointed pursuant to this subsection shall no longer
369 be a member of the fire board. The seat associated with the
370 lowest numeric at-large seat that is elected at this general
371 election shall be associated solely with the SDA associated with
372 the transferred area and shall no longer be an at-large seat. If
373 there are already more than five SDAs within the district
374 resulting in no at-large seats on the fire board, then a new
375 seat number shall be designated.

376 (6) If the fire board creates an SDA to represent an area
377 for which there is an interlocal agreement with a local
378 government in Collier County for the district to provide
379 service, also known as an ex officio SDA, the local government
380 shall appoint one of its governing body members to serve on the
381 fire board as an ex officio, nonvoting member.

382 (7) The fire board shall operate the district in
383 accordance with this act, chapters 189 and 191, Florida
384 Statutes, and any other applicable general or special law,
385 except as provided in this act.

386 (8) Members of the fire board may each be paid a salary or
387 honorarium to be determined by at least a majority plus one vote
388 of the fire board pursuant to chapter 191, Florida Statutes.

389 Section 7. Powers of the district.—

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

392 (2) The district shall have all powers and duties granted
 393 by this act and chapters 189 and 191, Florida Statutes, as may
 394 be amended from time to time.

395 (3) The district shall create a 5-year plan for the
 396 provision of fire and rescue services within its boundaries.

397 (4) The district is authorized to adopt and amend policies
 398 and regulations for the administration of the affairs of the
 399 district under the terms of this act and chapters 189 and 191,
 400 Florida Statutes, which authority shall include, but is not
 401 limited to, the authority to adopt policies and regulations
 402 necessary for the administration and supervision of the property
 403 and personnel of the district and necessary to conduct district
 404 business within the district. Such commissioners shall have the
 405 lawful power and authority necessary to implement the purposes
 406 for which the district is created, which power and authority
 407 shall include, but are not limited to, the power to purchase all
 408 equipment necessary to carry out the purposes of the district;
 409 to purchase all necessary real and personal property; to
 410 purchase and carry standard insurance policies on such property
 411 and equipment; to employ personnel, including firefighters and
 412 paramedics, as may be necessary to carry out the purposes of the
 413 district; to provide for insurance for such employees and fire
 414 board members; to buy, lease, sell, exchange, or otherwise
 415 acquire or receive as a gift and dispose of any and all
 416 equipment and other real, personal, tangible or intangible, or
 417 mixed property that it may from time to time deem necessary to

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418 carry out the purposes of the district; to provide water, water
419 supply, water stations, and other necessary buildings; to accept
420 gifts or donations of equipment or money for the use of the
421 district; and to do all things necessary to carry out the
422 purposes of the district.

423 (5) The district is authorized to enter into interlocal
424 agreements for any purpose pursuant to part I of chapter 163,
425 Florida Statutes, including the provision of services outside of
426 the district. The district is authorized to enter into
427 interlocal agreements regarding the collection of any revenues
428 and to pay administrative charges by the collection entity.

429 (6) The district is authorized to enter into contracts
430 with private entities in order to carry out the purposes of the
431 district.

432 (7) The district may establish and maintain emergency
433 medical and rescue response services within the district
434 consistent with section 191.008(1), Florida Statutes, and
435 chapter 401, Florida Statutes, as may be amended from time to
436 time. In accordance with chapter 401, Florida Statutes, and
437 Collier County COPCN Ordinance No. 2004-12, as amended by
438 Ordinance No. 2005-16 and as it may be further amended, the
439 newly created Southwest Florida Fire Control and Rescue District
440 shall be required to return to the Collier County Board of
441 County Commissioners for review and issuance annually of a
442 certificate of public convenience and necessity (COPCN).

443 (8) In addition to any other power to borrow money as may
444 be provided by this act or by general law, the district has the
445 authority to borrow money or issue other evidences of

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446 indebtedness for the purposes of the district in accordance with
447 chapters 189 and 191, Florida Statutes, as may be amended from
448 time to time.

449 (9) The district shall have authority to inspect and
450 investigate all property for fire hazards as authorized by law.
451 The fire board, by resolution duly adopted, may assess fees for
452 fire inspection and maintenance and replacement of hydrants in
453 an amount reasonably related to the cost thereof and may adopt
454 provisions creating a lien or providing for civil enforcement of
455 such assessments.

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

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473 Florida Fire Prevention Code pursuant to section 633.0215(10),
474 Florida Statutes, as may be amended from time to time.

475 (b) The fire board shall have the power to appoint a fire
476 marshal, who shall be a person experienced in all types of
477 firefighting and fire prevention and who shall work with and
478 cooperate with the State Fire Marshal in the prevention of fires
479 of all types. The district fire marshal shall be authorized to
480 enter, at all reasonable hours, any building or premises for the
481 purpose of making any inspection or investigation that the State
482 Fire Marshal is authorized to make pursuant to state law and
483 regulation. The owner, lessee, manager, or operator of any
484 building or premises shall permit the district fire marshal to
485 enter and inspect the building or premises at all reasonable
486 hours. The district fire marshal shall report any violations of
487 state fire safety laws or regulations to the appropriate
488 officials. Each of the electing independent special fire control
489 and rescue district's existing obligations arising from the
490 interlocal agreement regarding the creation and operation of the
491 Collier County Fire Code Officials Office shall be transferred
492 to the district.

493 Section 8. Finances.—

494 (1) The powers, functions, and duties of the district
495 regarding ad valorem taxation, bond issuance, other revenue-
496 raising capabilities, budget preparation and approval, liens and
497 foreclosure of liens, use of tax deeds and tax certificates as
498 appropriate for non-ad valorem assessments, and contractual
499 agreements and the methods for financing the district and for
500 collecting non-ad valorem assessments, fees, or service charges

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501 shall be as set forth in this act, in chapters 170, 189, 191,
502 219, and 197, Florida Statutes, as may be amended from time to
503 time, and in any applicable general or special law.

504 (2) (a) The district shall levy and collect ad valorem
505 taxes in accordance with section 191.009 and chapter 200,
506 Florida Statutes, as may be amended from time to time. The taxes
507 levied and assessed by the district shall be a lien upon the
508 land so assessed along with the county taxes assessed against
509 such land until such assessments and taxes have been paid, and
510 if the taxes levied by the district become delinquent, such
511 taxes shall be considered a part of the county tax subject to
512 the same penalties, charges, fees, and remedies for enforcement
513 and collection and shall be enforced and collected as provided
514 by general law for the collection of such taxes. The district
515 shall have the authority to levy a millage rate up to the amount
516 that was approved by referendum as required by the Florida
517 Constitution and chapter 191, Florida Statutes, within the
518 boundaries of each of the independent special fire control and
519 rescue districts that have merged with the district. Nothing in
520 this act shall prevent the district from levying a millage rate
521 as provided for in section 191.009, Florida Statutes, or a
522 millage rate that has been approved by referendum.

523 (b) The district may not, solely by reason of a merger
524 with an independent special fire control and rescue district,
525 increase ad valorem taxes on property within the original limits
526 of the merging independent special fire control and rescue
527 district beyond the maximum ad valorem rate approved by the
528 electors of the merging independent special fire control and

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529 rescue district by referendum. For each independent special fire
530 control and rescue district merging with the district, the
531 district may levy an ad valorem millage within the associated
532 SDA up to the millage rate that was previously approved by the
533 electors of that independent special fire control and rescue
534 district or the ad valorem millage rate approved by the
535 independent special fire control and rescue district's electors
536 at the time they approved the independent special fire control
537 and rescue district's merger with the SWFFCD unless a higher
538 rate is subsequently approved pursuant to chapter 191, Florida
539 Statutes. If the independent special fire control and rescue
540 district's referendum-approved ad valorem millage rate is lower
541 than the district's ad valorem millage rate that was approved,
542 the district may only charge an ad valorem millage rate within
543 the SDA that does not exceed the referendum-approved ad valorem
544 millage rate within such area until such time as an increased
545 millage rate is approved by the electors of the corresponding
546 SDA. The intent of this paragraph is to preserve and transfer to
547 the district all authority to levy ad valorem taxes upon the
548 property within the SDA up to the millage rate that was
549 previously approved by referendum of the electing independent
550 special fire control and rescue district.

551 (3) The fire board shall annually, during the month of
552 June, make an itemized estimate of the amount of money required
553 to carry out the provisions of this act for the next fiscal year
554 of the fire board, which fiscal year shall be from October 1 to
555 and including the next succeeding September 30. The estimate
556 shall state the purpose for which the money is required and the

557 amount necessary to be raised by taxation within the district.
 558 Such budget and proposed millage rate shall be noticed, heard,
 559 and adopted in accordance with chapters 192 through 200, Florida
 560 Statutes, as may be amended from time to time.

561 (4) The methods for assessing and collecting non-ad
 562 valorem assessments, fees, or service charges shall be as set
 563 forth in this act, chapter 170, chapter 189, chapter 191, or
 564 chapter 197, Florida Statutes, as may be amended from time to
 565 time.

566 (5) The district's planning requirements shall be as set
 567 forth in this act and chapters 189 and 191, Florida Statutes, as
 568 may be amended from time to time.

569 (6) Requirements for financial disclosure, meeting
 570 notices, reporting, public records maintenance, and per diem
 571 expenses for officers and employees shall be as set forth in
 572 this act and chapters 112, 119, 189, 191, and 286, Florida
 573 Statutes, as may be amended from time to time.

574 Section 9. Authority to borrow money.—The district shall
 575 have the power to issue general obligation bonds, assessment
 576 bonds, bond anticipation notes, notes, or certificates or other
 577 evidences of indebtedness, hereinafter referred to as "bonds,"
 578 pledging the full faith, credit, and taxing power of the
 579 district consistent with the purposes of the district in
 580 accordance with the requirements of section 191.012, Florida
 581 Statutes, as may be amended from time to time, and other
 582 applicable general law.

583 Section 10. Impact fees.—

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584 (1) The fire board is authorized to assess and collect
585 impact fees for capital improvement on new construction within
586 the district. It is the legislative intent to preserve and
587 transfer all authority to the district to charge impact fees
588 upon new development within the SDA that was previously
589 implemented by the governing body of the electing independent
590 special fire control and rescue district.

591 (2) No person shall issue or obtain a building permit for
592 new residential dwelling units or new commercial or industrial
593 structures within the district, or issue or obtain construction
594 plan approval for new mobile home developments located within
595 the district, until the developers thereof have paid to the
596 district the applicable impact fees for capital improvements
597 hereinafter set forth. Impact fees for capital improvements to
598 be assessed and collected hereunder shall be pursuant to the
599 Collier County 2005 First/Rescue Services Impact Fee Update
600 Study or subsequent impact fee study pursuant to section
601 191.009(4), Florida Statutes.

602 (3) The district shall comply with the requirements in
603 section 163.31801 and 191.009(4), Florida Statutes, as may be
604 amended from time to time, in its collection and use of impact
605 fees. New facilities and equipment shall be as provided for in
606 section 191.009(4), Florida Statutes.

607 (4) The fire board shall determine the maximum amount of
608 impact fees to be assessed in any one fiscal year. This
609 determination shall be made prior to the immediately succeeding
610 fiscal year. The fire board's determination of the amount of the

611 impact fee to be assessed in any one fiscal year shall be based
 612 on the requirements set forth in this section.

613 (5) The district is authorized to enter into agreements
 614 regarding the collection of impact fees.

615 Section 11. Deposit of taxes, assessments, fees; authority
 616 to disburse funds.-

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

620 (2) All warrants for the payment of labor, equipment, and
 621 other expenses of the fire board, and in carrying into effect
 622 this act and the purposes thereof, shall be payable by the
 623 treasurer of the fire board on accounts and vouchers approved
 624 and authorized by the fire board.

625 Section 12. Elections.-

626 (1) When a referendum or special election is required
 627 under this act, the district shall reimburse the county for the
 628 costs of such election.

629 (2) The procedures for conducting any district elections
 630 or referendum required and the qualifications of any elector of
 631 the district shall be as set forth in chapters 189 and 191,
 632 Florida Statutes, as may be amended from time to time, except as
 633 provided in this act.

634 Section 13. Eminent domain.-The district shall have the
 635 authority to exercise the power of eminent domain pursuant to
 636 chapters 73, 74, and 191, Florida Statutes, as may be amended
 637 from time to time, over any property, except municipal, county,

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638 state, or federal property, pursuant to section 191.006, Florida
639 Statutes.

640 Section 14. Annexation.—

641 (1) Chapter 171, Florida Statutes, as may be amended from
642 time to time, shall apply to all annexations by a municipality
643 within the district's boundaries.

644 (2) Any moneys owed to an independent special fire control
645 and rescue district pursuant to section 171.093, Florida
646 Statutes, or any interlocal service boundary agreement, as a
647 result of annexation predating the district, shall be paid to
648 the district if such independent special fire control and rescue
649 district elects to be served by the district.

650 Section 15. Miscellaneous.—

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

653 (2) In the event any section or provision of this act is
654 determined to be invalid or unenforceable, such determination
655 shall not affect the validity and enforceability of any other
656 provision of this act.

657 (3) The district shall exist until the Legislature
658 approves a special act providing for its dissolution, and such
659 special act is contingent upon approval by the electors of the
660 district.

661 (4) In order to avoid disincentivizing the consolidation
662 of independent special fire control and rescue districts in
663 Collier County, notwithstanding section 212.055(8)(d), Florida
664 Statutes, the required interlocal agreement must include the
665 district as a participating jurisdiction. For purposes of

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666 determining the distribution of the surtax proceeds to the
667 participating entities, the district's expenditures of ad
668 valorem taxes and non-ad valorem assessments for fire control
669 and emergency rescue services in each of the immediately
670 preceding 5 fiscal years shall be the combined expenditures for
671 the district and for the merged independent special fire control
672 and rescue districts within a 5-year period.

673 (5) As soon as practicable after the district's
674 operational date and each subsequent time that an independent
675 special fire control and rescue district merges into the
676 district, the district shall submit, at its own expense, local
677 legislation that provides the specific boundaries of the
678 district and repeals the special acts associated with the
679 merging independent special fire control and rescue district.

680 Section 16. Immunity from tort liability.-

681 (1) The district and its officers, agents, and employees
682 shall have the same immunity from tort liability as other
683 agencies and subdivisions of the state. Chapter 768, Florida
684 Statutes, as may be amended from time to time, shall apply to
685 all claims asserted against the district.

686 (2) The district commissioners and all officers, agents,
687 and employees of the district shall have the same immunity and
688 exemption from personal liability as provided by general law for
689 state, county, and municipal officers.

690 (3) The district shall defend all claims against its
691 commissioners, officers, agents, and employees that arise within
692 the scope of employment or purposes of the district and shall
693 pay all judgments against such persons, except where such

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694 persons acted in bad faith or with malicious purpose or in a
 695 manner exhibiting wanton and willful disregard of human rights,
 696 safety, or property.

697 Section 17. Transition to the Southwest Florida Fire
 698 Control and Rescue District.-

699 (1) Notwithstanding section 189.4042(2), Florida Statutes,
 700 any independent special fire control and rescue district that
 701 adopts a resolution electing to merge with the SWFFCD prior to
 702 the district's operational date shall merge with the SWFFCD on
 703 September 30 of the calendar year after the majority approval of
 704 a referendum pursuant to section 20, and all of the independent
 705 special fire control and rescue district's special acts shall
 706 expire on the date of such merger. Any independent special fire
 707 control and rescue district that adopts a resolution electing to
 708 merge with the SWFFCD after the district's operational date
 709 shall merge with the SWFFCD on September 30 of the calendar year
 710 after the majority approval of a referendum pursuant to section
 711 21, and all of the independent special fire control and rescue
 712 district's special acts shall expire on the date of such merger.
 713 Pursuant to section 189.4045, Florida Statutes, as may be
 714 amended from time to time, all assets, indebtedness, and
 715 property of the merging independent special fire control and
 716 rescue district are transferred to the SWFFCD on September 30 of
 717 the calendar year of such merger.

718 (2) The SWFFCD shall begin providing services to the SDA
 719 associated with the independent special fire control and rescue
 720 district on October 1 of the calendar year of such merger. Each
 721 merging independent special fire control and rescue district

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722 must provide a copy of its resolution electing to merge with the
723 SWFFCD to the district within 10 days after the qualified
724 electors of such independent special fire control and rescue
725 district approve the merger with the SWFFCD.

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

727 (1) Nothing shall limit the district's authority to make
728 any and all necessary employment decisions regarding personnel
729 transferred to the district or personnel subsequently hired by
730 the district. For those employees who are members of a
731 bargaining unit certified by the Public Employees Relations
732 Commission, the requirements of chapter 447, Florida Statutes,
733 apply to such district actions.

734 (2) All employees shall have the right to remain in their
735 current retirement plan, or transfer to another retirement plan
736 in accordance with law, if another retirement plan is adopted by
737 the fire board. However, after the effective date of this act,
738 an employee's employment shall not be considered terminated for
739 retirement purposes until the employee separates from employment
740 from the district. No employee may receive benefits, other than
741 through a deferred retirement option program, from any
742 retirement plan adopted by the independent special fire control
743 and rescue district that merged with the district while actively
744 employed by the district.

745 (3) For an independent special fire control and rescue
746 district that has a lawfully established firefighters' pension
747 trust fund in accordance with chapter 175, Florida Statutes, at
748 the time it merges with the district, the associated plan shall
749 not be deemed terminated pursuant to section 175.361, Florida

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750 Statutes. The existing board of trustees of the firefighters'
751 pension trust fund shall remain for the associated independent
752 special fire control and rescue district pension trust fund even
753 upon the independent special fire control and rescue district's
754 dissolution pursuant to this act and shall operate pursuant to
755 chapter 175, Florida Statutes, within the boundaries of the
756 appropriate SDA. For purposes of section 175.061(1)(a), Florida
757 Statutes, the two members of the board of trustees for a chapter
758 plan that are required to be legal residents of the special fire
759 control and rescue district shall be legal residents of the
760 associated SDA and shall be appointed by the fire board. For
761 purposes of section 175.101, Florida Statutes, the district has
762 the authority to levy a premium tax on the insurance policies
763 within its boundaries. The moneys from such tax receipts
764 attributable to the insurance policies covering such property
765 shall be used for the benefit of the district's firefighters.
766 For purposes of chapter 175, Florida Statutes, the boundaries of
767 the district shall be deemed to include an area that has been
768 annexed, including those annexations that have occurred prior to
769 this act's effective date, until such time as the district is no
770 longer providing services to the annexed property.

771 (4) Contributions for upgrading the first 2 percent of the
772 member's average monthly compensation shall be pursuant to
773 section 121.0515(5), Florida Statutes. Contributions for
774 upgrading additional special risk credit in excess of 2 percent
775 but not to exceed 3 percent of the member's average monthly
776 compensation shall be an amount representing the actuarial
777 accrued liability for the difference in accrual value during the

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778 period of service for which credit is being purchased.
779 Contributions shall be calculated by an actuary designated by
780 the Division of Retirement of the Department of Management
781 Services using the discount rate and Florida Retirement System
782 defined benefit plan liabilities in the most recent actuarial
783 valuation. The contribution for service credit being purchased
784 must be paid by the member or by the employer on behalf of the
785 member immediately upon notification by the Division of
786 Retirement of the Department of Management Services.

787 Section 19. Transfer of powers.—In accordance with section
788 4, Article VIII of the State Constitution, by law or by
789 resolution of both the governing bodies of the affected local
790 government and the district, a county or municipality may
791 transfer its fire protection and rescue services to the
792 district. The district may not levy ad valorem taxes upon the
793 transferred properties until such time as an ad valorem millage
794 rate is approved by the electors of the area. However, the
795 district may charge all other fees that it is authorized to
796 impose and collect immediately upon the properties after the
797 transfer. Until the electors of the transferred properties
798 approve the district's millage rate, the local government that
799 transferred its powers to the district shall pay the district,
800 by January 1 of each year, an amount equal to the ad valorem
801 taxes that the district would have collected had the district
802 been able to levy and collect its ad valorem taxes on the
803 transferred properties.

804 Section 20. Referendum on the merger with Southwest
805 Florida Fire Control and Rescue District.—

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806 (1) Upon notification to the Supervisor of Elections of
807 Collier County by at least one independent special fire control
808 and rescue district of its adoption of a resolution calling for
809 a referendum on merging with the SWFFCD, the Supervisor of
810 Elections of Collier County shall conduct a referendum of the
811 qualified electors of each notifying independent special fire
812 control and rescue district that has provided such notification
813 within 30 days after the initial notification on the question of
814 whether the independent special fire control and rescue district
815 shall merge with the SWFFCD. The qualified electors residing
816 within each independent special fire control and rescue district
817 that has provided notification to the Supervisor of Elections of
818 Collier County shall vote on such referendum. Upon approval of a
819 majority of the qualified electors of the requesting independent
820 special fire control and rescue district voting in the
821 referendum, the district shall become operational. If more than
822 one independent special fire control and rescue district
823 provides notification to the Supervisor of Elections of Collier
824 County of the adoption of a resolution calling for a referendum
825 on merging with the SWFFCD prior to it becoming operational and
826 within 30 days after the initial notification, the district
827 shall become operational upon approval of a majority of the
828 qualified electors of at least one of the independent special
829 fire control and rescue districts voting in such referendum. The
830 referendum shall be a separate vote of each independent special
831 fire control and rescue district participating in the
832 referendum. The election shall be in accordance with the
833 provisions of law relating to elections currently in force in

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834 Collier County. The cost of the referendum shall be reimbursed
 835 to Collier County by the requesting independent special fire
 836 control and rescue district. If more than one independent
 837 special fire control and rescue district requests the
 838 referendum, each independent special fire control and rescue
 839 district shall reimburse to Collier County its proportioned
 840 share of the cost of the referendum based on the total number of
 841 qualified electors within its boundaries as compared to the
 842 total number of qualified electors of the combined independent
 843 special fire control and rescue districts calling for the
 844 referendum.

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

849 (a) Option 1:

850 REFERENDUM ON MERGER WITH THE SOUTHWEST FLORIDA FIRE CONTROL AND
 851 RESCUE DISTRICT AND ITS AUTHORITY

852
 853 In an effort to consolidate the independent special fire control
 854 and rescue districts in Collier County, shall your independent
 855 special fire control and rescue district merge into the
 856 Southwest Florida Fire Control and Rescue District, an
 857 independent special fire control and rescue district in Collier
 858 County, which is authorized to exercise all powers as set forth
 859 in its charter and chapters 191 and 189, Florida Statutes, and
 860 your existing independent special fire control and rescue
 861 district's existing powers, including the authority to levy an

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862 ad valorem millage rate up to either [to be inserted by the
 863 Supervisor of Elections of Collier County] mills or the millage
 864 rate previously approved at referendum to be levied by your
 865 existing independent special fire control and rescue district,
 866 resulting in the Southwest Florida Fire Control and Rescue
 867 District becoming your new fire control and rescue service
 868 provider and the dissolution of your existing independent
 869 special fire control and rescue district upon the effective date
 870 of the merger without further legislative or voter approval?

871 Yes

872 No

873 (b) Option 2:

874 REFERENDUM ON MERGER WITH THE SOUTHWEST FLORIDA FIRE CONTROL AND
 875 RESCUE DISTRICT AND ITS AUTHORITY

876
 877 In an effort to consolidate the independent special fire control
 878 and rescue districts in Collier County, shall your independent
 879 special fire control and rescue district merge into the
 880 Southwest Florida Fire Control and Rescue District, an
 881 independent special fire control and rescue district in Collier
 882 County, which is authorized to exercise all powers as set forth
 883 in its charter and chapters 191 and 189, Florida Statutes, and
 884 your existing independent special fire control and rescue
 885 district's existing powers, including the authority to levy an
 886 ad valorem millage rate up to 3.75 mills, resulting in the
 887 Southwest Florida Fire Control and Rescue District becoming your
 888 new fire control and rescue service provider and the dissolution
 889 of your existing independent special fire control and rescue

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890 district upon the effective date of the merger without further
 891 legislative or voter approval?

892
 893 The Southwest Florida Fire Control and Rescue District shall not
 894 charge an ad valorem millage rate higher than [to be inserted by
 895 the Supervisor of Elections of Collier County] mills or the
 896 millage rate previously approved at referendum to be levied by
 897 your independent special fire control and rescue district for
 898 the first 5 fiscal years after it becomes operational. The
 899 district may increase this authorized millage rate by a total of
 900 0.5 mills every 5 years up to the maximum 3.75 mills, unless a
 901 greater increase in the millage rate is approved by referendum
 902 by the district's electors.

903 Yes

904 No

905 (c) Option 3:

906 REFERENDUM ON MERGER WITH THE SOUTHWEST FLORIDA FIRE CONTROL AND
 907 RESCUE DISTRICT AND ITS AUTHORITY

908
 909 In an effort to consolidate the independent special fire control
 910 and rescue districts in Collier County, shall your independent
 911 special fire control and rescue district merge into the
 912 Southwest Florida Fire Control and Rescue District, an
 913 independent special fire control and rescue district in Collier
 914 County, which is authorized to exercise all powers as set forth
 915 in its charter and chapters 191 and 189, Florida Statutes, and
 916 your existing independent special fire control and rescue
 917 district's existing powers, including the authority to levy an

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918 ad valorem millage rate up to [to be inserted by the Supervisor
 919 of Elections of Collier County] mills, resulting in the
 920 Southwest Florida Fire Control and Rescue District becoming your
 921 new fire control and rescue service provider and the dissolution
 922 of your existing independent special fire control and rescue
 923 district upon the effective date of the merger without further
 924 legislative or voter approval?

925 Yes

926 No

927 (3) The ad valorem millage rate provided for in the
 928 referendum in paragraph (2) (c) shall be the maximum ad valorem
 929 millage rate that has been previously approved at referendum by
 930 the merging independent special fire control and rescue
 931 district, and if more than one independent special fire control
 932 and rescue district is voting at the same election, each
 933 independent special fire control and rescue district's residents
 934 shall vote on a referendum question that includes its existing
 935 maximum millage rate. The ad valorem millage rate provided for
 936 in the referendum in paragraph (2) (a) or paragraph (2) (b) shall
 937 be determined and inserted into the referendum question by the
 938 Supervisor of Elections of Collier County prior to the election.
 939 The ad valorem millage rate included in the referendum shall be
 940 determined as follows:

941 (a) The final certified taxable property value, as
 942 provided by the Collier County Property Appraiser, for each
 943 independent special fire control and rescue district
 944 participating in the referendum for the most recent fiscal year
 945 shall be multiplied by the maximum millage rate allowable by

946 each independent special fire control and rescue district
 947 participating in the referendum.

948 (b) The resulting revenue amount from each independent
 949 special fire control and rescue district participating in the
 950 referendum shall then be added together to arrive at a total
 951 revenue amount for the SWFFCD.

952 (c) This combined revenue amount shall then be divided by
 953 the combined taxable property value of each independent special
 954 fire control and rescue district participating in the referendum
 955 to arrive at the millage rate necessary to generate that amount
 956 of revenue.

957 (d) This millage rate shall then be adjusted by the growth
 958 in per capita Florida personal income as provided by the
 959 Department of Revenue on the Maximum Millage Levy Calculation
 960 Preliminary Disclosure Form (Form DR-420MM-P) to arrive at an
 961 adjusted millage rate, and this adjusted millage rate shall then
 962 be multiplied by 1.10 as provided in general law to arrive at
 963 the maximum starting millage rate for the SWFFCD, which shall be
 964 included in the referendum question. The Supervisor of Elections
 965 of Collier County shall also present the referendum question
 966 that has been selected to be presented pursuant to this act.

967 Section 21. Referendum on the merger with the Southwest
 968 Florida Fire Control and Rescue District after its operational
 969 date.—

970 (1) Upon notification to the Supervisor of Elections of
 971 Collier County by an independent special fire control and rescue
 972 district of its adoption of a resolution calling for a
 973 referendum on merging with the SWFFCD, the Supervisor of

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974 Elections of Collier County shall conduct a referendum of the
 975 qualified electors of the notifying independent special fire
 976 control and rescue district on the question of whether the
 977 independent special fire control and rescue district shall merge
 978 with the district and shall be authorized to levy ad valorem
 979 taxes at the next regularly scheduled general election date
 980 after notification or at a special election as requested by the
 981 independent special fire control and rescue district. The
 982 qualified electors residing within the independent special fire
 983 control and rescue district that has provided notification to
 984 the Supervisor of Elections of Collier County shall vote on such
 985 referendum. Upon approval by a majority of the qualified
 986 electors of the requesting independent special fire control and
 987 rescue district voting in the referendum, the independent
 988 special fire control and rescue district shall merge with the
 989 district pursuant to this act. The election shall be in
 990 accordance with the provisions of law relating to the elections
 991 currently in force in Collier County. The cost of the referendum
 992 shall be reimbursed to Collier County by the requesting
 993 independent special fire control and rescue district. There
 994 shall be no referendum of the qualified electors of the SWFFCD
 995 regarding whether the independent special fire control and
 996 rescue district shall merge with the SWFFCD.

997 (2) (a) Notwithstanding section 101.161, Florida Statutes,
 998 the following referendum question shall be presented to the
 999 electors of the independent special fire control and rescue
 1000 district if the governing body of the independent special fire
 1001 control and rescue district electing to request approval of the

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1002 merger with the SWFFCD, and the merger will occur after the
 1003 SWFFCD's operational date:

1004
 1005 REFERENDUM ON MERGER WITH THE SOUTHWEST FLORIDA FIRE CONTROL AND
 1006 RESCUE DISTRICT AND ITS AUTHORITY

1007
 1008 In an effort to consolidate the independent special fire control
 1009 and rescue districts in Collier County, shall your independent
 1010 special fire control and rescue district merge into the
 1011 Southwest Florida Fire Control and Rescue District, an
 1012 independent special fire control and rescue district in Collier
 1013 County, which is authorized to exercise all powers as set forth
 1014 in its charter and chapters 191 and 189, Florida Statutes, and
 1015 your existing independent special fire control and rescue
 1016 district's existing powers, including the authority to levy an
 1017 ad valorem millage rate up to [to be inserted by the Supervisor
 1018 of Elections of Collier County] mills, resulting in the
 1019 Southwest Florida Fire Control and Rescue District becoming your
 1020 new fire control and rescue service provider and the dissolution
 1021 of your existing independent special fire control and rescue
 1022 district upon the effective date of the merger without further
 1023 legislative or voter approval?

1024 Yes

1025 No

1026 (b) The ad valorem millage rate provided for in the
 1027 referendum in paragraph (a) shall be determined and inserted
 1028 into such language by the Supervisor of Elections of Collier
 1029 County prior to the election. The ad valorem millage rate

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1030 included in the referendum shall be either the ad valorem
 1031 millage rate that is currently levied by the SWFFCD, the maximum
 1032 ad valorem millage rate that has been previously approved by
 1033 referendum of the SWFFCD, or the maximum ad valorem millage rate
 1034 that has been previously approved at referendum by the merging
 1035 independent special fire control and rescue district, whichever
 1036 is higher.

1037 (3) (a) Notwithstanding section 101.161, Florida Statutes,
 1038 the following referendum question shall be presented to the
 1039 electors of the independent special fire control and rescue
 1040 district that has a previously approved millage rate that is
 1041 lower than the SWFFCD's maximum millage rate upon the governing
 1042 board of the independent special fire control and rescue
 1043 district electing to request approval of the merger with the
 1044 SWFFCD, and the merger will occur after the SWFFCD's operational
 1045 date:

1046
 1047 REFERENDUM ON MERGER WITH THE SOUTHWEST FLORIDA FIRE CONTROL AND
 1048 RESCUE DISTRICT AND ITS AUTHORITY

1049
 1050 In an effort to consolidate the independent special fire control
 1051 and rescue districts in Collier County, shall your independent
 1052 special fire control and rescue district merge into the
 1053 Southwest Florida Fire Control and Rescue District, an
 1054 independent special fire control and rescue district in Collier
 1055 County, which is authorized to exercise all powers as set forth
 1056 in its charter and chapters 191 and 189, Florida Statutes, and
 1057 your existing independent special fire control and rescue

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1058 district's existing powers, including the authority to levy an
 1059 ad valorem millage rate up to [to be inserted by the Supervisor
 1060 of Elections of Collier County] mills, resulting in the
 1061 Southwest Florida Fire Control and Rescue District becoming your
 1062 new fire control and rescue service provider and the dissolution
 1063 of your existing independent special fire control and rescue
 1064 district upon the effective date of the merger without further
 1065 legislative or voter approval?

1066 Yes

1067 No

1068 (b) The ad valorem millage rate provided for in the
 1069 referendum in paragraph (a) shall be determined and inserted
 1070 into such language by the Supervisor of Elections of Collier
 1071 County prior to the election. The ad valorem millage rate
 1072 included in the referendum shall be either the ad valorem
 1073 millage rate that is currently levied by the SWFFCD, the maximum
 1074 ad valorem millage rate that has been previously approved by
 1075 referendum of the SWFFCD, or the maximum ad valorem millage rate
 1076 that has been previously approved at referendum by the merging
 1077 independent special fire control and rescue district, whichever
 1078 is lower.

1079 Section 22. This act shall take effect upon becoming a
 1080 law.