

By Senator Richter

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1 A bill to be entitled
2 An act relating to the East Naples Fire Control and
3 Rescue District, Collier County; amending chapter
4 2000-444, Laws of Florida, as amended by chapter 2004-
5 433, Laws of Florida, to revise the district's
6 charter; providing a savings clause for the district's
7 current authority to levy up to 1.5 millage; providing
8 for incorporation; providing that the district is an
9 independent special district; providing for charter
10 amendments; revising boundaries; providing for
11 annexation; revising provisions relating to the board
12 of commissioners; revising duties, powers, and
13 authority of the board; revising powers of the
14 district; providing for the financing of the district;
15 providing for bonds; providing for reimbursement to
16 the county when a referendum is required; providing
17 for impact fees; providing for the collection and
18 disbursement of such fees; providing for deposit of
19 taxes, assessments, and fees and authority to disburse
20 funds; providing for elections; requiring district
21 planning; providing for immunity from tort liability;
22 providing for dissolution procedures; providing for
23 exemption from taxation; providing for liberal
24 construction; providing for severability; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. The charter of the East Naples Fire Control and

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30 Rescue District, as created in section 2 of chapter 2000-444,
31 Laws of Florida, as amended by chapter 2004-433, Laws of
32 Florida, is amended to read:

33 Section 1. Codification.—Pursuant to chapter 97-255, Laws
34 of Florida, this act constitutes the codification of all special
35 acts relating to the East Naples Fire Control and Rescue
36 District, an independent special fire control and rescue
37 district in Collier County, hereinafter referred to as the
38 “district.” It is the intent of the Legislature in enacting this
39 law to provide a single, comprehensive special act charter for
40 the district, including all current legislative authority
41 granted to the district by its several legislative enactments
42 and any additional authority granted by this act. It is further
43 the intent of this act to preserve all district authority,
44 including the authority to assess annually and levy against the
45 taxable property in the district a tax not to exceed 1.5 mills
46 on the dollar of assessed valuation.

47 Section 2. Corporate status.—All of the incorporated lands
48 in Collier County, as described in this act, shall be
49 incorporated into the district. The district shall be a public
50 municipal corporation under the name of the East Naples Fire
51 Control and Rescue District. The district is organized and
52 exists for all purposes set forth in this act and chapters 189
53 and 191, Florida Statutes. The district was created by special
54 act in 1961 and its charter may be amended only by special act
55 of the Legislature.

56 Section 3. 2. Boundaries.—The lands to be incorporated
57 within ~~(1) A fire control district known as the East Naples Fire~~
58 ~~Control and Rescue District, hereafter referred to as the~~

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59 ~~district, is hereby established to~~ consist of the following
60 described lands in Collier County:

61 A. Beginning at the northeast corner of the
62 Northwest quarter of Section 27, Township 49 South,
63 Range 25 East, thence along the north line of said
64 Section 27, east 45 feet to the east right-of-way line
65 of C-851 (also known as Goodlette-Frank Road), (which
66 right-of-way line lies 45 feet east of, measured at
67 right angles to, and parallel with the north and south
68 quarter section line of said Section 27), to the north
69 line of Lot 11, Naples Improvement Company's Little
70 Farms, Plat Book 2, Page 2; thence east to the east
71 section line of Section 27, Township 49 South, Range
72 25 East; then north along the east line of said
73 Section 27 to the northeast corner of said Section 27;
74 said point also being the southeast corner of Section
75 23 Township 49 South, Range 25 East thence east along
76 the north line of Section 26, Township 49 South, Range
77 25 East to a point 990.0 feet west of the west right-
78 of-way line of Airport Pulling Road; thence south 01
79 degrees 30 minutes 00 seconds east, 1320.0 feet;
80 thence north 89 degrees 25 minutes 40 seconds east,
81 660.0 feet; thence north 01 degrees 30 minutes 00
82 seconds west, 1320.0 feet to the north line of said
83 Section 26; thence east along said north line of
84 Section 26 to the west right of way line of Airport-
85 Pulling Road; to the south line of said Section 26
86 (said right-of-way line lying 50 feet west of the
87 southeast corner of said Section 26); thence westerly

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88 along said south line to the southwest corner of said
89 Section 26; thence northerly along the west line of
90 said Section 26; to the southerly right-of-way line of
91 Golden Gate Parkway (100 feet wide); thence easterly
92 along said southerly right-of-way line to a point
93 lying 1220.00 feet west of the west line of said
94 Airport-Pulling Road; thence northerly parallel with
95 said west right-of-way line to the northerly right-of-
96 way line of said Golden Gate Parkway; thence westerly
97 along the north right-of-way of Golden Gate Parkway to
98 a point 620 feet east and 235.46 feet south of the
99 northwest corner of Lot 8, Naples Improvement
100 Company's Little Farms; thence north 235.46 feet to
101 the north line of Lot 8; thence west along said north
102 line 620 feet to the northwest corner of said Lot 8;
103 thence southerly to that angle point in said east
104 right-of-way line which lies on a line 400.00 feet
105 northerly of (measured at right angles to) and
106 parallel with the north line of Section 34, Township
107 49 South, Range 25 East; thence continuing along said
108 east right-of-way to the north line of Gordon River
109 Homes Subdivision; thence east along the north line of
110 Lots 50, 49, and 48 to a point 22.5 feet east of the
111 northwest corner of Lot 48; thence south parallel to
112 the west line of Lot 48 to the south line of Lot 48;
113 thence west along the south line of Lots 48, 49, and
114 50 to the east right-of-way line of Goodlette-Frank
115 Road; thence continuing along said east right-of-way
116 line, which line lies 100.00 feet east of, measured at

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117 right angles to, and parallel with the north and south
118 quarter section line of said Section 34; thence
119 continuing along said east right-of-way line to a
120 point on the north line of the southwest quarter of
121 the northeast quarter of Section 34, Township 49
122 South, Range 25 East; thence continue on said right of
123 way line 460.0 feet; thence north 89 degrees 41
124 minutes 30 seconds east 494.99 feet; thence south 0
125 degrees 34 minutes 06 seconds east 615.88 feet to a
126 point of curvature; thence southwesterly 343.97 feet
127 along the arc of a tangential circular curve, concave
128 to the northwest have a radius of 243.97 feet and
129 subtended by a chord which bears south 44 degrees 33
130 minutes 25 seconds west 345.84 feet; thence south 89
131 degrees 41 minutes 30 seconds west 250.0 feet to the
132 easterly right of way line of Goodlette-Frank Road;
133 thence south along said right of way line to a point
134 48.41 feet south of the north line of the south half
135 of Section 34, Township 49 South, Range 25 East;
136 thence north 89 degrees 56 minutes 59 seconds east
137 249.79 feet; thence northeasterly 173.98 feet along
138 the arc of a circular curve concave to the northwest
139 having a radius of 293.97 feet and being subtended by
140 a chord which bears north 72 degrees 59 minutes 41
141 seconds east 171.46 feet; thence south 89 degrees 47
142 minutes 31 seconds east 808.79 feet; thence north 89
143 degrees 55 minutes 05 seconds east 993.64 feet to a
144 point on that bulkhead line as shown on Plate recorded
145 in Bulkhead Line Plan Book 1, Page 25 Collier County

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146 Public Records, Collier County, Florida; thence run
147 the following courses along the said Bulkhead line,
148 47.27 feet along the arc of a non-tangential circular
149 curve concave to the west, having a radius of 32.68
150 feet and subtended by a chord having a bearing of
151 south 14 degrees 08 minutes 50 seconds east and a
152 length of 43.26 feet to a point of tangency; south 27
153 degrees 17 minutes 25 seconds west for 202.44 feet to
154 a point of curvature; 296.89 feet along the arc of a
155 curve concave to the southeast, having a radius of
156 679.46 feet and subtended by a chord having a bearing
157 of south 14 degrees 46 minutes 21 seconds west and a
158 length of 294.54 feet to a point of reverse curvature;
159 157.10 feet along the arc of a curve concave to the
160 northwest, having a radius of 541.70 feet, and
161 subtended by a chord having a bearing of south 10
162 degrees 33 minutes 47 seconds west and a length of
163 156.55 feet to a point of reverse curvature; 307.67
164 feet along the arc of a curve concave to the
165 northeast; having a radius of 278.30 feet, and
166 subtended by a chord having a bearing of south 12
167 degrees 47 minutes 59 seconds east and a length of
168 292.24 feet to a point of reverse curvature; 135.31
169 feet along the arc of a curve concave to the southwest
170 having a radius of 100.00 feet and subtended by a
171 chord having a bearing of south 05 degrees 42 minutes
172 27 seconds East and a length of 125.21 feet to a point
173 of tangency; thence South 33 degrees, 03 minutes, 21
174 seconds West for 295.10 feet; and South 33 degrees 27

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175 minutes 51 seconds West 1.93 feet to the north line of
176 the River Park East Subdivision which is also the
177 north line of the south half of the southeast quarter
178 of Section 34, Township 49 South, Range 25 East;
179 thence along the north line of the south half of the
180 southeast quarter of said Section 34, easterly to the
181 west line of Section 35, Township 49 South, Range 25
182 East; thence along the west line of said Section 35,
183 northerly 1320 feet more or less to the northwest
184 corner of the south half of said Section 35; thence
185 along the north line of the south half of said Section
186 35, easterly to the west right-of-way line of State
187 Road No. 31 (Airport Road), which right-of-way lies
188 50.0 feet west of, measured at right angles to, and
189 parallel with the east line of said Section 35; thence
190 along said right-of-way line of State Road No. 31,
191 south 00 degrees 13 minutes 57 seconds west 1800 feet
192 more or less to a point on said west right-of-way
193 line, which lies north 00 degrees 13 minutes 57
194 seconds east 848.02 feet and south 89 degrees 46
195 minutes 03 seconds west 50.00 feet from the southeast
196 corner of said Section 35; thence continuing along
197 said west right-of-way line southerly 325.02 feet
198 along the arc of a tangential circular curve concave
199 to the east, radius 2914.93 feet, subtended by a chord
200 which bears south 2 degrees 57 minutes 43 seconds east
201 324.87 feet; thence continuing along said west right-
202 of-way line, tangentially south 6 degrees 09 minutes
203 22 second east 3.13 feet, thence southerly along a

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204 curve concave to the southwest, having a central angle
205 of 6 degrees 23 minutes 18 seconds and a radius of
206 1860.08 feet, a distance of 207.34 feet; thence south
207 0 degrees 13 minutes 57 seconds west 313.03 feet more
208 or less to a point on the north line of and 20 feet
209 west of the northeast corner of Section 2, Township 50
210 South, Range 25 East; thence southeasterly, 300.7 feet
211 more or less to a point on the east line of said
212 Section 2 which point lies 300.0 feet south of the
213 northeast corner of said Section 2; thence along the
214 east line of the north half of said Section 2,
215 southerly to the southeast corner of the north half of
216 said Section 2; thence along the south line of the
217 north half of said Section 2; westerly to the
218 northeast corner of the southeast quarter of Section
219 3, Township 50 South, Range 25 East; thence southerly
220 along the east line of the southeast corner of said
221 Section 3 for a distance of 2013.98 feet; thence North
222 89 degrees 37 minutes 20 seconds East 662.04 feet;
223 thence South 00 degrees 17 minutes 20 seconds East
224 119.26 feet; thence South 89 degrees 27 minutes 40
225 seconds West 322.00 feet; thence South 00 degrees, 17
226 minutes 20 seconds East 10.00 feet; thence South 89
227 degrees 27 minutes 40 seconds West 68.00 feet; thence
228 South 00 degrees 17 minutes 20 seconds East 361.00
229 feet; thence North 89 degrees 27 minutes 40 seconds
230 East 68.00 feet; thence South 00 degrees 17 minutes 20
231 seconds East 140.00 feet; thence South 89 degrees 27
232 minutes 40 seconds West 221.81 feet; thence North 01

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233 degrees 05 minutes 56 seconds West 6.99 feet; thence
234 westerly along the arc of a non-tangential circular
235 curve concave to the north having a radius of 370.00
236 feet through a central angle of 18 degrees 34 minutes
237 13 seconds and being subtended by a chord which bears
238 North 81 degrees 50 minutes 17 seconds West 119.40
239 feet for a distance of 119.92 feet to a point on the
240 east line of said Section 3; thence southerly along
241 the east line of Section 3, and along the east lines
242 of Sections 10, 15, 22, and 27, all in Township 50
243 South, Range 25 East, to the southeast corner of said
244 Section 27, Township 50 South, Range 25 East; thence
245 westerly along the south line of said Section 27,
246 Township 50 South, Range 25 East, and along the
247 western prolongation of said south line to a point
248 1,000 feet west of the mean low water line of the Gulf
249 of Mexico; thence southeasterly along said shoreline
250 to the south line of Section 3, Township 51 South,
251 Range 25 East, thence easterly along the south line of
252 said Section 3, Section 2, Section 1, Township 51
253 South; thence along the south corner of said Section
254 5; thence north along the east line of Section 5,
255 Township 51 South, Range 26 East; thence continue on
256 the north line of Section 25, 26 and part of Section
257 27, Township 49 South, Range 25 East to the point of
258 beginning and also,

259
260 B. All those lands in Collier County described
261 as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,

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262 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
263 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
264 and 36, Township 51 South, Range 26 East; Sections 1,
265 2, 3 and those portions of Sections 10, 11, 12, and
266 13, Township 52 South, Range 26 East, that lie North
267 of the Marco River; those portion of Section 5, 6, 7
268 and 18, Township 52 South, Range 27 East, that lie
269 West and North of State Road 92; and Sections 7, 8,
270 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
271 Township 51 South, Range 27 East, and those portions
272 of Sections 32 and 33, Township 51 South, Range 27
273 East, that lie west and North of State Road 92,
274

275 C. Less and except the North 1/2 of Section 2 of
276 Township 50 South, Range 25 East and the South 1/2 of
277 Section 35 of Township 49 South, Range 25 East.
278

279 D. Less and except approximately 21.99 acres,
280 more or less: A portion of Lots 7 through 9 of Naples
281 Improvement Company's Little Farms as recorded in Plat
282 Book 2 at page 2 of the Public Records of Collier
283 County, Florida, being more particularly described as
284 follows:
285

286 Commence at the intersection of the East right-
287 of-way of Goodlette-Frank Road (C.R. 851) and the
288 South right-of-way of Golden Gate Parkway; thence run
289 along said South right-of-way for the following four
290 (4) courses:

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291
292 1) thence run North 44°42'45" East, for a
293 distance of 35.36 feet;
294
295 2) thence run North 89°42'45" East, for a
296 distance of 122.57 feet;
297
298 3) thence run North 80°12'12" East, for a
299 distance of 159.63 feet;
300
301 4) to a point on a circular curve concave
302 northwest, whose radius point bears North 11°26'26"
303 West, a distance of 813.94 feet therefrom; thence run
304 Northeasterly along the arc of said curve to the left,
305 having a radius of 813.94 feet, through a central
306 angle of 22°36'33", subtended by a chord of 319.10
307 feet at a bearing of North 67°15'18" East, for an arc
308 length of 321.18 feet to the intersection of the South
309 right-of-way of said Golden Gate Parkway and the West
310 line of the East 338.24 feet of the West 958.34 feet
311 of Lot 7 of Naples Improvements Company's Little Farms
312 Subdivision as recorded in Plat Book 2 at page 2 of
313 the Public Records of Collier County, Florida, also
314 being the point of beginning of the parcel of land
315 herein described; thence run South 00°16'32" East,
316 along the West line of the East 338.24 feet of the
317 West 958.34 feet of said Lot 7, for a distance of
318 302.90 feet to a point on the South line of said Lot
319 7; thence run along said South line for the following

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320 two (2) courses:

321

322 1) thence run North 89°41'51" East, for a
323 distance of 338.41 feet;

324

325 2) thence run North 89°50'24" East, for
326 approximately 850 feet to a point on the mean high
327 water line of the west bank of Gordon River, said
328 point herein called Point "A". thence return to the
329 aforementioned point of beginning. thence run along
330 the south right-of-way of said Golden Gate Parkway for
331 the following four (4) courses:

332

333 1) beginning at a point on a circular curve
334 concave northwest, whose radius point bears North
335 34°02'58" West a distance of 813.94 feet therefrom;
336 thence run Northeasterly along the arc of said curve
337 to the left, having a radius of 813.94 feet, through a
338 central angle of 05°09'09", subtended by a chord of
339 73.17 feet at a bearing of North 53°22'27" East, for
340 an arc length of 73.20 feet to the end of said curve;

341

342 2) thence run North 50°47'53" East, for a
343 distance of 459.55 feet

344

345 3) to the beginning of a tangential circular
346 curve concave south; thence run Easterly along the arc
347 of said curve to the right, having a radius of 713.94
348 feet; through a central angle of 38°52'20"; subtended

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349 by a chord of 475.13 feet at a bearing of North
350 70°14'03" East, for an arc length of 484.37 feet to
351 the end of said curve;

352
353 4) thence run North 89°40'13" East, for
354 approximately 724 feet to a point on the mean high
355 water line of the west bank of Gordon River; thence
356 meander Southwesterly along the mean high water line
357 for approximately 900 feet to the aforementioned Point
358 "A" and the point of ending.

359
360 E. Less and except approximately 112.82 acres,
361 more or less: All of East Naples Industrial Park,
362 according to the plat thereof recorded in Plat Book
363 10, Pages 114 and 115, of the Public Records of
364 Collier County, Florida; all of East Naples Industrial
365 Park Replat No. 1, according to the Plat thereof
366 recorded in Plat Book 17, Pages 38 and 39, of the
367 Public Records of Collier County, Florida; and the
368 Northerly 200 feet of the Southerly 510 feet of the
369 Easterly 250 feet of the Northeast 1/4 of Section 35,
370 Township 49 South, Range 25 East, Collier County,
371 Florida, less and excepting the Easterly 50 feet
372 thereof.

373
374 F. Less and except approximately 6.17 acres, more
375 or less: All that part of Lots 12, 13, and 14, Naples
376 Improvement Company's Little Farms, as recorded in
377 Plat Book 2, Page 2 of the Public Records of Collier

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378 County, Florida, being more particularly described as
379 follows:

380
381 Commencing at the Southwest corner of Lot 12, thence
382 along the South line of said Lot 12, North 89°26'51"
383 East 20.00 feet to the East right-of-way line of
384 Goodlette-Frank Road; thence along the East right-of-
385 way line North 00°39'49" East 10.00 feet to the Point
386 of Beginning of the herein described parcel; thence
387 continue along said East right-of-way North 00°39'49"
388 West 580.00 feet; thence leaving said East right-of-
389 way North 89°20'11" East 260.12 feet; thence North
390 59°31'13" East, 153.66 feet; thence South 30°28'42"
391 East, 119.01 feet; thence South 00°33'09" East, 554.02
392 feet to a line lying 10 feet North of and parallel
393 with said South line of Lot 12; thence along the said
394 parallel line South 89°26'51" West, 451.54 feet to the
395 point of beginning of the herein described parcel.

396
397 Bearings are based on the said East line Goodlette-
398 Frank Road being North 00°33'49" East.

399
400 G. Less and except approximately 12.77 acres,
401 more or less: The West one-half (W1/2) of the
402 Northwest one-quarter (NW 1/4) of the Northwest one-
403 quarter (NW 1/4) of Section 11, Township 50 South,
404 Range 25 East, lying South of State Road 90 (Tamiami
405 Trail, U.S. 41), in Collier County, Florida, except
406 the South 264 feet, and

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407
408 All that part of the South 264 feet of the Southwest
409 one-quarter (SW 1/4) of the Northwest one-quarter (NW
410 1/4) of the Northwest one-quarter (NW 1/4) of Section
411 11, Township 50 South, Range 25 East, in Collier
412 County, Florida, lying north of the northline of
413 Walker's Subdivision as delineated on a Plat of record
414 in plat book 1, at page 36, of the Public Records of
415 Collier County, Florida.

416
417 TOGETHER WITH:

418
419 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
420 to plat in Plat Book 1, Page 32, Public Records of
421 Collier County, Florida.

422
423 LESS AND EXCEPT:

424
425 Those parcels described in Official Records Book 1969,
426 Page 977, and Official Records Book 2119, Page 1344
427 both of the Public Records of Collier County, Florida.

428
429 H. Less and except approximately 6.16 acres, more
430 or less: Being a part of Estuary at Grey Oaks Roadway,
431 Clubhouse and Maintenance Facility Tract, Plat Book
432 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
433 Book 37, pages 13-18 and part of Section 26, Township
434 49 South, Range 25 East, Collier County, Florida.

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436 All that part of Estuary at Grey Oaks Roadway,
437 Clubhouse and Maintenance Facility Tracts according to
438 the plat thereof as recorded in Plat Book 36, pages 9-
439 16, Estuary at Grey Oaks Tract B according to the plat
440 thereof as recorded in Plat Book 37, pages 13-18,
441 Public Records of Collier County, Florida, and part of
442 Section 26, Township 49 South, Range 25 East, Collier
443 County, Florida being more particularly described as
444 follows;

445
446 Commencing at the northwest corner of Tract M of said
447 Estuary at Grey Oaks Roadway, Clubhouse and
448 Maintenance Facility Tracts;

449
450 Thence along the west line of said Tract M South
451 00°East 613.48 feet to the Point of Beginning of the
452 parcel herein described;

453
454 Thence continue South 00°20'09" East 406.67 feet;

455
456 Thence North 89°24'29" West 660.00 feet;

457
458 Thence North 00°20'09" West 406.66 feet to a point on
459 the boundary of Golf Course Tract 1 of said Estuary at
460 Grey Oaks Tract B;

461
462 Thence along said boundary South 89°24'33" East 660.00
463 feet to the Point of Beginning of the parcel herein
464 described;

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465
466 Bearings are based on the west line of said Tract M
467 being South 00°20'09" East.

468 ~~(2) In the event that property in the district is annexed~~
469 ~~by the City of Naples between January 1 and July 1 of any year,~~
470 ~~the property shall be regarded as removed from the East Naples~~
471 ~~Fire Control and Rescue District as of January 1 of that year~~
472 ~~for the purpose of the levy of general ad valorem taxes by the~~
473 ~~district. If annexation occurs after July 1, the property shall~~
474 ~~be assessed by the district for ad valorem taxes for that year.~~
475 ~~On and after the effective date of annexation, the district~~
476 ~~shall be relieved of providing fire service to the annexed area.~~
477 ~~The city and the district may reach an agreement to determine~~
478 ~~what portion, if any, of the existing indebtedness or property~~
479 ~~of the district shall be assumed by the municipality of which~~
480 ~~the annexed territory will become a part, the fair value of such~~
481 ~~indebtedness or property, and the manner of transfer and~~
482 ~~financing. Nothing herein shall relieve the property annexed~~
483 ~~from the payment of general obligation debt service incurred by~~
484 ~~the district before annexation.~~

485 Section 4. Annexation.—Chapter 171, Florida Statutes, shall
486 apply to all annexations by a municipality within the district's
487 boundaries.

488 Section 5. Governing board.—

489 (1) In accordance with chapter 191, Florida Statutes, the
490 business and affairs of the district shall be conducted and
491 administered by a five-member board of fire commissioners
492 elected pursuant to chapter 191, Florida Statutes, by the
493 electors of the district in a nonpartisan election held at the

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494 time and in the manner prescribed for holding general elections
495 in section 189.405(2)(a), Florida Statutes. Each member of the
496 board shall be elected for a term of 4 years and shall serve
497 until his or her successor assumes office.

498 (2) The office of each board member is designated as a seat
499 on the board, distinguished from each of the other seats by a
500 numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at the
501 time he or she qualifies, the seat on the board for which he or
502 she is qualifying. The name of each candidate who qualifies
503 shall be included on the ballot in a way that clearly indicates
504 the seat for which he or she is a candidate. The candidate for
505 each seat who receives the most votes shall be elected to the
506 board.

507 (3) In accordance with chapter 191, Florida Statutes, each
508 member of the board must be a qualified elector at the time he
509 or she qualifies and continually throughout his or her term.

510 ~~Section 3. The governing body of the district board shall~~
511 ~~be a board of five commissioners who are residents of the~~
512 ~~district who shall be elected as are county officers and who~~
513 ~~shall qualify and run for office as provided for by general law.~~
514 ~~For purposes of qualification and running for office, the~~
515 ~~commission seats shall be designated as number 1, 2, 3, 4, and~~
516 ~~5. Within 15 days after any commissioner takes office, the~~
517 ~~district board shall meet and elect a chair and secretary-~~
518 ~~treasurer. Each member of the district board shall receive, from~~
519 ~~the funds of the district, compensation for his or her services~~
520 ~~as provided for by general law.~~

521 (4) Section 4. Each elected member shall assume office 10
522 days after the member's election. Within 60 40 days after the

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523 newly elected members have taken office, ~~election and~~
524 ~~qualification of its members~~ the board shall meet and elect from
525 its membership a chair, a vice chair, and ~~president,~~ a secretary
526 and a treasurer or a secretary-treasurer.

527 (5) Members of the board may each be paid a salary or
528 honorarium to be determined by at least a majority plus one vote
529 of the board, pursuant to chapter 191, Florida Statutes.

530 (6) If a vacancy occurs on the board due to the
531 resignation, death, or removal of a board member or the failure
532 of anyone to qualify for a board seat, the remaining members may
533 appoint a qualified person to fill the seat until the next
534 general election, at which time an election shall be held to
535 fill the vacancy for the remaining term, if any. The board shall
536 remove any member who has three consecutive, unexcused absences
537 from regularly scheduled meetings. The board shall adopt
538 policies by resolution defining excused and unexcused absences.

539 (7) The procedures for conducting district elections or
540 referenda and for qualification of electors shall be pursuant to
541 chapters 189 and 191, Florida Statutes.

542 (8) The board shall have those administrative duties set
543 forth in this act and chapters 189 and 191, Florida Statutes.

544 ~~Section 5. The business affairs of the district shall be~~
545 ~~administered and conducted by the board. It shall have the~~
546 ~~authority, for and on behalf of the district, to establish,~~
547 ~~equip, operate, and maintain a fire department and rescue squad~~
548 ~~within the district and shall buy, lease, sell, exchange, or~~
549 ~~otherwise acquire and dispose of firefighting equipment and~~
550 ~~other property, real, personal, or mixed, that it may from time~~
551 ~~to time deem necessary to prevent and extinguish fire or provide~~

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552 ~~rescue services within the district, which services may include~~
553 ~~transportation to a health facility when authorized by the Board~~
554 ~~of County Commissioners of Collier County under emergency~~
555 ~~conditions as may be prescribed by the board of county~~
556 ~~commissioners. This shall include, but not be limited to, the~~
557 ~~authority to provide water, water supply, water stations, and~~
558 ~~other necessary buildings; accept gifts or donations of~~
559 ~~equipment or money for the use of the district; and to do all~~
560 ~~things necessary to provide for an adequate water supply, fire~~
561 ~~prevention, and proper fire protection for the district. In~~
562 ~~addition, the board shall have the authority to extend its~~
563 ~~services outside the district when provided in cooperation with~~
564 ~~another governmental entity.~~

565 ~~Section 6. The board shall have the power to hire necessary~~
566 ~~firefighting personnel who shall serve at its pleasure.~~

567 ~~Section 7. The board shall have authority to inspect all~~
568 ~~property and investigate for fire hazards.~~

569 (9) Section 8. The board is authorized to promulgate rules
570 and regulations for the prevention of fire and for fire control
571 in the district, which rules and regulations shall have the same
572 force and effect as law 10 days after copies thereof executed by
573 the chair president and secretary of the board have been posted
574 in at least three public places.

575 (10) A quorum of the board shall be a majority of its
576 members. In order to take official action, an affirmative vote
577 of a majority of those voting members present shall be required.

578 Section 6. Powers of the district.—The district shall have
579 all powers and duties granted by this act and chapters 189 and
580 191, Florida Statutes.

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581 Section 7. Finances.—

582 (1) The powers, functions, and duties of the district
583 regarding ad valorem taxation, bond issuance, and other revenue-
584 raising capabilities, including non-ad valorem assessments and
585 user and impact fees, budget preparation and approval, liens and
586 foreclosure of liens, use of tax deeds and tax certificates as
587 appropriate for ad valorem taxes and non-ad valorem assessments,
588 and contractual agreements and the methods for financing the
589 district and for collecting non-ad valorem assessments, fees, or
590 service charges shall be as set forth in this act, in chapters
591 170, 189, 191, 197, and 219, Florida Statutes, and in any
592 applicable general or special law.

593 (2) The district shall levy and collect ad valorem taxes in
594 accordance with section 191.009 and chapter 200, Florida
595 Statutes. The taxes levied and assessed by the district shall be
596 a lien upon the land so assessed along with the county taxes
597 assessed against such land until such assessments and taxes have
598 been paid, and if the taxes levied by the district become
599 delinquent, such taxes shall be considered a part of the county
600 tax subject to the same penalties, charges, fees, and remedies
601 for enforcement and collection and shall be enforced and
602 collected as provided by general law for the collection of such
603 taxes. The district shall have the authority to levy a millage
604 rate up to 1.5 mills that was previously approved by referendum
605 as required by the Florida Constitution and chapter 191, Florida
606 Statutes, within the boundaries of the district. Nothing in this
607 act shall prevent the district from levying a millage rate as
608 provided for in section 191.009, Florida Statutes, or a millage
609 rate that has been approved by referendum.

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610 (3) The board shall annually make an itemized estimate of
611 the amount of money required to carry out the provisions of this
612 act for the next fiscal year of the board, which fiscal year
613 shall be from October 1 through September 30. The estimate shall
614 state the purpose for which the money is required and the amount
615 necessary to be raised by taxation within the district. Such
616 budget and proposed millage rate shall be noticed, heard, and
617 adopted in accordance with chapters 192 and 200, Florida
618 Statutes.

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

623 (5) Requirements for financial disclosure, meeting notices,
624 reporting, public records maintenance, and per diem expenses for
625 officers and employees shall be as set forth in this act and
626 chapters 112, 119, 189, 191, and 286, Florida Statutes.

627 ~~Section 9. For the purpose of carrying into effect this law~~
628 ~~the board shall annually during the month of June, make an~~
629 ~~itemized estimate of the amount of money required to carry out~~
630 ~~the provisions of this act for the next fiscal year of said~~
631 ~~board, which fiscal year shall be from April 1 to and including~~
632 ~~the next succeeding March 31, which estimate shall show for what~~
633 ~~purpose the moneys are required and the amount necessary to be~~
634 ~~raised by taxation within the district, and shall be presented~~
635 ~~in writing, signed by the president and the secretary to the~~
636 ~~Board of County Commissioners of Collier County on or before the~~
637 ~~first Monday in July of each year. Prior to the presentation of~~
638 ~~such estimate to the Board of County Commissioners of Collier~~

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639 ~~County, copies of the itemized estimate, signed by the president~~
640 ~~and secretary of the board, shall be posted in at least three~~
641 ~~public places within the district, and at the time of the~~
642 ~~presentation of such estimate the board shall also present to~~
643 ~~the Board of County Commissioners of Collier County a~~
644 ~~certificate of the board that copies of such estimate have been~~
645 ~~posted as provided herein.~~

646 ~~Section 10. Upon receipt of such estimate and certificate~~
647 ~~of posting the said board of county commissioners shall cause~~
648 ~~the same to be recorded in the minutes of the county~~
649 ~~commissioners' meeting, and at the time of making and fixing the~~
650 ~~rate of annual taxation for county purposes, shall fix and cause~~
651 ~~to be levied on all property of said district, real and~~
652 ~~personal, a millage sufficient to meet the requirements of the~~
653 ~~estimate, provided however, the total millage shall not exceed 1~~
654 ~~1/2 mills. Subject to the provisions of chapter 82-281, Laws of~~
655 ~~Florida, this act shall take effect only when approved by a~~
656 ~~majority of the qualified electors residing within the area of~~
657 ~~the boundaries of the East Naples Fire Control District, voting~~
658 ~~in a referendum election to be called by the Board of County~~
659 ~~Commissioners of Collier County, in accordance with the~~
660 ~~provisions of the law relating to elections currently in force~~
661 ~~in Collier County, except that this section shall take effect~~
662 ~~upon becoming a law on March 18, 1982.~~

663 ~~Section 11. Taxes herein provided for shall be assessed and~~
664 ~~collected in the same manner as provided for the assessment and~~
665 ~~collection of county taxes and subject to the same commission~~
666 ~~and fees for assessing and collecting as for the assessment and~~
667 ~~collection of county taxes except as herein otherwise provided.~~

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668 ~~Section 12. When the tax collector has collected the taxes~~
669 ~~provided for by this act he or she shall on or before the 10th~~
670 ~~day of each month report to the secretary of the board the~~
671 ~~collection made for the preceding month and remit the same to~~
672 ~~the treasurer of the board.~~

673 ~~Section 13. All warrants for the payment of labor,~~
674 ~~equipment, materials, and other allowable expenses incurred by~~
675 ~~the board in carrying out the provisions of this act shall be~~
676 ~~payable by the treasurer of the board on accounts and vouchers~~
677 ~~approved by the board.~~

678 ~~Section 14. The treasurer of the board when entering upon~~
679 ~~his or her duties shall give a good and sufficient bond to the~~
680 ~~Governor in the sum of \$3,000 for the faithful performance of~~
681 ~~his or her duties as treasurer.~~

682 ~~Section 15. The treasurer shall on or before April 10 and~~
683 ~~October 10 of each year make a written semiannual report of~~
684 ~~receipts and expenditures of the funds of the district to the~~
685 ~~board. He or she shall furnish a copy of said report to the~~
686 ~~board of county commissioners.~~

687 ~~Section 16. Subject to the original provisions of chapter~~
688 ~~61-2034, Laws of Florida, not be effective until the same is~~
689 ~~ratified by a majority of the qualified electors of the district~~
690 ~~who vote in an election called by the board of county~~
691 ~~commissioners for ratification or rejection. In the event of~~
692 ~~ratification this act shall become effective immediately.~~

693 ~~Section 17. This act shall be construed as a remedial act~~
694 ~~and shall be liberally construed to promote the purpose for~~
695 ~~which it is intended.~~

696 ~~Section 8. 18. Bonds, notes, and certificates of~~

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697 indebtedness.—The district shall have the power to issue general
698 obligation bonds, notes, or certificates of indebtedness
699 pledging the full faith, credit, and taxing power of the
700 district consistent with the purposes ~~for capital projects~~ of
701 the district in accordance with chapter 189 or chapter 191,
702 Florida Statutes, or any other applicable general law.

703 ~~Section 19. The district shall have the authority to~~
704 ~~exercise the power of eminent domain, pursuant to chapters 73~~
705 ~~and 74, Florida Statutes, over any property located within the~~
706 ~~district, except municipal, county, state, and federal property,~~
707 ~~for the purpose of acquiring property for the location of fire~~
708 ~~stations. The location and construction of fire stations shall~~
709 ~~comply with applicable Collier County ordinances.~~

710 ~~Section 20. Whenever a referendum is required under the~~
711 ~~provisions of this act, the district shall reimburse the county~~
712 ~~for the cost of such election.~~

713 Section 9. 21. Impact fees.—

714 (1) The district shall have the authority to charge and
715 collect impact fees for capital improvements on new construction
716 within the district as prescribed in chapter 191, Florida
717 Statutes, or any other applicable general law.

718 (2) No person shall issue or obtain a building permit for
719 new residential dwelling units or new commercial or industrial
720 structures within the district, or issue or obtain construction
721 plan approval for new mobile home developments located within
722 the district, until the developers thereof have paid to the
723 district the applicable impact fees for capital improvements
724 hereinafter set forth. Impact fees for capital improvements to
725 be assessed and collected hereunder shall be pursuant to the

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726 Collier County 2005 First/Rescue Services Impact Fee Update
727 Study or subsequent impact fee study pursuant to section
728 191.009(4), Florida Statutes.

729 (3) The district shall comply with the requirements in
730 sections 163.31801 and 191.009(4), Florida Statutes, in its
731 collection and use of impact fees. New facilities and equipment
732 shall be as provided for in section 191.009(4), Florida
733 Statutes.

734 (4) The board shall determine the maximum amount of impact
735 fees to be assessed in any one fiscal year. This determination
736 shall be made before the next fiscal year. The board's
737 determination of the amount of the impact fee to be assessed in
738 any one fiscal year shall be based on the requirements set forth
739 in this section.

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

742 Section 10. Deposit of taxes, assessments, and fees;
743 authority to disburse funds.-

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

747 (2) All warrants for the payment of labor, equipment, and
748 other expenses of the board, and in carrying into effect this
749 act and the purposes thereof, shall be payable by the treasurer
750 of the board on accounts and vouchers approved and authorized by
751 the board.

752 Section 11. Elections.-

753 (1) When a referendum or special election is required under
754 this act, the district shall reimburse the county for the costs

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755 of such election.

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

760 Section 12. Planning.—The district's planning requirements
761 shall be as set forth in this act and chapters 189 and 191,
762 Florida Statutes.

763 Section 13. Immunity from tort liability.—

764 (1) The district and its officers, agents, and employees
765 shall have the same immunity from tort liability as other
766 agencies and subdivisions of the state. Chapter 768, Florida
767 Statutes, shall apply to all claims asserted against the
768 district.

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

773 (3) The district shall defend all claims against its
774 commissioners, officers, agents, and employees that arise within
775 the scope of employment or purposes of the district and shall
776 pay all judgments against such persons, except where such
777 persons acted in bad faith or with malicious purpose or in a
778 manner exhibiting wanton and willful disregard of human rights,
779 safety, or property.

780 Section 14. Miscellaneous.—

781 (1) The district shall exist until the Legislature approves
782 a special act providing for its dissolution, and such special
783 act is contingent upon approval by the electors of the district.

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784 (2) The district's property and assets are exempt from
785 taxation pursuant to section 191.007, Florida Statutes.

786 Section 15. Liberal construction.—It is intended that the
787 provisions of this act shall be liberally construed for
788 accomplishing the work authorized and provided for by this act,
789 and where strict construction would result in the defeat of the
790 accomplishment of any part of the work authorized by this act,
791 and a liberal construction would permit or assist in the
792 accomplishment of any part of the work authorized by this act,
793 the liberal construction shall be chosen.

794 Section 16. Severability.—If any section, subsection,
795 sentence, clause, or phrase of this act is held to be
796 unconstitutional, such holding shall not affect the validity of
797 the remaining portions of the act, the Legislature hereby
798 declaring that it would have passed this act and each section,
799 subsection, sentence, clause, and phrase thereof, irrespective
800 of any separate section, subsection, sentence, clause, or phrase
801 thereof, and irrespective of the fact that any one or more other
802 sections, subsections, sentences, clauses, or phrases thereof
803 may be declared unconstitutional.

804 Section 2. This act shall take effect upon becoming a law.