

By Senator Richter

23-01224-14

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1 A bill to be entitled
2 An act relating to Collier County; merging the East
3 Naples Fire Control and Rescue District and the Golden
4 Gate Fire Control and Rescue District to create a new
5 fire rescue district; redesignating commission seats
6 of the merged districts; creating and establishing an
7 independent special fire control district to be known
8 as the Greater Naples Fire Rescue District; providing
9 that the district is an independent special district;
10 providing legislative intent; providing for
11 applicability of chapters 189 and 191, F.S., and other
12 general laws; providing a district charter; providing
13 boundaries; providing powers of the district;
14 providing for a district board; providing authority of
15 the board; providing for staff; providing duties and
16 powers of the board; providing for elections to the
17 board; providing for salaries of board members;
18 providing for removal of board members; providing a
19 savings clause for the existing district authority to
20 levy up to 1.5 mills; providing for bonds; providing
21 for raising of revenue; providing for taxation;
22 providing findings; providing for impact fees;
23 providing for collection and disbursement of such
24 fees; providing for deposit of taxes, assessments, and
25 fees and authority to disburse funds; providing for
26 immunity from tort liability; providing for liberal
27 construction; providing for severability; providing
28 that this act shall take precedence over any
29 conflicting law to the extent of such conflict;

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30 providing for the determination of millage; repealing
31 chapters 2000-392, 2012-231, 2004-433, and 2000-444,
32 Laws of Florida, relating to the East Naples Fire
33 Control and Rescue District and the Golden Gate Fire
34 Control and Rescue District; transferring all assets
35 and liabilities of the existing districts to the
36 Greater Naples Fire Rescue District; requiring a
37 referendum; providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. The East Naples Fire Control and Rescue District
42 and the Golden Gate Fire Control and Rescue District are hereby
43 merged to create the Greater Naples Fire Rescue District
44 ("district").

45 Section 2. Corporate status.—All of the incorporated lands
46 in Collier County, as described in section 2.01 of section 4,
47 shall be incorporated into the district under the name of the
48 Greater Naples Fire Rescue District. The district is an
49 independent special fire control and rescue district in Collier
50 County. The district is organized and exists for all purposes
51 and shall hold all powers set forth in this act and chapters 189
52 and 191, Florida Statutes. The district charter may be amended
53 only by special act of the Legislature.

54 Section 3. The East Naples Fire Control and Rescue District
55 and the Golden Gate Fire Control and Rescue District commission
56 seats shall be redesignated as following upon merger:

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East Naples Fire Control and
Rescue District ("EN") and
Golden Gate Fire Control and
Rescue District ("GG")

Greater Naples Fire Rescue
District ("ENGG")

59

EN Seat 1

ENGG Seat 6

60

EN Seat 2

ENGG Seat 1

61

EN Seat 3

ENGG Seat 2

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EN Seat 4

ENGG Seat 3

63

EN Seat 5

ENGG Seat 7

64

GG Seat 1

ENGG Seat 4

65

GG Seat 2

ENGG Seat 5

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GG Seat 3

ENGG Seat 8

67

68 Section 4. The charter for the Greater Naples Fire Rescue
69 District is created to read:

70 ARTICLE I
71 NAME OF THE DISTRICT

72 Section 1.01 The name of the district shall be the Greater
73 Naples Fire Rescue District ("district").

74 Section 1.02 The district shall be an independent special
75 district of the State of Florida and a body corporate and

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76 politic.

77 ARTICLE II

78 BOUNDARIES OF THE DISTRICT

79 Section 2.01 The lands to be incorporated within the
 80 Greater Naples Fire Rescue District consist of the following
 81 described lands in Collier County:

82
 83 A. Township 48 South, Range 26 East, Sections 25, 26,
 84 27, 28, 33, 34, 35, 36. Township 48 South, Range 27
 85 East, Sections 29, 30, 31, 32. Township 49 South,
 86 Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13,
 87 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,
 88 33, 34, 35, 36. Township 49 South, Range 27 East,
 89 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 90 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 91 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49
 92 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 93 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township
 94 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 95 14, 15, 16.

96
 97 Hereinafter referred to as the "Golden Gate Division;"

98
 99 and also,

100
 101 B. Beginning at the northeast corner of the Northwest
 102 quarter of Section 27, Township 49 South, Range 25
 103 East, thence along the north line of said Section 27,
 104 east 45 feet to the east right-of-way line of C-851

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105 (also known as Goodlette-Frank Road), (which right-of-
106 way line lies 45 feet east of, measured at right
107 angles to, and parallel with the north and south
108 quarter section line of said Section 27), to the north
109 line of Lot 11, Naples Improvement Company's Little
110 Farms, Plat Book 2, Page 2; thence east to the east
111 section line of Section 27, Township 49 South, Range
112 25 East; then north along the east line of said
113 Section 27 to the northeast corner of said Section 27;
114 said point also being the southeast corner of Section
115 23 Township 49 South, Range 25 East thence east along
116 the north line of Section 26, Township 49 South, Range
117 25 East to a point 990.0 feet west of the west right-
118 of-way line of Airport-Pulling Road; thence south
119 01°30'00" East, 1320.0 feet; thence north 89°25'40"
120 East, 660.0 feet; thence north 01°30'00" West, 1320.0
121 feet to the north line of said Section 26; thence east
122 along said north line of Section 26 to the west right-
123 of-way line of Airport-Pulling Road; to the south line
124 of said Section 26 (said right-of-way line lying 50
125 feet west of the southeast corner of said Section 26);
126 thence westerly along said south line to the southwest
127 corner of said Section 26; thence northerly along the
128 west line of said Section 26; to the southerly right-
129 of-way line of Golden Gate Parkway (100 feet wide);
130 thence easterly along said southerly right-of-way line
131 to a point lying 1220.00 feet west of the west line of
132 said Airport-Pulling Road; thence northerly parallel
133 with said west right-of-way line to the northerly

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134 right-of-way line of said Golden Gate Parkway; thence
135 westerly along the north right-of-way of Golden Gate
136 Parkway to a point 620 feet east and 235.46 feet south
137 of the northwest corner of Lot 8, Naples Improvement
138 Company's Little Farms; thence north 235.46 feet to
139 the north line of Lot 8; thence west along said north
140 line 620 feet to the northwest corner of said Lot 8;
141 thence southerly to that angle point in said east
142 right-of-way line which lies on a line 400.00 feet
143 northerly of (measured at right angles to) and
144 parallel with the north line of Section 34, Township
145 49 South, Range 25 East; thence continuing along said
146 east right-of-way to the north line of Gordon River
147 Homes Subdivision; thence east along the north line of
148 Lots 50, 49, and 48 to a point 22.5 feet east of the
149 northwest corner of Lot 48; thence south parallel to
150 the west line of Lot 48 to the south line of Lot 48;
151 thence west along the south line of Lots 48, 49, and
152 50 to the east right-of-way line of Goodlette-Frank
153 Road; thence continuing along said east right-of-way
154 line, which line lies 100.00 feet east of, measured at
155 right angles to, and parallel with the north and south
156 quarter section line of said Section 34; thence
157 continuing along said east right-of-way line to a
158 point on the north line of the southwest quarter of
159 the northeast quarter of Section 34, Township 49
160 South, Range 25 East; thence continue on said right of
161 way line 460.0 feet; thence north 89°41'30" East
162 494.99 feet; thence south 0°34'06" East 615.88 feet to

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163 a point of curvature; thence southwesterly 343.97 feet
164 along the arc of a tangential circular curve, concave
165 to the northwest have a radius of 243.97 feet and
166 subtended by a chord which bears south 44°33'25" West
167 345.84 feet; thence south 89°41'30" West 250.0 feet to
168 the easterly right of way line of Goodlette-Frank
169 Road; thence south along said right-of-way line to a
170 point 48.41 feet south of the north line of the south
171 half of Section 34, Township 49 South, Range 25 East;
172 thence north 89°56'59" East 249.79 feet; thence
173 northeasterly 173.98 feet along the arc of a circular
174 curve concave to the northwest having a radius of
175 293.97 feet and being subtended by a chord which bears
176 north 72°59'41" East 171.46 feet; thence south
177 89°47'31" East 808.79 feet; thence north 89°55'05"
178 East 993.64 feet to a point on that bulkhead line as
179 shown on Plat recorded in Bulkhead Line Plan Book 1,
180 Page 25 Collier County Public Records, Collier County,
181 Florida; thence run the following courses along the
182 said Bulkhead line, 47.27 feet along the arc of a non-
183 tangential circular curve concave to the west, having
184 a radius of 32.68 feet and subtended by a chord having
185 a bearing of south 14°08'50" East and a length of
186 43.26 feet to a point of tangency; south 27°17'25"
187 West for 202.44 feet to a point of curvature; 296.89
188 feet along the arc of a curve concave to the
189 southeast, having a radius of 679.46 feet and
190 subtended by a chord having a bearing of south
191 14°46'21" West and a length of 294.54 feet to a point

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192 of reverse curvature; 157.10 feet along the arc of a
193 curve concave to the northwest, having a radius of
194 541.70 feet, and subtended by a chord having a bearing
195 of south 10°33'47" West and a length of 156.55 feet to
196 a point of reverse curvature; 307.67 feet along the
197 arc of a curve concave to the northeast; having a
198 radius of 278.30 feet, and subtended by a chord having
199 a bearing of south 12°47'59" East and a length of
200 292.24 feet to a point of reverse curvature; 135.31
201 feet along the arc of a curve concave to the southwest
202 having a radius of 100.00 feet and subtended by a
203 chord having a bearing of south 05°42'27" East and a
204 length of 125.21 feet to a point of tangency; thence
205 South 33 degrees, 03 minutes, 21" West for 295.10
206 feet; and South 33°27'51" West 1.93 feet to the north
207 line of the River Park East Subdivision which is also
208 the north line of the south half of the southeast
209 quarter of Section 34, Township 49 South, Range 25
210 East; thence along the north line of the south half of
211 the southeast quarter of said Section 34, easterly to
212 the west line of Section 35, Township 49 South, Range
213 25 East; thence along the west line of said Section
214 35, northerly 1320 feet more or less to the northwest
215 corner of the south half of said Section 35; thence
216 along the north line of the south half of said Section
217 35, easterly to the west right-of-way line of State
218 Road No. 31 (Airport Road), which right-of-way lies
219 50.0 feet west of, measured at right angles to, and
220 parallel with the east line of said Section 35; thence

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221 along said right-of-way line of State Road No. 31,
222 south 00°13'57" West 1800 feet more or less to a point
223 on said west right-of-way line, which lies north
224 00°13'57" East 848.02 feet and south 89°46'03" West
225 50.00 feet from the southeast corner of said Section
226 35; thence continuing along said west right-of-way
227 line southerly 325.02 feet along the arc of a
228 tangential circular curve concave to the east, radius
229 2914.93 feet, subtended by a chord which bears south
230 2°57'43" East 324.87 feet; thence continuing along
231 said west right-of-way line, tangentially south
232 6°09'22 second east 3.13 feet, thence southerly along
233 a curve concave to the southwest, having a central
234 angle of 6°23'18" and a radius of 1860.08 feet, a
235 distance of 207.34 feet; thence south 0°13'57" West
236 313.03 feet more or less to a point on the north line
237 of and 20 feet west of the northeast corner of Section
238 2, Township 50 South, Range 25 East; thence
239 southeasterly, 300.7 feet more or less to a point on
240 the east line of said Section 2 which point lies 300.0
241 feet south of the northeast corner of said Section 2;
242 thence along the east line of the north half of said
243 Section 2, southerly to the southeast corner of the
244 north half of said Section 2; thence along the south
245 line of the north half of said Section 2; westerly to
246 the northeast corner of the southeast quarter of
247 Section 3, Township 50 South, Range 25 East; thence
248 southerly along the east line of the southeast corner
249 of said Section 3 for a distance of 2013.98 feet;

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250 thence North 89°37'20" East 662.04 feet; thence South
251 00°17'20" East 119.26 feet; thence South 89°27'40"
252 West 322.00 feet; thence South 00 degrees, 17'20" East
253 10.00 feet; thence South 89°27'40" West 68.00 feet;
254 thence South 00°17'20" East 361.00 feet; thence North
255 89°27'40" East 68.00 feet; thence South 00°17'20" East
256 140.00 feet; thence South 89°27'40" West 221.81 feet;
257 thence North 01°05'56" West 6.99 feet; thence westerly
258 along the arc of a non-tangential circular curve
259 concave to the north having a radius of 370.00 feet
260 through a central angle of 18°34'13"and being
261 subtended by a chord which bears North 81°50'17" West
262 119.40 feet for a distance of 119.92 feet to a point
263 on the east line of said Section 3; thence southerly
264 along the east line of Section 3, and along the east
265 lines of Sections 10, 15, 22, and 27, all in Township
266 50 South, Range 25 East, to the southeast corner of
267 said Section 27, Township 50 South, Range 25 East;
268 thence westerly along the south line of said Section
269 27, Township 50 South, Range 25 East, and along the
270 western prolongation of said south line to a point
271 1,000 feet west of the mean low water line of the Gulf
272 of Mexico; thence southeasterly along said shoreline
273 to the south line of Section 3, Township 51 South,
274 Range 25 East, thence easterly along the south line of
275 said Section 3, Section 2, Section 1, Township 51
276 South; thence along the south corner of said Section
277 5; thence north along the east line of Section 5,
278 Township 51 South, Range 26 East; thence continue on

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279 the north line of Section 25, 26 and part of Section
280 27, Township 49 South, Range 25 East to the point of
281 beginning and also,

282
283 C. All those lands in Collier County described as:
284 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
285 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
286 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
287 and 36, Township 51 South, Range 26 East; Sections 1,
288 2, 3 and those portions of Sections 10, 11, 12, and
289 13, Township 52 South, Range 26 East, that lie North
290 of the Marco River; those portions of Sections 5, 6, 7
291 and 18, Township 52 South, Range 27 East, that lie
292 West and North of State Road 92; and Sections 7, 8,
293 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
294 Township 51 South, Range 27 East, and those portions
295 of Sections 32 and 33, Township 51 South, Range 27
296 East, that lie west and North of State Road 92,

297
298 D. Less and except the North 1/2 of Section 2 of
299 Township 50 South, Range 25 East and the South 1/2 of
300 Section 35 of Township 49 South, Range 25 East.

301
302 E. Less and except approximately 21.99 acres, more or
303 less: A portion of Lots 7 through 9 of Naples
304 Improvement Company's Little Farms as recorded in Plat
305 Book 2 at page 2 of the Public Records of Collier
306 County, Florida, being more particularly described as
307 follows:

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309 Commence at the intersection of the East right-of-way
310 of Goodlette-Frank Road (C.R. 851) and the South
311 right-of-way of Golden Gate Parkway; thence run along
312 said South right-of-way for the following four (4)
313 courses:

314

315 (1) Thence run North 44°42'45" East, for a distance of
316 35.36 feet;

317

318 (2) Thence run North 89°42'45" East, for a distance of
319 122.57 feet;

320

321 (3) Thence run North 80°12'12" East, for a distance of
322 159.63 feet;

323

324 (4) To a point on a circular curve concave northwest,
325 whose radius point bears North 11°26'26" West, a
326 distance of 813.94 feet therefrom; thence run
327 Northeasterly along the arc of said curve to the left,
328 having a radius of 813.94 feet, through a central
329 angle of 22°36'33", subtended by a chord of 319.10
330 feet at a bearing of North 67°15'18" East, for an arc
331 length of 321.18 feet to the intersection of the South
332 right-of-way of said Golden Gate Parkway and the West
333 line of the East 338.24 feet of the West 958.34 feet
334 of Lot 7 of Naples Improvements Company's Little Farms
335 Subdivision as recorded in Plat Book 2 at page 2 of
336 the Public Records of Collier County, Florida, also

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337 being the point of beginning of the parcel of land
338 herein described; thence run South 00°16'32" East,
339 along the West line of the East 338.24 feet of the
340 West 958.34 feet of said Lot 7, for a distance of
341 302.90 feet to a point on the South line of said Lot
342 7; thence run along said South line for the following
343 two (2) courses:

344
345 (1) Thence run North 89°41'51" East, for a distance of
346 338.41 feet;

347
348 (2) Thence run North 89°50'24" East, for approximately
349 850 feet to a point on the mean high water line of the
350 west bank of Gordon River, said point herein called
351 Point "A". thence return to the aforementioned point
352 of beginning, thence run along the south right-of-way
353 of said Golden Gate Parkway for the following four (4)
354 courses:

355
356 (1) Beginning at a point on a circular curve concave
357 northwest, whose radius point bears North 34002'58"
358 West a distance of 813.94 feet therefrom; thence run
359 Northeasterly along the arc of said curve to the left,
360 having a radius of 813.94 feet, through a central
361 angle of 05009'09", subtended by a chord of 73.17 feet
362 at a bearing of North 53°22'27" East, for an arc
363 length of 73.20 feet to the end of said curve;

364
365 (2) Thence run North 50°47'53" East, for a distance of

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366 459.55 feet;

367

368 (3) To the beginning of a tangential circular curve
369 concave south; thence run Easterly along the arc of
370 said curve to the right, having a radius of 713.94
371 feet; through a central angle of 38°52'20"; subtended
372 by a chord of 475.13 feet at a bearing of North
373 70014'03" East, for an arc length of 484.37 feet to
374 the end of said curve;

375

376 (4) Thence run North 89°40'13" East, for approximately
377 724 feet to a point on the mean high water line of the
378 west bank of Gordon River; thence meander
379 Southwesterly along the mean high water line for
380 approximately 900 feet to the aforementioned Point "A"
381 and the point of ending.

382

383 F. Less and except approximately 112.82 acres, more or
384 less: All of East Naples Industrial Park, according to
385 the plat thereof recorded in Plat Book 10, Pages 114
386 and 115, of the Public Records of Collier County,
387 Florida; all of East Naples Industrial Park Replat No.
388 1, according to the Plat thereof recorded in Plat Book
389 17, Pages 38 and 39, of the Public Records of Collier
390 County, Florida; and the Northerly 200 feet of the
391 Southerly 510 feet of the Easterly 250 feet of the
392 Northeast 1/4 of Section 35, Township 49 South, Range
393 25 East, Collier County, Florida, less and excepting
394 the Easterly 50 feet thereof.

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G. Less and except approximately 6.17 acres, more or less: All that part of Lots 12, 13, and 14, Naples Improvement Company's Little Farms, as recorded in Plat Book 2, Page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 12, thence along the South line of said Lot 12, North 89°26'51" East 20.00 feet to the East right-of-way line of Goodlette-Frank Road; thence along the East right-of-way line North 00039'49" East 10.00 feet to the Point of Beginning of the herein described parcel; thence continue along said East right-of-way North 00039'49" West 580.00 feet; thence leaving said East right-of-way North 89°20'11" East 260.12 feet; thence North 59°31'13" East, 153.66 feet; thence South 30028'42" East, 119.01 feet; thence South 00033'09" East, 554.02 feet to a line lying 10 feet North of and parallel with said South line of Lot 12; thence along the said parallel line South 89°26'51" West, 451.54 feet to the point of beginning of the herein described parcel.

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

H. Less and except approximately 12.77 acres, more or less: The West one-half (W 1/2) of the Northwest one-

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424 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
425 of Section 11, Township 50 South, Range 25 East, lying
426 South of State Road 90 (Tamiami Trail, U.S. 41), in
427 Collier County, Florida, except the South 264 feet,
428 and All that part of the South 264 feet of the
429 Southwest one-quarter (SW 1/4) of the Northwest one-
430 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
431 of Section 11, Township 50 South, Range 25 East, in
432 Collier County, Florida, lying north of the north line
433 of Walker's Subdivision as delineated on a Plat of
434 record in Plat Book 1, at page 36, of the Public
435 Records of Collier County, Florida.

436
437 TOGETHER WITH:
438

439 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
440 to plat in Plat Book 1, Page 32, Public Records of
441 Collier County, Florida.
442

443 LESS AND EXCEPT
444

445 Those parcels described in Official Records Book 1969,
446 Page 977, and Official Records Book 2119, Page 1344
447 both of the Public Records of Collier County, Florida.
448

449 I. Less and except approximately 6.16 acres, more or
450 less: Being a part of Estuary at Grey Oaks Roadway,
451 Clubhouse and Maintenance Facility Tract, Plat Book
452 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat

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453 Book 37, pages 13-18 and part of Section 26, Township
454 49 South, Range 25 East, Collier County, Florida.

455
456 All that part of Estuary at Grey Oaks Roadway,
457 Clubhouse and Maintenance Facility Tracts according to
458 the plat thereof as recorded in Plat Book 36, pages 9-
459 16, Estuary at Grey Oaks Tract B according to the plat
460 thereof as recorded in Plat Book 37, pages 13-18,
461 Public Records of Collier County, Florida, and part of
462 Section 26, Township 49 South, Range 25 East, Collier
463 County, Florida being more particularly described as
464 follows:

465
466 Commencing at the northwest corner of Tract M of said
467 Estuary at Grey Oaks Roadway, Clubhouse and
468 Maintenance Facility Tracts;

469
470 Thence along the west line of said Tract M South
471 00°East 613.48 feet to the Point of Beginning of the
472 parcel herein described;

473
474 Thence continue South 00°20'09" East 406.67 feet;
475 Thence North 89024'29" West 660.00 feet;

476
477 Thence North 00°20'09" West 406.66 feet to a point on
478 the boundary of Golf Course Tract 1 of said Estuary at
479 Grey Oaks Tract B;

480
481 Thence along said boundary South 89024'33" East 660.00

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482 feet to the Point of Beginning of the parcel herein
483 described;

484
485 Bearings are based on the west line of said Tract M
486 being South 00020'09" East.

487
488 Hereinafter referred to as the "East Naples Division."
489 Section 2.02 If the annexation authorized by SB 1186, 2014
490 Regular Session, is approved at referendum, the East Naples
491 Division shall also include the following described lands in
492 Collier County:

493
494 All that land located within Sections 19, 20, 21, 22, 27,
495 28, 29, 30, 31, 32, 33 and 34 of Township 51 South, Range 26
496 East, and those portions of Sections 4, 5 and 6 of Township 52
497 South, Range 26 East, which lie north of the Marco River,
498 Collier County, Florida. Bearings are based on the west line of
499 said Tract M being South 00°20'09" East.

500
501 Section 2.03 Chapter 171, Florida Statutes, shall apply to
502 all annexations by a municipality within the district's
503 boundaries.

504 ARTICLE III

505 POWERS OF THE DISTRICT

506 Section 3.01 The district shall have the authority and
507 responsibility for and on behalf of the people residing,
508 visiting, or passing through the district to establish, equip,
509 operate, and maintain a fire department and rescue service,
510 including, but not limited to, providing fire hydrants or other

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511 types of water supply, buildings for housing fire equipment and
512 personnel, training facilities for fire and rescue, and other
513 buildings deemed necessary by the district board to provide
514 adequate protection from unwanted fire and to carry out rescue
515 operations. In addition, the district shall have the authority
516 to extend its services beyond the district boundaries, provided
517 it is in cooperation with another governmental entity, whether
518 federal, state, county, or municipal.

519 Section 3.02 The district shall have the authority to
520 provide a paid staff to carry out its responsibilities. This
521 staff shall serve at the pleasure of the district board.

522 Section 3.03 The district shall have all powers and duties
523 granted by this charter and chapters 189 and 191, Florida
524 Statutes.

525 ARTICLE IV

526 GOVERNING BOARD

527 Section 4.01 The business and affairs of the district shall
528 be conducted and administered by a board of fire commissioners
529 elected pursuant to chapter 191, Florida Statutes, by the
530 electors of the district in a nonpartisan election held at the
531 time and in the manner prescribed for holding general elections
532 in s. 189.405(2)(a), Florida Statutes. Except as expressly
533 provided in this charter, each member of the board shall be
534 elected for a term of 4 years and shall serve until his or her
535 successor assumes office.

536 Section 4.02 The office of each board member is designated
537 as a seat on the board, distinguished from each of the other
538 seats by a numeral. Each candidate must designate, at the time
539 he or she qualifies, the seat on the board for which he or she

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540 is qualifying. The name of each candidate who qualifies shall be
541 included on the ballot in a way that clearly indicates the seat
542 for which he or she is a candidate. The candidate for each seat
543 who receives the most votes shall be elected to the board. The
544 cost of such elections shall be paid from funds of the district.
545 The board of commissioners shall initially be composed of eight
546 members. The commissioners holding seats 2, 5, 6, and 7 shall
547 have initial terms that expire in November 2016. Commissioners
548 for seats 6 and 7 shall subsequently be elected to 2-year terms
549 that expire in November 2018. The commissioners holding seats 1,
550 3, 4, and 8 shall have initial terms that expire in November
551 2018. Seats 6, 7, and 8 shall be eliminated in November 2018.
552 The foregoing provisions establish, after the November 2018
553 election, a board having five commissioners with 4-year
554 staggered terms. Seats 1 and 2 shall be elected as at-large
555 seats for the East Naples Division. Seats 4 and 5 shall be
556 elected as at-large seats for the Golden Gate Division. Seat 3
557 shall be elected as an at-large seat for the district as a
558 whole.

559 Section 4.03 In accordance with chapter 191, Florida
560 Statutes, each member of the board must be a qualified elector
561 at the time he or she qualifies and continually throughout his
562 or her term.

563 Section 4.04 Each elected member shall assume office 10
564 days after the member's election. Within 60 days after the newly
565 elected members have taken office, the board shall meet and
566 elect from its membership a chair, vice chair, secretary, and
567 treasurer or secretary-treasurer.

568 Section 4.05 In accordance with s. 191.005, Florida

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569 Statutes, members of the board may each be paid, from the funds
570 of the district, a salary or honorarium for his or her services
571 in an amount not to exceed \$500 per month for each member. In
572 addition, members may be reimbursed for travel and per diem
573 expenses as provided in s. 112.061, Florida Statutes.

574 Section 4.06 If a vacancy occurs on the board due to the
575 resignation, death, or removal of a board member or the failure
576 of anyone to qualify for a board seat, the remaining members may
577 appoint a qualified person to fill the seat until the next
578 general election, at which time an election shall be held to
579 fill the vacancy for the remaining term, if any. The board shall
580 remove any member who has three consecutive, unexcused absences
581 from regularly scheduled meetings. The board shall adopt
582 policies by resolution defining excused and unexcused absences.

583 Section 4.07 The procedures for conducting district
584 elections or referenda and for qualification of electors shall
585 be pursuant to chapters 189 and 191, Florida Statutes.

586 Section 4.08 The board shall have those administrative
587 duties set forth in this charter and chapters 189 and 191,
588 Florida Statutes.

589 Section 4.09 The board is authorized to adopt rules and
590 regulations for the prevention of fire and for fire control in
591 the district, which rules and regulations shall have the same
592 force and effect as law 10 days after copies thereof executed by
593 the chair and secretary of the board have been posted in at
594 least three public places.

595 Section 4.10 A quorum of the board shall be a majority of
596 its members. In order to take official action, an affirmative
597 vote of a majority of those voting members present shall be

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598 required.

599 Section 4.11 It shall be considered a conflict of interest
600 and unlawful for board members to enter into any type of
601 agreement with the district which will bring about personal,
602 monetary, or other gain, or to individually interfere with the
603 day-to-day operations of the district staff.

604 ARTICLE V

605 FINANCES

606 Section 5.01 The powers, functions, and duties of the
607 district regarding ad valorem taxation, bond issuance, other
608 revenue-raising capabilities, budget preparation and approval,
609 liens and foreclosure of liens, use of tax deeds and tax
610 certificates as appropriate for non-ad valorem assessments, and
611 contractual agreements, and the methods for financing the
612 district and for collecting non-ad valorem assessments, fees, or
613 service charges, shall be as set forth in this charter, in
614 chapters 170, 189, 191, and 197, Florida Statutes, and in any
615 applicable general or special law.

616 Section 5.02 The district shall levy and collect ad valorem
617 taxes in accordance with s. 191.009, Florida Statutes, and
618 chapter 200, Florida Statutes. The taxes levied and assessed by
619 the district shall be a lien upon the land so assessed along
620 with the county taxes assessed against such land until such
621 assessments and taxes have been paid, and if the taxes levied by
622 the district become delinquent, such taxes shall be considered a
623 part of the county tax subject to the same penalties, charges,
624 fees, and remedies for enforcement and collection and shall be
625 enforced and collected as provided by general law for the
626 collection of such taxes. The district shall have the authority

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627 to levy a millage rate up to 1.5. This charter does not prevent
628 the district from levying a millage rate as provided for in s.
629 191.009, Florida Statutes, which has been approved by
630 referendum.

631 Section 5.03 The board shall annually prepare, consider,
632 and adopt a district budget pursuant to the applicable
633 requirements of chapters 189 and 191, Florida Statutes. The
634 fiscal year shall be from October 1 through September 30. The
635 budget shall state the purpose for which the money is required
636 and the amount necessary to be raised by taxation within the
637 district. Such budget and proposed millage rate shall be
638 noticed, heard, and adopted in accordance with chapters 189,
639 192, and 200, Florida Statutes.

640 Section 5.04 All warrants for the payment of labor,
641 equipment, materials, and other allowable expenses incurred by
642 the district board in carrying out the provisions of this
643 charter shall be payable on accounts and vouchers approved by
644 the district board.

645 Section 5.05 The methods for assessing and collecting non-
646 ad valorem assessments, fees, or service charges shall be as set
647 forth in this charter, chapter 170, Florida Statutes, chapter
648 189, Florida Statutes, chapter 191, Florida Statutes, or chapter
649 197, Florida Statutes.

650 Section 5.06 Impact fees.-

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

655 (2) The district shall comply with the requirements in ss.

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656 163.31801 and 191.009(4), Florida Statutes, in its collection
657 and use of impact fees. New facilities and equipment shall be as
658 provided for in s. 191.009(4), Florida Statutes.

659 (3) The district is authorized to enter into agreements
660 regarding the collection of impact fees.

661
662 ARTICLE VI

663 MISCELLANEOUS

664 Section 6.01 Requirements for financial disclosure, meeting
665 notices, reporting, public records maintenance, and per diem
666 expenses for officers and employees shall be as set forth in
667 this charter and chapters 112, 119, 189, 191, and 286, Florida
668 Statutes.

669 Section 5. Immunity from tort liability.-

670 (1) The district and its officers, agents, and employees
671 shall have the same immunity from tort liability as other
672 agencies and subdivisions of the state. The provisions of
673 chapter 768, Florida Statutes, shall apply to all claims
674 asserted against the district.

675 (2) The district commissioners and all officers, agents,
676 and employees of the district shall have the same immunity and
677 exemption from personal liability as is provided by chapter 768,
678 Florida Statutes.

679 (3) In accordance with chapter 768, Florida Statutes, the
680 district shall defend all claims against the district
681 commissioners and officers, agents, and employees of the
682 district which arise within the scope of employment or purposes
683 of the district and shall pay all judgments against such
684 persons, except where such persons acted in bad faith or with

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685 malicious purpose or in a manner exhibiting wanton and willful
686 disregard of human rights, safety, or property.

687 Section 6. Miscellaneous.—

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

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

693 (3) All contracts and obligations existing on the date of
694 enactment of this act shall remain in full force and effect, and
695 this act shall in no way affect the validity of such contracts
696 or obligations.

697 Section 7. Liberal construction.—The provisions of this act
698 shall be liberally construed in order to effectively carry out
699 the purposes of this act in the interest of the public health,
700 welfare, and safety of the citizens served by the district.

701 Section 8. Severability.—It is declared to be the intent of
702 the Legislature that if any section, subsection, sentence,
703 clause, phrase, or portion of this act is for any reason held
704 invalid or unconstitutional by a court of competent
705 jurisdiction, such portion shall be deemed a separate, distinct,
706 and independent provision, and such holding shall not affect the
707 validity of the remaining portions hereof.

708 Section 9. Conflict.—In the event of a conflict of any
709 provision of this act with the provisions of any other act, the
710 provisions of this act shall control to the extent of such
711 conflict.

712 Section 10. Determination of millage.—The district shall
713 maintain the authority to levy a millage rate up to 1.5 mills

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714 that was previously approved by referendum in each independent
715 special district as required by the State Constitution and
716 chapter 191, Florida Statutes. The maximum millage rate approved
717 within each independent special district may not increase absent
718 a subsequent referendum. The district is authorized to continue
719 or conclude procedures under chapter 200, Florida Statutes, on
720 behalf of the component independent special districts.

721 Section 11. Referendum.—At the special referendum election
722 called pursuant to this act, the ballot question shall be
723 substantially as follows:

724
725 Shall the East Naples Fire Control and Rescue District
726 and the Golden Gate Fire Control and Rescue District
727 be merged to create a new district known as the
728 Greater Naples Fire Rescue District, for the purpose
729 of providing fire protection and prevention services
730 to the district, with such district retaining the
731 authority to levy no more than the current rate of 1.5
732 mills of ad valorem taxation on property located
733 within the district?

734
735 Section 12. Chapters 2000-392, 2012-231, 2004-433, and
736 2000-444, Laws of Florida, are repealed.

737 Section 13. All assets and liabilities of the East Naples
738 Fire Control and Rescue District and the Golden Gate Fire
739 Control and Rescue District are transferred to the Greater
740 Naples Fire Rescue District.

741 Section 14. This act shall take effect only upon its
742 approval by a majority vote of those qualified electors in the

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743 area described in section 2.01 of section 4 voting in a
744 referendum to be held in conjunction with the next general,
745 special, or other election to be held in Collier County, except
746 that this section and section 11 shall take effect upon this act
747 becoming a law.