

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 district; creating and establishing an independent
6 special fire control district to be known as the
7 Greater Naples Fire Rescue District; providing that
8 the district is an independent special district;
9 providing legislative intent; providing for
10 applicability of chapters 191 and 189, F.S., and other
11 general laws; providing a district charter; providing
12 boundaries; providing for a district board; providing
13 an exception to general law; providing authority of
14 the board; providing for staff; providing duties and
15 powers of the board; providing for elections to the
16 board; providing for salaries of board members;
17 providing for removal of board members; providing a
18 savings clause for the existing district authority to
19 levy up to 1.5 mills; providing for bonds; providing
20 for raising of revenue; providing for taxation;
21 providing findings; providing for impact fees;
22 providing for collection and disbursement of such
23 fees; providing for deposit of taxes, assessments, and
24 fees and authority to disburse funds; providing for
25 immunity from tort liability; providing for liberal
26 construction; providing for severability; providing

Page 1 of 30

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0951-01-c1

27 that this act shall take precedence over any
 28 conflicting law to the extent of such conflict;
 29 providing for the determination of millage; repealing
 30 chapters 2000-392, 2012-231, 2004-433, and 2000-444,
 31 Laws of Florida, relating to the East Naples Fire
 32 Control and Rescue District and the Golden Gate Fire
 33 Control and Rescue District; transferring all assets
 34 and liabilities of the existing districts to the
 35 Greater Naples Fire Rescue District; requiring a
 36 referendum; providing an effective date.

37

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

39

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

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

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

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

Greater Naples Fire
Rescue District ("ENGG")

EN Seat 1

ENGG Seat 6

EN Seat 2

ENGG Seat 1

EN Seat 3

ENGG Seat 2

EN Seat 4

ENGG Seat 3

EN Seat 5

ENGG Seat 7

GG Seat 1

ENGG Seat 4

GG Seat 2

ENGG Seat 5

GG Seat 3

ENGG Seat 8

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

68 ARTICLE I

69 NAME OF THE DISTRICT

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

72 Section 1.02 The district shall be an independent special
 73 district of the State of Florida and a body corporate and
 74 politic.

75 ARTICLE II

76 BOUNDARIES OF THE DISTRICT

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

80
 81 A. Township 48 South, Range 26 East, Sections 25, 26,
 82 27, 28, 33, 34, 35, 36. Township 48 South, Range 27
 83 East, Sections 29, 30, 31, 32. Township 49 South,
 84 Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13,
 85 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28,
 86 33, 34, 35, 36. Township 49 South, Range 27 East,
 87 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 88 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26,
 89 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49
 90 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16,
 91 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township

92 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11,
 93 14, 15, 16.

94
 95 Hereinafter referred to as the "Golden Gate Division;"

96
 97 and also,

98
 99 B. Beginning at the northeast corner of the Northwest
 100 quarter of Section 27, Township 49 South, Range 25
 101 East, thence along the north line of said Section 27,
 102 east 45 feet to the east right-of-way line of C-851
 103 (also known as Goodlette-Frank Road), (which right-of-
 104 way line lies 45 feet east of, measured at right
 105 angles to, and parallel with the north and south
 106 quarter section line of said Section 27), to the north
 107 line of Lot 11, Naples Improvement Company's Little
 108 Farms, Plat Book 2, Page 2; thence east to the east
 109 section line of Section 27, Township 49 South, Range
 110 25 East; then north along the east line of said
 111 Section 27 to the northeast corner of said Section 27;
 112 said point also being the southeast corner of Section
 113 23 Township 49 South, Range 25 East thence east along
 114 the north line of Section 26, Township 49 South, Range
 115 25 East to a point 990.0 feet west of the west right-
 116 of-way line of Airport-Pulling Road; thence south
 117 01°30'00" East, 1320.0 feet; thence north 89°25'40"

118 East, 660.0 feet; thence north 01°30'00" West, 1320.0
 119 feet to the north line of said Section 26; thence east
 120 along said north line of Section 26 to the west right-
 121 of-way line of Airport-Pulling Road; to the south line
 122 of said Section 26 (said right-of-way line lying 50
 123 feet west of the southeast corner of said Section 26);
 124 thence westerly along said south line to the southwest
 125 corner of said Section 26; thence northerly along the
 126 west line of said Section 26; to the southerly right-
 127 of-way line of Golden Gate Parkway (100 feet wide);
 128 thence easterly along said southerly right-of-way line
 129 to a point lying 1220.00 feet west of the west line of
 130 said Airport-Pulling Road; thence northerly parallel
 131 with said west right-of-way line to the northerly
 132 right-of-way line of said Golden Gate Parkway; thence
 133 westerly along the north right-of-way of Golden Gate
 134 Parkway to a point 620 feet east and 235.46 feet south
 135 of the northwest corner of Lot 8, Naples Improvement
 136 Company's Little Farms; thence north 235.46 feet to
 137 the north line of Lot 8; thence west along said north
 138 line 620 feet to the northwest corner of said Lot 8;
 139 thence southerly to that angle point in said east
 140 right-of-way line which lies on a line 400.00 feet
 141 northerly of (measured at right angles to) and
 142 parallel with the north line of Section 34, Township
 143 49 South, Range 25 East; thence continuing along said

144 east right-of-way to the north line of Gordon River
145 Homes Subdivision; thence east along the north line of
146 Lots 50, 49, and 48 to a point 22.5 feet east of the
147 northwest corner of Lot 48; thence south parallel to
148 the west line of Lot 48 to the south line of Lot 48;
149 thence west along the south line of Lots 48, 49, and
150 50 to the east right-of-way line of Goodlette-Frank
151 Road; thence continuing along said east right-of-way
152 line, which line lies 100.00 feet east of, measured at
153 right angles to, and parallel with the north and south
154 quarter section line of said Section 34; thence
155 continuing along said east right-of-way line to a
156 point on the north line of the southwest quarter of
157 the northeast quarter of Section 34, Township 49
158 South, Range 25 East; thence continue on said right of
159 way line 460.0 feet; thence north 89°41'30" East
160 494.99 feet; thence south 0°34'06" East 615.88 feet to
161 a point of curvature; thence southwesterly 343.97 feet
162 along the arc of a tangential circular curve, concave
163 to the northwest have a radius of 243.97 feet and
164 subtended by a chord which bears south 44°33'25" West
165 345.84 feet; thence south 89°41'30" West 250.0 feet to
166 the easterly right of way line of Goodlette-Frank
167 Road; thence south along said right-of-way line to a
168 point 48.41 feet south of the north line of the south
169 half of Section 34, Township 49 South, Range 25 East;

170 thence north 89°56'59" East 249.79 feet; thence
 171 northeasterly 173.98 feet along the arc of a circular
 172 curve concave to the northwest having a radius of
 173 293.97 feet and being subtended by a chord which bears
 174 north 72°59'41" East 171.46 feet; thence south
 175 89°47'31" East 808.79 feet; thence north 89°55'05"
 176 East 993.64 feet to a point on that bulkhead line as
 177 shown on Plate recorded in Bulkhead Line Plan Book 1,
 178 Page 25 Collier County Public Records, Collier County,
 179 Florida; thence run the following courses along the
 180 said Bulkhead line, 47.27 feet along the arc of a non-
 181 tangential circular curve concave to the west, having
 182 a radius of 32.68 feet and subtended by a chord having
 183 a bearing of south 14°08'50" East and a length of
 184 43.26 feet to a point of tangency; south 27°17'25"
 185 West for 202.44 feet to a point of curvature; 296.89
 186 feet along the arc of a curve concave to the
 187 southeast, having a radius of 679.46 feet and
 188 subtended by a chord having a bearing of south
 189 14°46'21" West and a length of 294.54 feet to a point
 190 of reverse curvature; 157.10 feet along the arc of a
 191 curve concave to the northwest, having a radius of
 192 541.70 feet, and subtended by a chord having a bearing
 193 of south 10°33'47" West and a length of 156.55 feet to
 194 a point of reverse curvature; 307.67 feet along the
 195 arc of a curve concave to the northeast; having a

196 radius of 278.30 feet, and subtended by a chord having
197 a bearing of south 12°47'59" East and a length of
198 292.24 feet to a point of reverse curvature; 135.31
199 feet along the arc of a curve concave to the southwest
200 having a radius of 100.00 feet and subtended by a
201 chord having a bearing of south 05°42'27" East and a
202 length of 125.21 feet to a point of tangency; thence
203 South 33°03'21" West for 295.10 feet; and South
204 33°27'51" West 1.93 feet to the north line of the
205 River Park East Subdivision which is also the north
206 line of the south half of the southeast quarter of
207 Section 34, Township 49 South, Range 25 East; thence
208 along the north line of the south half of the
209 southeast quarter of said Section 34, easterly to the
210 west line of Section 35, Township 49 South, Range 25
211 East; thence along the west line of said Section 35,
212 northerly 1320 feet more or less to the northwest
213 corner of the south half of said Section 35; thence
214 along the north line of the south half of said Section
215 35, easterly to the west right-of-way line of State
216 Road No. 31 (Airport Road), which right-of-way lies
217 50.0 feet west of, measured at right angles to, and
218 parallel with the east line of said Section 35; thence
219 along said right-of-way line of State Road No. 31,
220 south 00°13'57" West 1800 feet more or less to a point
221 on said west right-of-way line, which lies north

222 00°13'57" East 848.02 feet and south 89°46'03" West
 223 50.00 feet from the southeast corner of said Section
 224 35; thence continuing along said west right-of-way
 225 line southerly 325.02 feet along the arc of a
 226 tangential circular curve concave to the east, radius
 227 2914.93 feet, subtended by a chord which bears south
 228 2°57'43" East 324.87 feet; thence continuing along
 229 said west right-of-way line, tangentially south
 230 6°09'22" East 3.13 feet, thence southerly along a
 231 curve concave to the southwest, having a central angle
 232 of 6°23'18" and a radius of 1860.08 feet, a distance of
 233 207.34 feet; thence south 0°13'57" West 313.03 feet
 234 more or less to a point on the north line of and 20
 235 feet west of the northeast corner of Section 2,
 236 Township 50 South, Range 25 East; thence
 237 southeasterly, 300.7 feet more or less to a point on
 238 the east line of said Section 2 which point lies 300.0
 239 feet south of the northeast corner of said Section 2;
 240 thence along the east line of the north half of said
 241 Section 2, southerly to the southeast corner of the
 242 north half of said Section 2; thence along the south
 243 line of the north half of said Section 2; westerly to
 244 the northeast corner of the southeast quarter of
 245 Section 3, Township 50 South, Range 25 East; thence
 246 southerly along the east line of the southeast corner
 247 of said Section 3 for a distance of 2013.98 feet;

248 thence North 89°37'20" East 662.04 feet; thence South
 249 00°17'20" East 119.26 feet; thence South 89°27'40"
 250 West 322.00 feet; thence South 00°17'20" East 10.00
 251 feet; thence South 89°27'40" West 68.00 feet; thence
 252 South 00°17'20" East 361.00 feet; thence North
 253 89°27'40" East 68.00 feet; thence South 00°17'20" East
 254 140.00 feet; thence South 89°27'40" West 221.81 feet;
 255 thence North 01°05'56" West 6.99 feet; thence westerly
 256 along the arc of a non-tangential circular curve
 257 concave to the north having a radius of 370.00 feet
 258 through a central angle of 18°34'13"and being
 259 subtended by a chord which bears North 81°50'17" West
 260 119.40 feet for a distance of 119.92 feet to a point
 261 on the east line of said Section 3; thence southerly
 262 along the east line of Section 3, and along the east
 263 lines of Sections 10, 15, 22, and 27, all in Township
 264 50 South, Range 25 East, to the southeast corner of
 265 said Section 27, Township 50 South, Range 25 East;
 266 thence westerly along the south line of said Section
 267 27, Township 50 South, Range 25 East, and along the
 268 western prolongation of said south line to a point
 269 1,000 feet west of the mean low water line of the Gulf
 270 of Mexico; thence southeasterly along said shoreline
 271 to the south line of Section 3, Township 51 South,
 272 Range 25 East, thence easterly along the south line of
 273 said Section 3, Section 2, Section 1, Township 51

274 South; thence along the south corner of said Section
 275 5; thence north along the east line of Section 5,
 276 Township 51 South, Range 26 East; thence continue on
 277 the north line of Section 25, 26 and part of Section
 278 27, Township 49 South, Range 25 East to the point of
 279 beginning and also,

280
 281 C. All those lands in Collier County described as:
 282 Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 283 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 284 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 285 and 36, Township 51 South, Range 26 East; Sections 1,
 286 2, 3 and those portions of Sections 10, 11, 12, and
 287 13, Township 52 South, Range 26 East, that lie North
 288 of the Marco River; those portions of Sections 5, 6, 7
 289 and 18, Township 52 South, Range 27 East, that lie
 290 West and North of State Road 92; and Sections 7, 8,
 291 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 292 Township 51 South, Range 27 East, and those portions
 293 of Sections 32 and 33, Township 51 South, Range 27
 294 East, that lie west and North of State Road 92,

295
 296 D. Less and except the North 1/2 of Section 2 of
 297 Township 50 South, Range 25 East and the South 1/2 of
 298 Section 35 of Township 49 South, Range 25 East.
 299

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

306
 307 Commence at the intersection of the East right-of-way
 308 of Goodlette-Frank Road (C.R. 851) and the South
 309 right-of-way of Golden Gate Parkway; thence run along
 310 said South right-of-way for the following four (4)
 311 courses:

312
 313 (1) Thence run North 44°42'45" East, for a distance
 314 of 35.36 feet;

315
 316 (2) Thence run North 89°42'45" East, for a distance
 317 of 122.57 feet;

318
 319 (3) Thence run North 80°12'12" East, for a distance
 320 of 159.63 feet;

321
 322 (4) To a point on a circular curve concave northwest,
 323 whose radius point bears North 11°26'26" West, a
 324 distance of 813.94 feet therefrom; thence run
 325 Northeasterly along the arc of said curve to the left,

326 having a radius of 813.94 feet, through a central
 327 angle of 22°36"33", subtended by a chord of 319.10
 328 feet at a bearing of North 67°15'18" East, for an arc
 329 length of 321.18 feet to the intersection of the South
 330 right-of-way of said Golden Gate Parkway and the West
 331 line of the East 338.24 feet of the West 958.34 feet
 332 of Lot 7 of Naples Improvements Company's Little Farms
 333 Subdivision as recorded in Plat Book 2 at page 2 of
 334 the Public Records of Collier County, Florida, also
 335 being the point of beginning of the parcel of land
 336 herein described; thence run South 00°16'32" East,
 337 along the West line of the East 338.24 feet of the
 338 West 958.34 feet of said Lot 7, for a distance of
 339 302.90 feet to a point on the South line of said Lot
 340 7; thence run along said South line for the following
 341 two (2) courses:

342
 343 (1) Thence run North 89°41'51" East, for a distance
 344 of 338.41 feet;

345
 346 (2) Thence run North 89°50'24" East, for
 347 approximately 850 feet to a point on the mean high
 348 water line of the west bank of Gordon River, said
 349 point herein called Point "A", thence return to the
 350 aforementioned point of beginning, thence run along

351 the south right-of-way of said Golden Gate Parkway for
352 the following four (4) courses:

353
354 (1) Beginning at a point on a circular curve concave
355 northwest, whose radius point bears North 34°02'58"
356 West a distance of 813.94 feet therefrom; thence run
357 Northeasterly along the arc of said curve to the left,
358 having a radius of 813.94 feet, through a central
359 angle of 05°09'09", subtended by a chord of 73.17 feet
360 at a bearing of North 53°22'27" East, for an arc
361 length of 73.20 feet to the end of said curve;

362
363 (2) Thence run North 50°47'53" East, for a distance
364 of 459.55 feet

365
366 (3) To the beginning of a tangential circular curve
367 concave south; thence run Easterly along the arc of
368 said curve to the right, having a radius of 713.94
369 feet; through a central angle of 38°52'20"; subtended
370 by a chord of 475.13 feet at a bearing of North
371 70°14'03" East, for an arc length of 484.37 feet to
372 the end of said curve;

373
374 (4) Thence run North 89°40'13" East, for
375 approximately 724 feet to a point on the mean high
376 water line of the west bank of Gordon River; thence

377 meander Southwesterly along the mean high water line
 378 for approximately 900 feet to the aforementioned Point
 379 "A" and the point of ending.

380
 381 F. Less and except approximately 112.82 acres, more
 382 or less: All of East Naples Industrial Park, according
 383 to the plat thereof recorded in Plat Book 10, Pages
 384 114 and 115, of the Public Records of Collier County,
 385 Florida; all of East Naples Industrial Park Replat No.
 386 1, according to the Plat thereof recorded in Plat Book
 387 17, Pages 38 and 39, of the Public Records of Collier
 388 County, Florida; and the Northerly 200 feet of the
 389 Southerly 510 feet of the Easterly 250 feet of the
 390 Northeast 1/4 of Section 35, Township 49 South, Range
 391 25 East, Collier County, Florida, less and excepting
 392 the Easterly 50 feet thereof.

393
 394 G. Less and except approximately 6.17 acres, more or
 395 less: All that part of Lots 12, 13, and 14, Naples
 396 Improvement Company's Little Farms, as recorded in
 397 Plat Book 2, Page 2 of the Public Records of Collier
 398 County, Florida, being more particularly described as
 399 follows:

400
 401 Commencing at the Southwest corner of Lot 12, thence
 402 along the South line of said Lot 12, North 89°26'51"

403 East 20.00 feet to the East right-of-way line of
 404 Goodlette-Frank Road; thence along the East right-of-
 405 way line North 00°39'49" East 10.00 feet to the Point
 406 of Beginning of the herein described parcel; thence
 407 continue along said East right-of-way North 00°39'49"
 408 West 580.00 feet; thence leaving said East right-of-
 409 way North 89°20'11" East 260.12 feet; thence North
 410 59°31'13" East, 153.66 feet; thence South 30°28'42"
 411 East, 119.01 feet; thence South 00°33'09" East, 554.02
 412 feet to a line lying 10 feet North of and parallel
 413 with said South line of Lot 12; thence along the said
 414 parallel line South 89°26'51" West, 451.54 feet to the
 415 point of beginning of the herein described parcel.

416
 417 Bearings are based on the said East line Goodlette-
 418 Frank Road being North 00°33'49" East.

419
 420 H. Less and except approximately 12.77 acres, more or
 421 less: The West one-half (W 1/2) of the Northwest one-
 422 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)
 423 of Section 11, Township 50 South, Range 25 East, lying
 424 South of State Road 90 (Tamiami Trail, U.S. 41), in
 425 Collier County, Florida, except the South 264 feet,
 426 and All that part of the South 264 feet of the
 427 Southwest one-quarter (SW 1/4) of the Northwest one-
 428 quarter (NW 1/4) of the Northwest one-quarter (NW 1/4)

429 of Section 11, Township 50 South, Range 25 East, in
 430 Collier County, Florida, lying north of the north line
 431 of Walker's Subdivision as delineated on a Plat of
 432 record in plat book 1, at page 36, of the Public
 433 Records of Collier County, Florida.

434
 435 TOGETHER WITH:

436
 437 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 438 to plat in Plat Book 1, Page 32, Public Records of
 439 Collier County, Florida.

440
 441 LESS AND EXCEPT

442
 443 Those parcels described in Official Records Book 1969,
 444 Page 977, and Official Records Book 2119, Page 1344
 445 both of the Public Records of Collier County, Florida.

446
 447 I. Less and except approximately 6.16 acres, more or
 448 less: Being a part of Estuary at Grey Oaks Roadway,
 449 Clubhouse and Maintenance Facility Tract, Plat Book
 450 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat
 451 Book 37, pages 13-18 and part of Section 26, Township
 452 49 South, Range 25 East, Collier County, Florida.

453

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

463
 464 Commencing at the northwest corner of Tract M of said
 465 Estuary at Grey Oaks Roadway, Clubhouse and
 466 Maintenance Facility Tracts;

467
 468 Thence along the west line of said Tract M South
 469 00°East 613.48 feet to the Point of Beginning of the
 470 parcel herein described;

471
 472 Thence continue South 00°20'09" East 406.67 feet;
 473 Thence North 89°24'29" West 660.00 feet;

474
 475 Thence North 00°20'09" West 406.66 feet to a point on
 476 the boundary of Golf Course Tract 1 of said Estuary at
 477 Grey Oaks Tract B;

478

479 Thence along said boundary South 89°24'33" East 660.00
 480 feet to the Point of Beginning of the parcel herein
 481 described;

482
 483 Bearings are based on the west line of said Tract M
 484 being South 00°20'09" East.

485
 486 Hereinafter referred to as the "East Naples Division."

487
 488 Section 2.02 If the annexation authorized by HB 949, 2014
 489 Regular Session, is approved at referendum, the East Naples
 490 Division shall also include the following described lands in
 491 Collier County:

492
 493 All that land located within Sections 19, 20, 21, 22,
 494 27, 28, 29, 30, 31, 32, 33 and 34 of Township 51
 495 South, Range 26 East, and those portions of Sections
 496 4, 5 and 6 of Township 52 South, Range 26 East, which
 497 lie north of the Marco River, Collier County, Florida.
 498 Bearings are based on the west line of said Tract M
 499 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

POWERS OF THE DISTRICT

Section 3.01 The district shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the district to establish, equip, operate, and maintain a fire department and rescue service, including, but not limited to, providing fire hydrants or other types of water supply, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the district board to provide adequate protection from unwanted fire and to carry out rescue operations. In addition, the district shall have the authority to extend its services beyond the district boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.

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

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

ARTICLE IV

GOVERNING BOARD

Section 4.01 The business and affairs of the district shall be conducted and administered by a board of fire commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the district in a nonpartisan election held

531 at the time and in the manner prescribed for holding general
532 elections in s. 189.405(2)(a), Florida Statutes. Except as
533 expressly provided in this charter, each member of the board
534 shall be elected for a term of 4 years and shall serve until his
535 or her 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
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
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
 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
617 valorem taxes in accordance with s. 191.009, Florida Statutes,
618 and chapter 200, Florida Statutes. The taxes levied and assessed
619 by 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
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.
 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 ARTICLE VI662 MISCELLANEOUS

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

668 Section 5. Immunity from tort liability.-

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

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

678 (3) In accordance with chapter 768, Florida Statutes, the
679 district shall defend all claims against the district
680 commissioners and officers, agents, and employees of the
681 district which arise within the scope of employment or purposes
682 of the district and shall pay all judgments against such
683 persons, except where such persons acted in bad faith or with
684 malicious purpose or in a manner exhibiting wanton and willful
685 disregard of human rights, safety, or property.

686 Section 6. Miscellaneous.-

687 (1) The district shall exist until the Legislature
688 approves a special act providing for its dissolution, and such
689 special act is contingent upon approval by the electors of the
690 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
698 act shall be liberally construed in order to effectively carry
699 out the purposes of this act in the interest of the public
700 health, welfare, and safety of the citizens served by the
701 district.

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

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

713 Section 10. Determination of millage.—The district shall
714 maintain the authority to levy a millage rate up to 1.5 mills
715 that was previously approved by referendum in each independent
716 special district as required by the State Constitution and
717 chapter 191, Florida Statutes. The maximum millage rate approved
718 within each independent special district may not increase absent
719 a subsequent referendum. The district is authorized to continue
720 or conclude procedures under chapter 200, Florida Statutes, on
721 behalf of the component independent special districts.

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

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

735
736 Section 12. Chapters 2000-392, 2012-231, 2004-433, and
737 2000-444, Laws of Florida, are repealed.

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

742 Section 14. This act shall take effect only upon its
743 approval by a majority vote of those qualified electors in the
744 East Naples Division, as described in section 2.01 of Article II
745 and, if applicable, section 2.02 of Article II, and a majority
746 vote of those qualified electors in the Golden Gate Division, as
747 described in section 2.01 of Article II, voting in a referendum
748 to be held in conjunction with the general election to be held
749 in Collier County on November 4, 2014, except that this section
750 and section 11 shall take effect upon this act becoming a law.