

## House Bill No. 1251

An act relating to the Bayshore Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to the District; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of commissioners and the board's powers, duties, and responsibilities; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the District's fiscal year; providing for deposit of District funds; authorizing the District to borrow money; providing for use of District funds; authorizing the board to adopt policies, regulations, and a fire prevention code; providing for liberal construction; providing severability; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Bayshore Fire Protection and Rescue Service District, located in Lee County. It is the intent of the Legislature to provide a single, comprehensive special act charter for the District, including all current legislative authority granted to the District by its several legislative enactments and any additional authority granted by this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time. It is further the intent of this act to preserve all District authority, including the authority to annually assess and levy against the taxable property in the District a tax not to exceed the limit provided in chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, and as approved by referendum of the qualified electors in the District.

Section 2. Chapters 76-414, 80-520, 84-466, 87-422, 91-398, and 95-459, Laws of Florida, relating to the Bayshore Fire Protection and Rescue Service District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The Bayshore Fire Protection and Rescue Service District is re-created and the charter for the District is re-created and reenacted to read:

Section 1. Definitions.—As used in this act, unless otherwise specified:

(1) “District” means the Bayshore Fire Protection and Rescue Service District.

(2) “Board” and “board of commissioners” mean the board of commissioners of and for the District.

(3) “Commissioner” means a member of the board of commissioners of and for the District.

(4) “County” means Lee County.

Section 2. District status; boundaries; charter amendments.—

(1) There is created an independent special taxing fire protection and rescue service district incorporating lands in Lee County described in subsection (2), which shall be a public corporation having the powers, duties, rights, obligations, and immunities herein set forth, under the name of the Bayshore Fire Protection and Rescue Service District. The District is organized and exists for all purposes and shall hold all powers set forth in this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida. To the extent of any conflict between this act and chapter 97-340, Laws of Florida, the provisions of chapter 97-340, Laws of Florida, shall supersede this act.

(2) The lands to be included within the District are the following described lands in Lee County:

In Township 43 South, Range 25 East, all of sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, that portion of section 24 lying North of the waters of the Caloosahatchee River, that portion of section 25 lying North of the waters of the Caloosahatchee River, that portion of section 26 lying North of the waters of the Caloosahatchee River, all of section 27, all of section 28 and in Township 43 South, Range 26 East, all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, and those portions of sections 19, 20, and 21 lying North of the waters of the Caloosahatchee River.

(3) Nothing herein shall deny the right of the chief or other governing officials of the District to render such services to communities adjacent to the land described in subsection (2), or such other places as from time to time may be deemed desirable.

(4) The District was created by special act of the Legislature in 1976. Its charter may be amended only by special act of the Legislature.

Section 3. Governing board; creation; employment of personnel; compensation; organization; commissioners' bond.—

(1) Pursuant to chapter 97-340, Laws of Florida, the business and affairs of the District shall be conducted and administered by a board of five commissioners, who shall serve terms of 4 years each. The procedures for conducting District elections and for qualification of candidates and electors shall be pursuant to chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as they may be amended from time to time.

(2) The board may employ such personnel as it deems necessary for the proper function and operation of a fire and rescue department. The salaries of fire department and emergency service personnel, and any other wages, shall be determined by the board.

(3) In accordance with chapter 191, Florida Statutes, and chapter 97-340, Laws of Florida, each elected member of the board shall assume office 10 days following the member's election. Annually, within 60 days after the

election of new members of said board, the members shall organize by electing from their number a chair, a vice chair, a secretary, and a treasurer. However, the same member may be both secretary and treasurer.

(4) The commissioners shall receive compensation for actual expenses incurred while performing the duties of their office in accordance with general law governing per diem for public officials. Commissioners may receive compensation for their services in accordance with chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as amended from time to time.

(5) Each commissioner, upon taking office and in accordance with chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes, shall execute to the Governor for the benefit of the District a bond conditioned upon the faithful performance of the duties of the commissioner's office. The premium for such bonds shall be paid from the funds of the District.

#### Section 4. Powers; duties; responsibilities.—

(1) The District shall have and the board may exercise all the powers and duties set forth in this act, chapters 189, 191, and 197, Florida Statutes, and chapter 97-340, Laws of Florida, as they may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements. The District may be financed by any method established in this act, chapter 189 or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time.

(2) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this act, chapter 170, chapter 189, chapter 191, or chapter 197, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

(3) The District's planning requirements shall be as set forth in this act, chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

(4) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in this act, chapters 112, 119, 189, 191, and 286, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

#### Section 5. Ad valorem taxing authority; non-ad valorem assessments.—

(1) The board shall have the right, power, and authority to levy millage tax against the taxable real estate within the District to provide funds for the purpose of this District. However, they shall not exceed the limit provided by chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as amended from time to time. Although the district is authorized to levy a maximum millage rate as provided for in section 191.009(1), Florida Statutes, the district must receive referendum approval, as required by the State

Constitution and section 191.009, Florida Statutes, for any increased millage rate above such rate that has been previously authorized by a special act and approved by referendum.

(2) The District shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes, as amended from time to time.

(3) Non-ad valorem assessments.—The District is authorized to levy and enforce non-ad valorem assessments in accordance with chapters 189, 191, and 197, Florida Statutes, and chapter 97-340, Laws of Florida.

Section 6. Fiscal year.—The District's fiscal year shall begin on October 1 and end on September 30.

Section 7. District funds.—

(1) All funds of the District shall be deposited in qualified public depositories, in accordance with chapters 191 and 280, Florida Statutes, as they may be amended from time to time.

(2) No funds of the District shall be paid or disbursed except by check signed by the treasurer of the board and either the chair or vice chair of the board.

Section 8. Authority to borrow money.—

(1) The board shall have the power and authority to borrow money or issue other evidences of indebtedness for the purposes of the District in accordance with chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time. However, the total payments in any one year, including principal and interest, on any indebtedness incurred by the District may not exceed 50 percent of the total annual budgeted revenues of the District for the year in which the payments are to be made.

(2) Neither the District commissioners as a body nor any of them as an individual shall be personally or individually liable for the repayment of such loan. Such repayment shall be made out of tax receipts of the District except as provided in this subsection. The commissioners shall not create any indebtedness or incur obligations for any sum or amount which they are unable to repay out of District funds then in their hands except as otherwise provided in this act. However, the commissioners may make purchases of equipment on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year on any other installments and the repayment of any bank loan or other existing indebtedness which may be due that year.

Section 9. Board action; authority to adopt policies and regulations.—

(1) A record shall be kept of all meetings of the board and in such meetings concurrence of a majority of the commissioners shall be necessary to any affirmative action by the board.

(2) The board may adopt policies and regulations not inconsistent with any portion of this act, chapter 189 or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The board shall have authority to provide all things necessary for the prevention, extinguishment, and control of fires and for the operation of a rescue service in the District.

Section 10. Fire prevention code.—The board shall have the right and power to enact a fire prevention code or ordinance in addition to, but not in conflict with, applicable state and local building and fire codes.

Section 4. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Chapters 76-414, 80-520, 84-466, 87-422, 91-398, and 95-459, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.