

CHAPTER 65-1828

SENATE BILL NO. 829

AN ACT relating to Bonita Springs, Lee county, fire and rescue district; creating and establishing a fire control and rescue district in Bonita Springs; providing a board therefor; defining its duties, powers and authority; providing for taxation within the district and the method of levying, collecting and disbursing the funds; providing for a referendum.

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

Section 1. There is established the Bonita Springs fire control and rescue district, hereinafter referred to as the district, which shall include the following described lands:

All of Sections 13 and 14, 24 and 25, township 47 South, Range 24 East; Lee County, Florida

Sections 13 through 36 inclusive, Township 47 South, Range 25 East; Lee County, Florida

All of Township 47 South, Range 26 East; Lee County, Florida

All of Township 48, Range 26 East, located in Lee County, Florida;

Sections 5 and 6, Township 48 South, Range 25 East in Collier County, Florida

Section 2. The governor is authorized and directed to appoint five (5) resident freeholders of the district as the Bonita Springs fire control and rescue board, hereinafter referred to as the board. The members of the board shall serve as follows: two (2) members for one (1) year, two (2) members for two (2) years and one (1) member for three (3) years unless removed for cause by the governor. Board members shall receive no compensation. The appointment of the first members of the board shall be made within ten (10) days after this act becomes law. Vacancies shall be filled by appointment by the governor. Upon expiration of appointed terms set forth above appointments shall be for a regular term of three (3) years.

Section 3. Within ten (10) days after the appointment and qualification of members of the board, the members shall meet and elect from the membership a president, a secretary and a treasurer; provided, however, the same member may be both secretary and treasurer. The board for and on behalf of the district is authorized to buy, own and maintain a fire department within the district and to purchase, own and dispose of fire-fighting equipment and property, real or personal, which the board may, from time to time, deem necessary or desirable to prevent and extinguish fires within the district, and provide rescue services during emergencies. The board for and on behalf of the district is further authorized to enter into conditional sales contracts, purchase and mortgage personal and real property necessary in carrying out its duties and obligations under this act and is further empowered to execute notes, bonds, or other obligations for carrying out its purposes under this act.

Section 4. The board is authorized to make rules and regulations for the prevention of fires, fire control and for rescue work within the district. Such rules and regulations, after being made by the board and copies thereof signed by the president and secretary, and posted in at least three (3) public places within the district, one (1) of which must be the fire station or such similar place wherein the fire-fighting and rescue equipment is normally kept, after ten (10) days shall have the force and effect of law.

Section 5. For the purposes of carrying into effect this act the board shall annually, during the month of June, make an itemized estimate of the amount of money required to carry out the provisions of this act for the next fiscal year of the board, which fiscal year shall be from October 1 through the next succeeding September 30, and of each year, which estimate shall show for what purpose such moneys are required and the amount necessary to be raised by taxation within the district, and shall be presented in writing, signed by the president and the secretary of the board, to the board of county commissioners of Lee county, on or before the first (1st) Monday in July of each year. Prior to the presentation of the estimate to the board of county commissioners of Lee county, copies of the estimate, signed by the president and the secretary of the board, shall be posted in at least three (3) public

places within the district, as provided in section 4 hereof, and published once in a newspaper published in and having general circulation in Lee county, for a period of not less than fifteen (15) days. At the time of the presentation of the estimate the board shall also present to the board of county commissioners of Lee county, a certificate of the board that copies of such estimate have been posted and published as herein provided.

Section 6. Upon receipt of such estimate and certificate of posting, the board of county commissioners shall cause the same to be recorded in the minutes of the county commissioners' meetings, and at the time of making and fixing the rate of annual taxation for county purposes, the board of county commissioners shall fix and cause to be levied on all property of the district, real and personal, a millage sufficient to meet the requirements of the estimate so made by the fire control and rescue board; provided, however, three (3) mills is the maximum that can be levied in any one (1) year.

Section 7. Taxes herein provided for shall be assessed and collected in the same manner and form as provided for the assessment and collection of county taxes and subject to a three per cent (3%) commission and fee for assessing and collecting the same.

Section 8. When such taxes as herein provided for shall have been collected by the tax collector of Lee county, he shall, on or before the tenth (10th) day of each month, report to the secretary of the board the collections made for the preceding month and remit the same to the treasurer of the board and take a receipt for the same from the treasurer. Thereupon the tax collector shall be relieved from all other and further liability as to the amount so paid the treasurer of the board.

Section 9. All warrants for the payment of labor, equipment and other expenses of the board, and in carrying into effect this act and the purposes thereof, shall be payable by the treasurer of the board on accounts and vouchers approved and authorized by the board.

Section 10. The treasurer of the board, when entering upon his duties, shall give a good and sufficient bond to the governor in the sum of five thousand dollars (\$5,000.00) for the

faithful performance of his duties as treasurer, the premium for such bond to be paid from district funds.

Section 11. The treasurer shall, on or before April 10 and October 10 each year, make his semiannual report of receipts and expenditures of the funds of the district to the board. The report shall be in writing, setting forth the amount of money received, from whom received, and itemized amounts of expenditures and to whom paid and for what such payment is made. At the time of making the report to the board, the treasurer shall also file a copy of the report with the board of county commissioners of Lee county and cause a copy to be published as provided in section 5 above.

Section 12. This act shall not become effective until it is ratified by a majority of the freeholders of the qualified electors of the Bonita Springs fire control and rescue district who vote on the question of ratification or rejection at an election called by the board of county commissioners of Lee county. In the event of ratification, this act shall immediately become effective.

Section 13. Upon receiving a petition requesting the election provided for in section 12, signed by not less than twenty-five (25) freeholders of the Bonita Springs fire control and rescue district, the board of county commissioners of Lee county shall call the election as soon as practicable after the receipt of the petition, and within six (6) months therefrom. The election shall be conducted as provided by law. The costs of the election shall be paid from funds of the district.

Section 14. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 15. In the event that any part of this act should be held void for any reason, such holding shall not effect any other part thereof.

Section 16. This act shall take effect upon becoming a law, subject, however, to the referendum herein contained.

Approved by the Governor May 31, 1965.

Filed in Office Secretary of State May 31, 1965.

CHAPTER

98-464

HB 3543, First Engrossed

House Bill No. 3543

A bill to be entitled

1 An act relating to the Bonita Springs Fire
2 Control and Rescue District, Lee County;
3 providing for a codification of special laws
4 relating to the Bonita Springs Fire Control and
5 Rescue District pursuant to s. 191.015, F.S.;
6 providing legislative intent; codifying
7 reenacting and amending all prior special acts;
8 creating and establishing a fire control and
9 rescue district in said county and fixing the
10 boundaries of district; providing for a
11 governing body; prescribing the powers of the
12 board; authorizing the board to establish and
13 maintain emergency medical services and
14 equipment; authorizes the board to make rules
15 and regulations; providing procedure for
16 adopting a budget, giving the board the power
17 to tax; providing procedure for assessing and
18 collecting taxes; limiting tax collector's
19 responsibility; providing for payment of
20 expenses; requiring the treasurer to post a
21 bond; providing that such act shall be
22 construed liberally; providing for
23 severability; providing for the repeal of
24 chapters 65-1828, 68-90, 69-1242, 81-414,
25 96-500, and 96-545, Laws of Florida, and
26 section 6 of 87-447, Laws of Florida; providing
27 an effective date.
28

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Intent.--Pursuant to s. 191.015, F.S., this
 2 act constitutes the codification of all special acts relating
 3 to the Bonita Springs Fire Control and Rescue District. It is
 4 the intent of the Legislature to provide a single,
 5 comprehensive special act charter for the district including
 6 all current legislative authority granted to the district by
 7 its several legislative enactments and any additional
 8 authority granted by this act. It is further the intent of
 9 this act to preserve all district authority, including the
 10 authority to annually assess and levy against the taxable
 11 property in the district a tax not to exceed 3 mills on the
 12 dollar of assessed valuation, except as provided in chapter
 13 97-340, Laws of Florida, chapter 191, F.S. or any other
 14 applicable general or special law.

15 Section 2. Codification.--Chapters 65-1828, 68-90,
 16 69-1242, 81-414, 96-500, and 96-545, Laws of Florida, and
 17 section 6 of chapter 87-447, Laws of Florida, relating to the
 18 Bonita Springs Fire Control and Rescue District, are codified,
 19 reenacted, amended, and repealed as provided herein.

20 Section 3. Creation.--There is established the Bonita
 21 Springs Fire Control and Rescue District, an independent
 22 special district, hereinafter referred to as the district,
 23 which shall include the following described lands:

24
 25 All of sections 13 and 14, 24 and 25, Township
 26 47 South, Range 24 East; Lee County, Florida;

27
 28 Sections 13 through 36 inclusive, Township 47
 29 South, Range 25 East, Lee County, Florida;
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 31

1 All of Township 47 South, Range 26 East; Lee
2 County, Florida;

3
4 All of Township 48, Range 26 East, located in
5 Lee County, Florida;

6
7 All of Sections 2, 11 and 12, Township 47
8 South, Range 24 East, Lee County, Florida;

9
10 Sections 1 through 4, Township 48 South, Range
11 25 East in Lee County, Florida.

12 Section 4. Governing body.--The district shall be
13 governed by a board which shall consist of five (5) resident
14 electors of the district elected by a vote of the electors of
15 the district pursuant to chapter 97-340, Laws of Florida.

16 Section 5. Officers; powers.--Within sixty (60) days
17 after the election of members of the board, the members shall
18 meet and elect from the membership a president, a secretary,
19 and a treasurer; provided, however, the same member may be
20 both secretary and treasurer. The district shall have and the
21 board may exercise those general and special powers prescribed
22 by chapter 97-340, Laws of Florida, chapter 191, F.S., or any
23 other applicable general or special law, as the act may be
24 amended from time to time.

25 Section 6. Emergency medical and rescue response
26 services.--The Bonita Springs Fire Control and Rescue District
27 is authorized to establish and maintain emergency medical and
28 rescue response services and acquire and maintain rescue,
29 medical, and other emergency equipment, subject to the
30 provisions of chapter 401, Florida Statutes.

1 Section 7. Rules and regulations.--The board is
2 authorized to make rules and regulations for the prevention of
3 fires, fire control, and rescue work within the district. Such
4 rules and regulations, after being made by the board and
5 copies thereof signed by the president and the secretary, and
6 posted in at least three (3) public places within the
7 district, one (1) of which must be the fire station or such
8 similar place wherein the firefighting and rescue equipment is
9 normally kept, after ten (10) days shall have the force and
10 effect of law.

11 Section 8. Budget.--For the purposes of carrying into
12 effect this act the board shall annually prepare, consider,
13 and adopt a district budget pursuant to the applicable
14 requirements of chapter 200, Florida Statutes, as it may be
15 amended from time to time.

16 Section 9. Taxing authority.--The district board shall
17 fix and cause to be levied on all property of the district,
18 real and personal, a millage sufficient to meet the
19 requirements of the adopted budget; provided, however, three
20 (3) mills is the maximum that can be levied in any one (1)
21 year, except as provided in chapter 97-340, Laws of Florida,
22 chapter 191, F.S., or any other applicable general or special
23 law.

24 Section 10. Assessment and collection of taxes.--Taxes
25 herein provided for shall be assessed and collected in the
26 same manner and form as provided for the assessment and
27 collection of county taxes.

28 Section 11. Tax collector's responsibility.--When such
29 taxes as provided for herein shall have been collected by the
30 tax collector of Lee County, he or she shall, on or before the
31 tenth (10th) day of each month, report to the secretary of the

1 board the collections made for the preceding month and remit
2 the same to the treasurer of the board and take a receipt for
3 the same from the treasurer. Thereupon the tax collector shall
4 be relieved from all other and further liability as to the
5 amount so paid the treasurer of the board.

6 Section 12. Expenses.--All warrants for the payment of
7 labor, equipment, and other expenses of the board, and in
8 carrying into effect this act and the purposes thereof, shall
9 be payable by the treasurer of the board on accounts and
10 vouchers approved and authorized by the board.

11 Section 13. Treasurer's bond.--The treasurer of the
12 board, when entering upon his or her duties, shall give a good
13 and sufficient bond to the Governor in the sum of five
14 thousand dollars (\$5,000.00) for the faithful performance of
15 his or her duties as treasurer, the premium for such bond to
16 be paid from district funds.

17 Section 14. Construction.--This act shall be construed
18 as remedial and shall be liberally construed to promote the
19 purpose for which it is intended.

20 Section 15. Effect.--In the event that any part of
21 this act should be held void for any reason, such holding
22 shall not affect any other part thereof.

23 Section 16. Repeal of prior special acts.--Chapters
24 65-1828, 68-90, 69-1242, 81-414, 96-500, and 96-545, Laws of
25 Florida, and section 6 of chapter 87-447, Laws of Florida,
26 shall be repealed 10 days after the effective date of this
27 act.

28 Section 17. This act shall take effect upon becoming a
29 law.

30 Became a law without the Governor's approval MAY 28 1998
31 Filed in Office Secretary of State MAY 27 1998