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26 liabilities of the existing districts to the Bonita
 27 Springs-Fort Myers Beach Fire Control District;
 28 providing for liberal construction; providing for
 29 severability; providing that this act shall take
 30 precedence over any conflicting law to the extent of
 31 such conflict; providing for the determination of
 32 millage; repealing chapters 98-464, 2000-422, and
 33 2008-275, Laws of Florida, relating to the Bonita
 34 Springs Fire Control and Rescue District and the Fort
 35 Myers Beach Fire Control District; providing an
 36 effective date.

37

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

39

40 Section 1. The Bonita Springs Fire Control and Rescue
 41 District and the Fort Myers Beach Fire Control District are
 42 hereby merged to create the Bonita Springs-Fort Myers Beach Fire
 43 Control District ("district").

44 Section 2. Corporate status.- All lands in Lee County
 45 described in section 2.01 of section 4 of this act shall be
 46 incorporated into the district under the name of the Bonita
 47 Springs-Fort Myers Beach Fire Control District. The district is
 48 an independent special fire control and rescue district in Lee
 49 County. The district is organized and exists for all purposes
 50 and shall hold all powers set forth in this act, chapters 189

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51 and 191, Florida Statutes and chapter 97-340, Laws of Florida.
 52 The district charter may be amended only by special act of the
 53 Legislature.

54 Section 3. The Bonita Springs Fire Control and Rescue
 55 District and the Fort Myers Beach Fire Control District
 56 commission seats shall be re-designated upon merger. Seats 1, 2,
 57 3, 4, and 5 of the Bonita Springs Fire Control and Rescue
 58 District being re-designated as seats 2, 3, 4, 5, and 6,
 59 respectively. One seat of the Fort Myers Beach Fire Control
 60 District with a term expiring in 2024 shall be re-designated as
 61 seat 1 and the remaining seats shall be re-designated as seats
 62 7, 8, 9, and 10.

63 Section 4. The charter of the Bonita Springs-Fort Myers
 64 Beach Fire Control District is created to read:

65 ARTICLE I

66 NAME OF THE DISTRICT

67 Section 1.01 The name of the district shall be the Bonita
 68 Spring-Fort Myers Beach Fire Control District ("district").

69 Section 1.02 The district shall be an independent special
 70 district of the State of Florida and a body corporate and
 71 politic.

72 ARTICLE II

73 BOUNDARIES OF THE DISTRICT

74 Section 2.01 The lands to be incorporated within the
 75 Bonita Springs-Fort Myers Beach Fire Control and Rescue District

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76 consist of the following described lands in Lee County:

77
78 All of sections 13 and 14, 24 and 25, Township 47 South,
79 Range 24 East; Lee County, Florida;

80
81 Sections 13 through 36 inclusive, Township 47 South, Range
82 25 East, Lee County, Florida;

83
84 All of Township 47 South, Range 26 East; Lee County,
85 Florida;

86
87 All of Township 48, Range 26 East, located in Lee County,
88 Florida;

89
90 All of Sections 2, 11 and 12, Township 47 South, Range 24
91 East, Lee County, Florida;

92
93 Sections 1 through 4, Township 48 South, Range 25 East in
94 Lee County, Florida.

95
96 Hereinafter referred to as the "Bonita Springs Division;"

97
98 and also,

99
100 All that part of Lee County that is located and situated

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101 within San Carlos Island; Estero Island; Easterly One-Half
 102 (1/2) of Section 13, Township 46 South, Range 23 East;
 103 Section 18, Township 46 South, Range 24 East; and section
 104 7, Township 46 South, Range 24 East except that part which
 105 is located and situated north of the old railroad grade.

106
 107 Hereinafter referred to as the "Fort Myers Beach Division."

108
 109 Section 2.02 Chapter 171, Florida Statutes, shall apply to
 110 all annexations by a municipality within the district's
 111 boundaries.

112 ARTICLE III

113 POWERS OF THE DISTRICT

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

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126 federal, state, county, or municipal.

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

130 Section 3.03 The district shall have all powers and duties
 131 granted by this charter, chapters 189 and 191, Florida Statutes,
 132 and chapter 97-340, Laws of Florida.

133 ARTICLE IV

134 GOVERNING BOARD

135 Section 4.01 The business and affairs of the district
 136 shall be conducted and administered by a board of fire
 137 commissioners elected pursuant to chapter 191, Florida Statutes,
 138 by the electors of the district in a nonpartisan election held
 139 at the time and in the manner prescribed for holding general
 140 elections in s. 189.405(2)(a), Florida Statutes. Except as
 141 expressly provided in this charter, each member of the board
 142 shall be elected for a term of 4 years and shall serve until his
 143 or her successor assumes office.

144 Section 4.02 The office of each board member is designated
 145 as a seat on the board, distinguished from each of the other
 146 seats by a numeral. Each candidate must designate, at the time
 147 he or she qualifies, the seat on the board for which he or she
 148 is qualifying. The name of each candidate who qualifies shall be
 149 included on the ballot in a way that clearly indicates the seat
 150 for which he or she is a candidate. The candidate for each seat

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151 who receives the most votes shall be elected to the board. The
 152 cost of such elections shall be paid from funds of the district.
 153 The board of commissioners shall initially be composed of ten
 154 members. The commissioners holding seats 1, 3, and 5 shall have
 155 initial terms that expire November 2024. The commissioners
 156 holding seats 2 and 4 shall have initial terms that expire
 157 November 2026. Seats 6, 7, 8, 9, and 10 shall be eliminated in
 158 November 2024. The foregoing provisions establish, after the
 159 November 2024 election, a board having five commissioners with
 160 4-year staggered terms. The commissioner for seat 1 must be an
 161 elector of the Fort Myers Beach Division of the district. All
 162 commissioners are elected at-large by the electors of the
 163 district.

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

168 Section 4.04 Each elected member shall assume office 10
 169 days after the member's election. Within 60 days after the newly
 170 elected members have taken office, the board shall meet and
 171 elect from its membership a chair, vice chair, secretary, and
 172 treasurer or secretary-treasurer.

173 Section 4.05 In accordance with s. 191.005, Florida
 174 Statutes, members of the board may each be paid, from the funds
 175 of the district, a salary or honorarium for his or her services

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176 in an amount not to exceed \$500 per month for each member. In
 177 addition, members may be reimbursed for travel and per diem
 178 expenses as provided in s. 112.061, Florida Statutes.

179 Section 4.06 If a vacancy occurs on the board due to the
 180 resignation, death, or removal of a board member or the failure
 181 of anyone to qualify for a board seat, the remaining members may
 182 appoint a qualified person to fill the seat until the next
 183 general election, at which time an election shall be held to
 184 fill the vacancy for the remaining term, if any. The board shall
 185 remove any member who has three consecutive, unexcused absences
 186 from regularly scheduled meetings. The board shall adopt
 187 policies by resolution defining excused and unexcused absences.

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

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

194 Section 4.09 The board is authorized to adopt rules and
 195 regulations for the prevention of fire and for fire control in
 196 the district, which rules and regulations shall have the same
 197 force and effect as law 10 days after copies thereof executed by
 198 the chair and secretary of the board have been posted in at
 199 least three public places.

200 Section 4.10 A quorum of the board shall be a majority of

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201 its members. In order to take official action, an affirmative
 202 vote of a majority of those voting members present shall be
 203 required.

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

209 ARTICLE V

210 FINANCES

211 Section 5.01 The powers, functions, and duties of the
 212 district regarding ad valorem taxation, bond issuance, other
 213 revenue-raising capabilities, budget preparation and approval,
 214 liens and foreclosure of liens, use of tax deeds and tax
 215 certificates as appropriate for non-ad valorem assessments, and
 216 contractual agreements, and the methods for financing the
 217 district and for collecting non-ad valorem assessments, fees, or
 218 service charges, shall be as set forth in this charter, in
 219 chapters 170, 189, 191, and 197, Florida Statutes, and in any
 220 applicable general or special law.

221 Section 5.02 The district shall levy and collect ad
 222 valorem taxes in accordance with s. 191.009, Florida Statutes,
 223 and chapter 200, Florida Statutes. The taxes levied and assessed
 224 by the district shall be a lien upon the land so assessed along
 225 with the county taxes assessed against such land until such

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226 assessments and taxes have been paid, and if the taxes levied by
 227 the district become delinquent, such taxes shall be considered a
 228 part of the county tax subject to the same penalties, charges,
 229 fees, and remedies for enforcement and collection and shall be
 230 enforced and collected as provided by general law for the
 231 collection of such taxes. The district shall have the authority
 232 to levy a millage rate up to 3. This charter does not prevent
 233 the district from levying a millage rate as provided for in s.
 234 191.009, Florida Statutes, or chapter 97-340, Laws of Florida,
 235 which has been approved by referendum.

236 Section 5.03 The board shall annually prepare, consider,
 237 and adopt a district budget pursuant to the applicable
 238 requirements of chapters 189 and 191, Florida Statutes. The
 239 fiscal year shall be from October 1 through September 30. The
 240 budget shall state the purpose for which the money is required
 241 and the amount necessary to be raised by taxation within the
 242 district. Such budget and proposed millage rate shall be
 243 noticed, heard, and adopted in accordance with chapters 189,
 244 192, and 200, Florida Statutes.

245 Section 5.04 All warrants for the payment of labor,
 246 equipment, materials, and other allowable expenses incurred by
 247 the district board in carrying out the provisions of this
 248 charter shall be payable on accounts and vouchers approved by
 249 the district board.

250 Section 5.05 The methods for assessing and collecting non-

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251 ad valorem assessments, fees, or service charges shall be as set
 252 forth in this charter, chapter 170, Florida Statutes, chapter
 253 189, Florida Statutes, chapter 191, Florida Statutes, or chapter
 254 197, Florida Statutes.

255 Section 5.06 Impact fees.-

256 (1) The district shall have the authority to charge and
 257 collect impact fees for capital improvements on new construction
 258 within the district as prescribed in chapter 191, Florida
 259 Statutes, chapter 97-340, Laws of Florida, or any other
 260 applicable general or special law.

261 (2) The district shall comply with the requirements in ss.
 262 163.31801 and 191.009(4), Florida Statutes, in its collection
 263 and use of impact fees. New facilities and equipment shall be as
 264 provided for in s. 191.009(4), Florida Statutes and chapter 97-
 265 340, Laws of Florida.

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

268 ARTICLE VI

269 MISCELLANEOUS

270 Section 6.01 Requirements for financial disclosure,
 271 meeting notices, reporting, public records maintenance, and per
 272 diem expenses for officers and employees shall be as set forth
 273 in this charter and chapters 112, 119, 189, 191, and 286,
 274 Florida Statutes.

275 Section 5. Transition.-

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276 (1) All contracts and obligations, including the status of
 277 employees, of the Bonita Springs Fire Control and Rescue
 278 District and the Fort Myers Beach Fire Control District existing
 279 on the date of enactment of this act shall remain in full force
 280 and effect, and this act shall in no way affect the validity of
 281 such contracts or obligations.

282 (2) All assets and liabilities of the Bonita Springs Fire
 283 Control and Rescue District and the Fort Myers Beach Fire
 284 Control District are transferred to the Bonita Springs-Fort
 285 Myers Beach Fire Control District.

286 Section 6. Liberal construction.—The provisions of this act
 287 shall be liberally construed in order to effectively carry out
 288 the purposes of this act in the interest of the public health,
 289 welfare, and safety of the citizens served by the district.

290 Section 7. Severability.—It is declared to be the intent of
 291 the Legislature that if any section, subsection, sentence,
 292 clause, phrase, or portion of this act is for any reason held
 293 invalid or unconstitutional by a court of competent
 294 jurisdiction, such portion shall be deemed a separate, distinct,
 295 and independent provision, and such holding shall not affect the
 296 validity of the remaining portions hereof.

297 Section 8. Conflict.—In the event of a conflict of any
 298 provision of this act with the provisions of any other act, the
 299 provisions of this act shall control to the extent of such
 300 conflict.

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301 Section 9. Determination of millage.— The district shall
 302 maintain the authority to levy a millage rate up to 3 mills that
 303 was previously approved by referendum in each independent
 304 special district as required by the State Constitution and
 305 chapter 191, Florida Statutes. The maximum millage rate approved
 306 within each independent special district may not increase absent
 307 a subsequent referendum. The district is authorized to continue
 308 or conclude procedures under chapter 200, Florida Statutes, on
 309 behalf of the component independent special districts.

310 Section 10. Chapters 98-464, 2000-422, and 2008-275, Laws
 311 of Florida, are repealed.

312 Section 11. This act shall take effect upon becoming a
 313 law.