

House Bill No. 1115

An act relating to the North Naples Fire Control and Rescue District, Collier County; providing for codification of special laws regarding special districts; providing that the district is an independent special district; providing legislative intent; codifying and reenacting provisions of chapter 84-416, Laws of Florida, as amended; providing for applicability of chapters 191 and 189, F.S., and other general laws; providing a district charter; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing severability; repealing all prior special acts related to the North Naples Fire Control and Rescue District; providing an effective date.

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

Section 1. Pursuant to sections 189.429 and 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the North Naples Fire Control and Rescue District. 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 to conform the charter to chapter 191, Florida Statutes, the Independent Special Fire Control District Act, and other provisions of general law.

Section 2. Chapters 84-416, 88-519, 89-448, 89-455, 91-375, 96-512, and 98-489, Laws of Florida, relating to the North Naples Fire Control and Rescue District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the North Naples Fire Control and Rescue District is re-created and reenacted to read:

ARTICLE I
Preamble

Section 1. This act establishes a charter for the North Naples Fire Control and Rescue District, which district was created by chapter 61-2032, Laws of Florida. The district shall be deemed created by said chapter, for all purposes.

Section 2. This act supersedes and repeals all previous special acts relating to the North Naples Fire Control and Rescue District and sets forth within this charter those matters, as applicable, which are covered by such previous special acts. Amendments to this district charter may be made only by special act of the Legislature. This act shall be construed so as to preserve to the district all powers previously granted.

Section 3. The district is organized and exists for all purposes set forth in this act and chapter 191, Florida Statutes, as they may be amended from time to time.

ARTICLE II
Name of District

Section 1. The name of the district shall be the “North Naples Fire Control and Rescue District.”

Section 2. The district shall be an independent special district of the State of Florida, and a body corporate and politic.

ARTICLE III
Boundaries of the District

Section 1. The district shall include the following described lands:

Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, Township 48 South, Range 25 East; Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24, Township 49 South, Range 25 East; Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 30, 31, and 32, Township 48 South, Range 26 East; Sections 5, 6, 7, 8, 18, and 19, Township 49 South, Range 26 East; but not including any lands presently within the corporate boundaries of the City of Naples.

The foregoing description notwithstanding, the following area, commonly known as “Seagate”, “Park Shore Unit 2”, “Park Shore Unit 5” and “Naples Cay” shall be excluded from the district: That part of government lot one, Section 16, Township 49 South, Range 25 East, Collier County, Florida, described as follows:

Commencing at the North quarter corner of Section 16, Township 49 South, Range 25 East, a 4 x 4 concrete monument with brass cap set by the county engineer, also being the northeast corner of government lot one and being the point of beginning: Thence run South 00 degrees 45 minutes 40 seconds east for 1327.70 feet to a concrete monument the southeast corner of the northeast quarter of the northwest quarter of Section 16 also being the southeast corner of government lot one, thence south 89 degrees 23 minutes 20 seconds west for 1650.75 feet to a concrete monument, thence north 00 degrees 36 minutes 40 seconds west for 70.00 feet to a concrete monument, thence north 07 degrees 42 minutes 20 seconds east for 153.60 feet to concrete monument set at the water line of a canal, thence north 64 degrees 11 minutes 00 seconds east for 130.27 feet to a concrete monument set at the water line of a canal, thence north 04 degrees 11 minutes 05 seconds east for 38.77 feet to the point of curve, thence along the arc of said curve having a radius of 1545 feet, a tangent of 176.03 feet, a delta angle of 13 degrees right for the arc distance of 350.57 feet to the point of curve of a reverse curve, thence along the arc of curve having a radius of 765.00 feet, a tangent of 286.02 feet, a delta angle of 41 degrees left for the arc distance of 560.33 feet to the point of tangent, thence north 15 degrees 37 minutes 05 seconds west for 70.85 feet to a concrete monument set at the water line of a canal, thence north 15 degrees 57 minutes 05 seconds west for 98.80 feet to a concrete monument, thence north 89 degrees 28 minutes 40 seconds east along the North boundary of Section 16, also being the north line of government lot one, for 1776.65 feet to a concrete monument with brass cap, the north quarter corner of Section 16, also the northeast corner of government lot one and the point of beginning.

Commencing at the East $\frac{1}{4}$ of Section 21, Township 49 South, Range 25 East, Collier County, Florida; thence along the East and West $\frac{1}{4}$ line of said Section 21, South 89 degrees 26 minutes 20 seconds west 3665.68 feet to the southwest corner of Park Shore Unit No. 1 according to the plat thereof as recorded in Plat Book 8, pages 43 and 44, Collier County Public Records, Collier County, Florida, and the place of beginning of this description:

thence north 0 degrees 31 minutes 40 seconds west 1709.98 feet; thence north 7 degrees 46 minutes 00 seconds east 918.77 feet; thence north 541.25 feet; thence north 84 degrees 00 minutes 00 seconds west 570.17 feet; thence north 2 degrees 25 minutes 00 seconds west 97.35 feet; thence south 87 degrees 35 minutes 00 seconds west 110.00 feet; thence south 87 degrees 00 minutes 00 seconds west 1160 feet more or less to the Mean High Water Line of the Gulf of Mexico; thence along said Mean High Water Line, southerly 3275 feet more or less to the east and west $\frac{1}{4}$ line of said Section 21; thence along said east and west $\frac{1}{4}$ line of Section 21; north 89 degrees 28 minutes 20 seconds east 1540 feet more or less to the place of beginning; being a subdivision of part of the south $\frac{1}{2}$ of Section 16 and of part of the north $\frac{1}{2}$ of Section 21, Township 49 South, Range 25 East, Collier County, Florida.

Commencing at the northeast corner of government Lot 2 of Section 16, Township 49 South, Range 25 East, Collier County, Florida said corner being also the northeast corner of Lot 8 of Block 35 of Park Shore Unit No. 4 according to the plat thereof as recorded in Plat Book 10, pages 101, 102, and 103, Collier County Public Records, Collier County, Florida; thence along the north line of said government Lot 2, along the north line of said Park Shore Unit No. 4, and along the south line of Seagate Subdivision Unit No. 1 according to the plat thereof as recorded in Plat Book 3, Page 85, Collier County Public Records, Collier County, Florida, South 89 degrees 25 minutes 50 seconds west 1330.53 feet to the west line of said Park Shore Unit No. 4 and the place of beginning of the parcel herein described; thence along the west line of said Park Shore Unit No. 4 in the following described courses:

South 37 degrees 25 minutes 50 seconds west 250.89 feet, south 0 degrees 34 minutes 10 seconds east 225.44 feet, south 26 degrees 45 minutes 30 seconds east 632.19 feet and south 5 degrees 09 minutes 00 seconds east 580.72 feet to the northwest corner of Park Shore Unit No. 3 according to plat thereof as recorded in Plat Book 8, pages 59 and 60, Collier County Public Records, Collier County, Florida; thence along the west line of said Park Shore Unit No. 3, South 5 degrees 09 minutes 00 seconds east 1879.04 feet to the north line of Park Shore Unit No. 2 according to the plat thereof as recorded in Plat Book 8, pages 54 and 55, Collier County Public Records, Collier County, Florida; thence along the northerly line of said Park Shore Unit No. 2, in the following described courses: north 84 degrees 00 minutes 00 seconds west 433.28 feet, north 2 degrees 25 minutes 00 seconds west 97.35 feet, south 87 degrees 35 minutes 00 seconds west 110.00 feet, and south 87 degrees 00 minutes 00 seconds west 1160 feet more or less to the Mean High Water Line of the Gulf of Mexico; thence along said Mean High Water Line, northerly 3350 feet more or less to a point on the westerly extension of the south

line of said Seagate Subdivision which south line bears south 89 degrees 25 minutes 50 seconds west and passes through the place of beginning; thence along said south line and the westerly extension thereof, north 89 degrees 25 minutes 50 seconds east 1450 feet more or less to the place of beginning; being a part of the west ½ Section 16, Township 49 South, Range 25 East, Collier County, Florida, containing 118 acres more or less.

Commencing at the northwest corner of the northwest ¼ of the northeast ¼ of Section 16, Township 49 South, Range 25 East; thence North 89 degrees 24 minutes 40 seconds East, 1650.75 feet along the north line of Parkshore Unit 4 and Unit 5 to the place of beginning; thence North 89 Degrees 24 minutes 40 seconds East along said north line of Parkshore Unit 5, 740.98 feet; thence North 4 degrees 40 minutes 20 seconds West, 125.32 feet; thence North 89 degrees 24 minutes 40 seconds East, 4.73 feet; thence North 4 degrees 40 minutes 20 seconds West, 350.89 feet; thence North 89 degrees 24 minutes 40 seconds East, 197.19 feet to a concrete monument on the coastal construction line; thence west to the mean high water line of the Gulf of Mexico; thence northerly along said mean high water line to the North line of Section 16, Township 49 South, Range 25 East; thence East along the north line of said Section 16 to the northwest corner of Seagate Subdivision; thence southerly along the west line of said Seagate Subdivision to the place of beginning less the following described lands:

Parcel 2 in O.R. Book 14, Page 195 and 196; that parcel conveyed to Jane Homer Lee as described in O.R. Book 34, Page 301 and 302; that parcel conveyed to Seagate, Inc., as described in O.R. Book 182, Page 248 and 249. Subject to existing easements and rights of ingress and egress.

Section 2. Additional lands shall be included in the district only upon amendment of section 1. Section 1 may be amended only by special act, and such amendment shall not become effective except upon approval of the inclusion of such additional lands in the district by a majority of the qualified electors residing in the area proposed to be included voting in a special election called for such purpose. In addition, the inclusion of such lands must be approved by a majority of the qualified electors residing within the existing district boundaries.

Section 3. In the event that property in the district is annexed by the City of Naples between January 1 and July 1 of any year, the property shall be regarded as removed from the North Naples Fire Control and Rescue District as of January 1 of that year for the purpose of the levy of general ad valorem taxes by the district. If annexation occurs after July 1, the property shall be assessed by the district for ad valorem taxes for that year. On and after the effective date of annexation, the district shall be relieved of providing fire service to the annexed area. The city and the district may reach an agreement to determine what portion, if any, of the existing indebtedness or property of the district shall be assumed by the municipality of which the annexed territory will become a part, the fair value of such indebtedness or property, and the manner of transfer and financing. Nothing herein shall relieve the property annexed from the payment of general obligation debt service incurred by the district before annexation.

ARTICLE IV
Powers of the District

Section 1. The district shall have the authority to establish, equip, operate, and maintain a fire department and rescue squad within the district and may buy, lease, sell, exchange, or otherwise acquire and dispose of firefighting and rescue equipment and other property, real, personal, or mixed, that it may from time to time deem necessary to prevent and extinguish fires or provide rescue services. This shall include, but is not limited to, the authority to hire and fire necessary firefighters and other personnel; to provide water, water supply, water stations, and other necessary buildings; to accept gifts or donations of equipment or money for the use of the district; and to do all things necessary to provide adequate water supply, fire prevention, and proper fire protection for the district. In addition, the board shall have the authority to extend its services outside the district when provided in cooperation with another governmental entity.

Section 2. The district may establish and maintain emergency medical and rescue response services consistent with section 191.008(1), Florida Statutes, and the provisions of chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued thereunder.

Section 3. In addition to any other power to borrow money as may be provided by this act or by law, the district may borrow sufficient funds to provide for 3 months' operating expenses, with such loan to be repaid from anticipated revenues.

Section 4. The district shall have authority to inspect and investigate all property for fire hazards. The district board, by resolution duly adopted, may assess fees for fire inspection and maintenance and replacement of hydrants in an amount reasonably related to the cost thereof and may adopt provisions creating a lien or providing for civil enforcement of such assessments.

Section 5. The district is authorized to promulgate rules and regulations for the prevention of fire and for fire control in the district, which shall have the same force and effect as law 10 days after copies thereof executed by the chair and secretary of the board have been posted in at least three places.

Section 6. The duties and powers of the board of commissioners shall be as set forth in this act and chapter 191, Florida Statutes, as they may be amended from time to time.

ARTICLE V
Governing Board

Section 1. The district shall be governed by a district board consisting of five commissioners who are residents of the district, in accordance with section 191.005, Florida Statutes.

Section 2. As required by section 191.005, Florida Statutes, board members shall assume office 10 days following their election. Annually, within 60 days after the newly elected members have taken office, the board shall

organize by electing from its members a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member.

Section 3. In accordance with section 191.005, Florida Statutes, each commissioner may receive, from the funds of the district, compensation for his or her services in an amount not to exceed \$500 per month. The secretary-treasurer may be paid an additional sum for his or her services so long as the total compensation does not exceed \$500 per month.

Section 4. Members shall be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.

Section 5. In addition to any other circumstance which creates a vacancy in office as provided by the State Constitution or general law, the board shall remove a commissioner from office if the commissioner is absent from three consecutive regular meetings of the district board, unless such absence is due to a valid medical reason or any other excused absence as defined by resolution of the board pursuant to section 191.005, Florida Statutes.

Section 6. The board shall operate procedurally in accordance with this act, with chapters 189 and 191, Florida Statutes, and with any other applicable general or special law as they may be amended from time to time.

ARTICLE VI

Finances

Section 1. The powers, functions, and duties of the district regarding 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, and the methods for financing the district and for collecting non-ad valorem assessments, fees, or service charges, shall be as set forth in this act, in chapters 170, 189, 191, and 197, Florida Statutes, and in any applicable general or special law as they may be amended from time to time.

Section 2. The district board shall annually, during the month of June, make an itemized estimate of the amount of moneys 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 to and including the next succeeding September 30, which estimate shall state the purpose for which the moneys are required and the amount necessary to be raised by taxation within the district, which budget and proposed millage rate shall be noticed, heard, and adopted in accordance with chapters 192 through 200, Florida Statutes.

Section 3. The total millage for the district shall not exceed 1 mill in any one fiscal year. However, the total millage may be increased pursuant to section 191.009, Florida Statutes, after such increase has been approved by referendum.

Section 4. Taxes provided for herein shall be assessed and collected, and subject to the same commission and fees for assessing and collecting, in the

same manner and form as provided for the assessment and collection of county taxes, except as otherwise provided herein.

Section 5. When the tax collector has collected the taxes provided for by this act, he or she shall, on or before the 10th day of each month, report to the secretary-treasurer of the district board the collection made for the preceding month and remit the same to the secretary-treasurer of the board.

Section 6. All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the board in carrying out the provisions of this act shall be payable by the secretary-treasurer of the board on accounts and vouchers approved by the board.

Section 7. The district shall have the power to issue general obligation bonds, assessment bonds, bond anticipation notes, notes, or certificates or other evidences of indebtedness (hereinafter "bonds") pledging the full faith, credit, and taxing power of the district for capital projects consistent with the purposes of the district in accordance with the requirements of section 191.012, Florida Statutes, and other applicable general law.

(1) Except for refunding bonds, no bonds shall be issued unless the issuance thereof has been approved at a referendum held in accordance with the requirements for such referendum as prescribed by general law. A referendum shall be called by the board of county commissioners upon the request of the board of the district. The expenses of calling and holding the referendum shall be borne by the district, and the district shall reimburse the county for any expenses incurred in calling or holding such referendum.

(2) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy a special tax on all taxable property in the district, to the extent necessary for the payment thereof, over and above all other taxes authorized or permitted by this act.

(3) If the board determines to issue bonds for more than one purpose, the approval of the issuance of the bonds for each and all such purposes may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more purposes shall not defeat the approval of bonds for any purposes which are approved by electors.

(4) Notwithstanding any provision of law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall constitute security which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies, as required, or voluntary statutory deposits.

(5) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(6) The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to levy and collect the taxes provided for herein and to fulfill the terms of any agreement made with the holders of such bonds and that it will not in any way impair the rights or remedies of such holders.

(7) A default on the bonds of the district shall not constitute a debt or obligation of a local general-purpose government or the state.

Section 8. IMPACT FEES.—The district board may allow for the assessment and collection of impact fees for capital improvement on new construction within the district.

(1)(a) It is hereby found and determined that Collier County is located in one of the fastest growing areas in the nation, and new construction and the resulting population growth are placing a strain upon the capabilities of the district to continue to provide the high level of professional fire protection and related emergency services for which the residents of the district pay and which they deserve.

(b) It is readily apparent that additional equipment and facilities will be needed to meet the expanded commercial and residential growth within the district, at a cost beyond that which can be provided from current and anticipated ad valorem tax revenues assessed, collected, and received by the district.

(c) It is hereby declared that the cost of new facilities and equipment for fire protection and related emergency services shall be borne by new users of the district's services, to the extent that new construction requires new facilities and equipment, but only to that extent.

(d) It is therefore the legislative intent to transfer to the new users of the district's fire protection and related emergency services a fair share of the costs of new facilities imposed on the district by new users.

(e) It is hereby declared that the amounts of impact fees for capital improvement provided for in this section are just, reasonable, and equitable.

(2) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction-plan approval for new mobile home developments located within the district, until the developers thereof have paid to the district the applicable impact fee for capital improvement herein-after set forth. Impact fees for capital improvement to be assessed and collected hereunder shall not exceed the following, unless revised pursuant to the provisions of section 191.009(4), Florida Statutes:

(a) Each new residential dwelling unit: \$.15 per square foot of living area.

(b) Each new commercial or industrial structure: \$.30 per square foot of usable area.

(c) Each new mobile home development: \$.15 per square foot of permitted living area.

“Living area” means that area of any structure that is covered by a roof. “Permitted living area” means 25 percent of the area covered by the individual lots.

(3) For the purpose of this section, each unit of any multifamily structure, whether it be a duplex, triplex, cooperative apartment, or condominium or similar type of structure, shall be considered a residential dwelling unit.

(4) For the purpose of this section, any motel, hotel, shopping center, church, nursing home, hospital, congregate living facility (when not part of an actual residence), school, fraternal lodge, veterans’ lodge, or similar type of structure shall be considered a commercial structure.

(5) Impact fees for capital improvement collected by the district pursuant to this section shall be kept and maintained as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities and equipment, or portions thereof, required to provide fire protection and related emergency services to new construction. “New facilities and equipment” means buildings and capital equipment, including, but not limited to, such fire and emergency vehicles and communications equipment as may from time to time be deemed necessary by the district to provide fire protection and related emergency services to the areas of new construction.

(6) The impact fees for capital improvement collected hereunder shall not be used for the acquisition, purchase, or construction of facilities or equipment which must be obtained in any event to meet the needs of the district, regardless of growth within the district.

(7) The district board shall maintain adequate records to ensure that impact fees for capital improvement collected hereunder are expended only for permissible new facilities or equipment.

(8) The district board shall determine the maximum amount of impact fees to be assessed in any one fiscal year. This determination shall be made prior to the immediately succeeding fiscal year. However, should the district board authorize the collection of impact fees in an amount less than the maximum specified in this act, then these fees shall be uniform in each type of new construction subject to the fee. The district board’s determination of the amount of the impact fee to be assessed in any one fiscal year shall be based on the requirements set forth in this section.

(9) The impact fee for capital improvement called for in this section may be reduced by 50 percent if the owner of the permitted structure will install fire sprinklers in accordance with NFPA Pamphlets 13 and 13D. Only full sprinkler coverage is acceptable for this reduction.

ARTICLE VII
Elections

Section 1. When a referendum or special election is required under the provisions of this act, the district shall reimburse the county for the costs of such election.

Section 2. The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district shall be as set forth in chapters 189 and 191, Florida Statutes.

ARTICLE VIII
Eminent Domain

The district shall have the authority to exercise the power of eminent domain, pursuant to chapters 73, 74, and 191, Florida Statutes, over any property located within the district, except municipal, county, state, and federal property, for the purpose of acquiring property for the location of fire stations. The location and construction of fire stations shall comply with applicable Collier County ordinances.

ARTICLE IX
Miscellaneous

Section 1. All contracts, obligations, rules, resolutions, or policies of any nature existing on the date of enactment of this act shall remain in full force and effect, and this act shall in no way affect the validity of such contracts, obligations, rules, resolutions, or policies.

Section 2. This act shall not affect the terms of office of the present district board, nor shall it affect the terms and conditions of employment of any employee of the district.

Section 3. Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and planning shall be as set forth in chapters 189, 191, and 286, Florida Statutes, as they may be amended from time to time.

Section 4. In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity and enforceability of each other section and provision of this act.

Section 6. Chapter 61-2032, Laws of Florida; Chapter 75-359, Laws of Florida; Chapter 76-349, Laws of Florida; Chapter 77-532, Laws of Florida; Chapter 77-533, Laws of Florida; Chapter 78-493, Laws of Florida; Chapter 80-488, Laws of Florida; Chapter 80-491, Laws of Florida; Chapter 82-283, Laws of Florida; Chapter 83-390, Laws of Florida; Chapter 84-416, Laws of Florida; section 1 of Chapter 88-519, Laws of Florida; Chapters 89-448 and 89-455, Laws of Florida; sections 1 and 3 of Chapter 91-375, Laws of Florida; and Chapter 96-512, Laws of Florida, and all references to the North Naples Fire Control and Rescue District contained in Chapter 98-489, Laws of Florida, are repealed 10 days after the effective date of this act.

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

Approved by the Governor June 4, 1999.

Filed in Office Secretary of State June 4, 1999.