

House Bill No. 793

An act relating to the North Fort Myers Fire Control and Rescue Service District, Lee County; providing for codification of special laws relating to the North Fort Myers Fire Control and Rescue Service District pursuant to section 191.015, F.S.; providing legislative intent; creating and establishing a fire control and rescue service district in said county and fixing the boundaries of the district; providing for a governing board; prescribing the powers and duties of the board; providing for minimum charter requirements in accordance with chapter 189, F.S.; providing for assessment of taxes; providing for liberal construction; providing for severability; amending, codifying, reenacting, and repealing chapter 29240, Laws of Florida, 1953, chapter 30925, Laws of Florida, 1955, and chapters 61-2396, 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550, 85-443, 86-384, Laws of Florida, ss. 3, 4, and 5 of chapter 87-447, and chapters 89-523 and 91-390, Laws of Florida, relating to the North Fort Myers Fire Control District and the North Fort Myers Fire Control and Rescue Service District; 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 North Fort Myers Fire Control and Rescue Service 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 any additional authority granted by this act, chapter 97-340, Laws of Florida, or chapter 189 or chapter 191, Florida Statutes, as they may be 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 2 mills on the dollar of assessed valuation, except as provided in chapter 97-340, Laws of Florida, chapter 189, or chapter 191, Florida Statutes, or any other applicable general or special law.

Section 2. Chapter 29240, Laws of Florida, 1953, chapter 30925, Laws of Florida, 1955, and chapters 61-2396, 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550, 85-443, and 86-384, sections 3, 4, and 5 of chapter 87-447, and chapters 89-523 and 91-390, Laws of Florida, relating to the North Fort Myers Fire Control and Rescue Service District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The North Fort Myers Fire Control and Rescue Service District, an independent special district, is organized and exists for all purposes set forth in this act, chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes. To the extent of any conflict between this act and chapter 97-340, Laws of Florida, those provisions of chapter 97-340, Laws of Florida, shall supersede this act.

Section 4. The North Fort Myers Fire Control and Rescue Service District was created by special act of the Legislature in 1955. The district's charter may be amended only by special act of the Legislature.

Section 5. The North Fort Myers Fire Control and Rescue Service District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. Boundaries of the district.—The following described area shall be known as the North Fort Myers Fire Control and Rescue Service District, hereinafter called the district:

Beginning at a point on the north bank of the Caloosahatchee River where the line between ranges 23 and 24 east in township 45 south intersects said bank, run north along said range line between ranges 23 and 24 east to the northeast corner of section 25, township 44 south, range 23 east; thence run west along the north line of said section 25 and the north line of sections 26 and 27 of township 44 south, range 23 east to the northwest corner of said section 27; thence run north along the west line of sections 22 and 15 to the northwest corner of section 15; thence run east along the north line of section 15 to the northeast corner thereof; thence run north along the west line of section 11 to the northwest corner thereof; thence run east along the north line of said section 11 to the northeast corner thereof; thence run north along the west line of section 1 to the northwest corner thereof on the north line of said township 44 south, range 23 east; thence run east along the line between townships 43 and 44 south to the southwest corner of section 32, township 43 south, range 24 east; thence run north along the west line of sections 32, 29, 20, 17, 8, and 5 of township 43 south, range 24 east to a point on the north line of said township and the line between Lee and Charlotte counties; thence run east along said township and county line to the range line between ranges 24 and 25 east; thence run south along said range line to the northwest corner of section 7, township 43 south, range 25 east; thence run east along the north line of said section 7 to the northeast corner thereof; thence run south along the east line of sections 7 and 18 to the southeast corner of section 18; thence run east along the north line of section 20 to the northeast corner thereof; thence run south along the east line of sections 20, 29, and 32 in said township 43 south, range 25 east to the waters of the Caloosahatchee River; thence run southwesterly along said waters to the point of beginning.

LESS THE FOLLOWING DESCRIBED LANDS:

All of sections 1, 11, 12, 14, 15, 22, and 23 of township 44 south, range 23 east and sections 5, 6, and 7 of township 44 south, range 24 east and all except the east 1,080 feet of the north quarter of section 8, township 44 south, range 24 east.

All of sections 17, 20, 21, and 32 of township 43 south, range 24 east.

Section 29 of township 43 south, range 24 east, excepting thereof the east half of the southeast quarter of the northeast quarter.

That part of Section 22 of township 43 south, range 24 east platted as Cape Coral Unit 86 according to Plat Book 24, Pages 144 through 161 of the Public Records of Lee County, Florida.

Section 33 of township 43 south, range 24 east, excepting thereof the following parcels:

That parcel conveyed to Lee County Electric Cooperative, Inc., as described in Official Records Book 322, at Page 678, of the Public Records of Lee County, Florida;

The north 668 feet of the northeast quarter of the northwest quarter lying west of the westerly right-of-way line of Corbett Road;

The northeast quarter of the northwest quarter;

The west half of the northwest quarter of the northeast quarter;

The north 50 feet of the southeast quarter of the northwest quarter from the northeast corner of said fraction running westerly 327 feet more or less to the approximate centerline of Yellow Fever Creek;

The north 50 feet of the west half of the southwest quarter of the northeast quarter;

The east half of the west half of the northeast quarter;

The east half of the northeast quarter;

The south 400.64 feet of the southeast quarter of the northeast quarter of the southeast quarter;

The south 400.64 feet of the east half of the east half of the southwest quarter of the northeast quarter of the southeast quarter;

The east half of the east half of the northwest quarter of the southeast quarter of the southeast quarter; and

The east half of the southeast quarter of the southeast quarter;

That part of section 4, township 44 south, range 24 east contained within the following described parcels;

The west half of the northeast quarter of the northwest quarter, and the north half of the northwest quarter of the northwest quarter, and the northwest quarter of the southeast quarter of the northwest quarter lying northwesterly of Pine Island Road, as described in Ordinance 33-87;

The south half of the northwest quarter of the northwest quarter and that part of the east half of the southwest quarter of the northwest quarter lying northwesterly of the right-of-way of Pine Island Road (State Road No. 78) as described in Ordinance 34-87;

The west half of the southwest quarter of the northwest quarter lying northwesterly of Pine Island Road and subject to a 30-foot easement for power line along the westerly boundary, as described in Ordinance 35-87;

A parcel of land located in the north half of the north half of said section 4, more particularly described as follows: Beginning at the point of intersection of the northerly line of said section 4 and the easterly right-of-way line of Corbett Road, said point being a point on a curve concave to the west having for its elements a central angle of 22°36'52" and radius of 1,242.00 feet; thence southerly along the arc of said easterly right-of-way line to the point of tangency; thence continue along said right-of-way S06°33'04"E 687.23 feet; thence along said right-of-way S14°09'20"E 78.18 feet to an intersection with the northerly right-of-way line of Pine Island Road (State Road No. 78); thence N59°35'00"E 1,254.38 feet to a Florida Department of Transportation right-of-way marker; thence N30°25'00"W 17.00 feet to a Florida Department of Transportation right-of-way marker; thence N59°35'00"E 650.11 feet to an approximate point on the westerly bank of a creek known as Yellow Fever Creek; thence northwesterly along said bank 128.1 feet more or less to a point 25.0 feet southerly of and on a line perpendicular to the northerly line of said section 4; thence N02°25'23"W along said line 25.00 feet to said northerly line of section 4; thence S87°34'37"W along said northerly line to the Point of Beginning, as described in Ordinance 38-88; and

A parcel of land located in the west half of said section 4, more particularly described as follows: Commencing from the southwest corner of said section 4; thence N05°30'06"W along the westerly line of said section 4 40.19 feet to the northerly right-of-way line of State Road 78-A (Pondella Road), being the Point of Beginning; thence continue N05°30'06"W along said westerly line 2,674.71 feet to the west quarter corner of said section 4; thence N05°26'36"W along the westerly line of said section 4 245.80 feet to the southerly right-of-way line of State Road 78 (Pine Island Road); thence N61°43'10"E along said southerly right-of-way line 660.09 feet to the westerly right-of-way line of Orchid Road (50 feet wide); thence S05°19'13"E along said westerly right-of-way line 558.42 feet; thence S05°22'02"E 704.41 feet continuing along said westerly right-of-way line of Orchid Road; thence N89°83'58"E 708.79 feet; thence S05°13'41"E 654.01 feet to a concrete monument; thence N89°55'56"E 656.98 feet to a concrete monument; thence S05°05'30"E 679.34 feet to a concrete monument; thence S89°58'03"W 1,310.72 feet to a concrete monument; thence S05°22'02"E 638.61 feet to a concrete monument on the northerly right-of-way line of State Road 78-A (Pondella Road); thence westerly 653.84 feet along said northerly right-of-way line to the Point of Beginning, as described in Ordinance 42-86.

That part of section 9, township 44 south, range 24 east described as the west half of the west half of the northwest quarter, being also that part of Unit 17, Plat Book 14, Pages 23 through 38, Cape Coral, lying in said section 9, township 44 south, range 24 east.

That part of section 21, township 44 south, range 24 east lying south of a line 680 feet north of and parallel with the section line between sections

21 and 28, township 44 south, range 24 east, from the intersection of said line with the westerly limits of the City of Fort Myers; thence running westerly along said parallel line N89°59'47"W 2,229.62 feet to the section line lying between sections 20 and 21, township 44 south, range 24 east.

All lying in Lee County, Florida.

Section 2. Governing board.—The North Fort Myers Fire Control and Rescue Service Board, hereinafter referred to as the board, shall have five members. Each member shall be a qualified elector who resides within the district, shall be elected on a nonpartisan basis by the qualified electors residing in the district, and shall serve a term of 4 years. Board members may receive compensation in accordance with chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as they may be amended from time to time. The procedures for conducting district elections and for qualification of 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.

Section 3. Governing board organization; duties; powers.—

(1) In accordance with 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 board shall meet and elect from the membership a chair, a vice chair, a secretary, and a treasurer, provided, however, the same member may be both secretary and treasurer.

(2) The district shall have and the board may exercise all the powers and duties set forth in this charter, chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as they may be amended from time to time.

(3) The district shall also hold all powers, functions, and duties set forth in 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 charter, chapter 189 or chapter 191, Florida Statutes, chapter 97-340, Laws of Florida, or any other applicable general or special law, as they may be amended from time to time.

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

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

(6) The district's geographic boundary limitations shall be as set forth in this charter.

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

(8) The district may annually levy an ad valorem tax of up to 2 mills on the taxable property within the district, except as provided by chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as they may be amended from time to time.

Section 4. Policies and regulations.—The board is hereby authorized and empowered to adopt policies and regulations for the prevention of fires, fire control, and the provision of rescue services within the district pursuant to this charter, chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes. Such policies and regulations after being made by the board shall have the force and effect as law.

Section 5. Procedure for assessing taxes.—The taxes provided for in this charter shall be assessed and collected in accordance with chapter 200, Florida Statutes.

Section 6. Chapter 29240, Laws of Florida, 1953, chapter 30925, Laws of Florida, 1955, and chapters 61-2396, 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550, 85-443, 86-384, sections 3, 4, and 5 of chapter 87-447, and chapters 89-523 and 91-390, Laws of Florida, are repealed.

Section 7. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 8. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 9. 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 10. This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.