

House Bill No. 865

An act relating to the Golden Gate 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; providing for applicability of chapters 191 and 189, F.S., and other general laws; providing a district charter; providing boundaries; providing for a district board; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing salary of board members; providing for removal of board members; providing for revenue raising; providing for increasing millage; providing for taxation; providing findings; providing for capital improvement impact fees; providing severability; providing for liberal construction; providing that this act shall take precedence over any conflicting law to the extent of such conflict; reenacting, amending, repealing, and codifying chapters 67-1240, 79-443, 82-284, 84-413, 85-403, 87-498, 88-508, 88-512, 88-519, 89-451, 90-435, and 91-363, Laws of Florida; providing an effective date.

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

Section 1. Intent.—Pursuant to sections 189.429 and 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Golden Gate Fire Control and Rescue District. It is the intent of the Legislature in enacting this law 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. Codification.—Chapters 67-1240, 79-443, 82-284, 84-413, 85-403, 87-498, 88-508, 88-512, 88-519, 89-451, 90-435, and 91-363, Laws of Florida, relating to the Golden Gate Fire Control and Rescue District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. Charter.—The charter for the Golden Gate Fire Control and Rescue District is re-created and reenacted to read:

ARTICLE I
Preamble

Section 1.01 This act establishes a charter for the Golden Gate Fire Control and Rescue District, which district was created by chapter 82-284, Laws of Florida. The district shall be deemed created by said chapter for all purposes.

Section 1.02 This act supersedes and repeals all previous special acts relating to the Golden Gate 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 1.03 The district is organized and exists for all purposes set forth in this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time. All provisions of chapters 189 and 191, Florida Statutes, and all power and authority granted thereunder are hereby applicable to the Golden Gate Fire Control and Rescue District.

ARTICLE II Name of district

Section 2.01 The name of the district shall be: Golden Gate Fire Control and Rescue District.

Section 2.02 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 3.01 The district shall include the following described lands:

Township 48 South, Range 26 East, Sections 25, 26, 27, 28, 33, 34, 35, 36.

Township 48 South, Range 27 East, Sections 29, 30, 31, 32.

Township 49 South, Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36.

Township 49 South, Range 27 East, Sections 1, 2, 3, 4, 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, 30, 31, 32, 33, 34, 35, 36.

Township 49 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.

Township 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11, 14, 15, 16.

Section 3.02 In the event that any area, tract, or parcel of land within the boundaries of the district shall hereafter become annexed to a municipality, such area, tract, or parcel of land shall be regarded as removed from the district as of the next January 1 following such annexation for the purpose of the levy of general ad valorem taxes by the district. On and after the effective date of annexation, the district shall be relieved of providing fire service to the annexed area. The municipality 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 4.01 The district board of commissioners shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the district to establish, equip, operate, and maintain a fire department and rescue service, including, but not limited to, providing fire hydrants or other types of water supply, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the district board to provide adequate protection from unwanted fire and to carry out rescue operations. The district board shall have the authority to accept gifts or donations of equipment or money for use by the district. The district board shall have the authority to purchase, lease, sell, exchange, or otherwise acquire and dispose of property intended for use by the district and to borrow money, issue bonds, and enter into term indebtedness, provided reputable institutions or companies are used and provided all agreements are within the laws of the State of Florida. In addition, the district board shall have the authority to extend its services beyond the district boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.

Section 4.02 The district board shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the district board. The district board shall also have the authority to promulgate rules and regulations related to fire prevention and life safety, and to take whatever steps necessary to enforce these rules and regulations. These rules and regulations shall have the same force and effect as law 10 days after copies thereof, executed by the district board president and secretary, have been posted in at least three public places.

Section 4.03 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 5.01 Pursuant to chapter 98-489, Laws of Florida, and as previously approved by referendum vote of the qualified electors of the district, the district shall be governed by a district board consisting of three commissioners who are residents of the district.

Section 5.02 In accordance with section 191.005, Florida Statutes, the board shall be elected in nonpartisan elections by the electors of the district. Except as provided in this act and in chapter 191, Florida Statutes, such elections shall be held at the time and in the manner prescribed by law for holding general elections in accordance with section 189.405(2)(a) and (3), Florida Statutes, and each member shall be elected for a term of 4 years and serve until the member's successor assumes office. Candidates for the board shall qualify with the Collier County Supervisor of Elections. Each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat on the board for which the candidate is qualifying. The cost of such elections shall be paid from funds of the district.

Section 5.03 It shall be considered a conflict of interest and unlawful for board members to enter into any type of agreement with the district which

will bring about personal, monetary, or other gain, or to individually interfere with the day-to-day operations of the district staff.

Section 5.04 In accordance with section 191.005, Florida Statutes, members of the board may each be paid, from the funds of the district, a salary or honorarium for his or her services in an amount not to exceed \$500 per month for each member. In addition, members may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.

Section 5.05 The district board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.

ARTICLE VI Finances

Section 6.01 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 6.02 The district board shall annually make an itemized estimate of the amount of money required to carry out the provisions of this act for the next fiscal year, which shall be from October 1 to and including the next succeeding September 30, which estimate shall show for what purpose the moneys are required and the amount necessary to be raised by taxation within the district.

Section 6.03 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 6.04 Taxes herein provided for shall be assessed and collected in the same manner as provided for the assessment and collection of county taxes and subject to the same commission and fees for assessing and collecting as for the assessment and collection of county taxes.

Section 6.05 All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the district board in carrying out the provisions of this act shall be payable on accounts and vouchers approved by the district board.

Section 6.06 It is the responsibility of the district board to provide adequate bonding to protect the assets of the district. The district may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness in accordance with section 191.012, Florida Statutes.

Section 6.07 The district board shall allow for the 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. New construction and resulting population growth is 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 of this section to transfer to the new user of the district's fire protection and related emergency services a fair share of the costs that new users impose on the district for new facilities.

(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 developer thereof shall have paid the applicable impact fee for capital improvement to the district hereinafter set forth.

(3) Impact fees for capital improvement to be assessed and collected hereunder shall be as follows, unless revised pursuant to the provisions of section 191.009(4), Florida Statutes:

(a) Each new residential dwelling unit: \$0.15 per square foot of living area.

(b) New commercial or industrial structures: \$0.30 per square foot of usable area.

(c) New mobile home developments: \$0.15 per square foot of permitted living area.

"Living area" shall be defined as 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.

(4) For the purpose of this section, each unit of any multifamily structure, whether it be a duplex, triplex, cooperative apartment, or condomin-

ium or similar type structure shall be considered and constitute a residential dwelling unit.

(5) For purposes of this section, motels, hotels, shopping centers, churches, nursing homes, hospitals, congregate living facilities (when not part of an actual residence), schools, fraternal lodges, veterans' lodges, or similar type structures shall be considered commercial structures.

(6) 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 land, 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.

(7) 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.

(8) 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.

(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 Pamphlet 13, unless such fire sprinklers are mandated or required to be installed by any local, state, or federal law, rule, ordinance, statute, or fire code.

ARTICLE VII

Miscellaneous

Section 7.01 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 7.02 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 employees of the district.

Section 7.03 Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and planning shall be as set forth in this act and in chapters 189, 191, and 286, Florida Statutes, as they may be amended from time to time.

Section 4. Repeal of prior special acts.—Chapter 67-1240, Laws of Florida; subsection (3) of section 2 of chapter 79-443, Laws of Florida; chapter 82-284, Laws of Florida; chapter 84-413, Laws of Florida; chapter 85-403, Laws of Florida; chapter 87-498, Laws of Florida; chapter 88-508, Laws of Florida; chapter 88-512, Laws of Florida; section 2 of chapter 88-519, Laws of Florida; chapter 89-451, Laws of Florida; chapter 90-435, Laws of Florida; and chapter 91-363, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. Severability.—It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

Section 7. Conflict.—In the event of a conflict of any provision of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 8. 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.