

## House Bill No. 875

An act relating to Lee County; providing for codification of special laws regarding independent special fire control districts pursuant to chapter 97-256, Laws of Florida, relating to the Matlacha/Pine Island Fire Control District, an independent special taxing fire protection and rescue district in Lee County; providing legislative intent; codifying, reenacting, and amending chapters 61-2409, 63-1558, 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of Florida; providing status, purpose, and boundaries of the district; providing for amendment of the district charter; providing for a district governing board; specifying procedures for conducting district elections and qualifications of candidates and electors; providing for organization of the governing board; providing powers and duties of the governing board; specifying methods for assessing and collecting non-ad valorem assessments, fees, and service charges; providing for district planning requirements; specifying requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses; authorizing the board to make policies and regulations; setting the millage rate for the levy of ad valorem taxes by the district; providing for posting of surety bond; authorizing the provision of emergency ambulance service; authorizing the board to adopt an ambulance fee or service charge; providing for dissolution of the district; providing for construction of the act; providing severability; repealing chapters 61-2409, 63-1558, 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of Florida; providing an effective date.

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

Section 1. Intent.—Pursuant to chapter 97-256, Laws of Florida, this act constitutes the codification of all special acts relating to the Matlacha/Pine Island Fire Control 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 any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as 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 or chapter 191, Florida Statutes, as they may be amended from time to time.

Section 2. Codification.—Chapters 61-2409, 63-1558, 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of Florida, relating to the Matlacha/Pine Island Fire Control District, are codified, reenacted, amended, and repealed as provided herein.

Section 3. The Matlacha/Pine Island Fire Control District is re-created and the charter for said district is re-created and reenacted to read:

Section 1. District status; charter amendments; boundaries.—

(1) The Matlacha/Pine Island Fire Control District shall exist as an independent special taxing fire protection and rescue district incorporating lands in Lee County as described in subsection (3). The 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, the provisions of chapter 97-340 shall supersede this act.

(2) The District was created by special act of the Legislature in 1963. Its charter may be amended only by special act of the Legislature.

(3) The following described area is known as the Matlacha/Pine Island Fire Control District, hereafter called the District:

Fractional Section 25 except Government Lot 3, Government Lot 1 of Section 26, Government Lot 3 of Section 35, and fractional Section 36 in Township 43 South, Range 21 East. Fractional Section 29 except Government Lot 1, fractional Section 30 except Government Lot 1, Government Lot 2 of Section 33, fractional Section 32 and Section 31 in Township 43 South, Range 22 East.

That part of Township 44 South, Range 21 East on Pine Island. All that part of Township 44 South, Range 22 East lying on Pine Island and Little Pine Island, Government Lot 4 of Section 32 of said Township and Range, all surveyed and unsurveyed parts of Section 24 and said Township and Range lying between Little Pine Island and the Mainland except Government Lot 2, all that part of said Section 24 lying on the Mainland, and fractional Section 13 of said Township and Range. Sections 16, 17, 18, 19, 20 and 21, and the North West quarter of Section 29 of Township 44 South, Range 23 East.

That part of Township 45 South, Range 22 East lying on Pine Island and Little Pine Island.

That part of Township 46 South, Range 22 East lying on Pine Island.

That part of Section 6, Township 46 South, Range 23 East lying on Pine Island;

All land within the perimeter boundaries of Galt Island Subdivision, as described in Plat Book 51, Pages 33-36, located on Galt Island In Pine Island Sound, in Lee County.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

All of Section 16, Township 44 South, Range 23 East, EXCEPTING THEREOF;

The west half of the east half of the west half of the southeast quarter of the southwest quarter (W ½ E ½ W ½ SE ¼ SW ¼) of said Section 16, as described in Parcel 51, Lee County Case No. 71-1137;

SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

All of Section 17, Township 44 South, Range 23 East; EXCEPTING THEREOF;

The east half of the east half of the east half of the southeast quarter of the southeast quarter (E ½ E ½ E ½ SE ¼ SE ¼) of Lot 1, T.M. Stevens unrecorded tracts according to a plat on file with the Tax Assessor of Lee County, Florida, in Section 17, Township 44 South, Range 23 East, as described in Parcel 110, Lee County Case No. 71-1137;

The east half of the west half of the west half of the southeast quarter of the southwest quarter (E ½ W ½ W ½ SE ¼ SW ¼), and the west half of the west half of the west half of the southeast quarter of the southwest quarter (W ½ W ½ W ½ SE ¼ SW ¼) of said Section 17, Township 44 South, Range 23 East, as parcels of Greater Pine Island Water Company;

SECTION 18, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

All of that part of Unit 58, Plat Book 23, Pages 128 through 147, Cape Coral lying in Section 18, Township 44 South, Range 23 East, and all of that part of Unit 59, Plat Book 19, Pages 140 through 153, Cape Coral, also lying in Section 18, Township 44 South, Range 23 East;

SECTION 19, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

The west half of the east half of the northeast quarter of the northeast quarter (W ½ E ½ NE ¼ NE ¼) of Section 19, Township 44 South, Range 23 East, as described in Ordinance 1-88;

Lot 18 of Tract 2, of a recorded map, being the west half of the east half of the east half of the northeast quarter of the northeast quarter (W ½ E ½ E ½ NE ¼ NE ¼) of Section 19, Township 44 South, Range 23 East, as described in Ordinance 72-88;

SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

The east half of the east half of the west half of the northwest quarter of the northwest quarter (E ½ E ½ W ½ NW ¼ NW ¼) of Section 20, Township 44 South, Range 23 East, as described in Ordinance 73-88;

The south half of the northwest quarter of the southeast quarter (S ½ NW ¼ SE ¼) of Section 20, Township 44 South, Range 23 East, less and except the westerly 30 feet thereof, as described in Parcel 1 of Ordinance 51-88;

The north half of the northwest quarter of the southeast quarter (N ½ NW ¼ SE ¼) of Section 20, Township 44 South, Range 23 East, as described in Parcel 2, Ordinance 51-88;

The south half of the southeast quarter (S ½ SE ¼) of Section 20, Township 44 South, Range 23 East, as described in Parcel 3, Ordinance 51-88;

The north half of the northeast quarter (N ½ NE ¼) less the easterly 880 feet in Section 20, Township 44 South, Range 23 East, together with the west half of the south half of the northeast quarter (W ½ S ½ NE ¼) of Section 20, Township 44 South, Range 23 East, as described in Parcel 4, Ordinance 51-88;

SECTION 21, TOWNSHIP 44 SOUTH, RANGE 23 EAST:The east half (E ½) of Section 21, Township 44 South, Range 23 East;The east half of the northeast quarter of the northwest quarter (E ½ NE ¼ NW ¼) of said Section 21;The southeast quarter of the northwest quarter (SE ¼ NW ¼) of said Section 21;The east half of the southwest quarter (E ½ SW ¼) of said Section 21;The west half of the southwest quarter (W ½ SW ¼) of said Section 21, less the south 990 feet thereof, and less the north half of the northeast quarter of the northwest quarter of the southwest quarter (N ½ NE ¼ NW ¼ SW ¼), and less the north half of the northwest quarter of the southwest quarter of the southwest quarter (N ½ NW ¼ NW ¼ SW ¼) of said Section 21, as described in Parcel "A" of Ordinance 8-86;The southerly 990 feet of the west half of the southwest quarter of Section 21, Township 44 South, Range 23 East, as described in Parcel "B" or Ordinance 8-86;SECTION 13, TOWNSHIP 44 SOUTH, RANGE 22 EAST:All of fractional Section 13, Township 44 South, Range 22 East, EXCEPTING THEREOF;That area lying southerly of the City of Cape Coral Territorial Limit, more specifically Matlacha Shores Subdivision - Plat Book 10, Page 29, Matlacha Shores First Addition - Plat Book 10, Page 42, and Matlacha Isles - Plat book 16, Page 133, together with the unplatted area lying southerly of the above referenced subdivisions.All lying in Lee County, Florida.

Section 2. Governing board creation.—There is created a board known as the Matlacha/Pine Island Fire Control Board and hereafter referred to as the board. The board shall be composed of five (5) members and shall conduct and administer the business and affairs of the District. The procedures for conducting District elections and for qualification of candidates and 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; powers and duties.—

(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 members 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 act, chapter 97-340, Laws of Florida, and chapters 189 and 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 this act and chapters 189, 191, and 197, Florida Statutes, and chapter 97-340, Laws of Florida, as 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 act, chapter 189 Florida Statutes, or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as 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, Florida Statutes, chapter 189, Florida Statutes, chapter 191, Florida Statutes, or chapter 197, Florida Statutes, and chapter 97-340, Laws of Florida, as amended from time to time.

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

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

(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.

Section 4. Policies and regulations.—The board is authorized to make policies and regulations for the prevention of fires and for fire control within the District. Said policies and regulations, after being made by the board, shall have the force and effect as law.

Section 5. Millage rate.—The District may annually levy an ad valorem tax of up to two (2) mills on the taxable property in the district, except as provided by chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as amended from time to time. The board shall levy and collect such ad valorem taxes in accordance with chapter 200, Florida Statutes.

Section 6. Payments made by treasurer.—All warrants for the payment of labor, equipment, and other expenses of the board, and in carrying into effect this act and the purpose thereof, shall be payable by the treasurer of the board on accounts and vouchers approved by the board.

Section 7. Posting of bond.—Each board member, upon taking office, shall execute to the Governor for the benefit of the district a bond as required by chapter 97-340, Laws of Florida, as it may be amended from time to time; premiums on said bond to be paid out of district funds.

Section 8. Provision of emergency ambulance service.—The Fire Control Board of the District shall have the right, power, and authority to buy, own,

operate, and maintain an emergency ambulance service within the District, and shall have the right, power, and authority to levy non-ad valorem assessments upon certain properties located within the district pursuant to applicable general law.

Section 9. Ambulance service fees.—The Fire Control Board shall have the right, power, and authority to adopt a fee or service charge for ambulance service paid by the user, in accordance with this act, chapter 97-340, Laws of Florida or chapter 191, Florida Statutes. The fee, charge, or rate therefor may be fixed by a resolution of the Fire Control Board at a regular meeting of said Board, or in the same manner, the rate or charge may be changed or abolished.

Section 10. Dissolution.—The District may be dissolved pursuant to the terms of Chapter 97-340, Laws of Florida and chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

Section 4. Chapters 61-2409, 63-1558, 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of Florida, are repealed.

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 of or enforceability of each other section and provision of this act.

Section 6. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 7. 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.