

House Bill No. 877

An act relating to the San Carlos Park Fire Protection and Rescue Service District, Lee County; reenacting and codifying chapters 76-411, 80-521, 84-469, s. 7 of chapter 87-447, s. 1(5) of chapter 88-545, and chapters 89-494, 94-457, 95-463, 96-458, and 97-320, Laws of Florida, relating to the San Carlos Park Fire Protection and Rescue Service District, pursuant to s. 191.015, F.S.; providing legislative intent; providing the status, purpose, and boundaries of the district; providing for charter amendments; providing for a governing board; providing for powers and duties; providing for compensation and bonds; providing authority to levy ad valorem assessments; providing authority to establish policies and regulations; providing for a fire code; providing construction and effect; providing for conflicts; repealing all prior special acts relating to the district; providing an effective date.

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

Section 1. Intent.—Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the San Carlos Park Fire Protection 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 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 3.75 mills on the dollar of assessed valuation as provided in chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as they may be amended from time to time, and as approved by referendum of the qualified electors in the district.

Section 2. Codification.—Chapters 76-411, 80-521, and 84-469, section 7 of chapter 87-447, subsection (5) of section 1 of chapter 88-545, and chapters 89-494, 94-457, 95-463, 96-458, and 97-320, Laws of Florida, related to San Carlos Park Fire Protection and Rescue Service District, are amended, codified, reenacted, and repealed as provided herein.

Section 3. The San Carlos Park Fire Protection and Rescue Service District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. As used in this act, unless otherwise specified:

(1) “District” means the San Carlos Park Fire Protection and Rescue Service District.

(2) “Board” and “board of commissioners” means the board of commissioners of and for the district.

(3) “Commissioner” means a member of the board of commissioners of and for the district.

(4) “County” means Lee County.

Section 2. District status; charter amendments; boundaries.—

(1) There is created an independent special taxing fire protection and rescue service district incorporating lands in Lee County described in subsection (3) which shall be a public corporation having the powers, duties, rights, obligations, and immunities herein set forth, under the name of the San Carlos Park Fire Protection and Rescue Service District. 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, those provisions of chapter 97-340, Laws of Florida, shall supersede this act.

(2) The district was created by special act of the Legislature in 1976. Its charter may be amended only by special act of the Legislature.

(3) The lands to be included within the district are the following described lands in Lee County, Florida:

Township 46S, Range 24E:

In Township 46 South, Range 24 East, all of Section 1, those portions of Sections 2 and 11 lying East of the waters of Hendry Creek, all of Sections 12 and 13, and those portions of Sections 14, 23, and 24 lying East of the waters of Hendry Creek.

Township 46S, Range 25E:

In Township 46 South, Range 25 East, all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, and 22.

Sections 13, 14, 23, and 24, less the following described real property:

All that part of Sections 13, 14, 23, and 24 being more particularly described as follows:

COMMENCING at the west $\frac{1}{4}$ corner of Section 14, Township 46 South, Range 25 East; thence N. $88^{\circ}41'31''$ W. along a grid bearing based on State Plane Coordinates West Zone 1983/90 Adjustments for 354.67 feet to a $\frac{5}{8}$ " rebar set; thence continue along said grid system in the following 35 courses; thence S. $14^{\circ}12'35''$ E. 1348.50 feet to a $\frac{5}{8}$ " rebar set; thence N. $88^{\circ}27'56''$ E. 961.61 feet to a $\frac{5}{8}$ " rebar set, the POINT OF BEGINNING of the parcel herein described; thence N. $88^{\circ}27'56''$ E. 1930.23 feet to a $\frac{5}{8}$ " rebar set; thence N. $47^{\circ}45'12''$ E. 1504.15 feet to a $\frac{7}{8}$ " rebar set; thence N. $01^{\circ}42'48''$ W. 306.16 feet to a $\frac{5}{8}$ " rebar set; thence N. $88^{\circ}17'12''$ E. 1027.78 feet to a $\frac{5}{8}$ " rebar set; thence N. $03^{\circ}10'23''$ W. 430.68 feet to a $\frac{5}{8}$ " rebar set; thence N. $89^{\circ}01'42''$ E. 450.44 feet to a $\frac{5}{8}$ " rebar set; thence S. $00^{\circ}58'18''$ E. 320.18 feet to a $\frac{5}{8}$ " rebar set; thence N. $88^{\circ}44'00''$ E. 3706.20 feet to a $\frac{5}{8}$ " rebar set; thence S. $19^{\circ}49'36''$ W. 1336.16 feet to a $\frac{5}{8}$ " rebar set; thence S. $02^{\circ}55'16''$ E. 211.28 feet to a $\frac{5}{8}$ " rebar set; thence S. $75^{\circ}24'23''$ W. 644.69 feet to a $\frac{5}{8}$ " rebar set; thence S. $01^{\circ}12'51''$ E. 1175.90

feet to a $\frac{5}{8}$ " rebar set; thence S. 40°23'38" W. 337.56 feet to a $\frac{5}{8}$ " rebar set; thence N. 88°17'12" E. 566.82 feet to a $\frac{5}{8}$ " rebar set; thence S. 41°03'57" E. 465.55 feet to a $\frac{5}{8}$ " rebar set; thence S. 02°13'31" E. 339.07 feet to a $\frac{5}{8}$ " rebar set; thence S. 21°20'50" W. 1025.84 feet to a $\frac{5}{8}$ " rebar set; thence S. 62°11'53" W. 2704.19 feet to a $\frac{5}{8}$ " rebar set; thence N. 31°47'37" W. 631.23 feet to a $\frac{5}{8}$ " rebar set; thence S. 88°17'12" W. 233.76 feet to a $\frac{5}{8}$ " rebar set; thence N. 87°48'55" W. 1464.69 feet to a $\frac{5}{8}$ " rebar set; thence N. 05°08'14" E. 497.70 feet to a $\frac{5}{8}$ " rebar set; thence N. 54°09'13" W. 1057.64 feet to a $\frac{5}{8}$ " rebar set; thence S. 49°19'44" W. 344.73 feet to a $\frac{5}{8}$ " rebar set; thence S. 03°26'59" E. 196.03 feet to a $\frac{5}{8}$ " rebar set; thence S. 20°50'23" E. 471.34 feet to a $\frac{5}{8}$ " rebar set; thence S. 38°37'17" W. 273.32 feet to a $\frac{5}{8}$ " rebar set; thence N. 59°16'15" W. 1233.78 feet to a $\frac{5}{8}$ " rebar set; thence N. 03°31'24" W. 140.92 feet to a $\frac{5}{8}$ " rebar set; thence northerly, 851.92 feet along the arc of a circular curve concave to the west through a central angle of 24°24'21" having a radius of 2,000.00 feet and being subtended by a chord which bears N. 15°43'35" W. 845.50 feet to a $\frac{5}{8}$ " rebar set; thence N. 27°55'45" W. 854.72 feet to a $\frac{5}{8}$ " rebar set; thence northerly, 851.92 feet along the arc of a circular curve concave to the east through a central angle of 24°24'21" having a radius of 2,000.00 feet and being subtended by a chord which bears N. 15°43'35" W. 845.50 feet to a $\frac{5}{8}$ " rebar set; thence N. 03°31'24" W. 574.66 feet to the Point of Beginning of the parcel herein described.

And also excluding that certain tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section 23, Township 46 South, Range 25 East, Lee County, Florida, lying West of I-75 right-of-way line. Said lands containing 62.35 acres, more or less.

Township 46S, Range 26E:

In Township 46 South, Range 26 East, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and Section 20 which lies North of Corkscrew Road, less the following described property:

A tract or parcel of land lying in said Section 5 and Section 8, Township 46 South, Range 26 East more particularly described as follows:

Beginning at a found concrete post (3'x3') (unnumbered) marking the Southeast corner of said Section 5 thence North 01°08'49" West along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 5 for 3138.22 feet to a found concrete monument (4'x4') stamped "Starnes and Associates" marking the East quarter (E $\frac{1}{4}$) corner of said Section 5; thence North 01°08'49" West along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 5 for 652.25 feet; thence South 88°51'11" West for 1931.00 feet; thence South 01°08'49" East for 1791.52 feet; thence South 88°51'11" West for 719.50 feet; thence South 01°08'49" East for 1886.91 feet to an intersection with the South line of said Section 5; thence continue South 01°08'49" East for 338.07 feet to the North line of Alico Road (100 feet wide) as monumented and occupied; thence North 88°59'45" East along the North line of said Alico Road for 2650.25 feet to the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 8; thence North 01°04'59" West along said East line for 232.63 feet to the Point of Beginning.

(4) Nothing herein shall deny the right of the chief or other governing officials of the district to render such services to communities adjacent to the land described in subsection (3), or such other places as from time to time may be deemed desirable.

Section 3. Governing board creation; powers, duties.—

(1) The business and affairs of the district shall be conducted and administered by a board of five commissioners, who shall serve a term of 4 years each. 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.

(2) The board may employ such personnel as deemed necessary for the proper function and operation of the fire department and establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment subject to the provisions of chapter 401, Florida Statutes. The salaries of fire department and emergency service personnel, and any other wages, shall be determined by the board.

(3) 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.

(4) 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 or chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time.

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

(6) 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.

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

(8) 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. Governing board organization; compensation and bond.—

(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 organize by electing from their number a chairman, vice-chairman, secretary, and treasurer. However, the same member may be both secretary and treasurer.

(2) The commissioners shall receive compensation for actual expenses incurred while performing the duties of their office in accordance with general law governing per diem for public officials. Commissioners may receive compensation for their services in accordance with chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as they may be amended from time to time.

(3) Each commissioner, upon taking office and in accordance with chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes, shall execute to the Governor for the benefit of the district, a bond conditioned upon the faithful performance of the duties of the commissioner's office. The premium for such bonds shall be paid from the funds of the district.

Section 5. Ad valorem taxing authority.—

(1) The board shall have the right, power, and authority to levy millage tax against the taxable real estate within the district to provide funds for the purpose of this district. However, they shall not exceed \$3.75 per \$1,000 of net taxable assessed valuation as provided by chapter 97-340, Laws of Florida, or chapter 191, Florida Statutes, as amended from time to time, and as approved by referendum of the qualified electors in the district.

(2) The district shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes, as amended from time to time.

Section 6. Board action; authority to adopt policies and regulations; annual report.—

(1) A record shall be kept of all meetings of the board and in such meetings concurrence of a majority of the commissioners shall be necessary to any affirmative action by the board.

(2) The board may adopt policies and regulations, not inconsistent with any portion of this act, chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as amended from time to time, as it may deem necessary for the transaction of its business and in implementing and carrying out the provisions of this act. The board shall have the authority to provide all things necessary for rescue services and the prevention, extinguishment, and control of fires in the district.

Section 7. Fire code.—The board shall have the right and power to enact a fire prevention code or ordinance in addition to, but not in conflict with, applicable state and local building and fire codes.

Section 4. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Conflict.—Except as otherwise provided in this act, 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 7. Repeal of prior special acts.—Chapters 76-411, 80-521, and 84-469, subsection (5) of section 1 of chapter 88-545, and chapters 89-494, 94-457, 95-463, 96-458, and 97-320, Laws of Florida, are repealed.

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.