

CHAPTER 2012-231

Committee Substitute for House Bill No. 267

An act relating to the East Naples Fire Control and Rescue District, Collier County; amending chapter 2000-444, Laws of Florida, as amended by chapter 2004-433, Laws of Florida, to revise the district's charter; providing for incorporation; providing that the district is an independent special district; providing for charter amendments; revising boundaries; providing for annexation; revising provisions relating to the board of commissioners; revising duties, powers, and authority of the board; revising powers of the district; providing for the financing of the district; providing a savings clause for the district's current authority to levy up to 1.5 millage; providing for bonds; providing for reimbursement to the county when a referendum is required; providing for impact fees; providing for the collection and disbursement of such fees; providing for deposit of taxes, assessments, and fees and authority to disburse funds; providing for elections; requiring district planning; providing for immunity from tort liability; providing for dissolution procedures; providing for exemption from taxation; providing for liberal construction; providing for severability; providing an effective date.

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

Section 1. The charter of the East Naples Fire Control and Rescue District, as created in section 2 of chapter 2000-444, Laws of Florida, as amended by chapter 2004-433, Laws of Florida, is amended to read:

Section 1. Codification.—Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the East Naples Fire Control and Rescue District, hereinafter referred to as the “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. It is further the intent of this act to preserve all district authority, ~~including the authority to assess annually and levy against the taxable property in the district a tax not to exceed 1.5 mills on the dollar of assessed valuation.~~

Section 2. Corporate status.—All of the incorporated lands in Collier County, as described in section 3, shall be incorporated into the district under the name of the East Naples Fire Control and Rescue District. The district is an independent special fire control and rescue district in Collier County. The district is organized and exists for all purposes and shall hold all powers set forth in this act and chapters 189 and 191, Florida Statutes. The district was created by special act in 1961 and its charter may be amended only by special act of the Legislature.

Section 3. ~~2.~~ Boundaries.—~~The lands to be incorporated within (1)—A fire control district known as the East Naples Fire Control and Rescue District, hereafter referred to as the district, is hereby established to consist of the following described lands in Collier County:~~

A. Beginning at the northeast corner of the Northwest quarter of Section 27, Township 49 South, Range 25 East, thence along the north line of said Section 27, east 45 feet to the east right-of-way line of C-851 (also known as Goodlette-Frank Road), (which right-of-way line lies 45 feet east of, measured at right angles to, and parallel with the north and south quarter section line of said Section 27), to the north line of Lot 11, Naples Improvement Company's Little Farms, Plat Book 2, Page 2; thence east to the east section line of Section 27, Township 49 South, Range 25 East; then north along the east line of said Section 27 to the northeast corner of said Section 27; said point also being the southeast corner of Section 23 Township 49 South, Range 25 East thence east along the north line of Section 26, Township 49 South, Range 25 East to a point 990.0 feet west of the west right-of-way line of Airport Pulling Road; thence south 01 degrees 30 minutes 00 seconds east, 1320.0 feet; thence north 89 degrees 25 minutes 40 seconds east, 660.0 feet; thence north 01 degrees 30 minutes 00 seconds west, 1320.0 feet to the north line of said Section 26; thence east along said north line of Section 26 to the west right of way line of Airport-Pulling Road; to the south line of said Section 26 (said right-of-way line lying 50 feet west of the southeast corner of said Section 26); thence westerly along said south line to the southwest corner of said Section 26; thence northerly along the west line of said Section 26; to the southerly right-of-way line of Golden Gate Parkway (100 feet wide); thence easterly along said southerly right-of-way line to a point lying 1220.00 feet west of the west line of said Airport-Pulling Road; thence northerly parallel with said west right-of-way line to the northerly right-of-way line of said Golden Gate Parkway; thence westerly along the north right-of-way of Golden Gate Parkway to a point 620 feet east and 235.46 feet south of the northwest corner of Lot 8, Naples Improvement Company's Little Farms; thence north 235.46 feet to the north line of Lot 8; thence west along said north line 620 feet to the northwest corner of said Lot 8; thence southerly to that angle point in said east right-of-way line which lies on a line 400.00 feet northerly of (measured at right angles to) and parallel with the north line of Section 34, Township 49 South, Range 25 East; thence continuing along said east right-of-way to the north line of Gordon River Homes Subdivision; thence east along the north line of Lots 50, 49, and 48 to a point 22.5 feet east of the northwest corner of Lot 48; thence south parallel to the west line of Lot 48 to the south line of Lot 48; thence west along the south line of Lots 48, 49, and 50 to the east right-of-way line of Goodlette-Frank Road; thence continuing along said east right-of-way line, which line lies 100.00 feet east of, measured at right angles to, and parallel with the north and south quarter section line of said Section 34; thence continuing along said east right-of-way line to a point on the north line of the southwest quarter of the northeast quarter of Section 34, Township 49 South, Range 25 East; thence continue on said right of way

line 460.0 feet; thence north 89 degrees 41 minutes 30 seconds east 494.99 feet; thence south 0 degrees 34 minutes 06 seconds east 615.88 feet to a point of curvature; thence southwesterly 343.97 feet along the arc of a tangential circular curve, concave to the northwest have a radius of 243.97 feet and subtended by a chord which bears south 44 degrees 33 minutes 25 seconds west 345.84 feet; thence south 89 degrees 41 minutes 30 seconds west 250.0 feet to the easterly right of way line of Goodlette-Frank Road; thence south along said right of way line to a point 48.41 feet south of the north line of the south half of Section 34, Township 49 South, Range 25 East; thence north 89 degrees 56 minutes 59 seconds east 249.79 feet; thence northeasterly 173.98 feet along the arc of a circular curve concave to the northwest having a radius of 293.97 feet and being subtended by a chord which bears north 72 degrees 59 minutes 41 seconds east 171.46 feet; thence south 89 degrees 47 minutes 31 seconds east 808.79 feet; thence north 89 degrees 55 minutes 05 seconds east 993.64 feet to a point on that bulkhead line as shown on Plate recorded in Bulkhead Line Plan Book 1, Page 25 Collier County Public Records, Collier County, Florida; thence run the following courses along the said Bulkhead line, 47.27 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 32.68 feet and subtended by a chord having a bearing of south 14 degrees 08 minutes 50 seconds east and a length of 43.26 feet to a point of tangency; south 27 degrees 17 minutes 25 seconds west for 202.44 feet to a point of curvature; 296.89 feet along the arc of a curve concave to the southeast, having a radius of 679.46 feet and subtended by a chord having a bearing of south 14 degrees 46 minutes 21 seconds west and a length of 294.54 feet to a point of reverse curvature; 157.10 feet along the arc of a curve concave to the northwest, having a radius of 541.70 feet, and subtended by a chord having a bearing of south 10 degrees 33 minutes 47 seconds west and a length of 156.55 feet to a point of reverse curvature; 307.67 feet along the arc of a curve concave to the northeast; having a radius of 278.30 feet, and subtended by a chord having a bearing of south 12 degrees 47 minutes 59 seconds east and a length of 292.24 feet to a point of reverse curvature; 135.31 feet along the arc of a curve concave to the southwest having a radius of 100.00 feet and subtended by a chord having a bearing of south 05 degrees 42 minutes 27 seconds East and a length of 125.21 feet to a point of tangency; thence South 33 degrees, 03 minutes, 21 seconds West for 295.10 feet; and South 33 degrees 27 minutes 51 seconds West 1.93 feet to the north line of the River Park East Subdivision which is also the north line of the south half of the southeast quarter of Section 34, Township 49 South, Range 25 East; thence along the north line of the south half of the southeast quarter of said Section 34, easterly to the west line of Section 35, Township 49 South, Range 25 East; thence along the west line of said Section 35, northerly 1320 feet more or less to the northwest corner of the south half of said Section 35; thence along the north line of the south half of said Section 35, easterly to the west right-of-way line of State Road No. 31 (Airport Road), which right-of-way lies 50.0 feet west of, measured at right angles to, and parallel with the east line of said Section 35; thence

along said right-of-way line of State Road No. 31, south 00 degrees 13 minutes 57 seconds west 1800 feet more or less to a point on said west right-of-way line, which lies north 00 degrees 13 minutes 57 seconds east 848.02 feet and south 89 degrees 46 minutes 03 seconds west 50.00 feet from the southeast corner of said Section 35; thence continuing along said west right-of-way line southerly 325.02 feet along the arc of a tangential circular curve concave to the east, radius 2914.93 feet, subtended by a chord which bears south 2 degrees 57 minutes 43 seconds east 324.87 feet; thence continuing along said west right-of-way line, tangentially south 6 degrees 09 minutes 22 second east 3.13 feet, thence southerly along a curve concave to the southwest, having a central angle of 6 degrees 23 minutes 18 seconds and a radius of 1860.08 feet, a distance of 207.34 feet; thence south 0 degrees 13 minutes 57 seconds west 313.03 feet more or less to a point on the north line of and 20 feet west of the northeast corner of Section 2, Township 50 South, Range 25 East; thence southeasterly, 300.7 feet more or less to a point on the east line of said Section 2 which point lies 300.0 feet south of the northeast corner of said Section 2; thence along the east line of the north half of said Section 2, southerly to the southeast corner of the north half of said Section 2; thence along the south line of the north half of said Section 2; westerly to the northeast corner of the southeast quarter of Section 3, Township 50 South, Range 25 East; thence southerly along the east line of the southeast corner of said Section 3 for a distance of 2013.98 feet; thence North 89 degrees 37 minutes 20 seconds East 662.04 feet; thence South 00 degrees 17 minutes 20 seconds East 119.26 feet; thence South 89 degrees 27 minutes 40 seconds West 322.00 feet; thence South 00 degrees, 17 minutes 20 seconds East 10.00 feet; thence South 89 degrees 27 minutes 40 seconds West 68.00 feet; thence South 00 degrees 17 minutes 20 seconds East 361.00 feet; thence North 89 degrees 27 minutes 40 seconds East 68.00 feet; thence South 00 degrees 17 minutes 20 seconds East 140.00 feet; thence South 89 degrees 27 minutes 40 seconds West 221.81 feet; thence North 01 degrees 05 minutes 56 seconds West 6.99 feet; thence westerly along the arc of a non-tangential circular curve concave to the north having a radius of 370.00 feet through a central angle of 18 degrees 34 minutes 13 seconds and being subtended by a chord which bears North 81 degrees 50 minutes 17 seconds West 119.40 feet for a distance of 119.92 feet to a point on the east line of said Section 3; thence southerly along the east line of Section 3, and along the east lines of Sections 10, 15, 22, and 27, all in Township 50 South, Range 25 East, to the southeast corner of said Section 27, Township 50 South, Range 25 East; thence westerly along the south line of said Section 27, Township 50 South, Range 25 East, and along the western prolongation of said south line to a point 1,000 feet west of the mean low water line of the Gulf of Mexico; thence southeasterly along said shoreline to the south line of Section 3, Township 51 South, Range 25 East, thence easterly along the south line of said Section 3, Section 2, Section 1, Township 51 South; thence along the south corner of said Section 5; thence north along the east line of Section 5, Township 51 South, Range 26 East; thence continue on the north line of Section 25, 26 and part of

Section 27, Township 49 South, Range 25 East to the point of beginning and also,

B. All those lands in Collier County described as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35, Township 50 South, Range 26 East; Section 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35 and 36, Township 51 South, Range 26 East; Sections 1, 2, 3 and those portions of Sections 10, 11, 12, and 13, Township 52 South, Range 26 East, that lie North of the Marco River; those portion of Section 5, 6, 7 and 18, Township 52 South, Range 27 East, that lie West and North of State Road 92; and Sections 7, 8, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31, Township 51 South, Range 27 East, and those portions of Sections 32 and 33, Township 51 South, Range 27 East, that lie west and North of State Road 92,

C. Less and except the North 1/2 of Section 2 of Township 50 South, Range 25 East and the South 1/2 of Section 35 of Township 49 South, Range 25 East.

D. Less and except approximately 21.99 acres, more or less: A portion of Lots 7 through 9 of Naples Improvement Company’s Little Farms as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commence at the intersection of the East right-of-way of Goodlette-Frank Road (C.R. 851) and the South right-of-way of Golden Gate Parkway; thence run along said South right-of-way for the following four (4) courses:

- 1) thence run North 44°42’45” East, for a distance of 35.36 feet;
- 2) thence run North 89°42’45” East, for a distance of 122.57 feet;
- 3) thence run North 80°12’12” East, for a distance of 159.63 feet;

4) to a point on a circular curve concave northwest, whose radius point bears North 11°26’26” West, a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 22°36’33”, subtended by a chord of 319.10 feet at a bearing of North 67°15’18” East, for an arc length of 321.18 feet to the intersection of the South right-of-way of said Golden Gate Parkway and the West line of the East 338.24 feet of the West 958.34 feet of Lot 7 of Naples Improvements Company’s Little Farms Subdivision as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, also being the point of beginning of the parcel of land herein described; thence run South 00°16’32” East, along the West line of the East 338.24 feet of the West 958.34 feet of said Lot 7, for a distance of 302.90 feet to a point on the South line of said Lot 7; thence run along said South line for the following two (2) courses:

- 1) thence run North 89°41’51” East, for a distance of 338.41 feet;

2) thence run North 89°50'24" East, for approximately 850 feet to a point on the mean high water line of the west bank of Gordon River, said point herein called Point "A". thence return to the aforementioned point of beginning. thence run along the south right-of-way of said Golden Gate Parkway for the following four (4) courses:

1) beginning at a point on a circular curve concave northwest, whose radius point bears North 34°02'58" West a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 05°09'09", subtended by a chord of 73.17 feet at a bearing of North 53°22'27" East, for an arc length of 73.20 feet to the end of said curve;

2) thence run North 50°47'53" East, for a distance of 459.55 feet

3) to the beginning of a tangential circular curve concave south; thence run Easterly along the arc of said curve to the right, having a radius of 713.94 feet; through a central angle of 38°52'20"; subtended by a chord of 475.13 feet at a bearing of North 70°14'03" East, for an arc length of 484.37 feet to the end of said curve;

4) thence run North 89°40'13" East, for approximately 724 feet to a point on the mean high water line of the west bank of Gordon River; thence meander Southwesterly along the mean high water line for approximately 900 feet to the aforementioned Point "A" and the point of ending.

E. Less and except approximately 112.82 acres, more or less: All of East Naples Industrial Park, according to the plat thereof recorded in Plat Book 10, Pages 114 and 115, of the Public Records of Collier County, Florida; all of East Naples Industrial Park Replat No. 1, according to the Plat thereof recorded in Plat Book 17, Pages 38 and 39, of the Public Records of Collier County, Florida; and the Northerly 200 feet of the Southerly 510 feet of the Easterly 250 feet of the Northeast ¼ of Section 35, Township 49 South, Range 25 East, Collier County, Florida, less and excepting the Easterly 50 feet thereof.

F. Less and except approximately 6.17 acres, more or less: All that part of Lots 12, 13, and 14, Naples Improvement Company's Little Farms, as recorded in Plat Book 2, Page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 12, thence along the South line of said Lot 12, North 89°26'51" East 20.00 feet to the East right-of-way line of Goodlette-Frank Road; thence along the East right-of-way line North 00°39'49" East 10.00 feet to the Point of Beginning of the herein described parcel; thence continue along said East right-of-way North 00°39'49" West 580.00 feet; thence leaving said East right-of-way North 89°20'11" East 260.12 feet; thence North 59°31'13" East, 153.66 feet; thence South 30°28'42" East, 119.01 feet; thence South 00°33'09"

East, 554.02 feet to a line lying 10 feet North of and parallel with said South line of Lot 12; thence along the said parallel line South 89°26'51" West, 451.54 feet to the point of beginning of the herein described parcel.

Bearings are based on the said East line Goodlette-Frank Road being North 00°33'49" East.

G. Less and except approximately 12.77 acres, more or less: The West one-half (W½) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section 11, Township 50 South, Range 25 East, lying South of State Road 90 (Tamiami Trail, U.S. 41), in Collier County, Florida, except the South 264 feet, and

All that part of the South 264 feet of the Southwest one-quarter (SW ¼) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section 11, Township 50 South, Range 25 East, in Collier County, Florida, lying north of the northline of Walker's Subdivision as delineated on a Plat of record in plat book 1, at page 36, of the Public Records of Collier County, Florida.

TOGETHER WITH:

Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according to plat in Plat Book 1, Page 32, Public Records of Collier County, Florida.

LESS AND EXCEPT:

Those parcels described in Official Records Book 1969, Page 977, and Official Records Book 2119, Page 1344 both of the Public Records of Collier County, Florida.

H. Less and except approximately 6.16 acres, more or less: Being a part of Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tract, Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat Book 37, pages 13-18 and part of Section 26, Township 49 South, Range 25 East, Collier County, Florida.

All that part of Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tracts according to the plat thereof as recorded in Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract B according to the plat thereof as recorded in Plat Book 37, pages 13-18, Public Records of Collier County, Florida, and part of Section 26, Township 49 South, Range 25 East, Collier County, Florida being more particularly described as follows:

Commencing at the northwest corner of Tract M of said Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tracts;

Thence along the west line of said Tract M South 00°East 613.48 feet to the Point of Beginning of the parcel herein described;

Thence continue South 00°20'09" East 406.67 feet;

Thence North 89°24'29" West 660.00 feet;

Thence North 00°20'09" West 406.66 feet to a point on the boundary of Golf Course Tract 1 of said Estuary at Grey Oaks Tract B;

Thence along said boundary South 89°24'33" East 660.00 feet to the Point of Beginning of the parcel herein described;

Bearings are based on the west line of said Tract M being South 00°20'09" East.

~~(2) 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 East 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.~~

Section 4. Annexation.—Chapter 171, Florida Statutes, shall apply to all annexations by a municipality within the district's boundaries.

Section 5. Governing board.—

(1) In accordance with chapter 191, Florida Statutes, the business and affairs of the district shall be conducted and administered by a five-member board of fire commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the district in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes. Each member of the board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.

(2) The office of each board member is designated as a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at the time he or she qualifies, the seat on the board for which he or she is qualifying. The name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the board.

(3) In accordance with chapter 191, Florida Statutes, each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

~~Section 3.—The governing body of the district board shall be a board of five commissioners who are residents of the district who shall be elected as are county officers and who shall qualify and run for office as provided for by general law. For purposes of qualification and running for office, the commission seats shall be designated as number 1, 2, 3, 4, and 5. Within 15 days after any commissioner takes office, the district board shall meet and elect a chair and secretary-treasurer. Each member of the district board shall receive, from the funds of the district, compensation for his or her services as provided for by general law.~~

(4) Section 4. Each elected member shall assume office 10 days after the member's election. ~~Within 60 10 days after the newly elected members have taken office, election and qualification of its members the board shall meet and elect from its membership a chair, a vice chair, and president, a secretary and a treasurer or a secretary-treasurer.~~

(5) Members of the board may each be paid a salary or honorarium to be determined by at least a majority plus one vote of the board, pursuant to chapter 191, Florida Statutes.

(6) If a vacancy occurs on the board due to the resignation, death, or removal of a board member or the failure of anyone to qualify for a board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. The 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.

(7) The procedures for conducting district elections or referenda and for qualification of electors shall be pursuant to chapters 189 and 191, Florida Statutes.

(8) The board shall have those administrative duties set forth in this act and chapters 189 and 191, Florida Statutes.

~~Section 5.—The business affairs of the district shall be administered and conducted by the board. It shall have the authority, for and on behalf of the district, to establish, equip, operate, and maintain a fire department and rescue squad within the district and shall buy, lease, sell, exchange, or otherwise acquire and dispose of firefighting equipment and other property, real, personal, or mixed, that it may from time to time deem necessary to prevent and extinguish fire or provide rescue services within the district, which services may include transportation to a health facility when authorized by the Board of County Commissioners of Collier County under emergency conditions as may be prescribed by the board of county~~

~~commissioners. This shall include, but not be limited to, the authority to provide water, water supply, water stations, and other necessary buildings; accept gifts or donations of equipment or money for the use of the district; and to do all things necessary to provide for an 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 6. The board shall have the power to hire necessary firefighting personnel who shall serve at its pleasure.~~

~~Section 7. The board shall have authority to inspect all property and investigate for fire hazards.~~

~~(9) Section 8. The board is authorized to promulgate rules and regulations for the prevention of fire and for fire control in the district, which rules and regulations shall have the same force and effect as law 10 days after copies thereof executed by the chair president and secretary of the board have been posted in at least three public places.~~

~~(10) A quorum of the board shall be a majority of its members. In order to take official action, an affirmative vote of a majority of those voting members present shall be required.~~

~~Section 6. Powers of the district.—The district shall have all powers and duties granted by this act and chapters 189 and 191, Florida Statutes.~~

~~Section 7. Finances.—~~

~~(1) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, and other revenue-raising capabilities, including non-ad valorem assessments and user and impact fees, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for ad valorem taxes and non-ad valorem assessments, and contractual agreements shall be as set forth in this act, in chapters 170, 189, 191, 197, and 219, Florida Statutes, and in any applicable general or special law.~~

~~(2) The district shall levy and collect ad valorem taxes in accordance with section 191.009 and chapter 200, Florida Statutes. The taxes levied and assessed by the district shall be a lien upon the land so assessed along with the county taxes assessed against such land until such assessments and taxes have been paid, and if the taxes levied by the district become delinquent, such taxes shall be considered a part of the county tax subject to the same penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by general law for the collection of such taxes. The district shall have the authority to levy a millage rate up to 1.5 mills that was previously approved by referendum as required by the Florida Constitution and chapter 191, Florida Statutes, within the boundaries of the district. Nothing in this act shall prevent the~~

district from levying a millage rate as provided for in section 191.009, Florida Statutes, that has been approved by referendum.

(3) The board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapters 189 and 191, Florida Statutes. The fiscal year shall be from October 1 through September 30. The budget shall state the purpose for which the money is required and the amount necessary to be raised by taxation within the district. Such budget and proposed millage rate shall be noticed, heard, and adopted in accordance with chapters 189, 192, and 200, Florida Statutes.

(4) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this act, chapter 170, chapter 189, chapter 191, or chapter 197, Florida Statutes.

(5) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in this act and chapters 112, 119, 189, 191, and 286, Florida Statutes.

~~Section 9.— For the purpose of carrying into effect this law the board shall annually during the month of June, make an itemized estimate of the amount of money required to carry out the provisions of this act for the next fiscal year of said board, which fiscal year shall be from April 1 to and including the next succeeding March 31, which estimate shall show for what purpose the moneys are required and the amount necessary to be raised by taxation within the district, and shall be presented in writing, signed by the president and the secretary to the Board of County Commissioners of Collier County on or before the first Monday in July of each year. Prior to the presentation of such estimate to the Board of County Commissioners of Collier County, copies of the itemized estimate, signed by the president and secretary of the board, shall be posted in at least three public places within the district, and at the time of the presentation of such estimate the board shall also present to the Board of County Commissioners of Collier County a certificate of the board that copies of such estimate have been posted as provided herein.~~

~~Section 10.— Upon receipt of such estimate and certificate of posting the said board of county commissioners shall cause the same to be recorded in the minutes of the county commissioners' meeting, and at the time of making and fixing the rate of annual taxation for county purposes, shall fix and cause to be levied on all property of said district, real and personal, a millage sufficient to meet the requirements of the estimate, provided however, the total millage shall not exceed 1 ½ mills. Subject to the provisions of chapter 82-281, Laws of Florida, this act shall take effect only when approved by a majority of the qualified electors residing within the area of the boundaries of the East Naples Fire Control District, voting in a referendum election to be called by the Board of County Commissioners of Collier County, in accordance with the provisions of the law relating to elections currently in~~

~~force in Collier County, except that this section shall take effect upon becoming a law on March 18, 1982.~~

~~Section 11.— 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 except as herein otherwise provided.~~

~~Section 12.— 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 of the board the collection made for the preceding month and remit the same to the treasurer of the board.~~

~~Section 13.— 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 treasurer of the board on accounts and vouchers approved by the board.~~

~~Section 14.— The treasurer of the board when entering upon his or her duties shall give a good and sufficient bond to the Governor in the sum of \$3,000 for the faithful performance of his or her duties as treasurer.~~

~~Section 15.— The treasurer shall on or before April 10 and October 10 of each year make a written semiannual report of receipts and expenditures of the funds of the district to the board. He or she shall furnish a copy of said report to the board of county commissioners.~~

~~Section 16.— Subject to the original provisions of chapter 61-2034, Laws of Florida, not be effective until the same is ratified by a majority of the qualified electors of the district who vote in an election called by the board of county commissioners for ratification or rejection. In the event of ratification this act shall become effective immediately.~~

~~Section 17.— This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.~~

~~Section 8. 18. Bonds, notes, and certificates of indebtedness.—The district shall have the power to issue general obligation bonds, notes, or certificates of indebtedness pledging the full faith, credit, and taxing power of the district for capital projects of the district in accordance with chapter 189 or chapter 191, Florida Statutes, or any other applicable general law.~~

~~Section 19.— The district shall have the authority to exercise the power of eminent domain, pursuant to chapters 73 and 74, 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.~~

Section 20.—Whenever a referendum is required under the provisions of this act, the district shall reimburse the county for the cost of such election.

Section 9. 21. Impact fees.—

(1) The district shall have the authority to charge and collect impact fees for capital improvements on new construction within the district as prescribed in chapter 191, Florida Statutes, or any other applicable general law.

(2) The district shall comply with the requirements in sections 163.31801 and 191.009(4), Florida Statutes, in its collection and use of impact fees. New facilities and equipment shall be as provided for in section 191.009(4), Florida Statutes.

(3) The district is authorized to enter into agreements regarding the collection of impact fees.

Section 10. Deposit of taxes, assessments, and fees; authority to disburse funds.—

(1) The funds of the district shall be deposited in qualified public depositories, in accordance with chapters 191 and 280, Florida Statutes.

(2) All warrants for the payment of labor, equipment, and other expenses of the board, and in carrying into effect this act and the purposes thereof, shall be payable by the treasurer of the board on accounts and vouchers approved and authorized by the board.

Section 11. Elections.—

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

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

Section 12. Planning.—The district’s planning requirements shall be as set forth in this act and chapters 189 and 191, Florida Statutes.

Section 13. Immunity from tort liability.—

(1) The district and its officers, agents, and employees shall have the same immunity from tort liability as other agencies and subdivisions of the state. The provisions of chapter 768, Florida Statutes, shall apply to all claims asserted against the district.

(2) The district commissioners and all officers, agents, and employees of the district shall have the same immunity and exemption from personal liability as is provided by chapter 768, Florida Statutes.

(3) In accordance with chapter 768, Florida Statutes, the district shall defend all claims against the district commissioners and officers, agents, and employees of the district which arise within the scope of employment or purposes of the district and shall pay all judgments against such persons, except where such persons acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 14. Miscellaneous.—

(1) The district shall exist until the Legislature approves a special act providing for its dissolution, and such special act is contingent upon approval by the electors of the district.

(2) The district's property and assets are exempt from taxation pursuant to section 191.007, Florida Statutes.

Section 15. Liberal construction.—This act shall be liberally construed to promote the purpose for which it is intended.

Section 16. Severability.—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 2. This act shall take effect upon becoming a law.

Approved by the Governor March 23, 2012.

Filed in Office Secretary of State March 23, 2012.