

House Bill No. 1687

An act relating to the Fort Myers Shores Fire Protection and Rescue Service District, Lee County; providing legislative intent; providing for codification of the special acts relating to the Fort Myers Shores Fire Protection and Rescue Service District pursuant to s. 191.015, F.S.; re-creating the district as an independent special district and fixing its boundaries; providing for a governing board; prescribing the powers and duties of the board; authorizing the board to establish and maintain emergency medical services and equipment; authorizing the board to make policies, rules, regulations, and a fire code; providing for assessing and collecting taxes, assessments, impact fees, and user charges; providing for liberal construction; codifying, reenacting, amending, and repealing chapters 76-409, 79-497, 81-414, 83-444, 83-454, 87-447, 88-538, 88-545, 89-498, and 90-390, Laws of Florida; providing severability; providing for precedence over conflicting law to the extent of such conflict; 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 Fort Myers Shores Fire Protection and Rescue Service District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district which includes all current legislative authority granted to the district by general law and by its several legislative enactments, as said laws may be amended from time to time, and any additional authority granted by this act.

Section 2. Chapters 76-409, 79-497, 81-414, 83-444, 83-454, 87-447, 88-538, 88-545, 89-498, and 90-390, Laws of Florida, are codified, reenacted, and amended as provided herein.

Section 3. The Fort Myers Shores Fire Protection and Rescue Service District is re-created, and the charter for such district is re-created and reenacted to read:

Section 1. Creation.—There is hereby made, created, and established the Fort Myers Shores Fire Protection and Rescue Service District, an independent special district, hereinafter referred to as the district, through the codification and reenactment of the district's several legislative enactments, which shall include the following described lands:

Begin at the point of intersection of the South bank of the Caloosahatchee River and the West bank of Orange River; thence Southerly and Easterly along the West and North bank of Orange River to the intersection of said Bank of Orange River and the South line of Township 43 South, Range 26 East, thence Easterly along said Township line to the Southeast corner of Section 36, Township 43 South, Range 26 East; thence Northerly along the range line between Ranges 26 East and 27

East to the point of intersection of said Range line with the South bank of Hickeys Creek; thence Westerly and northerly along the Southerly and Westerly bank of Hickeys Creek to the point of intersection with the South bank of the Caloosahatchee River; thence Westerly along the South bank of the Caloosahatchee River to the Point of Beginning.

Section 2. Governing body.—The district shall be governed by a board which shall consist of five resident electors of the district elected by a vote of the electors of the district pursuant to the laws of Florida, as said laws may be amended from time to time.

Section 3. Officers; powers.—Within 60 days after the election of members of the 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. The district shall have, and the board may exercise, those general and special powers prescribed by chapter 191, Florida Statutes, chapter 97-340, Laws of Florida, or any other applicable general law or special law, as said laws may be amended from time to time.

Section 4. Emergency medical and rescue response services.—The district is authorized to establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, transport, and other emergency equipment as prescribed by general law and special law, as said laws may be amended from time to time.

Section 5. Policies, rules, regulations, and fire code.—The board is authorized to make and adopt policies, rules, regulations, and a fire code for the prevention of fires, fire control, and the provision of rescue services within the district. Such policies, rules, regulations, and fire code shall be adopted in accordance with applicable general law and special law, as said laws may be amended from time to time.

Section 6. Taxes; non-ad valorem assessments; impact fees; user charges.—The board shall fix and cause to be levied on all property of the district a millage sufficient to meet the requirements of the adopted budget; provided, however, 2 mills is the maximum that can be levied in any one year, except as provided in chapter 191, Florida Statutes, chapter 97-340, Laws of Florida, or any other applicable general law or special law, as said laws may be amended from time to time. In addition, the district shall have such authority to levy non-ad valorem assessments and charge impact fees and user charges as prescribed in chapter 191, Florida Statutes, chapter 97-340, Laws of Florida, and any other applicable general law or special law, as said laws may be amended from time to time.

Section 7. Assessment and collection of taxes, assessments, impact fees, and user charges.—Taxes, assessments, impact fees, and user charges herein provided for shall be assessed and collected in the manner prescribed by applicable general law or special law, as said laws may be amended from time to time.

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

Section 5. Chapters 76-409, 79-497, 81-414, 83-444, 83-454, 87-447, 88-538, 88-545, 89-498 and 90-390, Laws of Florida, are repealed.

Section 6. If any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of each other section and provision of this act.

Section 7. 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 8. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.