

House Bill No. 791

An act relating to Iona-McGregor Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to Iona-McGregor Fire Protection and Rescue Service District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting chapters 75-421, 76-402, 77-593, 80-526, 80-527, 81-411, 82-317, and 83-448 and sections 1(1) and 2 of chapter 88-545, Laws of Florida; providing definitions; providing the status, purpose, and boundaries of the district; providing for charter amendments; providing for a governing board; providing for compensation; requiring a bond; providing powers and duties; providing for financial disclosure and public meetings and records; providing authority to levy ad valorem taxes; providing for liens; providing for deposit and use of district funds; providing authority to borrow money; providing authority to establish policies and regulations and a Fire Prevention Code; providing for dissolution procedures; establishing requirements for actions against the district; providing authority to exercise eminent domain; providing construction and effect; repealing all prior special acts of the Legislature relating to the Iona-McGregor Fire Protection and Rescue Service 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 Iona-McGregor 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, chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes, as they may be 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 1.75 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 75-421, 76-402, 77-593, 80-526, 80-527, 81-411, 82-317, and 83-448, and subsection (1) of section 1 and section 2 of chapter 88-545, Laws of Florida, relating to Iona-McGregor Fire Protection and Rescue Service District are amended, codified, reenacted, and repealed as provided herein.

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

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

(1) “District” means the Iona-McGregor 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 creation; 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 Iona-McGregor 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 1975. 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:

In Township 45 South, Range 24 East, the unincorporated portions of Section 2 and 3, all of Sections 9 and 10, the west half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of Section 11, all of Sections 15 and 16, the east half ($\frac{1}{2}$) of Section 17, all of sections 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, and in Township 46 South, Range 24 East, that portion of Section 2 lying west of the waters of Hendry Creek, all of sections 3, 4, 5, 6, the north half ($\frac{1}{2}$) of 7, all of sections 8, 9, 10, those portions of sections 11 and 14 lying west of the waters of Hendry Creek, all of sections 15, 16, 17, 22, that portion of Section 23 lying west of the waters of Hendry Creek, and in Township 45 South, Range 23 East, the south half ($\frac{1}{2}$) of Section 25, the south half ($\frac{1}{2}$) of Section 27, the southeast quarter ($\frac{1}{4}$) of Section 28, all of sections 33, 34, 35, 36, and in Township 46 South, Range 23 East, all of Sections 1, 2, 3, 4, 9, 10, 11, and 12 less and except the southeast quarter ($\frac{1}{4}$) thereof, the west half ($\frac{1}{2}$) of 13, and the east half ($\frac{1}{2}$) of 14 less and except that portion located within the territorial limits, of the Fort Myers Beach Fire Control District, and less and except that portion of all the above described lands located within the municipal boundaries of the City of Fort Myers.

(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 elections; authority to employ personnel.—

(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 a fire department and shall determine the compensation for such personnel.

Section 4. Governing board organization; bond; powers, 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 commissioners shall organize by electing from their number a chair, a vice-chair, a secretary, and a 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 offices in accordance with general law governing public officials.

(3) Each commissioner, 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, 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.

(4) 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.

(5) 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 they may be 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, chapters 189 or 191, Florida Statutes, or chapter 97-340, Laws of Florida, as they may be amended from time to time.

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

(7) 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 they may be amended from time to time.

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

(9) 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 5. Ad valorem taxation.—

(1) The board shall have the right, power, and authority to levy a millage tax against the taxable property within the district to provide funds for the purposes of the district.

(2) The tax rate shall be fixed by resolution of the board, but in no event shall exceed 1.75 mills of assessed valuation of the taxable property within the district, except as provided by chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as they may be amended from time to time.

(3) It is the legislative intent that this act will authorize the Lee County Property Appraiser and the Lee County Tax Collector to take all appropriate action to comply with the intent and purpose of this act.

Section 6. Procedures for levying ad valorem tax.—The district shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes, as it may be amended from time to time.

Section 7. Tax liens.—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 paid, and if the taxes 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.

Section 8. Board procedures, policies, regulations.—

(1) A record shall be kept of all meetings of the board. 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, chapters 189 or 191, Florida Statutes, or chapter 97-340, Laws of Florida, 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 authority to provide all things necessary for the prevention, extinguishment, and control of fires in the district.

Section 9. Fire Prevention 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, governing local or state building and fire codes.

Section 10. Dissolution.—The district shall exist until dissolved in accordance with chapters 189 and 191, Florida Statutes, and chapter 97-340, Laws of Florida.

Section 11. Actions against the district.—No suit, action, or proceeding shall be instituted or maintained in any court against the district or the commissioners, or any commissioner thereof, for or upon any claim, right, or demand of any kind or nature unless the person or persons making such claim or demand or claiming such right shall have, within 30 days after the alleged accrual of such claim, right, or demand, given to the commissioners, or one of them, a notice in writing setting forth the nature of the right, claim, or demand, the amount thereof, the place and manner in which such claim or right accrued, together with the names and addresses of all witnesses by whom such rights or demands are to be proved or established, all with sufficient detail to enable the district and the commissioners to fully investigate such claim, right, or demand; and no suit, action, or proceeding on any such claim, right, or demand shall be instituted within 3 months after such notice shall have been given.

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. Repeal of prior special acts.—Chapters 75-421, 76-402, 77-593, 80-526, 80-527, 81-411, 82-317, and 83-448, and subsection (1) of section 1 and section 2 of chapter 88-545, Laws of Florida, are repealed and replaced by this act, chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes, upon the effective date of this act.

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.