



Community & Military Affairs Subcommittee

**Wednesday, December 7, 2011
1:00 PM - 3:30 PM
Webster Hall (212 Knott)**

**Dean Cannon
Speaker**

**Ritch Workman
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Community & Military Affairs Subcommittee

Start Date and Time: Wednesday, December 07, 2011 01:00 pm
End Date and Time: Wednesday, December 07, 2011 03:30 pm
Location: Webster Hall (212 Knott)
Duration: 2.50 hrs

Consideration of the following bill(s):

CS/HB 75 Freeholder Voting by Government Operations Subcommittee, Davis
HB 231 Intergovernmental Cooperation by Horner
HB 267 East Naples Fire Control and Rescue District, Collier County by Hudson
HB 601 Sebastian Inlet Tax District, Brevard and Indian River Counties by Mayfield
HB 4075 Charlotte County by Roberson, K.



Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, December 6, 2011.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, December 6, 2011.

NOTICE FINALIZED on 11/30/2011 16:19 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 75 Freeholder Voting
SPONSOR(S): Government Operations Subcommittee; Davis
TIED BILLS: IDEN./SIM. BILLS: CS/SB 116

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	14 Y, 0 N, As CS	Naf	Williamson
2) Community & Military Affairs Subcommittee		Gibson 	Hoagland 
3) State Affairs Committee			

SUMMARY ANALYSIS

A freeholder election is an election in which only qualified electors who own land in the jurisdiction may vote. Current law requires each freeholder voting in a freeholder election to submit an affidavit made before an inspector affirming that he or she is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.

The bill removes the current freeholder's affidavit requirement and instead provides that a freeholder must submit a written declaration, which does not require notarization.

The bill provides an effective date of July 1, 2012.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Freeholder Elections

A freeholder election is an election in which only qualified electors¹ who own land in the jurisdiction may vote.² Typically, freeholder elections in counties, municipalities, and special districts concern bond issuance, district creation, or officer selection. Some issues for which freeholder elections are held in Florida are:

- issuance by a county, school district, municipality, special district or local governmental body with taxing powers of local bonds to finance or refinance capital projects;³
- issuance by a county of general obligations bonds;⁴
- issuance by a county of bonds to build bridges over navigable streams;⁵
- creation of a water or sewer district in unincorporated areas;⁶
- issuance of bonds for a water or sewer district;⁷ and
- creation of a special neighborhood improvement district.⁸

By statute, "each registered elector who makes a sworn affidavit of ownership to the inspectors, giving either a legal description, address, or location of property in the elector's name which is not wholly exempt from taxation shall be . . . considered a freeholder."⁹ Currently, each freeholder voting in a freeholder election must submit an affidavit made before an inspector affirming that he or she is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.¹⁰ Compliance with the notarization requirement may be difficult for an active duty military freeholder or other Uniformed and Overseas Citizens Absentee Voting Act freeholder.¹¹

Verification of Documents

Section 92.525, F.S., provides two processes for document verification that is authorized or required by law, by rule of an administrative agency, or by rule or order of court:

- by oath or affirmation before an authorized officer, or
- by the signing of a written declaration.

The form of the written declaration is specified as follows:

¹ Required qualifications for electors are set out in s. 97.041, F.S., and include, but are not limited to, age, citizenship, and residency requirements.

² See s. 100.241, F.S.

³ Art. VII, s. 12, Fla. Const.

⁴ S. 153.07, F.S.

⁵ S. 130.18, F.S.

⁶ S. 153.53, F.S.

⁷ S. 153.56, F.S.

⁸ S. 163.511, F.S.

⁹ S. 100.241(3), F.S.

¹⁰ S. 100.241(2), F.S.

¹¹ The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. 1973ff-6) was enacted by Congress in 1986. It requires states and territories to allow certain groups of citizens to register and vote absentee in elections for Federal offices. UOCAVA citizens are U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their family members, and U.S. citizens residing outside the United States. Section 101.6952, F.S., contains special provisions for absentee ballots for absent uniformed services and overseas voters, including use of the federal write-in absentee ballot for federal, state, or local elections when an official absentee ballot is not received.

A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.¹²

A person who knowingly makes a false written declaration commits perjury by false written declaration, a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.¹³

Effect of Proposed Changes

The bill removes the current affidavit requirement for an elector to establish that he or she is a freeholder qualified to vote in an election or referendum limited to freeholders, and in its place the bill provides that the elector must submit a written declaration as provided in s. 92.525, F.S., which affirms that the elector is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.

B. SECTION DIRECTORY:

Section 1: amends s. 100.241, F.S., relating to freeholder voting.

Section 2: provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

¹² S. 92.525(2), F.S.

¹³ S. 92.525(3), F.S.; Ss. 775.082, 775.083, and 775.084, F.S., specify penalties, including terms of imprisonment and fines, for felony offenders.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Under section 5 of the Federal Voting Rights Act, new statewide legislation that implements a voting change, including but not limited to, a change in the manner of voting, change in candidacy requirements and qualifications, change in the composition of the electorate that may vote for a candidate, or change affecting the creation or abolition of an elective office is subject to preclearance review before it can be legally enforced.¹⁴ Preclearance review may be obtained through submission to the U.S. Department of Justice or through a declaratory judgment action filed in the U.S. District Court for the District of Columbia.¹⁵ The preclearance review is conducted to determine if the change has a discriminatory purpose or effect that denies or abridges the right to vote on account of race, color or membership in a language minority group in a covered jurisdiction. Florida has five covered jurisdictions subject to preclearance: Collier, Hardee, Hendry, Hillsborough, and Monroe counties. Pursuant to correspondence with House staff, the Department of State has indicated that this legislation would require preclearance since it is a change that affects voting. Until precleared by the U.S. Attorney General or the U.S. District Court for the District of Columbia, the legislation would be unenforceable in Florida's five covered jurisdictions.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 16, 2011, the Government Operations Subcommittee amended and passed House Bill 75 as a committee substitute. The committee substitute differs from the original filed version in that it removes the current process by which an elector may establish that he or she is a freeholder who is qualified to vote, and does not include the original bill's duplicative penalty provision. The analysis has been updated to reflect this amendment.

¹⁴ 42 U.S.C. s. 1973c.

¹⁵ *Id.*

CS/HB 75

2012

1 A bill to be entitled
 2 An act relating to freeholder voting; amending s.
 3 100.241, F.S.; deleting the current process and
 4 creating a new process by which an elector may
 5 establish that he or she is a freeholder and qualified
 6 to vote in an election or referendum limited to
 7 freeholders who are qualified to vote; providing an
 8 effective date.

9

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

11

12 Section 1. Section 100.241, Florida Statutes, is amended
 13 to read:

14 100.241 Freeholder voting; election; penalties for
 15 ineligible persons who vote as freeholders.—

16 (1) In any election or referendum in which only electors
 17 who are freeholders are qualified to vote, the regular
 18 registration books covering the precincts located within the
 19 geographical area in which the election or referendum is to be
 20 held shall be used.

21 (2) Qualification and registration of electors
 22 participating in a freeholder ~~such an~~ election or referendum
 23 subject to this section shall be the same as prescribed for
 24 voting in other elections under this code, and, in addition,
 25 each such elector shall submit a written declaration, verified
 26 pursuant to s. 92.525, affirming ~~proof by affidavit made before~~
 27 ~~an inspector~~ that the elector is a freeholder who is a qualified
 28 elector residing in the county, district, or municipality in

29 | which the election or referendum is to be held.

30 | (3) Each registered elector who submits the written
 31 | declaration ~~makes a sworn affidavit of ownership to the~~
 32 | ~~inspectors,~~ giving either a legal description, address, or
 33 | location of property in the elector's name which is not wholly
 34 | exempt from taxation is ~~shall be~~ entitled to vote in the
 35 | election or referendum and is ~~shall be~~ considered a freeholder.


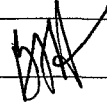
36 | (4) The actual costs of conducting a freeholder ~~such~~
 37 | ~~freeholders'~~ election or referendum subject to this section
 38 | shall be paid by the county, district, or municipality requiring
 39 | the election or referendum ~~same to be held~~.

40 | (5) A ~~It is unlawful for any person~~ may not ~~to~~ vote in any
 41 | county, district, or other election or referendum which is
 42 | limited to a vote of the electors who are freeholders, unless
 43 | the ~~such~~ person is a freeholder and a qualified elector. A ~~Any~~
 44 | person who violates ~~the provisions of~~ this subsection commits ~~is~~
 45 | ~~guilty of~~ a misdemeanor of the first degree, punishable as
 46 | provided in s. 775.082 or s. 775.083.

47 | Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 231 Intergovernmental Cooperation
SPONSOR(S): Horner
TIED BILLS: IDEN./SIM. BILLS: SB 396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	14 Y, 0 N	Thompson	Williamson
2) Community & Military Affairs Subcommittee		Gibson 	Hoagland 
3) State Affairs Committee			

SUMMARY ANALYSIS

Currently, state agencies are authorized to conduct public meetings, hearings, and workshops by means of "communications media technology." No such authorization exists for local governmental entities, including separate legal entities created by an interlocal agreement.

The bill authorizes a separate legal entity that administers or executes an interlocal agreement, with member public agencies located in at least 10 counties, to conduct public meetings and workshops by means of communications media technology. It provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop.

The bill defines the term "communications media technology" as a conference telephone, a video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

The bill requires the notice for any such meeting or workshop to state that the meeting or workshop will be conducted through the use of communications media technology, to specify how persons interested in attending may do so, and to provide a location where communications media technology facilities are available.

The bill does not have a fiscal impact on state government. The fiscal impact on local governments is indeterminate. The bill may reduce or eliminate travel and per diem expenses for members of the separate legal entity due to the use of communications media technology; however, the requirement to provide a location where communications media technology is available to the public may create an expense that is indeterminate at this time.

The bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Open Meetings Laws

Art. I, s. 24(b) of the State Constitution sets forth the state's public policy regarding access to government meetings. The section requires that all meetings of the executive branch and local government be open and noticed to the public.

Public policy regarding access to public meetings is addressed further in the Florida Statutes. The Sunshine Law¹ requires that all meetings of a public board or commission be open to the public.² Reasonable notice of such meetings must be provided.³

For a meeting or hearing where notice is required, the notice must include the advice that:

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).⁴

The Administrative Procedure Act

The Administrative Procedure Act requires the Administration Commission to adopt uniform rules of procedure.⁵ The uniform rules of procedure, which are to be used by each state agency, must provide procedures for conducting public meetings, hearings, and workshops, in person and by means of communications media technology.⁶ "Communications media technology" is defined as the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.⁷

If a public meeting, hearing, or workshop is conducted by means of communications media technology, or if attendance may be provided by such means, the public notice must state how persons may attend and name locations where communications media technology facilities will be available.⁸

The uniform rules of procedure for conducting public meetings, hearings, and workshops, in person and by means of communications media technology, may not be construed to diminish the right to inspect public records under ch. 119, F.S. Limiting points of access to public meetings, hearings and workshops subject to the provisions of the Sunshine Law to places not normally open to the public is presumed to violate the right of access of the public, and any official action taken under such

¹ See s. 286.011, F.S.

² S. 286.011(1), F.S., specifically states:

All meetings of any board or commission of a state agency or authority, or of an agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the State Constitution, at which official acts are to be taken, are declared to be public meetings open to the public at all times, and no resolution, rule or formal action is considered binding except as taken or made at such meeting.

³ S. 286.011(1), F.S.

⁴ S. 286.0105, F.S.

⁵ See ch. 120, F.S.

⁶ See ch. 28-109, F.A.C.

⁷ S. 120.54(5)(b)2., F.S.

⁸ *Id.*

circumstances is void and of no effect.⁹ Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, apply to public meetings, hearings, and workshops conducted by means of communications media technology, and are to be liberally construed in their application.¹⁰

The Legislature has provided further limited authorization for the use of communications technology in conducting public meetings. The governing board of a water management district, a basin board, a committee, or an advisory board is authorized to conduct meetings by means of communications media technology in accordance with the Administration Commission's uniform rules of procedure.¹¹ The Department of Business and Professional Regulation is specifically authorized to use communications media technology in conducting meetings of the Florida Building Commission or in any meeting held in conjunction with a meeting of the commission.¹² Further, the Legislature, in 2006, approved a one-year "test program" that allowed county commissioners in Monroe County, spread apart by a 120-mile chain of islands, to use teleconferencing equipment for special meetings and be deemed in attendance for purposes of establishing a quorum.¹³

Interlocal Agreements

Section 163.01(2), F.S., provides that the purpose behind the enactment of the Florida Interlocal Cooperation Act of 1969 (Act)¹⁴ was to allow local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage to provide services and facilities that will best address the geographic, economic, population, and other factors that affect the needs and development of local communities. The Act authorizes public agencies¹⁵ to exercise jointly, by contract in the form of an interlocal agreement, any power, privilege, or authority shared by those agencies in order to more efficiently provide services and facilities.¹⁶ An interlocal agreement may provide for a separate legal or administrative entity to administer or execute the agreement, which may be a commission, board, or council constituted pursuant to the agreement.¹⁷

A separate legal or administrative entity created by an interlocal agreement is authorized to:

- make and enter into contracts;
- employ agencies or employees;
- acquire, construct, manage, maintain, or operate buildings, works, or improvements;
- acquire, hold, or dispose of property; and
- incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the parties to the agreement.¹⁸

Florida courts have held that the Sunshine Law extends to discussions and deliberations as well as formal actions taken by a public board or commission.¹⁹ Consequently, meetings of a separate legal or

⁹ *Id.*

¹⁰ *Id.*

¹¹ S. 373.079(7), F.S.

¹² S. 553.75(3), F.S.

¹³ See ch. 2006-350, L.O.F. The special law was automatically repealed one year after it took effect. It was reported to House staff, in conversations with Monroe County officials, that the use of the teleconferencing equipment was largely ineffective due to problems at the time with the technology.

¹⁴ See s. 163.01, F.S.

¹⁵ S. 163.01(3)(b), F.S., defines "public agency" as:

A political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity [that is authorized to administer or execute the agreement], an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

¹⁶ S. 163.01(4) and (5), F.S.

¹⁷ S. 163.01(7)(a), F.S.

¹⁸ S. 163.01(7)(b), F.S.

administrative entity and its governing board are subject to Florida's public meetings requirements.²⁰ The Act does not include an authorization to conduct public meetings, hearings, or workshops by means of communications media technology.

Effect of Proposed Changes

The bill authorizes a separate legal entity created under the Florida Interlocal Cooperation Act of 1969 (Act), with member public agencies located in at least 10 counties, to conduct public meetings and workshops by means of communications media technology. Separate legal entities that would qualify under the bill often have member public agencies spread throughout the state, which makes travel to one location and the establishment of a quorum both difficult and costly. The bill defines the term "communications media technology" as a conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate. The exact wording of the definition of "communications media technology" in the bill differs from the definition provided in s. 120.54(5)(b)2., F.S., however the definition provided in the bill may provide greater flexibility to encompass future advances in communications technology.

The bill requires the notice for any such meeting or workshop to:

- state that the meeting or workshop will be conducted through the use of communications media technology;
- specify how persons interested in attending may do so; and
- provide a location where communications media technology facilities are available.

The bill provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop. As such, members of the separate legal entity would no longer be required to be physically present at meetings or workshops in order to meet quorum requirements. This could allow a quorum to be obtained more readily, allowing for greater efficiency and ease of operations for such entity conducting business.

B. SECTION DIRECTORY:

Section 1: amends s. 163.01, F.S., to authorize certain separate legal entities created under the Florida Interlocal Cooperation Act of 1969 to conduct public meetings and workshops by means of communications media technology.

Section 2: provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹⁹ *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973) (Sunshine Law applies to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter upon which foreseeable action will be taken by the board or commission).

²⁰ Op. Att'y Gen. Fla. 82-66 (1982).

None.

2. Expenditures:

Indeterminate. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

An individual's expenses associated with traveling to public meetings may be reduced or eliminated based on the location where the communications media technology is made available.

D. FISCAL COMMENTS:

The bill may reduce or eliminate travel and per diem expenses for members of the separate legal entity due to the use of communications media technology; however, the requirement to provide a location where communications media technology is available to the public may create an expense that is indeterminate at this time.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Art. 1, s. 24(b) of the State Constitution provides:

All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

The Attorney General has issued numerous advisory opinions regarding the participation of local government board members in public meetings through the use of telecommunications media and the compliance of such meetings with Florida's public meetings laws. In one opinion, it was concluded that a county commissioner who was physically unable to attend a commission meeting because of medical treatment could participate in the meeting by using an interactive video and telephone system that allowed her to see the other members of the board and the audience at the meeting and that allowed the board and audience to see her.²¹ The opinion recognized that s. 125.001, F.S., required meetings of the county commission to be held in a public place in the county, and therefore, since a quorum of the members of the county commission would actually be meeting in a public place the statute would be satisfied.²² A similar conclusion was reached in a later opinion, which stated a district school board could use electronic media technology in order to allow a

²¹ Op. Att'y Gen. Fla. 92-44 (1992).

²² *Id.*

physically absent member to attend a public meeting if a quorum of the members of the board were physically present at the meeting site.²³

To further this point, in 2009, the Attorney General issued an advisory opinion stating:

For meetings where a quorum is required, this office, in a number of formal and informal opinions, has stated that concerns about the validity of official actions taken by a public body when less than a quorum is present suggest a very conservative reading of the statute. This office has concluded that, in the absence of a statute to the contrary, the requisite number of members must be physically present at a meeting in order to constitute a quorum. While a quorum is not required for a meeting to be subject to the Government in the Sunshine Law, to the extent that any advisory body is required to have a quorum in order to conduct official business, it appears that the members of these bodies must, *in the absence of a statute to the contrary*, be physically present in order to constitute a quorum.²⁴ [emphasis added].

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

²³ Op. Att’y Gen. Fla. 98-28 (1998).

²⁴ Op. Att’y Gen. Fla. 09-56 (2009) *citing* Op. Att’y Gen. Fla. 83-100 (1983) and Op. Att’y Gen. Fla. 89-39 (1989) *citing* 20 C.J.S. *Counties* s. 99b. & c.; 62 C.J.S. *Municipal Corporations* s. 399, for the principle that in order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone.

1 A bill to be entitled
 2 An act relating to intergovernmental cooperation;
 3 amending s. 163.01, F.S.; authorizing certain parties
 4 to an interlocal agreement to conduct public meetings
 5 and workshops by means of communications media
 6 technology; providing notice requirements; providing a
 7 definition; providing an effective date.

8

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

10

11 Section 1. Subsection (18) is added to section 163.01,
 12 Florida Statutes, to read:

13

163.01 Florida Interlocal Cooperation Act of 1969.—

14

15 (18) Any separate legal entity created under subsection
 16 (7) that has member public agencies located in at least 10
 17 counties may conduct public meetings and workshops by means of
 18 communications media technology. The notice for any such public
 19 meeting or workshop shall state that the meeting or workshop
 20 will be conducted through the use of communications media
 21 technology; specify how persons interested in attending may do
 22 so; and provide a location where communications media technology
 23 facilities are available. The participation by an officer, board
 24 member, or other representative of a member public agency in a
 25 meeting or workshop conducted through communications media
 26 technology constitutes that individual's presence at such
 27 meeting or workshop. As used in this subsection, the term
 28 "communications media technology" means conference telephone,
 video conference, or other communications technology by which

HB 231

2012

29 all persons attending a public meeting or workshop may audibly
30 communicate.

31 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 267 East Naples Fire Control and Rescue District, Collier County

SPONSOR(S): Hudson

TIED BILLS: IDEN./SIM. **BILLS:** SB 642

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Tait <i>mt</i>	Hoagland <i>[Signature]</i>
2) Finance & Tax Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Chapter 191, F.S., is known as the "Independent Special Fire Control District Act" (the Act). Section 191.002, F.S., sets forth the Act's purpose, which is to establish standards and procedures concerning the operations and governance of independent special fire control districts (districts), and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of districts. There are currently 56 independent special fire control districts in Florida. Section 191.004, F.S., provides that it is the intent of the Legislature that the Act supersedes all special acts or general laws of local application provisions that contain the charter of a district.

This bill amends the charter of the East Naples Fire Control and Rescue District (District), codified in ch. 2000-444, L.O.F., and amended by ch. 2004-433, L.O.F., to remove obsolete language, which has been preempted by general law and to insert references to the applicable general law provisions. The bill also modifies the boundaries of the District to reflect annexations by the City of Naples since 2000; removes the authority for the provision of water supply; and provides specific impact fee provisions relating to the district.

The Economic Impact Statement indicates that no significant change in revenues is anticipated.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

East Naples Fire Control and Rescue District

The East Naples Fire Control and Rescue District was created on April 22, 1961. The purpose of the District is to provide fire protection and other services in emergency and crisis situations. The District is governed by a five member board of commissioners. The District currently levies an ad valorem tax on all taxable property in the district at a rate of 1.5 mills.

The District consists of 68 square miles in Collier County, and it serves 75,000 residents, not including winter residents. The District currently employs 73 persons and has no volunteers. The District owns nine firefighting vehicles. In 2010, the District received 7,677 calls, with an average response time of 5.6 minutes.

The District's charter was codified in 2000¹, and subsequently amended in 2004 to remove obsolete language which has been preempted by general law and to insert references to the applicable general law provisions of chs. 189 and 191, F.S.²

As amended, the District's charter:

- Authorizes the District to annually assess and levy against the taxable property in the District a tax not to exceed 1.5 mills on the dollar.
- Provides procedures for the assessment and collection of taxes and requires the tax collector to report to the secretary and remit the collection made for the preceding month to the treasurer.
- Describes the District's boundaries.
- Provides for annexation of property in the District by the City of Naples.
- Provides that the District's governing board (Board) shall consist of five commissioners who reside in the District and requires that the Board elect a president, a secretary and treasurer or a secretary-treasurer.
- Grants the District the authority to establish, equip, operate, and maintain a fire department and rescue squad.
- Grants the authority to buy, lease, sell, or otherwise acquire and dispose of firefighting and rescue equipment and other related real and personal property.
- Grants the authority to provide services that include transportation to a health facility when authorized by the county under emergency conditions as may be prescribed by the Board.
- Allows for the providing of water, water supply, water stations, and other necessary buildings.
- Allows for the acceptance of gifts and donations of equipment or money for the District's use.
- Provides for the authority to do all other things necessary to carry out the District's functions.
- Grants the District the authority to extend its services outside the District when in cooperation with another governmental entity.
- Grants the authority to hire firefighters and other personnel.
- Grants the authority to inspect and investigate all property for fire hazards.
- Authorizes the promulgation of rules and regulations for the prevention of fire and for fire control.
- Provides the fiscal year of the District and requires the Board to prepare a tentative budget and to advertise and hold hearings regarding such budget, in addition to presenting the budget to the Board of County Commissioners of Collier County.
- Provides that all expenses incurred by the Board in carrying out this act shall be payable by the treasurer and requires the treasurer to make a written semiannual report of receipts and expenditures of the funds to the District.

¹ Chapter 2000-444, L.O.F.

² Chapter 2004-433, L.O.F.

- Requires the treasurer to give a good and sufficient bond to the Governor in the sum of \$3,000.
- Provides the act be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.
- Authorizes the District to issue general obligation bonds, notes or certificates of indebtedness to fund capital projects as provided in chs. 189 or 191, F.S.
- Grants power of eminent domain and provides limitations of that power.
- Requires that the location and construction of fire stations comply with applicable Collier County ordinances.
- Provides for reimbursement to county for costs of referendum.
- Authorizes the District to charge and collect impact fees for capital improvement on new construction within the District as provided for in ch. 191, F.S.

General Law Provisions

Independent fire control special districts are governed by ch. 189, F.S., the "Uniform Special District Accountability Act of 1989," and ch. 191, F.S., the "Independent Special Fire Control District Act."

THE UNIFORM SPECIAL DISTRICT ACCOUNTABILITY ACT OF 1989

Chapter 189, F.S., known as the "Uniform Special District Accountability Act of 1989," largely relates to requirements that must be satisfied when the Legislature creates any independent special district, including independent special fire control districts created under ch. 191, F.S. It also includes Legislative intent to provide by general law for the uniform operation, exercise of powers, and procedure for termination of any independent special district³; however, there is not Legislative intent that it supersede the charters of independent special districts created and enacted prior to September 30, 1989.

THE INDEPENDENT SPECIAL FIRE CONTROL DISTRICT ACT

Chapter 191, F.S., is known as the "Independent Special Fire Control District Act" (the Act). Section 191.002, F.S., sets forth the Act's purpose, which is to establish standards and procedures concerning the operations and governance of independent special fire control districts (districts), and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of districts. Currently, there are 56 independent special fire control districts in Florida.

Unless otherwise exempted by special or general law, the Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply with the Act and provides that it is the intent of the Legislature that the Act supersede all special acts or general laws of local application provisions that contain the charter of a district. Provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted.⁴

District Governing Board

Section 191.005, F.S., prescribes procedures for the election, composition, and general administration of a district's governing board. With the exception of districts whose governing boards are appointed collectively by the Governor, the county commission, and any cooperating city within the county. The statutes require the business affairs of each district to be conducted and administered by a five-member board. Each member must be elected for a term of 4 years and serve until the member's successor assumes office. Each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term. Any board member who ceases to be a qualified elector is automatically removed pursuant to the Act. Prior to election, each candidate must qualify for election by either paying a filing fee or obtaining the signatures of at least 25 registered electors of the district on petition forms provided by the supervisor of elections and submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates. A candidate who does not collect

³ Section 189.402(5), F.S.

⁴ Section 191.004, F.S.

contributions and whose only expense is the filing fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

The electors of the district must elect board members at the next general election following the effective date of a special act or general act of local application creating a new district. Except as provided by the Act, all elections must be held at the time and in the manner prescribed by law for holding general elections in accordance with ss. 189.405(2)(a) and (3), F.S. 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 must be held to fill the vacancy for the remaining term, if any.

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 but which may not exceed \$500 per month for each member. Separate compensation for the board member serving as treasurer may be authorized by like vote so long as total compensation for the board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expenses as provided in general law.

Each member must, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution and s. 876.05, F.S. Each member, within 30 days of assuming office, must also give the Governor a good and sufficient surety bond in the sum of \$5,000, the cost thereof being borne by the district, conditioned on the member's faithful performance of his or her duties of office.

The board must keep a permanent record book in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts are recorded. The record book must be open to inspection in the same manner as state, county, and municipal records are open under ch. 119 F.S., and s. 24, Art. I of the State Constitution. All meetings of the board must be open to the public consistent with ch. 286, s. 189.417, and other applicable general laws.

General Powers

Section 191.006, F.S., sets forth the following general powers of a district, which may be exercised by a majority vote of the board:

- To sue and be sued in the name of the district, to adopt and use a seal and authorize the use of a facsimile thereof, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
- To provide for a pension or retirement plan for its employees. In accordance with general law, the board may provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.
- To contract for the services of consultants to perform planning, engineering, legal, or other professional services.
- To borrow money and accept gifts, to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith, and to hold, use, sell, and dispose of such moneys or property for any district purpose in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
- To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of other documents and records of the district. The board may also adopt ordinances and resolutions that are necessary to conduct district business, if such ordinances do not conflict with any ordinances of a local general purpose government within whose jurisdiction the district is located. Any resolution or ordinance adopted by the board and approved by referendum vote of district electors may only be repealed by referendum vote of district electors.

- To maintain an office at places it designates within a county or municipality in which the district is located and appoint an agent of record.
- To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate therein for any purpose authorized by this act and to trade, sell, or otherwise dispose of surplus real or personal property. The board may purchase equipment by an installment sales contract if funds are available to pay the current year's installments on the equipment and to pay the amounts due that year on all other installments and indebtedness.
- To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by this act and to use such easement, dedication, or reservation for any purpose authorized by this act consistent with applicable adopted local government comprehensive plans and land development regulations.
- To lease as lessor or lessee to or from any person any facility or property of any nature for the use of the district when necessary to carry out the district's duties and authority under this act.
- To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes and assessments, warrants, notes, or other evidence of indebtedness, and mortgage real and personal property when necessary to carry out the district's duties and authority under this act.
- To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection in the manner prescribed by resolution and authorized by law. However, the imposition of impact fees may only be authorized as provided by general law.
- To exercise the right and power of eminent domain, pursuant to general law, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose, for the uses and purposes of the district relating solely to the establishment and maintenance of fire stations and fire substations, specifically including the power to take easements that serve such facilities consistent with applicable adopted local government comprehensive plans and land development regulations.
- To cooperate or contract with other persons or entities, including other governmental agencies, as necessary, convenient, incidental, or proper in connection with providing effective mutual aid and furthering any power, duty, or purpose authorized by this act.
- To assess and impose upon real property in the district ad valorem taxes and non-ad valorem assessments as authorized by this act.
- To impose and foreclose non-ad valorem assessment liens as provided by this act or to impose, collect, and enforce non-ad valorem assessments pursuant to general law.
- To select as a depository for its funds any qualified public depository as defined by general law which meets all the requirements of ch. 280, F.S., and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest upon the funds deposited as the board deems just and reasonable.
- To provide adequate insurance on all real and personal property, equipment, employees, volunteer firefighters, and other personnel.
- To organize, participate in, and contribute monetarily to organizations or associations relating to the delivery of or improvement of fire control, prevention, emergency rescue services, or district administration.

Special Powers

Section 191.008, F.S., requires districts to provide for fire suppression and prevention by establishing and maintaining fire stations and fire substations and by acquiring and maintaining firefighting and fire protection equipment deemed necessary to prevent or fight fires. All construction must be in compliance with applicable state, regional, and local regulations, including adopted comprehensive plans and land development regulations.

Section 191.008, F.S., grants districts the following special powers relating to facilities and duties authorized by the Act:

- To establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, pursuant to general law and any certificate of public convenience and necessity or its equivalent issued thereunder.
- To employ, train, and equip such personnel, and train, coordinate, and equip such volunteer firefighters, as are necessary to accomplish the duties of the district. The board may employ and fix the compensation of a fire chief or chief administrator. The board must prescribe the duties of such person, which include supervision and management of the operations of the district and its employees and maintenance and operation of its facilities and equipment. The fire chief or chief administrator may employ or terminate the employment of such other persons, including, without limitation, professional, supervisory, administrative, maintenance, and clerical employees, as are necessary and authorized by the board. The board must provide the compensation and other conditions of employment of the officers and employees of the district.
- To conduct public education to promote awareness of methods to prevent fires and reduce the loss of life and property from fires or other public safety concerns.
- To adopt and enforce firesafety standards and codes and enforce the rules of the State Fire Marshal consistent with the exercise of the duties authorized by chs. 553 or 633, F.S., with respect to fire suppression, prevention, and firesafety code enforcement.
- To conduct arson investigations and cause-and-origin investigations.
- To adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency.
- To contract with general purpose local government for emergency management planning and services.

District Funding Mechanisms

Section 191.009, F.S., authorizes districts to levy ad valorem taxes, special assessments, user charges, and impact fees.

Ad Valorem Taxes – An elected board may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of, and interest on, general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the State Constitution and the Act. The levy of ad valorem taxes must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum. The tax is assessed, levied, and collected in the same manner as county taxes.

Non-Ad Valorem Assessments – A district may levy non-ad valorem assessments to construct, operate, and maintain district facilities and services. The rate of such assessments must be fixed by resolution of the board pursuant to statutory procedures. Non-ad valorem assessment rates set by the board may exceed the maximum rates established by special act, county ordinance, the previous year's resolution, or referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years. Non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition. Proposed non-ad valorem assessment increases which exceed the rate set the previous fiscal year or the rate previously set by special act or county ordinance, whichever is more recent, by more than the average annual growth rate in Florida personal income over the last 5 years, or the first-time levy of non-ad valorem assessments in a district, must be approved by referendum of the electors of the district. The referendum on the first-time levy of an assessment must include a notice of the future non-ad valorem assessment rate increases permitted by the Act without a referendum. Non-ad valorem assessments must be imposed, collected, and enforced pursuant to general law.

User Charges – The board may provide a reasonable schedule of user charges for the following services:

- Special emergency services, including firefighting occurring in or to structures outside the district, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels, to which the district is called to render such emergency service, and may charge a fee for the services rendered in accordance with the schedule;
- Fighting fires occurring in or at refuse dumps or as a result of an illegal burn, which fire, dump, or burn is not authorized by general or special law, rule, regulation, order, or ordinance and which the district is called upon to fight or extinguish;
- Responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, to which the district has been called, including a charge for responding to false alarms; and
- Inspecting structures, plans, and equipment to determine compliance with firesafety codes and standards.

The district has a lien upon any real property, motor vehicle, marine vessel, aircraft, or rail car for any user charge assessed.

Impact Fees – If the general purpose local government has not adopted an impact fee for fire services which is distributed to the district for construction within its jurisdictional boundaries, the board may establish a schedule of impact fees to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the district must be kept separate from other revenues of the district and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. The term "new facilities" is defined as land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment. The board must maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment. The board may enter into agreements with general purpose local governments to share in the revenues from fire protection impact fees imposed by the governments.

District Bonds

Section 191.012, F.S., authorizes a district to issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or a part of any proposed improvements authorized to be undertaken under the Act or other law, provided the total annual payments for the principal and interest on such indebtedness does not exceed 50 percent of the total annual budgeted revenues of the district. This section also provides detailed instructions and procedures regarding the issuance and satisfaction of district bonds.

Bonds are payable from non-ad valorem assessments or other non-ad valorem revenues, including, without limitation, user fees or charges or rental income authorized to be levied or collected or received pursuant to the Act or general law. General obligation bonds payable from ad valorem taxes may also be issued by the district, but only after compliance with s. 12, Art. VII of the State Constitution. Subject to referendum approval, a district may pledge its full faith and credit for the payment of principal and interest on general obligation bonds and for any reserve funds provided therefore and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all property in the district to the extent necessary for the payment thereof. A district is authorized, after notice and opportunity to be heard has been afforded to those affected, to impose, charge, and collect non-ad valorem revenues in connection with any of the improvements authorized under the Act and to pledge the same for the payment of bonds.

District Boundaries and Mergers

Section 191.014, F.S., provides that boundaries of a district may be modified, extended, or enlarged only upon approval or ratification by the Legislature. The merger of a district with all or portions of other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. A district may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless approved by the electors of the district by referendum.

LOCAL GOVERNMENT BOUNDARIES

Chapter 171, F.S., addresses local government boundaries. Part I of ch. 171, F.S., is known as the "Municipal Annexation or Contraction Act"⁵ and Part II of the chapter is known as the "Interlocal Service Boundary Agreement Act."⁶

The "Municipal Annexation or Contraction Act" codifies the State's annexation procedures and was enacted in 1974 to ensure sound urban development, establish uniform methods for the adjustment of municipal boundaries, provide for efficient service delivery in areas that become urban, and limit annexation to areas where municipal services can be provided.⁷ It allows for property to be annexed or deannexed without passage of an act by the Legislature. Section 171.093, F.S., relates to municipal annexations within special districts to address transaction issues through an interlocal agreement or through a four year transition period.

The "Interlocal Service Boundary Agreement Act" provides an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the municipal service areas, and reduce the number of enclaves. The negotiating parties, however, are not required to reach an agreement. It is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments.

Effect of Proposed Changes

HB 267 removes obsolete language which was preempted by ch. 191, F.S., the "Independent Special Fire Control District Act," and inserts applicable chapter language.

The bill:

- Deletes specific annexation language and refers to process in ch. 171, F.S.
- Deletes the authority for the District to provide water, water supply and water stations. These powers are not provided in ch. 191, F.S.
- Deletes a specific reference to the maximum millage of 1.5 mills. As ch. 191, F.S., provides for an authorized millage of 3.75⁸, and supersedes all special acts or general laws of local application provisions that contain the charter of a district,⁹ this change reflects the District's current authority and does not increase the District's authority.
- Deletes specific provisions concerning eminent domain authority; however, s. 191.006(12), F.S., allows fire control districts to exercise limited rights and powers of eminent domain.
- Provides more specific provisions regarding impact fees in addition to the District's current authority for charging and collecting impact fees. The bill specifically imposes impact fees based on a 2005 study, references applicable state statutes governing impact fee use and collection, and provides for agreements for the collection of fees.
- Allows the District to assess user fees in accordance with s. 191.009(3), F.S.
- The bill also adds sections for Elections, Immunity, and Dissolution.

The bill also modifies the boundaries of the District to reflect annexations by the City of Naples since 2000. The removed properties are the Estuary at Grey Oaks, Ruffina, Eagle View, Collier Park of Commerce, and Senior Care (Bridges at Gordon River).

The Economic Impact Statement indicates that no significant change in revenues is anticipated.

⁵ Part I is comprised of ss. 171.011 – 171.094, F.S.

⁶ Part II is comprised of ss. 171.20 – 171.212, F.S.

⁷ Section 171.021, F.S.

⁸ Section 191.009(1), F.S.

⁹ Section 191.004, F.S.

The bill provides an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends chapter 2000-444, L.O.F, as amended by ch. 2004-433, L.O.F., relating to the East Naples Fires Control and Rescue District, Collier County.

Section 1: Codification and clarifies that the District is an independent special fire control district.

Section 2: Provides the purpose of the district, specifies it as an independent special district under ch. 189 and ch. 191, F.S.

Section 3: Provides the boundaries of the district.

Section 4: Provides for annexation.

Section 5: Provides for the Board of Commissioners (Governing Board).

Section 6: Provides powers and duties.

Section 7: Authorizes the District to levy ad valorem taxes with a referendum, requires that an annual itemized estimate of money required to carry out the provisions of the act be prepared, and requires that financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses comply with the act and general law provisions.

Section 8: Grants district authority to borrow money in accordance with general statute.

Section 9: Authorizes the District to levy impact fees.

Section 10: Directs deposit of District funds and grants authority to disburse.

Section 11: Requires that the District reimburse the county for costs of required elections and that the procedures for such elections must follow general law.

Section 12: Directs the District's planning requirements.

Section 13: Provides for immunity from tort liability.

Section 14: Provides for dissolution of the District and that the District's property and assets are exempt from taxation.

Section 15: Provides for liberal construction of provisions of the charter.

Section 16: Provides for severability of the act.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? August 22, 2011

WHERE? *Naples Daily News*, a daily paper of general circulation published in Naples, Collier County, Florida and distributed in Collier and Lee Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Section 5(9) authorizes the District to promulgate rules and regulations for the prevention of fire and for fire control in the District and provides that such rules and regulations adopted and made by the board will have the force and effect of law ten days after copies thereof executed by the chair and secretary have been posted in at least three public places. This provision was in ch. 2000-444, L.O.F., as amended, and is not new to the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

**HOUSE OF REPRESENTATIVES
2012 LOCAL BILL CERTIFICATION FORM**

BILL #: House Bill 267

SPONSOR(S): Representative Hudson

RELATING TO: East Naples Fire Control and Rescue District, Collier County
[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Collier County

CONTACT PERSON: James Mullen

PHONE NO.: (239) 417-6270

E-Mail: James.Mullen@myfloridahouse.gov

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Community and Military Affairs Subcommittee as soon as possible after a bill is filed.

(1) Does the delegation certify that the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?
YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?
YES NO

Date hearing held: August 18, 2011

Location: UF-IFAS Center, 2685 State Road 29 North, Immokalee, FL 34142-9515

(3) Was this bill formally approved by a majority of the delegation members?
YES NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** August 22, 2011

Where? Naples News **County** Collier County

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO NOT APPLICABLE

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

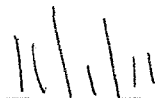
If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Community & Military Affairs Subcommittee.



Delegation Chair (Original Signature)



Date

Matt Hudson

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2012 ECONOMIC IMPACT STATEMENT**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

BILL : House Bill 267

SPONSOR(S): Representative Hudson

RELATING TO: East Naples Fire Control & Rescue District in Collier County

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Expenditures:	minimal*	n/a

*cost of local bill passage

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Federal:	n/a	n/a
State:	n/a	n/a
Local:	n/a	n/a

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Revenues:	n/a	unknown

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

The intent of this bill is to remove obsolete provisions within the District's charter to make it more reader friendly. There may be cost savings to individuals, businesses or governments that want to determine the actual powers and operations of the district as they can review one document for such information.

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

None

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

Financial documentation from the East Naples Fire Control & Rescue District

PREPARED BY: *Kenna Donaldson* *10/31/11*
[Must be signed by Preparer] Date

TITLE: Special Legislative Counsel

REPRESENTING: East Naples Fire Control & Rescue District

PHONE: 813-514-4700

E-Mail: ldonaldson@floridah2olaw.com

**HOUSE OF REPRESENTATIVES
2012 LOCAL BILL AMENDMENT FORM**

Prior to consideration of a substantive amendment to a local bill, the chair of the legislative delegation must certify, by signing this Amendment Form, that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive committee, subcommittee, and floor amendments must be accompanied by a completed original Amendment Form which has been provided to and reviewed by Community & Military Affairs Subcommittee staff prior to consideration. An Amendment Form is not required for technical amendments.

BILL NUMBER: HB 267
SPONSOR(S): Hudson
RELATING TO: East Naples Fire Control - Rescue District
[Indicate Area Affected (City, County or Special District) and Subject]
SPONSOR OF AMENDMENT: Representative Hudson
CONTACT PERSON: Laura Donaldson
PHONE NO: 813-514-4700 **E-MAIL:** ldonaldson@floridahzola.com
REVIEWED BY STAFF OF THE COMMUNITY & MILITARY AFFAIRS SUBCOMMITTEE

Must Be Checked

I. BRIEF DESCRIPTION OF AMENDMENT:

(Attach additional page(s) if necessary)

This amendment makes several technical changes to the district's codification bill that were requested by committee staff. The changes deal with the District's status, financing, severability & liberal construction.

II. REASON/NEED FOR AMENDMENT:

(Attach additional page(s) if necessary)

Committee staff requested.

III. NOTICE REQUIREMENTS

A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?

YES NO NOT APPLICABLE

B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?

YES NO NOT APPLICABLE

IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?

YES [] NO [X]

NOTE: If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted to the Community & Military Affairs Subcommittee prior to consideration of the amendment.

V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?

YES [X] NO [] UNANIMOUSLY APPROVED []



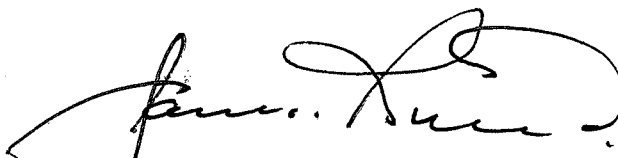
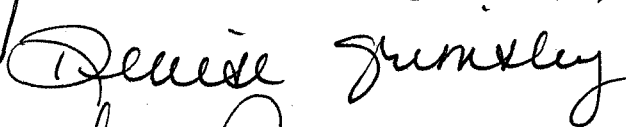
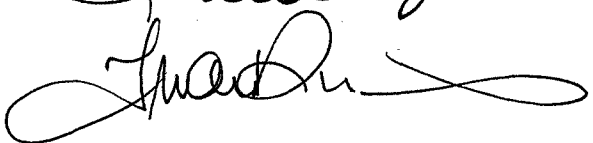
Delegation Chair (Original Signature)

12/6/11

Date

Matthew Hudson

Print Name of Delegation Chair

 12/5/2011
 12/2/11
 12/6/11

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A bill to be entitled
 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 a savings clause for the district's
 current authority to levy up to 1.5 millage; 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 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:

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

33 Section 1. Codification.—Pursuant to chapter 97-255, Laws
 34 of Florida, this act constitutes the codification of all special
 35 acts relating to the East Naples Fire Control and Rescue
 36 District, an independent special fire control and rescue
 37 district in Collier County, hereinafter referred to as the
 38 "district." It is the intent of the Legislature in enacting this
 39 law to provide a single, comprehensive special act charter for
 40 the district, including all current legislative authority
 41 granted to the district by its several legislative enactments
 42 and any additional authority granted by this act. It is further
 43 the intent of this act to preserve all district authority,
 44 including the authority to assess annually and levy against the
 45 taxable property in the district a tax not to exceed 1.5 mills
 46 on the dollar of assessed valuation.

47 Section 2. Corporate status.—All of the incorporated lands
 48 in Collier County, as described in this act, shall be
 49 incorporated into the district. The district shall be a public
 50 municipal corporation under the name of the East Naples Fire
 51 Control and Rescue District. The district is organized and
 52 exists for all purposes set forth in this act and chapters 189
 53 and 191, Florida Statutes. The district was created by special
 54 act in 1961 and its charter may be amended only by special act
 55 of the Legislature.

56 Section 3. ~~2.~~ Boundaries.—The lands to be incorporated

57 within ~~(1) A fire control district known as the East Naples~~
 58 ~~Fire Control and Rescue District, hereafter referred to as the~~
 59 ~~district, is hereby established to consist of the following~~
 60 described lands in Collier County:

61 A. Beginning at the northeast corner of the
 62 Northwest quarter of Section 27, Township 49 South,
 63 Range 25 East, thence along the north line of said
 64 Section 27, east 45 feet to the east right-of-way line
 65 of C-851 (also known as Goodlette-Frank Road), (which
 66 right-of-way line lies 45 feet east of, measured at
 67 right angles to, and parallel with the north and south
 68 quarter section line of said Section 27), to the north
 69 line of Lot 11, Naples Improvement Company's Little
 70 Farms, Plat Book 2, Page 2; thence east to the east
 71 section line of Section 27, Township 49 South, Range
 72 25 East; then north along the east line of said
 73 Section 27 to the northeast corner of said Section 27;
 74 said point also being the southeast corner of Section
 75 23 Township 49 South, Range 25 East thence east along
 76 the north line of Section 26, Township 49 South, Range
 77 25 East to a point 990.0 feet west of the west right-
 78 of-way line of Airport Pulling Road; thence south 01
 79 degrees 30 minutes 00 seconds east, 1320.0 feet;
 80 thence north 89 degrees 25 minutes 40 seconds east,
 81 660.0 feet; thence north 01 degrees 30 minutes 00
 82 seconds west, 1320.0 feet to the north line of said
 83 Section 26; thence east along said north line of
 84 Section 26 to the west right of way line of Airport-

85 Pulling Road; to the south line of said Section 26
 86 (said right-of-way line lying 50 feet west of the
 87 southeast corner of said Section 26); thence westerly
 88 along said south line to the southwest corner of said
 89 Section 26; thence northerly along the west line of
 90 said Section 26; to the southerly right-of-way line of
 91 Golden Gate Parkway (100 feet wide); thence easterly
 92 along said southerly right-of-way line to a point
 93 lying 1220.00 feet west of the west line of said
 94 Airport-Pulling Road; thence northerly parallel with
 95 said west right-of-way line to the northerly right-of-
 96 way line of said Golden Gate Parkway; thence westerly
 97 along the north right-of-way of Golden Gate Parkway to
 98 a point 620 feet east and 235.46 feet south of the
 99 northwest corner of Lot 8, Naples Improvement
 100 Company's Little Farms; thence north 235.46 feet to
 101 the north line of Lot 8; thence west along said north
 102 line 620 feet to the northwest corner of said Lot 8;
 103 thence southerly to that angle point in said east
 104 right-of-way line which lies on a line 400.00 feet
 105 northerly of (measured at right angles to) and
 106 parallel with the north line of Section 34, Township
 107 49 South, Range 25 East; thence continuing along said
 108 east right-of-way to the north line of Gordon River
 109 Homes Subdivision; thence east along the north line of
 110 Lots 50, 49, and 48 to a point 22.5 feet east of the
 111 northwest corner of Lot 48; thence south parallel to
 112 the west line of Lot 48 to the south line of Lot 48;

113 | thence west along the south line of Lots 48, 49, and
 114 | 50 to the east right-of-way line of Goodlette-Frank
 115 | Road; thence continuing along said east right-of-way
 116 | line, which line lies 100.00 feet east of, measured at
 117 | right angles to, and parallel with the north and south
 118 | quarter section line of said Section 34; thence
 119 | continuing along said east right-of-way line to a
 120 | point on the north line of the southwest quarter of
 121 | the northeast quarter of Section 34, Township 49
 122 | South, Range 25 East; thence continue on said right of
 123 | way line 460.0 feet; thence north 89 degrees 41
 124 | minutes 30 seconds east 494.99 feet; thence south 0
 125 | degrees 34 minutes 06 seconds east 615.88 feet to a
 126 | point of curvature; thence southwesterly 343.97 feet
 127 | along the arc of a tangential circular curve, concave
 128 | to the northwest have a radius of 243.97 feet and
 129 | subtended by a chord which bears south 44 degrees 33
 130 | minutes 25 seconds west 345.84 feet; thence south 89
 131 | degrees 41 minutes 30 seconds west 250.0 feet to the
 132 | easterly right of way line of Goodlette-Frank Road;
 133 | thence south along said right of way line to a point
 134 | 48.41 feet south of the north line of the south half
 135 | of Section 34, Township 49 South, Range 25 East;
 136 | thence north 89 degrees 56 minutes 59 seconds east
 137 | 249.79 feet; thence northeasterly 173.98 feet along
 138 | the arc of a circular curve concave to the northwest
 139 | having a radius of 293.97 feet and being subtended by
 140 | a chord which bears north 72 degrees 59 minutes 41

141 seconds east 171.46 feet; thence south 89 degrees 47
 142 minutes 31 seconds east 808.79 feet; thence north 89
 143 degrees 55 minutes 05 seconds east 993.64 feet to a
 144 point on that bulkhead line as shown on Plate recorded
 145 in Bulkhead Line Plan Book 1, Page 25 Collier County
 146 Public Records, Collier County, Florida; thence run
 147 the following courses along the said Bulkhead line,
 148 47.27 feet along the arc of a non-tangential circular
 149 curve concave to the west, having a radius of 32.68
 150 feet and subtended by a chord having a bearing of
 151 south 14 degrees 08 minutes 50 seconds east and a
 152 length of 43.26 feet to a point of tangency; south 27
 153 degrees 17 minutes 25 seconds west for 202.44 feet to
 154 a point of curvature; 296.89 feet along the arc of a
 155 curve concave to the southeast, having a radius of
 156 679.46 feet and subtended by a chord having a bearing
 157 of south 14 degrees 46 minutes 21 seconds west and a
 158 length of 294.54 feet to a point of reverse curvature;
 159 157.10 feet along the arc of a curve concave to the
 160 northwest, having a radius of 541.70 feet, and
 161 subtended by a chord having a bearing of south 10
 162 degrees 33 minutes 47 seconds west and a length of
 163 156.55 feet to a point of reverse curvature; 307.67
 164 feet along the arc of a curve concave to the
 165 northeast; having a radius of 278.30 feet, and
 166 subtended by a chord having a bearing of south 12
 167 degrees 47 minutes 59 seconds east and a length of
 168 292.24 feet to a point of reverse curvature; 135.31

169 feet along the arc of a curve concave to the southwest
 170 having a radius of 100.00 feet and subtended by a
 171 chord having a bearing of south 05 degrees 42 minutes
 172 27 seconds East and a length of 125.21 feet to a point
 173 of tangency; thence South 33 degrees, 03 minutes, 21
 174 seconds West for 295.10 feet; and South 33 degrees 27
 175 minutes 51 seconds West 1.93 feet to the north line of
 176 the River Park East Subdivision which is also the
 177 north line of the south half of the southeast quarter
 178 of Section 34, Township 49 South, Range 25 East;
 179 thence along the north line of the south half of the
 180 southeast quarter of said Section 34, easterly to the
 181 west line of Section 35, Township 49 South, Range 25
 182 East; thence along the west line of said Section 35,
 183 northerly 1320 feet more or less to the northwest
 184 corner of the south half of said Section 35; thence
 185 along the north line of the south half of said Section
 186 35, easterly to the west right-of-way line of State
 187 Road No. 31 (Airport Road), which right-of-way lies
 188 50.0 feet west of, measured at right angles to, and
 189 parallel with the east line of said Section 35; thence
 190 along said right-of-way line of State Road No. 31,
 191 south 00 degrees 13 minutes 57 seconds west 1800 feet
 192 more or less to a point on said west right-of-way
 193 line, which lies north 00 degrees 13 minutes 57
 194 seconds east 848.02 feet and south 89 degrees 46
 195 minutes 03 seconds west 50.00 feet from the southeast
 196 corner of said Section 35; thence continuing along

197 said west right-of-way line southerly 325.02 feet
 198 along the arc of a tangential circular curve concave
 199 to the east, radius 2914.93 feet, subtended by a chord
 200 which bears south 2 degrees 57 minutes 43 seconds east
 201 324.87 feet; thence continuing along said west right-
 202 of-way line, tangentially south 6 degrees 09 minutes
 203 22 second east 3.13 feet, thence southerly along a
 204 curve concave to the southwest, having a central angle
 205 of 6 degrees 23 minutes 18 seconds and a radius of
 206 1860.08 feet, a distance of 207.34 feet; thence south
 207 0 degrees 13 minutes 57 seconds west 313.03 feet more
 208 or less to a point on the north line of and 20 feet
 209 west of the northeast corner of Section 2, Township 50
 210 South, Range 25 East; thence southeasterly, 300.7 feet
 211 more or less to a point on the east line of said
 212 Section 2 which point lies 300.0 feet south of the
 213 northeast corner of said Section 2; thence along the
 214 east line of the north half of said Section 2,
 215 southerly to the southeast corner of the north half of
 216 said Section 2; thence along the south line of the
 217 north half of said Section 2; westerly to the
 218 northeast corner of the southeast quarter of Section
 219 3, Township 50 South, Range 25 East; thence southerly
 220 along the east line of the southeast corner of said
 221 Section 3 for a distance of 2013.98 feet; thence North
 222 89 degrees 37 minutes 20 seconds East 662.04 feet;
 223 thence South 00 degrees 17 minutes 20 seconds East
 224 119.26 feet; thence South 89 degrees 27 minutes 40

225 seconds West 322.00 feet; thence South 00 degrees, 17
 226 minutes 20 seconds East 10.00 feet; thence South 89
 227 degrees 27 minutes 40 seconds West 68.00 feet; thence
 228 South 00 degrees 17 minutes 20 seconds East 361.00
 229 feet; thence North 89 degrees 27 minutes 40 seconds
 230 East 68.00 feet; thence South 00 degrees 17 minutes 20
 231 seconds East 140.00 feet; thence South 89 degrees 27
 232 minutes 40 seconds West 221.81 feet; thence North 01
 233 degrees 05 minutes 56 seconds West 6.99 feet; thence
 234 westerly along the arc of a non-tangential circular
 235 curve concave to the north having a radius of 370.00
 236 feet through a central angle of 18 degrees 34 minutes
 237 13 seconds and being subtended by a chord which bears
 238 North 81 degrees 50 minutes 17 seconds West 119.40
 239 feet for a distance of 119.92 feet to a point on the
 240 east line of said Section 3; thence southerly along
 241 the east line of Section 3, and along the east lines
 242 of Sections 10, 15, 22, and 27, all in Township 50
 243 South, Range 25 East, to the southeast corner of said
 244 Section 27, Township 50 South, Range 25 East; thence
 245 westerly along the south line of said Section 27,
 246 Township 50 South, Range 25 East, and along the
 247 western prolongation of said south line to a point
 248 1,000 feet west of the mean low water line of the Gulf
 249 of Mexico; thence southeasterly along said shoreline
 250 to the south line of Section 3, Township 51 South,
 251 Range 25 East, thence easterly along the south line of
 252 said Section 3, Section 2, Section 1, Township 51

253 South; thence along the south corner of said Section
 254 5; thence north along the east line of Section 5,
 255 Township 51 South, Range 26 East; thence continue on
 256 the north line of Section 25, 26 and part of Section
 257 27, Township 49 South, Range 25 East to the point of
 258 beginning and also,

259
 260 B. All those lands in Collier County described
 261 as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
 262 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
 263 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
 264 and 36, Township 51 South, Range 26 East; Sections 1,
 265 2, 3 and those portions of Sections 10, 11, 12, and
 266 13, Township 52 South, Range 26 East, that lie North
 267 of the Marco River; those portion of Section 5, 6, 7
 268 and 18, Township 52 South, Range 27 East, that lie
 269 West and North of State Road 92; and Sections 7, 8,
 270 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
 271 Township 51 South, Range 27 East, and those portions
 272 of Sections 32 and 33, Township 51 South, Range 27
 273 East, that lie west and North of State Road 92,

274
 275 C. Less and except the North 1/2 of Section 2 of
 276 Township 50 South, Range 25 East and the South 1/2 of
 277 Section 35 of Township 49 South, Range 25 East.

278
 279 D. Less and except approximately 21.99 acres,
 280 more or less: A portion of Lots 7 through 9 of Naples

281 Improvement Company's Little Farms as recorded in Plat
 282 Book 2 at page 2 of the Public Records of Collier
 283 County, Florida, being more particularly described as
 284 follows:

285
 286 Commence at the intersection of the East right-
 287 of-way of Goodlette-Frank Road (C.R. 851) and the
 288 South right-of-way of Golden Gate Parkway; thence run
 289 along said South right-of-way for the following four
 290 (4) courses:

291
 292 1) thence run North 44°42'45" East, for a
 293 distance of 35.36 feet;

294
 295 2) thence run North 89°42'45" East, for a
 296 distance of 122.57 feet;

297
 298 3) thence run North 80°12'12" East, for a
 299 distance of 159.63 feet;

300
 301 4) to a point on a circular curve concave
 302 northwest, whose radius point bears North 11°26'26"
 303 West, a distance of 813.94 feet therefrom; thence run
 304 Northeasterly along the arc of said curve to the left,
 305 having a radius of 813.94 feet, through a central
 306 angle of 22°36'33", subtended by a chord of 319.10
 307 feet at a bearing of North 67°15'18" East, for an arc
 308 length of 321.18 feet to the intersection of the South

309 right-of-way of said Golden Gate Parkway and the West
 310 line of the East 338.24 feet of the West 958.34 feet
 311 of Lot 7 of Naples Improvements Company's Little Farms
 312 Subdivision as recorded in Plat Book 2 at page 2 of
 313 the Public Records of Collier County, Florida, also
 314 being the point of beginning of the parcel of land
 315 herein described; thence run South 00°16'32" East,
 316 along the West line of the East 338.24 feet of the
 317 West 958.34 feet of said Lot 7, for a distance of
 318 302.90 feet to a point on the South line of said Lot
 319 7; thence run along said South line for the following
 320 two (2) courses:

321
 322 1) thence run North 89°41'51" East, for a
 323 distance of 338.41 feet;

324
 325 2) thence run North 89°50'24" East, for
 326 approximately 850 feet to a point on the mean high
 327 water line of the west bank of Gordon River, said
 328 point herein called Point "A". thence return to the
 329 aforementioned point of beginning. thence run along
 330 the south right-of-way of said Golden Gate Parkway for
 331 the following four (4) courses:

332
 333 1) beginning at a point on a circular curve
 334 concave northwest, whose radius point bears North
 335 34°02'58" West a distance of 813.94 feet therefrom;
 336 thence run Northeasterly along the arc of said curve

337 to the left, having a radius of 813.94 feet, through a
 338 central angle of 05°09'09", subtended by a chord of
 339 73.17 feet at a bearing of North 53°22'27" East, for
 340 an arc length of 73.20 feet to the end of said curve;

341
 342 2) thence run North 50°47'53" East, for a
 343 distance of 459.55 feet

344
 345 3) to the beginning of a tangential circular
 346 curve concave south; thence run Easterly along the arc
 347 of said curve to the right, having a radius of 713.94
 348 feet; through a central angle of 38°52'20"; subtended
 349 by a chord of 475.13 feet at a bearing of North
 350 70°14'03" East, for an arc length of 484.37 feet to
 351 the end of said curve;

352
 353 4) thence run North 89°40'13" East, for
 354 approximately 724 feet to a point on the mean high
 355 water line of the west bank of Gordon River; thence
 356 meander Southwesterly along the mean high water line
 357 for approximately 900 feet to the aforementioned Point
 358 "A" and the point of ending.

359
 360 E. Less and except approximately 112.82 acres,
 361 more or less: All of East Naples Industrial Park,
 362 according to the plat thereof recorded in Plat Book
 363 10, Pages 114 and 115, of the Public Records of
 364 Collier County, Florida; all of East Naples Industrial

365 Park Replat No. 1, according to the Plat thereof
 366 recorded in Plat Book 17, Pages 38 and 39, of the
 367 Public Records of Collier County, Florida; and the
 368 Northerly 200 feet of the Southerly 510 feet of the
 369 Easterly 250 feet of the Northeast ¼ of Section 35,
 370 Township 49 South, Range 25 East, Collier County,
 371 Florida, less and excepting the Easterly 50 feet
 372 thereof.

373
 374 F. Less and except approximately 6.17 acres,
 375 more or less: All that part of Lots 12, 13, and 14,
 376 Naples Improvement Company's Little Farms, as recorded
 377 in Plat Book 2, Page 2 of the Public Records of
 378 Collier County, Florida, being more particularly
 379 described as follows:

380
 381 Commencing at the Southwest corner of Lot 12, thence
 382 along the South line of said Lot 12, North 89°26'51"
 383 East 20.00 feet to the East right-of-way line of
 384 Goodlette-Frank Road; thence along the East right-of-
 385 way line North 00°39'49" East 10.00 feet to the Point
 386 of Beginning of the herein described parcel; thence
 387 continue along said East right-of-way North 00°39'49"
 388 West 580.00 feet; thence leaving said East right-of-
 389 way North 89°20'11" East 260.12 feet; thence North
 390 59°31'13" East, 153.66 feet; thence South 30°28'42"
 391 East, 119.01 feet; thence South 00°33'09" East, 554.02
 392 feet to a line lying 10 feet North of and parallel

393 with said South line of Lot 12; thence along the said
 394 parallel line South 89°26'51" West, 451.54 feet to the
 395 point of beginning of the herein described parcel.

396
 397 Bearings are based on the said East line Goodlette-
 398 Frank Road being North 00°33'49" East.

399
 400 G. Less and except approximately 12.77 acres,
 401 more or less: The West one-half (W1/2) of the
 402 Northwest one-quarter (NW 1/4) of the Northwest one-
 403 quarter (NW 1/4) of Section 11, Township 50 South,
 404 Range 25 East, lying South of State Road 90 (Tamiami
 405 Trail, U.S. 41), in Collier County, Florida, except
 406 the South 264 feet, and

407
 408 All that part of the South 264 feet of the Southwest
 409 one-quarter (SW 1/4) of the Northwest one-quarter (NW
 410 1/4) of the Northwest one-quarter (NW 1/4) of Section
 411 11, Township 50 South, Range 25 East, in Collier
 412 County, Florida, lying north of the northline of
 413 Walker's Subdivision as delineated on a Plat of record
 414 in plat book 1, at page 36, of the Public Records of
 415 Collier County, Florida.

416
 417 TOGETHER WITH:

418
 419 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
 420 to plat in Plat Book 1, Page 32, Public Records of

421 Collier County, Florida.

422

423 LESS AND EXCEPT:

424

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

428

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

436

437 All that part of Estuary at Grey Oaks Roadway,
 438 Clubhouse and Maintenance Facility Tracts according to
 439 the plat thereof as recorded in Plat Book 36, pages 9-
 440 16, Estuary at Grey Oaks Tract B according to the plat
 441 thereof as recorded in Plat Book 37, pages 13-18,
 442 Public Records of Collier County, Florida, and part of
 443 Section 26, Township 49 South, Range 25 East, Collier
 444 County, Florida being more particularly described as
 445 follows;

446

447 Commencing at the northwest corner of Tract M of said
 448 Estuary at Grey Oaks Roadway, Clubhouse and

449 Maintenance Facility Tracts;

450

451 Thence along the west line of said Tract M South
452 00°East 613.48 feet to the Point of Beginning of the
453 parcel herein described;

454

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

456

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

458

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

462

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

466

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

469 ~~(2) In the event that property in the district is annexed~~
470 ~~by the City of Naples between January 1 and July 1 of any year,~~
471 ~~the property shall be regarded as removed from the East Naples~~
472 ~~Fire Control and Rescue District as of January 1 of that year~~
473 ~~for the purpose of the levy of general ad valorem taxes by the~~
474 ~~district. If annexation occurs after July 1, the property shall~~
475 ~~be assessed by the district for ad valorem taxes for that year.~~
476 ~~On and after the effective date of annexation, the district~~

477 ~~shall be relieved of providing fire service to the annexed area.~~
 478 ~~The city and the district may reach an agreement to determine~~
 479 ~~what portion, if any, of the existing indebtedness or property~~
 480 ~~of the district shall be assumed by the municipality of which~~
 481 ~~the annexed territory will become a part, the fair value of such~~
 482 ~~indebtedness or property, and the manner of transfer and~~
 483 ~~financing. Nothing herein shall relieve the property annexed~~
 484 ~~from the payment of general obligation debt service incurred by~~
 485 ~~the district before annexation.~~

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

489 Section 5. Governing board.—

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

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

505 the seat for which he or she is a candidate. The candidate for
 506 each seat who receives the most votes shall be elected to the
 507 board.

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

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

522 (4) Section 4. Each elected member shall assume office 10
 523 days after the member's election. Within 60 40 days after the
 524 newly elected members have taken office, election and
 525 ~~qualification of its members~~ the board shall meet and elect from
 526 its membership a chair, a vice chair, and president, a secretary
 527 and a treasurer or a secretary-treasurer.

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

531 (6) If a vacancy occurs on the board due to the
 532 resignation, death, or removal of a board member or the failure

533 of anyone to qualify for a board seat, the remaining members may
 534 appoint a qualified person to fill the seat until the next
 535 general election, at which time an election shall be held to
 536 fill the vacancy for the remaining term, if any. The board shall
 537 remove any member who has three consecutive, unexcused absences
 538 from regularly scheduled meetings. The board shall adopt
 539 policies by resolution defining excused and unexcused absences.

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

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

545 ~~Section 5. The business affairs of the district shall be~~
 546 ~~administered and conducted by the board. It shall have the~~
 547 ~~authority, for and on behalf of the district, to establish,~~
 548 ~~equip, operate, and maintain a fire department and rescue squad~~
 549 ~~within the district and shall buy, lease, sell, exchange, or~~
 550 ~~otherwise acquire and dispose of firefighting equipment and~~
 551 ~~other property, real, personal, or mixed, that it may from time~~
 552 ~~to time deem necessary to prevent and extinguish fire or provide~~
 553 ~~rescue services within the district, which services may include~~
 554 ~~transportation to a health facility when authorized by the Board~~
 555 ~~of County Commissioners of Collier County under emergency~~
 556 ~~conditions as may be prescribed by the board of county~~
 557 ~~commissioners. This shall include, but not be limited to, the~~
 558 ~~authority to provide water, water supply, water stations, and~~
 559 ~~other necessary buildings; accept gifts or donations of~~
 560 ~~equipment or money for the use of the district; and to do all~~

561 ~~things necessary to provide for an adequate water supply, fire~~
 562 ~~prevention, and proper fire protection for the district. In~~
 563 ~~addition, the board shall have the authority to extend its~~
 564 ~~services outside the district when provided in cooperation with~~
 565 ~~another governmental entity.~~

566 ~~Section 6. The board shall have the power to hire~~
 567 ~~necessary firefighting personnel who shall serve at its~~
 568 ~~pleasure.~~

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

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

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

580 Section 6. Powers of the district.—The district shall have
 581 all powers and duties granted by this act and chapters 189 and
 582 191, Florida Statutes.

583 Section 7. Finances.—

584 (1) The powers, functions, and duties of the district
 585 regarding ad valorem taxation, bond issuance, and other revenue-
 586 raising capabilities, including non-ad valorem assessments and
 587 user and impact fees, budget preparation and approval, liens and
 588 foreclosure of liens, use of tax deeds and tax certificates as

589 appropriate for ad valorem taxes and non-ad valorem assessments,
 590 and contractual agreements and the methods for financing the
 591 district and for collecting non-ad valorem assessments, fees, or
 592 service charges shall be as set forth in this act, in chapters
 593 170, 189, 191, 197, and 219, Florida Statutes, and in any
 594 applicable general or special law.

595 (2) The district shall levy and collect ad valorem taxes
 596 in accordance with section 191.009 and chapter 200, Florida
 597 Statutes. The taxes levied and assessed by the district shall be
 598 a lien upon the land so assessed along with the county taxes
 599 assessed against such land until such assessments and taxes have
 600 been paid, and if the taxes levied by the district become
 601 delinquent, such taxes shall be considered a part of the county
 602 tax subject to the same penalties, charges, fees, and remedies
 603 for enforcement and collection and shall be enforced and
 604 collected as provided by general law for the collection of such
 605 taxes. The district shall have the authority to levy a millage
 606 rate up to 1.5 mills that was previously approved by referendum
 607 as required by the Florida Constitution and chapter 191, Florida
 608 Statutes, within the boundaries of the district. Nothing in this
 609 act shall prevent the district from levying a millage rate as
 610 provided for in section 191.009, Florida Statutes, or a millage
 611 rate that has been approved by referendum.

612 (3) The board shall annually make an itemized estimate of
 613 the amount of money required to carry out the provisions of this
 614 act for the next fiscal year of the board, which fiscal year
 615 shall be from October 1 through September 30. The estimate shall
 616 state the purpose for which the money is required and the amount

617 necessary to be raised by taxation within the district. Such
 618 budget and proposed millage rate shall be noticed, heard, and
 619 adopted in accordance with chapters 192 and 200, Florida
 620 Statutes.

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

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

630 ~~Section 9. For the purpose of carrying into effect this~~
 631 ~~law the board shall annually during the month of June, make an~~
 632 ~~itemized estimate of the amount of money required to carry out~~
 633 ~~the provisions of this act for the next fiscal year of said~~
 634 ~~board, which fiscal year shall be from April 1 to and including~~
 635 ~~the next succeeding March 31, which estimate shall show for what~~
 636 ~~purpose the moneys are required and the amount necessary to be~~
 637 ~~raised by taxation within the district, and shall be presented~~
 638 ~~in writing, signed by the president and the secretary to the~~
 639 ~~Board of County Commissioners of Collier County on or before the~~
 640 ~~first Monday in July of each year. Prior to the presentation of~~
 641 ~~such estimate to the Board of County Commissioners of Collier~~
 642 ~~County, copies of the itemized estimate, signed by the president~~
 643 ~~and secretary of the board, shall be posted in at least three~~
 644 ~~public places within the district, and at the time of the~~

645 ~~presentation of such estimate the board shall also present to~~
 646 ~~the Board of County Commissioners of Collier County a~~
 647 ~~certificate of the board that copies of such estimate have been~~
 648 ~~posted as provided herein.~~

649 ~~Section 10. Upon receipt of such estimate and certificate~~
 650 ~~of posting the said board of county commissioners shall cause~~
 651 ~~the same to be recorded in the minutes of the county~~
 652 ~~commissioners' meeting, and at the time of making and fixing the~~
 653 ~~rate of annual taxation for county purposes, shall fix and cause~~
 654 ~~to be levied on all property of said district, real and~~
 655 ~~personal, a millage sufficient to meet the requirements of the~~
 656 ~~estimate, provided however, the total millage shall not exceed 1~~
 657 ~~1/2 mills. Subject to the provisions of chapter 82-281, Laws of~~
 658 ~~Florida, this act shall take effect only when approved by a~~
 659 ~~majority of the qualified electors residing within the area of~~
 660 ~~the boundaries of the East Naples Fire Control District, voting~~
 661 ~~in a referendum election to be called by the Board of County~~
 662 ~~Commissioners of Collier County, in accordance with the~~
 663 ~~provisions of the law relating to elections currently in force~~
 664 ~~in Collier County, except that this section shall take effect~~
 665 ~~upon becoming a law on March 18, 1982.~~

666 ~~Section 11. Taxes herein provided for shall be assessed~~
 667 ~~and collected in the same manner as provided for the assessment~~
 668 ~~and collection of county taxes and subject to the same~~
 669 ~~commission and fees for assessing and collecting as for the~~
 670 ~~assessment and collection of county taxes except as herein~~
 671 ~~otherwise provided.~~

672 ~~Section 12. When the tax collector has collected the taxes~~

673 ~~provided for by this act he or she shall on or before the 10th~~
 674 ~~day of each month report to the secretary of the board the~~
 675 ~~collection made for the preceding month and remit the same to~~
 676 ~~the treasurer of the board.~~

677 ~~Section 13. All warrants for the payment of labor,~~
 678 ~~equipment, materials, and other allowable expenses incurred by~~
 679 ~~the board in carrying out the provisions of this act shall be~~
 680 ~~payable by the treasurer of the board on accounts and vouchers~~
 681 ~~approved by the board.~~

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

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

691 ~~Section 16. Subject to the original provisions of chapter~~
 692 ~~61-2034, Laws of Florida, not be effective until the same is~~
 693 ~~ratified by a majority of the qualified electors of the district~~
 694 ~~who vote in an election called by the board of county~~
 695 ~~commissioners for ratification or rejection. In the event of~~
 696 ~~ratification this act shall become effective immediately.~~

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

700 ~~Section 8. 18. Bonds, notes, and certificates of~~

701 indebtedness.—The district shall have the power to issue general
 702 obligation bonds, notes, or certificates of indebtedness
 703 pledging the full faith, credit, and taxing power of the
 704 district consistent with the purposes ~~for capital projects~~ of
 705 the district in accordance with chapter 189 or chapter 191,
 706 Florida Statutes, or any other applicable general law.

707 ~~Section 19.~~ ~~The district shall have the authority to~~
 708 ~~exercise the power of eminent domain, pursuant to chapters 73~~
 709 ~~and 74, Florida Statutes, over any property located within the~~
 710 ~~district, except municipal, county, state, and federal property,~~
 711 ~~for the purpose of acquiring property for the location of fire~~
 712 ~~stations. The location and construction of fire stations shall~~
 713 ~~comply with applicable Collier County ordinances.~~

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

717 Section 9. 21. Impact fees.—

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

722 (2) No person shall issue or obtain a building permit for
 723 new residential dwelling units or new commercial or industrial
 724 structures within the district, or issue or obtain construction
 725 plan approval for new mobile home developments located within
 726 the district, until the developers thereof have paid to the
 727 district the applicable impact fees for capital improvements
 728 hereinafter set forth. Impact fees for capital improvements to

729 be assessed and collected hereunder shall be pursuant to the
 730 Collier County 2005 First/Rescue Services Impact Fee Update
 731 Study or subsequent impact fee study pursuant to section
 732 191.009(4), Florida Statutes.

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

738 (4) The board shall determine the maximum amount of impact
 739 fees to be assessed in any one fiscal year. This determination
 740 shall be made before the next fiscal year. The board's
 741 determination of the amount of the impact fee to be assessed in
 742 any one fiscal year shall be based on the requirements set forth
 743 in this section.

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

746 Section 10. Deposit of taxes, assessments, and fees;
 747 authority to disburse funds.-

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

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

756 Section 11. Elections.-

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

760 (2) The procedures for conducting any district elections
 761 or referendum required and the qualifications of any elector of
 762 the district shall be as set forth in chapters 189 and 191,
 763 Florida Statutes, except as provided in this act.

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

767 Section 13. Immunity from tort liability.—

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

773 (2) The district commissioners and all officers, agents,
 774 and employees of the district shall have the same immunity and
 775 exemption from personal liability as provided by general law for
 776 state, county, and municipal officers.

777 (3) The district shall defend all claims against its
 778 commissioners, officers, agents, and employees that arise within
 779 the scope of employment or purposes of the district and shall
 780 pay all judgments against such persons, except where such
 781 persons acted in bad faith or with malicious purpose or in a
 782 manner exhibiting wanton and willful disregard of human rights,
 783 safety, or property.

784 Section 14. Miscellaneous.—

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

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

791 Section 15. Liberal construction.—It is intended that the
 792 provisions of this act shall be liberally construed for
 793 accomplishing the work authorized and provided for by this act,
 794 and where strict construction would result in the defeat of the
 795 accomplishment of any part of the work authorized by this act,
 796 and a liberal construction would permit or assist in the
 797 accomplishment of any part of the work authorized by this act,
 798 the liberal construction shall be chosen.

799 Section 16. Severability.—If any section, subsection,
 800 sentence, clause, or phrase of this act is held to be
 801 unconstitutional, such holding shall not affect the validity of
 802 the remaining portions of the act, the Legislature hereby
 803 declaring that it would have passed this act and each section,
 804 subsection, sentence, clause, and phrase thereof, irrespective
 805 of any separate section, subsection, sentence, clause, or phrase
 806 thereof, and irrespective of the fact that any one or more other
 807 sections, subsections, sentences, clauses, or phrases thereof
 808 may be declared unconstitutional.

809 Section 2. This act shall take effect upon becoming a law.

COMMITTEE/SUBCOMMITTEE AMENDMENT

H0267-Strike HB 267 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Community & Military
2 Affairs Subcommittee
3 Representative Hudson offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

11 Section 1. Codification.—Pursuant to chapter 97-255, Laws
12 of Florida, this act constitutes the codification of all special
13 acts relating to the East Naples Fire Control and Rescue
14 District, hereinafter referred to as the "district." It is the
15 intent of the Legislature in enacting this law to provide a
16 single, comprehensive special act charter for the district,
17 including all current legislative authority granted to the
18 district by its several legislative enactments and any
19 additional authority granted by this act. It is further the

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20 intent of this act to preserve all district authority, ~~including~~
21 ~~the authority to assess annually and levy against the taxable~~
22 ~~property in the district a tax not to exceed 1.5 mills on the~~
23 ~~dollar of assessed valuation.~~

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

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

39 A. Beginning at the northeast corner of the
40 Northwest quarter of Section 27, Township 49 South,
41 Range 25 East, thence along the north line of said
42 Section 27, east 45 feet to the east right-of-way line
43 of C-851 (also known as Goodlette-Frank Road), (which
44 right-of-way line lies 45 feet east of, measured at
45 right angles to, and parallel with the north and south
46 quarter section line of said Section 27), to the north
47 line of Lot 11, Naples Improvement Company's Little

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48 Farms, Plat Book 2, Page 2; thence east to the east
49 section line of Section 27, Township 49 South, Range
50 25 East; then north along the east line of said
51 Section 27 to the northeast corner of said Section 27;
52 said point also being the southeast corner of Section
53 23 Township 49 South, Range 25 East thence east along
54 the north line of Section 26, Township 49 South, Range
55 25 East to a point 990.0 feet west of the west right-
56 of-way line of Airport Pulling Road; thence south 01
57 degrees 30 minutes 00 seconds east, 1320.0 feet;
58 thence north 89 degrees 25 minutes 40 seconds east,
59 660.0 feet; thence north 01 degrees 30 minutes 00
60 seconds west, 1320.0 feet to the north line of said
61 Section 26; thence east along said north line of
62 Section 26 to the west right of way line of Airport-
63 Pulling Road; to the south line of said Section 26
64 (said right-of-way line lying 50 feet west of the
65 southeast corner of said Section 26); thence westerly
66 along said south line to the southwest corner of said
67 Section 26; thence northerly along the west line of
68 said Section 26; to the southerly right-of-way line of
69 Golden Gate Parkway (100 feet wide); thence easterly
70 along said southerly right-of-way line to a point
71 lying 1220.00 feet west of the west line of said
72 Airport-Pulling Road; thence northerly parallel with
73 said west right-of-way line to the northerly right-of-
74 way line of said Golden Gate Parkway; thence westerly
75 along the north right-of-way of Golden Gate Parkway to

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76 a point 620 feet east and 235.46 feet south of the
77 northwest corner of Lot 8, Naples Improvement
78 Company's Little Farms; thence north 235.46 feet to
79 the north line of Lot 8; thence west along said north
80 line 620 feet to the northwest corner of said Lot 8;
81 thence southerly to that angle point in said east
82 right-of-way line which lies on a line 400.00 feet
83 northerly of (measured at right angles to) and
84 parallel with the north line of Section 34, Township
85 49 South, Range 25 East; thence continuing along said
86 east right-of-way to the north line of Gordon River
87 Homes Subdivision; thence east along the north line of
88 Lots 50, 49, and 48 to a point 22.5 feet east of the
89 northwest corner of Lot 48; thence south parallel to
90 the west line of Lot 48 to the south line of Lot 48;
91 thence west along the south line of Lots 48, 49, and
92 50 to the east right-of-way line of Goodlette-Frank
93 Road; thence continuing along said east right-of-way
94 line, which line lies 100.00 feet east of, measured at
95 right angles to, and parallel with the north and south
96 quarter section line of said Section 34; thence
97 continuing along said east right-of-way line to a
98 point on the north line of the southwest quarter of
99 the northeast quarter of Section 34, Township 49
100 South, Range 25 East; thence continue on said right of
101 way line 460.0 feet; thence north 89 degrees 41
102 minutes 30 seconds east 494.99 feet; thence south 0
103 degrees 34 minutes 06 seconds east 615.88 feet to a

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104 point of curvature; thence southwesterly 343.97 feet
105 along the arc of a tangential circular curve, concave
106 to the northwest have a radius of 243.97 feet and
107 subtended by a chord which bears south 44 degrees 33
108 minutes 25 seconds west 345.84 feet; thence south 89
109 degrees 41 minutes 30 seconds west 250.0 feet to the
110 easterly right of way line of Goodlette-Frank Road;
111 thence south along said right of way line to a point
112 48.41 feet south of the north line of the south half
113 of Section 34, Township 49 South, Range 25 East;
114 thence north 89 degrees 56 minutes 59 seconds east
115 249.79 feet; thence northeasterly 173.98 feet along
116 the arc of a circular curve concave to the northwest
117 having a radius of 293.97 feet and being subtended by
118 a chord which bears north 72 degrees 59 minutes 41
119 seconds east 171.46 feet; thence south 89 degrees 47
120 minutes 31 seconds east 808.79 feet; thence north 89
121 degrees 55 minutes 05 seconds east 993.64 feet to a
122 point on that bulkhead line as shown on Plate recorded
123 in Bulkhead Line Plan Book 1, Page 25 Collier County
124 Public Records, Collier County, Florida; thence run
125 the following courses along the said Bulkhead line,
126 47.27 feet along the arc of a non-tangential circular
127 curve concave to the west, having a radius of 32.68
128 feet and subtended by a chord having a bearing of
129 south 14 degrees 08 minutes 50 seconds east and a
130 length of 43.26 feet to a point of tangency; south 27
131 degrees 17 minutes 25 seconds west for 202.44 feet to

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132 a point of curvature; 296.89 feet along the arc of a
133 curve concave to the southeast, having a radius of
134 679.46 feet and subtended by a chord having a bearing
135 of south 14 degrees 46 minutes 21 seconds west and a
136 length of 294.54 feet to a point of reverse curvature;
137 157.10 feet along the arc of a curve concave to the
138 northwest, having a radius of 541.70 feet, and
139 subtended by a chord having a bearing of south 10
140 degrees 33 minutes 47 seconds west and a length of
141 156.55 feet to a point of reverse curvature; 307.67
142 feet along the arc of a curve concave to the
143 northeast; having a radius of 278.30 feet, and
144 subtended by a chord having a bearing of south 12
145 degrees 47 minutes 59 seconds east and a length of
146 292.24 feet to a point of reverse curvature; 135.31
147 feet along the arc of a curve concave to the southwest
148 having a radius of 100.00 feet and subtended by a
149 chord having a bearing of south 05 degrees 42 minutes
150 27 seconds East and a length of 125.21 feet to a point
151 of tangency; thence South 33 degrees, 03 minutes, 21
152 seconds West for 295.10 feet; and South 33 degrees 27
153 minutes 51 seconds West 1.93 feet to the north line of
154 the River Park East Subdivision which is also the
155 north line of the south half of the southeast quarter
156 of Section 34, Township 49 South, Range 25 East;
157 thence along the north line of the south half of the
158 southeast quarter of said Section 34, easterly to the
159 west line of Section 35, Township 49 South, Range 25

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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160 East; thence along the west line of said Section 35,
161 northerly 1320 feet more or less to the northwest
162 corner of the south half of said Section 35; thence
163 along the north line of the south half of said Section
164 35, easterly to the west right-of-way line of State
165 Road No. 31 (Airport Road), which right-of-way lies
166 50.0 feet west of, measured at right angles to, and
167 parallel with the east line of said Section 35; thence
168 along said right-of-way line of State Road No. 31,
169 south 00 degrees 13 minutes 57 seconds west 1800 feet
170 more or less to a point on said west right-of-way
171 line, which lies north 00 degrees 13 minutes 57
172 seconds east 848.02 feet and south 89 degrees 46
173 minutes 03 seconds west 50.00 feet from the southeast
174 corner of said Section 35; thence continuing along
175 said west right-of-way line southerly 325.02 feet
176 along the arc of a tangential circular curve concave
177 to the east, radius 2914.93 feet, subtended by a chord
178 which bears south 2 degrees 57 minutes 43 seconds east
179 324.87 feet; thence continuing along said west right-
180 of-way line, tangentially south 6 degrees 09 minutes
181 22 second east 3.13 feet, thence southerly along a
182 curve concave to the southwest, having a central angle
183 of 6 degrees 23 minutes 18 seconds and a radius of
184 1860.08 feet, a distance of 207.34 feet; thence south
185 0 degrees 13 minutes 57 seconds west 313.03 feet more
186 or less to a point on the north line of and 20 feet
187 west of the northeast corner of Section 2, Township 50

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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188 South, Range 25 East; thence southeasterly, 300.7 feet
189 more or less to a point on the east line of said
190 Section 2 which point lies 300.0 feet south of the
191 northeast corner of said Section 2; thence along the
192 east line of the north half of said Section 2,
193 southerly to the southeast corner of the north half of
194 said Section 2; thence along the south line of the
195 north half of said Section 2; westerly to the
196 northeast corner of the southeast quarter of Section
197 3, Township 50 South, Range 25 East; thence southerly
198 along the east line of the southeast corner of said
199 Section 3 for a distance of 2013.98 feet; thence North
200 89 degrees 37 minutes 20 seconds East 662.04 feet;
201 thence South 00 degrees 17 minutes 20 seconds East
202 119.26 feet; thence South 89 degrees 27 minutes 40
203 seconds West 322.00 feet; thence South 00 degrees, 17
204 minutes 20 seconds East 10.00 feet; thence South 89
205 degrees 27 minutes 40 seconds West 68.00 feet; thence
206 South 00 degrees 17 minutes 20 seconds East 361.00
207 feet; thence North 89 degrees 27 minutes 40 seconds
208 East 68.00 feet; thence South 00 degrees 17 minutes 20
209 seconds East 140.00 feet; thence South 89 degrees 27
210 minutes 40 seconds West 221.81 feet; thence North 01
211 degrees 05 minutes 56 seconds West 6.99 feet; thence
212 westerly along the arc of a non-tangential circular
213 curve concave to the north having a radius of 370.00
214 feet through a central angle of 18 degrees 34 minutes
215 13 seconds and being subtended by a chord which bears

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COMMITTEE/SUBCOMMITTEE AMENDMENT

H0267-Strike HB 267 (2012)

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216 North 81 degrees 50 minutes 17 seconds West 119.40
217 feet for a distance of 119.92 feet to a point on the
218 east line of said Section 3; thence southerly along
219 the east line of Section 3, and along the east lines
220 of Sections 10, 15, 22, and 27, all in Township 50
221 South, Range 25 East, to the southeast corner of said
222 Section 27, Township 50 South, Range 25 East; thence
223 westerly along the south line of said Section 27,
224 Township 50 South, Range 25 East, and along the
225 western prolongation of said south line to a point
226 1,000 feet west of the mean low water line of the Gulf
227 of Mexico; thence southeasterly along said shoreline
228 to the south line of Section 3, Township 51 South,
229 Range 25 East, thence easterly along the south line of
230 said Section 3, Section 2, Section 1, Township 51
231 South; thence along the south corner of said Section
232 5; thence north along the east line of Section 5,
233 Township 51 South, Range 26 East; thence continue on
234 the north line of Section 25, 26 and part of Section
235 27, Township 49 South, Range 25 East to the point of
236 beginning and also,

237
238 B. All those lands in Collier County described
239 as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35,
240 Township 50 South, Range 26 East; Section 2, 3, 4, 9,
241 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35
242 and 36, Township 51 South, Range 26 East; Sections 1,
243 2, 3 and those portions of Sections 10, 11, 12, and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

H0267-Strike HB 267 (2012)

Amendment No.

244 13, Township 52 South, Range 26 East, that lie North
245 of the Marco River; those portion of Section 5, 6, 7
246 and 18, Township 52 South, Range 27 East, that lie
247 West and North of State Road 92; and Sections 7, 8,
248 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31,
249 Township 51 South, Range 27 East, and those portions
250 of Sections 32 and 33, Township 51 South, Range 27
251 East, that lie west and North of State Road 92,
252

253 C. Less and except the North 1/2 of Section 2 of
254 Township 50 South, Range 25 East and the South 1/2 of
255 Section 35 of Township 49 South, Range 25 East.
256

257 D. Less and except approximately 21.99 acres,
258 more or less: A portion of Lots 7 through 9 of Naples
259 Improvement Company's Little Farms as recorded in Plat
260 Book 2 at page 2 of the Public Records of Collier
261 County, Florida, being more particularly described as
262 follows:
263

264 Commence at the intersection of the East right-
265 of-way of Goodlette-Frank Road (C.R. 851) and the
266 South right-of-way of Golden Gate Parkway; thence run
267 along said South right-of-way for the following four
268 (4) courses:
269

270 1) thence run North 44°42'45" East, for a
271 distance of 35.36 feet;

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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:

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300 1) thence run North 89°41'51" East, for a
301 distance of 338.41 feet;

302
303 2) thence run North 89°50'24" East, for
304 approximately 850 feet to a point on the mean high
305 water line of the west bank of Gordon River, said
306 point herein called Point "A". thence return to the
307 aforementioned point of beginning. thence run along
308 the south right-of-way of said Golden Gate Parkway for
309 the following four (4) courses:

310
311 1) beginning at a point on a circular curve
312 concave northwest, whose radius point bears North
313 34°02'58" West a distance of 813.94 feet therefrom;
314 thence run Northeasterly along the arc of said curve
315 to the left, having a radius of 813.94 feet, through a
316 central angle of 05°09'09", subtended by a chord of
317 73.17 feet at a bearing of North 53°22'27" East, for
318 an arc length of 73.20 feet to the end of said curve;

319
320 2) thence run North 50°47'53" East, for a
321 distance of 459.55 feet

322
323 3) to the beginning of a tangential circular
324 curve concave south; thence run Easterly along the arc
325 of said curve to the right, having a radius of 713.94
326 feet; through a central angle of 38°52'20"; subtended
327 by a chord of 475.13 feet at a bearing of North

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328 70°14'03" East, for an arc length of 484.37 feet to
329 the end of said curve;

330
331 4) thence run North 89°40'13" East, for
332 approximately 724 feet to a point on the mean high
333 water line of the west bank of Gordon River; thence
334 meander Southwesterly along the mean high water line
335 for approximately 900 feet to the aforementioned Point
336 "A" and the point of ending.

337
338 E. Less and except approximately 112.82 acres,
339 more or less: All of East Naples Industrial Park,
340 according to the plat thereof recorded in Plat Book
341 10, Pages 114 and 115, of the Public Records of
342 Collier County, Florida; all of East Naples Industrial
343 Park Replat No. 1, according to the Plat thereof
344 recorded in Plat Book 17, Pages 38 and 39, of the
345 Public Records of Collier County, Florida; and the
346 Northerly 200 feet of the Southerly 510 feet of the
347 Easterly 250 feet of the Northeast ¼ of Section 35,
348 Township 49 South, Range 25 East, Collier County,
349 Florida, less and excepting the Easterly 50 feet
350 thereof.

351
352 F. Less and except approximately 6.17 acres,
353 more or less: All that part of Lots 12, 13, and 14,
354 Naples Improvement Company's Little Farms, as recorded
355 in Plat Book 2, Page 2 of the Public Records of

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356 Collier County, Florida, being more particularly
357 described as follows:

358
359 Commencing at the Southwest corner of Lot 12, thence
360 along the South line of said Lot 12, North 89°26'51"
361 East 20.00 feet to the East right-of-way line of
362 Goodlette-Frank Road; thence along the East right-of-
363 way line North 00°39'49" East 10.00 feet to the Point
364 of Beginning of the herein described parcel; thence
365 continue along said East right-of-way North 00°39'49"
366 West 580.00 feet; thence leaving said East right-of-
367 way North 89°20'11" East 260.12 feet; thence North
368 59°31'13" East, 153.66 feet; thence South 30°28'42"
369 East, 119.01 feet; thence South 00°33'09" East, 554.02
370 feet to a line lying 10 feet North of and parallel
371 with said South line of Lot 12; thence along the said
372 parallel line South 89°26'51" West, 451.54 feet to the
373 point of beginning of the herein described parcel.

374
375 Bearings are based on the said East line Goodlette-
376 Frank Road being North 00°33'49" East.

377
378 G. Less and except approximately 12.77 acres,
379 more or less: The West one-half (W1/2) of the
380 Northwest one-quarter (NW 1/4) of the Northwest one-
381 quarter (NW 1/4) of Section 11, Township 50 South,
382 Range 25 East, lying South of State Road 90 (Tamiami

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383 Trail, U.S. 41), in Collier County, Florida, except
384 the South 264 feet, and

385
386 All that part of the South 264 feet of the Southwest
387 one-quarter (SW 1/4) of the Northwest one-quarter (NW
388 1/4) of the Northwest one-quarter (NW 1/4) of Section
389 11, Township 50 South, Range 25 East, in Collier
390 County, Florida, lying north of the northline of
391 Walker's Subdivision as delineated on a Plat of record
392 in plat book 1, at page 36, of the Public Records of
393 Collier County, Florida.

394
395 TOGETHER WITH:

396
397 Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according
398 to plat in Plat Book 1, Page 32, Public Records of
399 Collier County, Florida.

400
401 LESS AND EXCEPT:

402
403 Those parcels described in Official Records Book 1969,
404 Page 977, and Official Records Book 2119, Page 1344
405 both of the Public Records of Collier County, Florida.

406
407 H. Less and except approximately 6.16 acres,
408 more or less: Being a part of Estuary at Grey Oaks
409 Roadway, Clubhouse and Maintenance Facility Tract,
410 Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract

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411 B, Plat Book 37, pages 13-18 and part of Section 26,
412 Township 49 South, Range 25 East, Collier County,
413 Florida.

414
415 All that part of Estuary at Grey Oaks Roadway,
416 Clubhouse and Maintenance Facility Tracts according to
417 the plat thereof as recorded in Plat Book 36, pages 9-
418 16, Estuary at Grey Oaks Tract B according to the plat
419 thereof as recorded in Plat Book 37, pages 13-18,
420 Public Records of Collier County, Florida, and part of
421 Section 26, Township 49 South, Range 25 East, Collier
422 County, Florida being more particularly described as
423 follows;

424
425 Commencing at the northwest corner of Tract M of said
426 Estuary at Grey Oaks Roadway, Clubhouse and
427 Maintenance Facility Tracts;

428
429 Thence along the west line of said Tract M South
430 00°East 613.48 feet to the Point of Beginning of the
431 parcel herein described;

432
433 Thence continue South 00°20'09" East 406.67 feet;

434
435 Thence North 89°24'29" West 660.00 feet;
436

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

440
441 Thence along said boundary South 89°24'33" East 660.00
442 feet to the Point of Beginning of the parcel herein
443 described;

444
445 Bearings are based on the west line of said Tract M
446 being South 00°20'09" East.

447 ~~(2) In the event that property in the district is annexed~~
448 ~~by the City of Naples between January 1 and July 1 of any year,~~
449 ~~the property shall be regarded as removed from the East Naples~~
450 ~~Fire Control and Rescue District as of January 1 of that year~~
451 ~~for the purpose of the levy of general ad valorem taxes by the~~
452 ~~district. If annexation occurs after July 1, the property shall~~
453 ~~be assessed by the district for ad valorem taxes for that year.~~
454 ~~On and after the effective date of annexation, the district~~
455 ~~shall be relieved of providing fire service to the annexed area.~~
456 ~~The city and the district may reach an agreement to determine~~
457 ~~what portion, if any, of the existing indebtedness or property~~
458 ~~of the district shall be assumed by the municipality of which~~
459 ~~the annexed territory will become a part, the fair value of such~~
460 ~~indebtedness or property, and the manner of transfer and~~
461 ~~financing. Nothing herein shall relieve the property annexed~~
462 ~~from the payment of general obligation debt service incurred by~~
463 ~~the district before annexation.~~

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

467 Section 5. Governing board.—

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

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

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

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

500 (4) Section 4. Each elected member shall assume office
501 10 days after the member's election. Within 60 40 days after the
502 newly elected members have taken office, election and
503 qualification of its members the board shall meet and elect from
504 its membership a chair, a vice chair, and president, a secretary
505 and a treasurer or a secretary-treasurer.

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

509 (6) If a vacancy occurs on the board due to the
510 resignation, death, or removal of a board member or the failure
511 of anyone to qualify for a board seat, the remaining members may
512 appoint a qualified person to fill the seat until the next
513 general election, at which time an election shall be held to
514 fill the vacancy for the remaining term, if any. The board shall
515 remove any member who has three consecutive, unexcused absences
516 from regularly scheduled meetings. The board shall adopt
517 policies by resolution defining excused and unexcused absences.

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

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

523 ~~Section 5. The business affairs of the district shall be~~
524 ~~administered and conducted by the board. It shall have the~~
525 ~~authority, for and on behalf of the district, to establish,~~
526 ~~equip, operate, and maintain a fire department and rescue squad~~
527 ~~within the district and shall buy, lease, sell, exchange, or~~
528 ~~otherwise acquire and dispose of firefighting equipment and~~
529 ~~other property, real, personal, or mixed, that it may from time~~
530 ~~to time deem necessary to prevent and extinguish fire or provide~~
531 ~~rescue services within the district, which services may include~~
532 ~~transportation to a health facility when authorized by the Board~~
533 ~~of County Commissioners of Collier County under emergency~~
534 ~~conditions as may be prescribed by the board of county~~
535 ~~commissioners. This shall include, but not be limited to, the~~
536 ~~authority to provide water, water supply, water stations, and~~
537 ~~other necessary buildings; accept gifts or donations of~~
538 ~~equipment or money for the use of the district; and to do all~~
539 ~~things necessary to provide for an adequate water supply, fire~~
540 ~~prevention, and proper fire protection for the district. In~~
541 ~~addition, the board shall have the authority to extend its~~
542 ~~services outside the district when provided in cooperation with~~
543 ~~another governmental entity.~~

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544 ~~Section 6. The board shall have the power to hire~~
545 ~~necessary firefighting personnel who shall serve at its~~
546 ~~pleasure.~~

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

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

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

558 Section 6. Powers of the district.-The district shall have
559 all powers and duties granted by this act and chapters 189 and
560 191, Florida Statutes.

561 Section 7. Finances.-

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

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

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

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

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

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

625 ~~Section 10. Upon receipt of such estimate and certificate~~
626 ~~of posting the said board of county commissioners shall cause~~
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627 ~~the same to be recorded in the minutes of the county~~
628 ~~commissioners' meeting, and at the time of making and fixing the~~
629 ~~rate of annual taxation for county purposes, shall fix and cause~~
630 ~~to be levied on all property of said district, real and~~
631 ~~personal, a millage sufficient to meet the requirements of the~~
632 ~~estimate, provided however, the total millage shall not exceed 1~~
633 ~~1/2 mills. Subject to the provisions of chapter 82-281, Laws of~~
634 ~~Florida, this act shall take effect only when approved by a~~
635 ~~majority of the qualified electors residing within the area of~~
636 ~~the boundaries of the East Naples Fire Control District, voting~~
637 ~~in a referendum election to be called by the Board of County~~
638 ~~Commissioners of Collier County, in accordance with the~~
639 ~~provisions of the law relating to elections currently in force~~
640 ~~in Collier County, except that this section shall take effect~~
641 ~~upon becoming a law on March 18, 1982.~~

642 ~~Section 11. Taxes herein provided for shall be assessed~~
643 ~~and collected in the same manner as provided for the assessment~~
644 ~~and collection of county taxes and subject to the same~~
645 ~~commission and fees for assessing and collecting as for the~~
646 ~~assessment and collection of county taxes except as herein~~
647 ~~otherwise provided.~~

648 ~~Section 12. When the tax collector has collected the taxes~~
649 ~~provided for by this act he or she shall on or before the 10th~~
650 ~~day of each month report to the secretary of the board the~~
651 ~~collection made for the preceding month and remit the same to~~
652 ~~the treasurer of the board.~~

653 ~~Section 13. All warrants for the payment of labor,~~
654 ~~equipment, materials, and other allowable expenses incurred by~~
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655 ~~the board in carrying out the provisions of this act shall be~~
656 ~~payable by the treasurer of the board on accounts and vouchers~~
657 ~~approved by the board.~~

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

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

667 ~~Section 16. Subject to the original provisions of chapter~~
668 ~~61-2034, Laws of Florida, not be effective until the same is~~
669 ~~ratified by a majority of the qualified electors of the district~~
670 ~~who vote in an election called by the board of county~~
671 ~~commissioners for ratification or rejection. In the event of~~
672 ~~ratification this act shall become effective immediately.~~

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

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

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683 ~~Section 19. The district shall have the authority to~~
684 ~~exercise the power of eminent domain, pursuant to chapters 73~~
685 ~~and 74, Florida Statutes, over any property located within the~~
686 ~~district, except municipal, county, state, and federal property,~~
687 ~~for the purpose of acquiring property for the location of fire~~
688 ~~stations. The location and construction of fire stations shall~~
689 ~~comply with applicable Collier County ordinances.~~

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

693 Section 9. 21. Impact fees.-

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

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

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

705 Section 10. Deposit of taxes, assessments, and fees;
706 authority to disburse funds.-

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

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Amendment No.

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

715 Section 11. Elections.-

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

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

723 Section 12. Planning.-The district's planning requirements
724 shall be as set forth in this act and chapters 189 and 191,
725 Florida Statutes.

726 Section 13. Immunity from tort liability.-

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

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

736 (3) In accordance with Chapter 768, Florida Statutes, the
737 district shall defend all claims against the district

849701

Approved For Filing: 12/6/2011 6:34:34 PM

Amendment No.

738 commissioners and officers, agents, and employees of the
739 district which arise within the scope of employment or purposes
740 of the district and shall pay all judgments against said
741 persons, except where said persons acted in bad faith or with
742 malicious purpose or in a manner exhibiting wanton and willful
743 disregard of human rights, safety, or property.

744 Section 14. Miscellaneous.-

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

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

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

754 Section 16. Severability.- In the event that any part of
755 this act should be held void for any reason, such holding shall
756 not affect any other part thereof.

757 Section 2. This act shall take effect upon becoming a law.
758
759

760 -----
761 **T I T L E A M E N D M E N T**

762 Remove the entire title and insert:

763 An act relating to the East Naples Fire Control and Rescue
764 District, Collier County; amending chapter 2000-444, Laws of
765 Florida, as amended by chapter 2004-433, Laws of Florida, to
849701

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COMMITTEE/SUBCOMMITTEE AMENDMENT

H0267-Strike HB 267 (2012)

Amendment No.

766 revise the district's charter; providing for incorporation;
767 providing that the district is an independent special district;
768 providing for charter amendments; revising boundaries; providing
769 for annexation; revising provisions relating to the board of
770 commissioners; revising duties, powers, and authority of the
771 board; revising powers of the district; providing for the
772 financing of the district; providing a savings clause for the
773 district's current authority to levy up to 1.5 millage;
774 providing for bonds; providing for reimbursement to the county
775 when a referendum is required; providing for impact fees;
776 providing for the collection and disbursement of such fees;
777 providing for deposit of taxes, assessments, and fees and
778 authority to disburse funds; providing for elections; requiring
779 district planning; providing for immunity from tort liability;
780 providing for dissolution procedures; providing for exemption
781 from taxation; providing for liberal construction; providing for
782 severability; providing an effective date.

849701

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
HB 601

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 601 Sebastian Inlet Tax District, Brevard and Indian River Counties

SPONSOR(S): Mayfield

TIED BILLS: IDEN./SIM. BILLS: SB 972

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Read 	Hoagland 
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The Sebastian Inlet Tax District (District) is an independent special taxing district covering parts of Brevard and Indian River Counties. The District was created in 1919 by special act of the Legislature for the purpose of maintaining the navigational channel between the Atlantic Ocean and the Indian River. The District is authorized to collect an ad valorem tax not to exceed 1.5 mills.¹

HB 601 amends the District's election procedures contained in the charter. The new language provides that members of the board may be elected by a plurality vote, instead of a majority vote. This will eliminate the need for a run-off election if the electors fail to elect a board member by more than 50 percent of the votes.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.

This bill becomes effective upon becoming law.

¹ Chapter 2003-373, Laws of Florida, Section 3 (Sebastian Inlet Taxing District Charter, Section 9).
This document does not reflect the intent or official position of the bill sponsor or House of Representatives.
STORAGE NAME: h0601.CMAS.DOCX
DATE: 11/30/2011

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Sebastian Inlet Tax District (District) is an independent special taxing district covering parts of Brevard and Indian River Counties. The District was created in 1919 by special act of the Legislature for the purpose of maintaining the navigational channel between the Atlantic Ocean and the Indian River.

Section 3(b) of the District's charter, codified in Ch. 2003-373, L.O.F., requires that the board members "shall be elected on a nonpartisan basis by a *majority* of the qualified electors of the District voting at the election."² (emphasis added).

Section 189.405(4), F.S., provides that "[w]ith the exception of elections of special district governing board members conducted on a one-acre/one-vote basis, in any election conducted in a special district the decision made by a majority of those voting shall prevail, except as otherwise specified by law."

In the past, the requirement that the winner of the election receive a majority was construed by the Brevard and Indian River Counties and the District to mean that the candidate that received the most votes was the winner even if that candidate failed to receive greater than 50 percent of the vote.³ Consequently, the Supervisors of Elections for both Brevard and Indian River Counties have traditionally held the election of District board members during the November general election, assuming that no run-off would be needed.⁴ This happened in 2004 when one of the District's board members was elected at the November general election while only receiving 35 percent of the votes cast.⁵

However in 2010, the Indian River and Brevard County Supervisors of Elections were informed by the Florida Division of Elections that:

"[D]ue to the specific language in the special act creating the Sebastian Inlet District, candidates for the Sebastian Inlet will appear on the primary election ballot under non-partisan races. If no candidate receives a majority of the vote, the top two vote getters will appear on the general election ballot. This will be reflected on your primary ballot certification."⁶

The Department of State recommended that the election be rescheduled to coincide with the August primary so that if a majority was not reached, the run-off election would coincide with the November general election. This would save the counties the expense of having to perform a run-off after the general election should one be needed. Because the Florida Division of Elections believed that a plurality winner was insufficient to elect board members, the District's standard practice of having only one election in November had to be modified to allow the possibility of a run-off. However, moving the election to August has raised concerns that many seasonal residents would be unable to participate in the election process.⁷

² To win by a majority, a candidate must receive greater than 50% of the vote.

³ Florida Department of State, Division of Elections, *available at*:

<https://doe.dos.state.fl.us/elections/resultsarchive/DetailRpt.Asp?ELECTIONDATE=11/2/2004&RACE=SEB&PARTY=&DIST=&GRP=005&DATAMODE=>

⁴ *Id.*

⁵ *Id.*

⁶ Sebastian Inlet District minutes of the July 14, 2010 Board meeting, *available at*:

http://www.sebastianinletdistrict.com/meetings_file.jhtml?id=13&file=July2010RCMMinsApproved.pdf

⁷ Jim Waymer, *Sebastian Inlet Election Puzzles Officials*, FLA. TODAY, July 26, 2010, *available at*:

<http://www.tcpalm.com/news/2010/jul/26/sebastian-inlet-election-puzzles-officials/?partner=RSS>.

Effect of Proposed Changes

HB 601 amends the District's charter, Ch. 2003-373, L.O.F., relating to election of board members by replacing the word "majority" with the word "plurality." This would have the effect of reinstating the District's election procedures that it has followed in the past. By changing the requirement that board members may be elected by a plurality of electors, the potential need for a run-off is eliminated. As such, the election of board members can be scheduled at the November general election.

B. SECTION DIRECTORY:

Section 1: Amends Section 3 of Ch. 2003-373, L.O.F., changing the election of the board requirements from a majority of electors to a plurality of electors.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 26, 2011 (Indian River County); September 22, 2011 (Brevard County)

WHERE? Indian River Press Journal (Indian River County); Florida Today (Brevard County)

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES

2011 LOCAL BILL CERTIFICATION FORM

BILL #: HB 601

SPONSOR(S): Rep. Debbie Mayfield

RELATING TO: Sebastian Inlet Tax District

[Indicate Area Affected (City, County, or Special District) and Subject]

NAME OF DELEGATION: Indian River County

CONTACT PERSON: Chris Lyon

PHONE NO.: (850) 222-5702 **E-Mail:** clyon@llw-law.com

I. *House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Community and Military Affairs Subcommittee as soon as possible after a bill is filed.*

(1) Does the delegation certify that the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?
YES **NO**

(2) Did the delegation conduct a public hearing on the subject of the bill?
YES **NO**

Date hearing held: September 28, 2011

Location: Indian River Board of County Commissioners Chambers

(3) Was this bill formally approved by a majority of the delegation members?
YES **NO**

II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: **YES** **NO** **DATE** September 26, 2011

Where? Indian River Press Jrnl. **County** Indian River

Referendum in lieu of publication: **YES** **NO**

Date of Referendum _____

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO NOT APPLICABLE

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Community & Military Affairs Subcommittee.


Delegation Chair (Original Signature)

12/4/11
Date

Debbie Mayfield

Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES
2011 LOCAL BILL CERTIFICATION FORM**

BILL #: HB 601
SPONSOR(S): Rep. Debbie Mayfield
RELATING TO: Sebastian Inlet Tax District
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Brevard County
CONTACT PERSON: Chris Lyon
PHONE NO.: (850) 222-5702 **E-Mail:** clyon@llw-law.com

I. *House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Community and Military Affairs Subcommittee as soon as possible after a bill is filed.*

(1) Does the delegation certify that the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: September 7, 2011

Location: Brevard Board of County Commissioners Chambers

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** September 22, 2011

Where? Florida Today **County** Brevard

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES NO NOT APPLICABLE

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES NO NOT APPLICABLE

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES NO

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Community & Military Affairs Subcommittee.



Delegation Chair (Original Signature)

12/5/2011
Date

Steve Crisafulli

Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2011 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

BILL #: HB 601
SPONSOR(S): Rep. Debbie Mayfield
RELATING TO: Sebastian Inlet Tax District, Brevard and Indian River Counties
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Table with 3 columns: Expenditures, FY11-12, FY 12-13. Value: \$0, \$0

II. ANTICIPATED SOURCE(S) OF FUNDING:

Table with 3 columns: Source, FY 11-12, FY 12-13. Rows: Federal, State, Local. Values: N/A, N/A, N/A

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Table with 3 columns: Revenues, FY 11-12, FY 12-13. Value: N/A, N/A

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

This bill will eliminate inconsistencies in the District's special act and spare residents of both Indian River and Brevard Counties from the expense of a run-off or special election when three or more candidates qualify to run for a seat on the governing board and no candidate receives a majority of the vote.

Disadvantages:

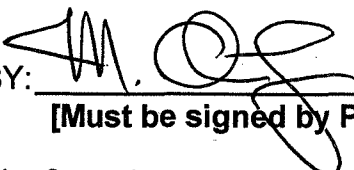
None.

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

None.

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

A review of general and special laws relating to Brevard and Indian River Counties and prior experience representing cities, counties and special taxing districts.

PREPARED BY:  12/1/11
[Must be signed by Preparer] Date

TITLE: Legislative Counsel

REPRESENTING: Sebastian Inlet Tax District

PHONE: 850-222-5702

E-Mail Address: clyon@llw-law.com

HB 601

2012

1 A bill to be entitled
 2 An act relating to the Sebastian Inlet Tax District,
 3 Brevard and Indian River Counties; amending chapter
 4 2003-373, Laws of Florida; requiring the members of
 5 the district's board of commissioners to be elected by
 6 a plurality of the qualified electors of the district;
 7 providing an effective date.

8

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

10

11 Section 1. Subsection (b) of section 3 of section 3 of
 12 chapter 2003-373, Laws of Florida, is amended to read:

13

Section 3.

14

(b) Board members shall be elected on a nonpartisan basis
 15 by a plurality ~~majority~~ of the qualified electors of the
 16 District voting at the election to be held in both Indian River
 17 and Brevard Counties as follows:

18

1. Any candidate for membership on the Board shall qualify
 19 as provided by law. The ballots shall be in the form for general
 20 elections as provided by law.

21

2. The election officials of each voting district or
 22 precinct within the Sebastian Inlet Tax District shall conduct
 23 the election of the members of the Board of Commissioners of the
 24 District at the time of conducting such general election. Each
 25 voter who is qualified to vote in each such general election in
 26 the respective election districts or precincts situated within
 27 the boundaries of the Sebastian Inlet Tax District and who
 28 resides within the boundaries of such District shall be entitled

HB 601

2012

29 | to cast a ballot for the election of members of the Board of
30 | Commissioners of said Sebastian Inlet Tax District.

31 | 3. Upon the closing of the polls in each election district
32 | or precinct, the officials conducting such elections shall tally
33 | the votes cast for members of the Board of Commissioners of the
34 | Sebastian Inlet Tax District. The vote shall be canvassed in the
35 | manner provided by general law.

36 | Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4075 Charlotte County
SPONSOR(S): Roberson
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee		Tait <i>MZ</i>	Hoagland <i>[Signature]</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Florida law authorizes local governments to enact ordinances relating to animal control or cruelty. A violation of such an ordinance is a civil infraction punishable by a maximum \$500 fine plus applicable administrative fees and court costs. Local governments may impose a surcharge of up to \$5 upon each civil penalty imposed for violation of an ordinance. The proceeds of the surcharges must be used to pay the costs of training for animal control officers.

The bill repeals a 1984 Charlotte County special act relating to animal control. Repeal of this act will allow Charlotte County to exercise its powers as a charter county to develop animal control ordinances under less restrictive general law provisions.

The Economic Impact Statement indicates that repeal of ch. 84-404, L.O.F., may increase efficiency relating to animal control operations, resulting in a cost savings to taxpayers.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

General Law

Section 828.27, F.S., was first created in 1986. It authorizes local governments to enact ordinances relating to animal control or cruelty. A violation of such an ordinance is a civil infraction punishable by a maximum \$500 fine plus applicable administrative fees and court costs. An animal control officer must have probable cause to believe that a person has violated the ordinance before the officer can issue a warrant. Failure to pay or contest the citation can result in contempt of court. County-employed animal control officers shall, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course on topics such as: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. Local governments may impose a surcharge of up to \$5 upon each civil penalty imposed for violation of an ordinance. The proceeds of the surcharges must be used to pay the costs of training for animal control officers.

Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree. The local government may require mandatory court appearances for aggravated violations or multiple violations. Failure to appear in court can result in contempt of court.¹ Otherwise, penalties must be civil in nature.²

Charlotte County

The specific requirements regarding animal control in Charlotte County are found in ch. 84-404, L.O.F. The chapter provides definitions, creates an Animal Control Agency for the county, and includes sections on nuisance animals, vicious animals, animal licenses, rabies vaccination, and impoundment of animals. It also provides that a person, firm, or corporation which violates the Special Act is guilty of a criminal offense and misdemeanor as defined by s. 775.08, F.S., and shall be punished as provided by law. In addition, the Special Act provides for impoundment fees and fees for the disposition of dead animals, but does not provide for other fees related to other violations. The Special Act may only be changed through action of the Legislature.

Charlotte County became a charter county in 1986. The Florida Constitution provides a direct constitutional grant of the power of self-government to a county upon charter approval, which means the governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. However, as Charlotte County gained charter county status after ch. 84-404, L.O.F., took effect, it is required to follow the more restrictive requirements of the Special Act, instead of creating its own county ordinances relating to animal control.

Effect of Proposed Changes

HB 4075 repeals ch. 84-404, L.O.F. Repeal of this special act will allow Charlotte County to exercise its powers as a charter county to develop animal control ordinances in compliance with Florida statute. The Economic Impact Statement indicates that repeal of ch. 84-404, L.O.F., may increase efficiency relating to animal control operations, resulting in a cost savings to taxpayers.

The bill provides an effective date of upon becoming law.

¹ S. 828.27(2)(f), F.S.

² Florida Attorney General Opinion 88-48 (November 3, 1988).

B. SECTION DIRECTORY:

Section 1: Repeals chapter 84-404, L.O.F, relating to the Charlotte County Animal Control Agency.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 16, 2011.

WHERE? *The Charlotte Sun*, a daily paper of general circulation published in Charlotte Harbor, Charlotte County, Florida and distributed in Charlotte County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HOUSE OF REPRESENTATIVES
2012 LOCAL BILL CERTIFICATION FORM

BILL #: HB 4075
SPONSOR(S): REP. KEN ROBERSON
RELATING TO: CHARLOTTE COUNTY ANIMAL ORDINANCE
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: CHARLOTTE COUNTY LEGISLATIVE DELEGATION
CONTACT PERSON: JAE WILLIAMS
PHONE NO.: (941) 613-0914 E-Mail: JAE.WILLIAMS@myFLORIDAHOUSE.GOV

I. House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Community & Military Affairs Subcommittee as soon as possible after a bill is filed.

(1) Does the delegation certify that the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: SEPT 8, 2011

Location: CHARLOTTE CNTY. CULTURAL CENTER, PORT CHARLOTTE, FL

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Has this constitutional notice requirement been met?

Notice published: YES NO DATE SEPT. 16, 2011

Where? CHARLOTTE SUN County CHARLOTTE

Referendum in lieu of publication: YES NO

Date of Referendum _____

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES [] NO [x] NOT APPLICABLE []

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [] NO [x] NOT APPLICABLE []

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Community & Military Affairs Subcommittee.



Delegation Chair (Original Signature)

Sept 30, 2011
Date

KENNETH ROBERSON
Printed Name of Delegation Chair

HOUSE OF REPRESENTATIVES
2012 ECONOMIC IMPACT STATEMENT FORM

House local bill policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. Please submit this form to the Committee on Military & Local Affairs as soon as possible after the bill is filed.

BILL #: HB 4075
SPONSOR(S): Roberson
RELATING TO: Charlotte County
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Expenditures:	\$0	\$0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Federal:	N/A	N/A
State:	N/A	N/A
Local:	N/A	N/A

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 11-12</u>	<u>FY 12-13</u>
Revenues:		

Special Act 84-04 has hindered the County's ability to make efficiency changes to its operations which should result in an overall cost savings to the taxpayers.

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: The County is currently governed by the Special Act as well as state statutes regarding Animal Control. The Special Act was implemented prior to Charlotte becoming a Charter County. By repealing the Special Act the County would be able to fully utilize its powers as a Charter County to develop and improve its own policies and would only have to abide by state statute similar to other counties in the state.

Disadvantages: None

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

N/A

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

N/A

DATE: 8/25/11

PREPARED BY: 
(Must be Signed by Preparer)

TITLE: Animal Control Manager

REPRESENTING: Charlotte County

PHONE: (941) 833-5686

E-Mail Address: Brian.Jones@charlottefl.com

HB 4075

2012

1 A bill to be entitled
2 An act relating to Charlotte County; repealing chapter
3 84-404, Laws of Florida, relating to the county Animal
4 Control Agency and animal control in the county;
5 providing an effective date.

6

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

8

9 Section 1. Chapter 84-404, Laws of Florida, is repealed.

10 Section 2. This act shall take effect upon becoming a law.