

CHAPTER 2000-398

House Bill No. 925

An act relating to the Sanibel Fire & Rescue District, Lee County; providing legislative intent; amending chapter 97-340, Laws of Florida, relating to the Sanibel Fire & Rescue District; re-creating and reenacting an independent fire control and rescue district in Lee County; renaming the district; fixing boundaries of the district; providing for a governing body; providing powers, budget, and taxing authority of the district; requiring the development of a plan; providing severability; repealing chapter 30930, Laws of Florida, 1955, chapters 61-2401, 71-742, 75-420, 79-492, 81-414, 81-423, 87-447, and 96-459, Laws of Florida, related to the district; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Sanibel Fire & Rescue District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments, and any additional authority granted by this act. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy against the taxable property in the district a tax not to exceed the limit set forth in prior special acts pertaining to the district as further authorized by chapter 97-340, Laws of Florida, chapter 191, Florida Statutes, or any other applicable general or special law; to conform the charter to chapter 191, Florida Statutes, the Independent Special Fire Control District Act, other provisions of general law, and the Lee County Independent District Special Fire Control District Act, chapter 97-340, Laws of Florida.

Section 2. Chapter 30930, Laws of Florida, 1955, chapters 61-2401, 71-742, 75-420, 79-492, 81-414, 81-423, 87-447, and 96-459, Laws of Florida, and applicable provisions of chapter 97-340, Laws of Florida, relating to the Sanibel Island Fire Control District, are codified, reenacted, amended, and repealed as provided herein.

Section 3. This act establishes a charter for the Sanibel Fire & Rescue District, which was created by chapter 30930, Laws of Florida, 1955, as Sanibel Island Fire Control District.

Section 4. This act supersedes and repeals all previous special acts relating to the Sanibel Island Fire Control District and sets forth within this charter those matters, as applicable, which are covered by such previous special acts. Amendments to this district charter may be made only by special act of the Legislature. This act shall be construed so as to preserve to the district all powers previously granted.

Section 5. The district is an independent special fire control district organized and existing for all purposes set forth in this act and chapter 191, Florida Statutes, as they may be amended from time to time.

Section 6. The Sanibel Fire & Rescue District is re-created and reenacted to read:

Section 1. Name of District.—The name of the district shall be the Sanibel Fire & Rescue District.

Section 2. Boundaries of the District.—The following lands shall be included in the district:

All that part of Lee County, Florida, lying and being within the corporate limits of the City of Sanibel, and that portion of the Sanibel Causeway comprising Township 46 South, Range 23 East, Sections 8, 17, and 20.

The boundaries of the district may be modified, extended, or enlarged upon approval or ratification by the Legislature.

Section 3. Governing Body.—

(a) The district shall be governed by a board of commissioners which shall consist of three resident electors of the district, pursuant to chapter 97-340, Laws of Florida, elected by a vote of the electors of the district pursuant to section 191.005, Florida Statutes.

(b) Members shall be elected for 4 year terms, elected on two-year staggered terms. Seats shall be numbered 1, 2, and 3, respectively, with seats 1 and 3 designated for election at the same time and seat 2 elected in the alternating election.

(c) Annually, within 60 days after the newly elected members have taken office, the board shall organize by electing from its number a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member. Funds of the district may be disbursed only upon the order or pursuant to resolution of the board, by warrant or check signed by the treasurer or other person authorized by the board. However, a "petty cash" account may be authorized by the board. The board may give the treasurer additional powers and duties that it deems appropriate.

(d) At the time of adoption of this charter, members of the board shall continue to serve without compensation. Any provision for payment of a salary or honorarium shall be determined in accordance with and subject to limitations set forth in section 191.005(4), Florida Statutes.

(e) If a vacancy occurs on the board for any reason, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. The board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The board shall adopt rules defining excused and unexcused absences.

(f) Each member shall, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution and section 876.05, Florida Statutes.

(g) Each member, within 30 days of assuming office, must 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 his or her faithful performance of his or her duties of office.

(h) The board shall keep a permanent record book entitled "Record of Proceedings of Sanibel Fire & Rescue District" in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the board in Lee County.

(i) All meetings of the board shall be open to the public consistent with chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general law.

Section 4. Powers.—The district shall have, and the board may exercise by majority vote, all powers that an independent special fire control district is authorized by law to have, specifically including, without limitation, all powers set forth in chapter 97-340, Laws of Florida, and in sections 191.006, 191.008, 191.009, 191.011, 191.012, and 191.013, Florida Statutes. Without limiting any general or special powers otherwise granted by law, the district shall also have the power to establish and maintain fire suppression and control services; to provide emergency medical services and rescue response services; to acquire and maintain fire stations and equipment pursuant to law; and to acquire and maintain rescue, medical, and other emergency equipment pursuant to the provisions of chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued thereunder.

Section 5. Budget.—For the purposes of carrying into effect this act, the board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapter 200, Florida Statutes, as it may be amended from time to time.

Section 6. Taxing Authority.—The district board shall fix and cause to be levied on all taxable property of the district a millage sufficient to meet the requirements of the budget. The millage shall not exceed 10 mills per year.

Section 7. Plan.—The district shall adopt a 5-year plan to identify the facilities, equipment, personnel, and revenue needed by the district over the next 5-year period. The plan shall be updated in accordance with section 189.415, Florida Statutes, and satisfies the requirement for a public facilities report required by section 189.415(2), Florida Statutes.

Section 8. Tax Collector's Responsibility.—When such taxes as provided for herein shall have been collected by the Lee County tax collector, he or she shall, on or before the tenth day of each month, report to the secretary of the board the collections made for the preceding month and remit the same to the treasurer. Thereupon the tax collector shall be relieved from all

other and further liability as to the amount so paid the treasurer of the board.

Section 7. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 8. It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is held invalid, unenforceable, or unconstitutional for any reason, by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

Section 9. Chapter 30930, Laws of Florida, 1955, and chapters 61-2401, 71-742, 75-420, 79-492, 81-414, 81-423, 87-447, and 96-459, Laws of Florida, shall be repealed 10 days after the effective date of this act.

Section 10. In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.