

CHAPTER

2000-385

705-124A-00

793

House Bill No. 793

A bill to be entitled

An act relating to the North Fort Myers Fire Control and Rescue Service District, Lee County; providing for codification of special laws relating to the North Fort Myers Fire Control and Rescue Service District pursuant to section 191.015, F.S.; providing legislative intent; creating and establishing a fire control and rescue service district in said county and fixing the boundaries of the district; providing for a governing board; prescribing the powers and duties of the board; providing for minimum charter requirements in accordance with chapter 189, F.S.; providing for assessment of taxes; providing for liberal construction; providing for severability; amending, codifying, reenacting, and repealing chapter 29240, Laws of Florida, 1953, chapter 30925, Laws of Florida, 1955, and chapters 61-2396, 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550, 85-443, 86-384, Laws of Florida, ss. 3, 4, and 5 of chapter 87-447, and chapters 89-523 and 91-390, Laws of Florida, relating to the North Fort Myers Fire Control District and the North Fort Myers Fire Control and Rescue Service District; providing an effective date.

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

1 Section 1. Pursuant to section 191.015, Florida
2 Statutes, this act constitutes the codification of all special
3 acts relating to the North Fort Myers Fire Control and Rescue
4 Service District. It is the intent of the Legislature to
5 provide a single, comprehensive special act charter for the
6 district including all current legislative authority granted
7 to the district by its several legislative enactments and any
8 additional authority granted by this act, chapter 97-340, Laws
9 of Florida, or chapter 189 or chapter 191, Florida Statutes,
10 as they may be amended from time to time. It is further the
11 intent of this act to preserve all district authority,
12 including the authority to annually assess and levy against
13 the taxable property in the district a tax not to exceed 2
14 mills on the dollar of assessed valuation, except as provided
15 in chapter 97-340, Laws of Florida, chapter 189, or chapter
16 191, Florida Statutes, or any other applicable general or
17 special law.

18 Section 2. Chapter 29240, Laws of Florida, 1953,
19 chapter 30925, Laws of Florida, 1955, and chapters 61-2396,
20 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550,
21 85-443, and 86-384, sections 3, 4, and 5 of chapter 87-447,
22 and chapters 89-523 and 91-390, Laws of Florida, relating to
23 the North Fort Myers Fire Control and Rescue Service District,
24 are amended, codified, reenacted, and repealed as provided
25 herein.

26 Section 3. The North Fort Myers Fire Control and
27 Rescue Service District, an independent special district, is
28 organized and exists for all purposes set forth in this act,
29 chapter 97-340, Laws of Florida, and chapters 189 and 191,
30 Florida Statutes. To the extent of any conflict between this
31

1 act and chapter 97-340, Laws of Florida, those provisions of
2 chapter 97-340, Laws of Florida, shall supersede this act.

3 Section 4. The North Fort Myers Fire Control and
4 Rescue Service District was created by special act of the
5 Legislature in 1955. The district's charter may be amended
6 only by special act of the Legislature.

7 Section 5. The North Fort Myers Fire Control and
8 Rescue Service District is re-created and the charter for such
9 district is re-created and reenacted to read:

10 Section 1. Boundaries of the district.--The following
11 described area shall be known as the North Fort Myers Fire
12 Control and Rescue Service District, hereinafter called the
13 district:

14
15 Beginning at a point on the north bank of the
16 Caloosahatchee River where the line between
17 ranges 23 and 24 east in township 45 south
18 intersects said bank, run north along said
19 range line between ranges 23 and 24 east to the
20 northeast corner of section 25, township 44
21 south, range 23 east; thence run west along the
22 north line of said section 25 and the north
23 line of sections 26 and 27 of township 44
24 south, range 23 east to the northwest corner of
25 said section 27; thence run north along the
26 west line of sections 22 and 15 to the
27 northwest corner of section 15; thence run east
28 along the north line of section 15 to the
29 northeast corner thereof; thence run north
30 along the west line of section 11 to the
31 northwest corner thereof; thence run east along

1 the north line of said section 11 to the
2 northeast corner thereof; thence run north
3 along the west line of section 1 to the
4 northwest corner thereof on the north line of
5 said township 44 south, range 23 east; thence
6 run east along the line between townships 43
7 and 44 south to the southwest corner of section
8 32, township 43 south, range 24 east; thence
9 run north along the west line of sections 32,
10 29, 20, 17, 8, and 5 of township 43 south,
11 range 24 east to a point on the north line of
12 said township and the line between Lee and
13 Charlotte counties; thence run east along said
14 township and county line to the range line
15 between ranges 24 and 25 east; thence run south
16 along said range line to the northwest corner
17 of section 7, township 43 south, range 25 east;
18 thence run east along the north line of said
19 section 7 to the northeast corner thereof;
20 thence run south along the east line of
21 sections 7 and 18 to the southeast corner of
22 section 18; thence run east along the north
23 line of section 20 to the northeast corner
24 thereof; thence run south along the east line
25 of sections 20, 29, and 32 in said township 43
26 south, range 25 east to the waters of the
27 Caloosahatchee River; thence run southwesterly
28 along said waters to the point of beginning.
29 LESS THE FOLLOWING DESCRIBED LANDS:
30 All of sections 1, 11, 12, 14, 15, 22, and 23
31 of township 44 south, range 23 east and

1 sections 5, 6, and 7 of township 44 south,
2 range 24 east and all except the east 1,080
3 feet of the north quarter of section 8,
4 township 44 south, range 24 east.

5 All of sections 17, 20, 21, and 32 of township
6 43 south, range 24 east.

7 Section 29 of township 43 south, range 24 east,
8 excepting thereof the east half of the
9 southeast quarter of the northeast quarter.

10 That part of Section 22 of township 43 south,
11 range 24 east platted as Cape Coral Unit 86
12 according to Plat Book 24, Pages 144 through
13 161 of the Public Records of Lee County,
14 Florida.

15 Section 33 of township 43 south, range 24 east,
16 excepting thereof the following parcels:

17 That parcel conveyed to Lee County Electric
18 Cooperative, Inc., as described in Official
19 Records Book 322, at Page 678, of the Public
20 Records of Lee County, Florida;

21 The north 668 feet of the northeast quarter of
22 the northwest quarter lying west of the
23 westerly right-of-way line of Corbett Road;

24 The northeast quarter of the northwest quarter;

25 The west half of the northwest quarter of the
26 northeast quarter;

27 The north 50 feet of the southeast quarter of
28 the northwest quarter from the northeast corner
29 of said fraction running westerly 327 feet more
30 or less to the approximate centerline of Yellow
31 Fever Creek;

1 The north 50 feet of the west half of the
2 southwest quarter of the northeast quarter;
3 The east half of the west half of the northeast
4 quarter;
5 The east half of the northeast quarter;
6 The south 400.64 feet of the southeast quarter
7 of the northeast quarter of the southeast
8 quarter;
9 The south 400.64 feet of the east half of the
10 east half of the southwest quarter of the
11 northeast quarter of the southeast quarter;
12 The east half of the east half of the northwest
13 quarter of the southeast quarter of the
14 southeast quarter; and
15 The east half of the southeast quarter of the
16 southeast quarter;
17 That part of section 4, township 44 south,
18 range 24 east contained within the following
19 described parcels;
20 The west half of the northeast quarter of the
21 northwest quarter, and the north half of the
22 northwest quarter of the northwest quarter, and
23 the northwest quarter of the southeast quarter
24 of the northwest quarter lying northwesterly of
25 Pine Island Road, as described in Ordinance
26 33-87;
27 The south half of the northwest quarter of the
28 northwest quarter and that part of the east
29 half of the southwest quarter of the northwest
30 quarter lying northwesterly of the right-of-way
31

1 of Pine Island Road (State Road No. 78) as
2 described in Ordinance 34-87;

3 The west half of the southwest quarter of the
4 northwest quarter lying northwesterly of Pine
5 Island Road and subject to a 30-foot easement
6 for power line along the westerly boundary, as
7 described in Ordinance 35-87;

8 A parcel of land located in the north half of
9 the north half of said section 4, more
10 particularly described as follows: Beginning at
11 the point of intersection of the northerly line
12 of said section 4 and the easterly right-of-way
13 line of Corbett Road, said point being a point
14 on a curve concave to the west having for its
15 elements a central angle of 22°36'52" and
16 radius of 1,242.00 feet; thence southerly along
17 the arc of said easterly right-of-way line to
18 the point of tangency; thence continue along
19 said right-of-way S06°33'04"E 687.23 feet;
20 thence along said right-of-way S14°09'20"E
21 78.18 feet to an intersection with the
22 northerly right-of-way line of Pine Island Road
23 (State Road No. 78); thence N59°35'00"E
24 1,254.38 feet to a Florida Department of
25 Transportation right-of-way marker; thence
26 N30°25'00"W 17.00 feet to a Florida Department
27 of Transportation right-of-way marker; thence
28 N59°35'00"E 650.11 feet to an approximate point
29 on the westerly bank of a creek known as Yellow
30 Fever Creek; thence northwesterly along said
31 bank 128.1 feet more or less to a point 25.0

1 feet southerly of and on a line perpendicular
2 to the northerly line of said section 4; thence
3 N02°25'23"W along said line 25.00 feet to said
4 northerly line of section 4; thence S87°34'37"W
5 along said northerly line to the Point of
6 Beginning, as described in Ordinance 38-88; and
7 A parcel of land located in the west half of
8 said section 4, more particularly described as
9 follows: Commencing from the southwesterly
10 corner of said section 4; thence N05°30'06"W
11 along the westerly line of said section 4 40.19
12 feet to the northerly right-of-way line of
13 State Road 78-A (Pondella Road), being the
14 Point of Beginning; thence continue N05°30'06"W
15 along said westerly line 2,674.71 feet to the
16 west quarter corner of said section 4; thence
17 N05°26'36"W along the westerly line of said
18 section 4 245.80 feet to the southerly
19 right-of-way line of State Road 78 (Pine Island
20 Road); thence N61°43'10"E along said southerly
21 right-of-way line 660.09 feet to the westerly
22 right-of-way line of Orchid Road (50 feet
23 wide); thence S05°19'13"E along said westerly
24 right-of-way line 558.42 feet; thence
25 S05°22'02"E 704.41 feet continuing along said
26 westerly right-of-way line of Orchid Road;
27 thence N89°83'58"E 708.79 feet; thence
28 S05°13'41"E 654.01 feet to a concrete monument;
29 thence N89°55'56"E 656.98 feet to a concrete
30 monument; thence S05°05'30"E 679.34 feet to a
31 concrete monument; thence S89°58'03"W 1,310.72

1 feet to a concrete monument; thence S05°22'02"E
2 638.61 feet to a concrete monument on the
3 northerly right-of-way line of State Road 78-A
4 (Pondella Road); thence westerly 653.84 feet
5 along said northerly right-of-way line to the
6 Point of Beginning, as described in Ordinance
7 42-86.

8 That part of section 9, township 44 south,
9 range 24 east described as the west half of the
10 west half of the northwest quarter, being also
11 that part of Unit 17, Plat Book 14, Pages 23
12 through 38, Cape Coral, lying in said section
13 9, township 44 south, range 24 east.

14 That part of section 21, township 44 south,
15 range 24 east lying south of a line 680 feet
16 north of and parallel with the section line
17 between sections 21 and 28, township 44 south,
18 range 24 east, from the intersection of said
19 line with the westerly limits of the City of
20 Fort Myers; thence running westerly along said
21 parallel line N89°59'47"W 2,229.62 feet to the
22 section line lying between sections 20 and 21,
23 township 44 south, range 24 east.

24 All lying in Lee County, Florida.

25
26 Section 2. Governing board.--The North Fort Myers Fire
27 Control and Rescue Service Board, hereinafter referred to as
28 the board, shall have five members. Each member shall be a
29 qualified elector who resides within the district, shall be
30 elected on a nonpartisan basis by the qualified electors
31 residing in the district, and shall serve a term of 4 years.

1 Board members may receive compensation in accordance with
2 chapter 97-340, Laws of Florida, and chapter 191, Florida
3 Statutes, as they may be amended from time to time. The
4 procedures for conducting district elections and for
5 qualification of electors shall be pursuant to chapters 189
6 and 191, Florida Statutes, and chapter 97-340, Laws of
7 Florida, as they may be amended from time to time.

8 Section 3. Governing board organization; duties;
9 powers.--

10 (1) In accordance with chapter 97-340, Laws of
11 Florida, each elected member of the board shall assume office
12 10 days following the member's election. Annually, within 60
13 days after the election of new members of said board, the
14 board shall meet and elect from the membership a chair, a vice
15 chair, a secretary, and a treasurer, provided, however, the
16 same member may be both secretary and treasurer.

17 (2) The district shall have and the board may exercise
18 all the powers and duties set forth in this charter, chapter
19 97-340, Laws of Florida, and chapter 191, Florida Statutes, as
20 they may be amended from time to time.

21 (3) The district shall also hold all powers,
22 functions, and duties set forth in chapters 189, 191, and 197,
23 Florida Statutes, and chapter 97-340, Laws of Florida, as they
24 may be amended from time to time, including, but not limited
25 to, ad valorem taxation, bond issuance, other revenue-raising
26 capabilities, budget preparation and approval, liens and
27 foreclosure of liens, use of tax deeds and tax certificates as
28 appropriate for non-ad valorem assessments, and contractual
29 agreements. The district may be financed by any method
30 established in this charter, chapter 189 or chapter 191,
31 Florida Statutes, chapter 97-340, Laws of Florida, or any

1 other applicable general or special law, as they may be
2 amended from time to time.

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

8 (5) The district's planning requirements shall be as
9 set forth in this charter, chapters 189 and 191, Florida
10 Statutes, and chapter 97-340, Laws of Florida, as they may be
11 amended from time to time.

12 (6) The district's geographic boundary limitations
13 shall be as set forth in this charter.

14 (7) Requirements for financial disclosure, meeting
15 notices, reporting, public records maintenance, and per diem
16 expenses for officers and employees shall be as set forth in
17 chapters 112, 119, 189, 191, and 286, Florida Statutes, and
18 chapter 97-340, Laws of Florida, as they may be amended from
19 time to time.

20 (8) The district may annually levy an ad valorem tax
21 of up to 2 mills on the taxable property within the district,
22 except as provided by chapter 97-340, Laws of Florida, or
23 chapter 191, Florida Statutes, as they may be amended from
24 time to time.

25 Section 4. Policies and regulations.--The board is
26 hereby authorized and empowered to adopt policies and
27 regulations for the prevention of fires, fire control, and the
28 provision of rescue services within the district pursuant to
29 this charter, chapter 97-340, Laws of Florida, and chapter
30 191, Florida Statutes. Such policies and regulations after
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1 being made by the board shall have the force and effect as
2 law.

3 Section 5. Procedure for assessing taxes.--The taxes
4 provided for in this charter shall be assessed and collected
5 in accordance with chapter 200, Florida Statutes.

6 Section 6. Chapter 29240, Laws of Florida, 1953,
7 chapter 30925, Laws of Florida, 1955, and chapters 61-2396,
8 63-1540, 71-732, 71-745, 72-601, 76-400, 77-591, 78-550,
9 85-443, 86-384, sections 3, 4, and 5 of chapter 87-447, and
10 chapters 89-523 and 91-390, Laws of Florida, are repealed.

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

14 Section 8. In the event any section or provision of
15 this act is determined to be invalid or unenforceable, such
16 determination shall not affect the validity of or
17 enforceability of each other section and provision of this
18 act.

19 Section 9. In the event of a conflict of the
20 provisions of this act with the provisions of any other act
21 the provisions of this act shall control to the extent of such
22 conflict.

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

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26 **Approved by the Governor** MAY 22 2000

27 **Filed in Office Secretary of State** MAY 22 2000