

# CHAPTER

2000-396 HB 875, First Engrossed/ntc

## House Bill No. 875

A bill to be entitled

1 An act relating to Lee County; providing for  
2 codification of special laws regarding  
3 independent special fire control districts  
4 pursuant to chapter 97-256, Laws of Florida,  
5 relating to the Matlacha/Pine Island Fire  
6 Control District, an independent special taxing  
7 fire protection and rescue district in Lee  
8 County; providing legislative intent;  
9 codifying, reenacting, and amending chapters  
10 61-2409, 63-1558, 65-1827, 76-401, 79-501,  
11 80-522, 83-451, 85-446, 89-511, and 95-464,  
12 Laws of Florida; providing status, purpose, and  
13 boundaries of the district; providing for  
14 amendment of the district charter; providing  
15 for a district governing board; specifying  
16 procedures for conducting district elections  
17 and qualifications of candidates and electors;  
18 providing for organization of the governing  
19 board; providing powers and duties of the  
20 governing board; specifying methods for  
21 assessing and collecting non-ad valorem  
22 assessments, fees, and service charges;  
23 providing for district planning requirements;  
24 specifying requirements for financial  
25 disclosure, meeting notices, reporting, public  
26 records maintenance, and per diem expenses;  
27 authorizing the board to make policies and  
28 regulations; setting the millage rate for the  
29 levy of ad valorem taxes by the district;  
30 providing for posting of surety bond;  
31

1 authorizing the provision of emergency  
 2 ambulance service; authorizing the board to  
 3 adopt an ambulance fee or service charge;  
 4 providing for dissolution of the district;  
 5 providing for construction of the act;  
 6 providing severability; repealing chapters  
 7 61-2409, 63-1558, 65-1827, 76-401, 79-501,  
 8 80-522, 83-451, 85-446, 89-511, and 95-464,  
 9 Laws of Florida; providing an effective date.

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

12  
 13 Section 1. Intent.--Pursuant to chapter 97-256, Laws  
 14 of Florida, this act constitutes the codification of all  
 15 special acts relating to the Matlacha/Pine Island Fire Control  
 16 District. It is the intent of the Legislature in enacting  
 17 this law to provide a single, comprehensive special act  
 18 charter for the district, including all current legislative  
 19 authority granted to the district by its several legislative  
 20 enactments and any additional authority granted by this act  
 21 and chapters 189 and 191, Florida Statutes, as amended from  
 22 time to time. It is further the intent of this act to  
 23 preserve all district authority, including the authority to  
 24 annually assess and levy against the taxable property in the  
 25 district a tax not to exceed 2 mills on the dollar of assessed  
 26 valuation, except as provided in chapter 97-340, Laws of  
 27 Florida or chapter 191, Florida Statutes, as they may be  
 28 amended from time to time.

29 Section 2. Codification.--Chapters 61-2409, 63-1558,  
 30 65-1827, 76-401, 79-501, 80-522, 83-451, 85-446, 89-511, and  
 31 95-464, Laws of Florida, relating to the Matlacha/Pine Island

1 Fire Control District, are codified, reenacted, amended, and  
2 repealed as provided herein.

3 Section 3. The Matlacha/Pine Island Fire Control  
4 District is re-created and the charter for said district is  
5 re-created and reenacted to read:

6 Section 1. District status; charter amendments;  
7 boundaries.--

8 (1) The Matlacha/Pine Island Fire Control District  
9 shall exist as an independent special taxing fire protection  
10 and rescue district incorporating lands in Lee County as  
11 described in subsection (3). The District is organized and  
12 exists for all purposes set forth in this act, chapter 97-340,  
13 Laws of Florida, and chapters 189 and 191, Florida Statutes.  
14 To the extent of any conflict between this act and chapter  
15 97-340, Laws of Florida, the provisions of chapter 97-340  
16 shall supersede this act.

17 (2) The District was created by special act of the  
18 Legislature in 1963. Its charter may be amended only by  
19 special act of the Legislature.

20 (3) The following described area is known as the  
21 Matlacha/Pine Island Fire Control District, hereafter called  
22 the District:

23 Fractional Section 25 except Government Lot 3,  
24 Government Lot 1 of Section 26, Government Lot  
25 3 of Section 35, and fractional Section 36 in  
26 Township 43 South, Range 21 East. Fractional  
27 Section 29 except Government Lot 1, fractional  
28 Section 30 except Government Lot 1, Government  
29 Lot 2 of Section 33, fractional Section 32 and  
30 Section 31 in Township 43 South, Range 22 East.  
31

1 That part of Township 44 South, Range 21 East  
 2 on Pine Island. All that part of Township 44  
 3 South, Range 22 East lying on Pine Island and  
 4 Little Pine Island, Government Lot 4 of Section  
 5 32 of said Township and Range, all surveyed and  
 6 unsurveyed parts of Section 24 and said  
 7 Township and Range lying between Little Pine  
 8 Island and the Mainland except Government Lot  
 9 2, all that part of said Section 24 lying on  
 10 the Mainland, and fractional Section 13 of said  
 11 Township and Range. Sections 16, 17, 18, 19,  
 12 20 and 21, and the North West quarter of  
 13 Section 29 of Township 44 South, Range 23 East.  
 14 That part of Township 45 South, Range 22 East  
 15 lying on Pine Island and Little Pine Island.  
 16 That part of Township 46 South, Range 22 East  
 17 lying on Pine Island.  
 18 That part of Section 6, Township 46 South,  
 19 Range 23 East lying on Pine Island;  
 20 All land within the perimeter boundaries of  
 21 Galt Island Subdivision, as described in Plat  
 22 Book 51, Pages 33-36, located on Galt Island In  
 23 Pine Island Sound, in Lee County.  
 24 LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:  
 25 SECTION 16, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
 26 All of Section 16, Township 44 South, Range 23  
 27 East, EXCEPTING THEREOF;  
 28 The west half of the east half of the west half  
 29 of the southeast quarter of the southwest  
 30 quarter (W 1/2 E 1/2 W 1/2 SE 1/4 SW 1/4) of  
 31

1 said Section 16, as described in Parcel 51, Lee  
 2 County Case No. 71-1137;

3 SECTION 17, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

4 All of Section 17, Township 44 South, Range 23  
 5 East; EXCEPTING THEREOF;

6 The east half of the east half of the east half  
 7 of the southeast quarter of the southeast  
 8 quarter (E 1/2 E 1/2 E 1/2 SE 1/4 SE 1/4) of  
 9 Lot 1, T.M. Stevens unrecorded tracts according  
 10 to a plat on file with the Tax Assessor of Lee  
 11 County, Florida, in Section 17, Township 44  
 12 South, Range 23 East, as described in Parcel  
 13 110, Lee County Case No. 71-1137;

14 The east half of the west half of the west half  
 15 of the southeast quarter of the southwest  
 16 quarter (E 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4), and  
 17 the west half of the west half of the west half  
 18 of the southeast quarter of the southwest  
 19 quarter (W 1/2 W 1/2 W 1/2 SE 1/4 SW 1/4) of  
 20 said Section 17, Township 44 South, Range 23  
 21 East, as parcels of Greater Pine Island Water  
 22 Company;

23 SECTION 18, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

24 All of that part of Unit 58, Plat Book 23,  
 25 Pages 128 through 147, Cape Coral lying in  
 26 Section 18, Township 44 South, Range 23 East,  
 27 and all of that part of Unit 59, Plat Book 19,  
 28 Pages 140 through 153, Cape Coral, also lying  
 29 in Section 18, Township 44 South, Range 23  
 30 East;

31 SECTION 19, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

1 The west half of the east half of the northeast  
2 quarter of the northeast quarter (W 1/2 E 1/2  
3 NE 1/4 NE 1/4) of Section 19, Township 44  
4 South, Range 23 East, as described in Ordinance  
5 1-88;

6 Lot 18 of Tract 2, of a recorded map, being the  
7 west half of the east half of the east half of  
8 the northeast quarter of the northeast quarter  
9 (W 1/2 E 1/2 E 1/2 NE 1/4 NE 1/4) of Section  
10 19, Township 44 South, Range 23 East, as  
11 described in Ordinance 72-88;

12 SECTION 20, TOWNSHIP 44 SOUTH, RANGE 23 EAST:

13 The east half of the east half of the west half  
14 of the northwest quarter of the northwest  
15 quarter (E 1/2 E 1/2 W 1/2 NW 1/4 NW 1/4) of  
16 Section 20, Township 44 South, Range 23 East,  
17 as described in Ordinance 73-88;

18 The south half of the northwest quarter of the  
19 southeast quarter (S 1/2 NW 1/4 SE 1/4) of  
20 Section 20, Township 44 South, Range 23 East,  
21 less and except the westerly 30 feet thereof,  
22 as described in Parcel 1 of Ordinance 51-88;

23 The north half of the northwest quarter of the  
24 southeast quarter (N 1/2 NW 1/4 SE 1/4) of  
25 Section 20, Township 44 South, Range 23 East,  
26 as described in Parcel 2, Ordinance 51-88;

27 The south half of the southeast quarter (S 1/2  
28 SE 1/4) of Section 20, Township 44 South, Range  
29 23 East, as described in Parcel 3, Ordinance  
30 51-88;

31

1 The north half of the northeast quarter (N 1/2  
2 NE 1/4) less the easterly 880 feet in Section  
3 20, Township 44 South, Range 23 East, together  
4 with the west half of the south half of the  
5 northeast quarter (W 1/2 S 1/2 NE 1/4) of  
6 Section 20, Township 44 South, Range 23 East,  
7 as described in Parcel 4, Ordinance 51-88;  
8 SECTION 21, TOWNSHIP 44 SOUTH, RANGE 23 EAST:  
9 The east half (E 1/2) of Section 21, Township  
10 44 South, Range 23 East;  
11 The east half of the northeast quarter of the  
12 northwest quarter (E 1/2 NE 1/4 NW 1/4) of said  
13 Section 21;  
14 The southeast quarter of the northwest quarter  
15 (SE 1/4 NW 1/4) of said Section 21;  
16 The east half of the southwest quarter (E 1/2  
17 SW 1/4) of said Section 21;  
18 The west half of the southwest quarter (W 1/2  
19 SW 1/4) of said Section 21, less the south 990  
20 feet thereof, and less the north half of the  
21 northeast quarter of the northwest quarter of  
22 the southwest quarter (N 1/2 NE 1/4 NW 1/4 SW  
23 1/4), and less the north half of the northwest  
24 quarter of the northwest quarter of the  
25 southwest quarter (N 1/2 NW 1/4 NW 1/4 SW 1/4)  
26 of said Section 21, as described in Parcel "A"  
27 of Ordinance 8-86;  
28 The southerly 990 feet of the west half of the  
29 southwest quarter of Section 21, Township 44  
30 South, Range 23 East, as described in Parcel  
31 "B" or Ordinance 8-86;

1 SECTION 13, TOWNSHIP 44 SOUTH, RANGE 22 EAST:

2 All of fractional Section 13, Township 44  
3 South, Range 22 East, EXCEPTING THEREOF;  
4 That area lying southerly of the City of Cape  
5 Coral Territorial Limit, more specifically  
6 Matlacha Shores Subdivision - Plat Book 10,  
7 Page 29, Matlacha Shores First Addition - Plat  
8 Book 10, Page 42, and Matlacha Isles - Plat  
9 book 16, Page 133, together with the unplatted  
10 area lying southerly of the above referenced  
11 subdivisions.

12 All lying in Lee County, Florida.

13  
14 Section 2. Governing board creation.--There is created  
15 a board known as the Matlacha/Pine Island Fire Control Board  
16 and hereafter referred to as the board. The board shall be  
17 composed of five (5) members and shall conduct and administer  
18 the business and affairs of the District. The procedures for  
19 conducting District elections and for qualification of  
20 candidates and electors shall be pursuant to chapters 189 and  
21 191, Florida Statutes, and chapter 97-340, Laws of Florida, as  
22 they may be amended from time to time.

23 Section 3. Governing board organization; powers and  
24 duties.--

25 (1) In accordance with chapter 97-340, Laws of  
26 Florida, each elected member of the board shall assume office  
27 10 days following the member's election. Annually, within 60  
28 days after the election of new members of said board, the  
29 members shall meet and elect from the membership a chair, a  
30 vice-chair, a secretary and a treasurer, provided, however,  
31 the same member may be both secretary and treasurer.



1           (2) The District shall have and the board may exercise  
 2 all the powers and duties set forth in this act, chapter  
 3 97-340, Laws of Florida, and chapters 189 and 191, Florida  
 4 Statutes, as they may be amended from time to time.

5           (3) The District shall also hold all powers,  
 6 functions, and duties set forth in this act and chapters 189,  
 7 191, and 197, Florida Statutes, and chapter 97-340, Laws of  
 8 Florida, as amended from time to time, including, but not  
 9 limited to, ad valorem taxation, bond issuance, other  
 10 revenue-raising capabilities, budget preparation and approval,  
 11 liens and foreclosure of liens, use of tax deeds and tax  
 12 certificates as appropriate for non-ad valorem assessments,  
 13 and contractual agreements. The District may be financed by  
 14 any method established in this act, chapter 189 Florida  
 15 Statutes, or chapter 191, Florida Statutes, or chapter 97-340,  
 16 Laws of Florida, as amended from time to time.

17           (4) The methods for assessing and collecting non-ad  
 18 valorem assessments, fees, or service charges shall be as set  
 19 forth in chapter 170, Florida Statutes, chapter 189, Florida  
 20 Statutes, chapter 191, Florida Statutes, or chapter 197,  
 21 Florida Statutes, and chapter 97-340, Laws of Florida, as  
 22 amended from time to time.

23           (5) The District's planning requirements shall be as  
 24 set forth in this act, chapters 189 and 191, Florida Statutes  
 25 and chapter 97-340, Laws of Florida, as amended from time to  
 26 time.

27           (6) The District's geographic boundary limitations  
 28 shall be as set forth in this act.

29           (7) Requirements for financial disclosure, meeting  
 30 notices, reporting, public records maintenance, and per diem  
 31 expenses for officers and employees shall be as set forth in

1 chapters 112, 119, 189, 191, and 286, Florida Statutes, and  
2 chapter 97-340, Laws of Florida, as they may be amended from  
3 time to time.

4 Section 4. Policies and regulations.--The board is  
5 authorized to make policies and regulations for the prevention  
6 of fires and for fire control within the District. Said  
7 policies and regulations, after being made by the board, shall  
8 have the force and effect as law.

9 Section 5. Millage rate.--The District may annually  
10 levy an ad valorem tax of up to two (2) mills on the taxable  
11 property in the district, except as provided by chapter  
12 97-340, Laws of Florida, or chapter 191, Florida Statutes, as  
13 amended from time to time. The board shall levy and collect  
14 such ad valorem taxes in accordance with chapter 200, Florida  
15 Statutes.

16 Section 6. Payments made by treasurer.--All warrants  
17 for the payment of labor, equipment, and other expenses of the  
18 board, and in carrying into effect this act and the purpose  
19 thereof, shall be payable by the treasurer of the board on  
20 accounts and vouchers approved by the board.

21 Section 7. Posting of bond.--Each board member, upon  
22 taking office, shall execute to the Governor for the benefit  
23 of the district a bond as required by chapter 97-340, Laws of  
24 Florida, as it may be amended from time to time; premiums on  
25 said bond to be paid out of district funds.

26 Section 8. Provision of emergency ambulance  
27 service.--The Fire Control Board of the District shall have  
28 the right, power, and authority to buy, own, operate, and  
29 maintain an emergency ambulance service within the District,  
30 and shall have the right, power, and authority to levy non-ad  
31

1 valorem assessments upon certain properties located within the  
2 district pursuant to applicable general law.

3 Section 9. Ambulance service fees.--The Fire Control  
4 Board shall have the right, power, and authority to adopt a  
5 fee or service charge for ambulance service paid by the user,  
6 in accordance with this act, chapter 97-340, Laws of Florida  
7 or chapter 191, Florida Statutes. The fee, charge, or rate  
8 therefor may be fixed by a resolution of the Fire Control  
9 Board at a regular meeting of said Board, or in the same  
10 manner, the rate or charge may be changed or abolished.

11 Section 10. Dissolution.--The District may be  
12 dissolved pursuant to the terms of Chapter 97-340, Laws of  
13 Florida and chapters 189 and 191, Florida Statutes, as they  
14 may be amended from time to time.

15 Section 4. Chapters 61-2409, 63-1558, 65-1827, 76-401,  
16 79-501, 80-522, 83-451, 85-446, 89-511, and 95-464, Laws of  
17 Florida, are repealed.

18 Section 5. In the event any section or provision of  
19 this act is determined to be invalid or unenforceable, such  
20 determination shall not affect the validity of or  
21 enforceability of each other section and provision of this  
22 act.

23 Section 6. Construction.--This act shall be construed  
24 as remedial and shall be liberally construed to promote the  
25 purpose for which it is intended.

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

28 MAY 22 2000  
29 Approved by the Governor \_\_\_\_\_  
30 MAY 22 2000  
31 Filed in Office Secretary of State \_\_\_\_\_

# STATE OF FLORIDA DEPARTMENT OF STATE

## Division of Elections

I, KATHERINE HARRIS, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 2000-396, Laws of Florida, Acts of 2000, as shown by the records of this office.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
3rd. day of July, A.D., 2000.



*Katherine Harris*

Secretary of State

DSDE 99 (1-99)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 X 11" document