

House Bill No. 1803

An act relating to the South Trail Fire Protection and Rescue Service District, Lee County; providing for codification of special laws relating to South Trail Fire Protection and Rescue Service District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for codification of all prior special acts, as amended; providing for the creation, status, purpose, and boundaries of the District; providing for amendment to the District boundaries; providing for charter amendments; providing for a governing board; providing for powers and duties, including, but not limited to, those set forth in chapter 191, F.S., and chapter 97-340, Laws of Florida; providing authority to establish rules and regulations; providing for adoption of a fire code; providing authority to levy ad valorem assessments; providing authority for other means of financing for the District; providing for the effect of annexation by the City of Fort Myers; providing construction and effect; providing for severability; providing for repeal of prior special acts; providing an effective date.

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

Section 1. (1) Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the South Trail Fire Protection and Rescue Service District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the South Trail Fire Protection and Rescue Service District which includes all current legislative authority granted to the District by general law and by its several legislative enactments, as said laws may be amended from time to time, and any additional authority granted by this act. It is the further intent of this act to preserve all District authority, including the authority to annually assess and levy against taxable property in the District a tax not to exceed 2 mills on the assessed valuation, except as provided in chapter 97-340, Laws of Florida, and chapter 191, Florida Statutes, as may be amended from time to time.

(2) It is the further intent of the Legislature to amend the District's boundaries to incorporate within the geographic boundaries of the District additional land, as described herein, which land is commonly known as Page Field Commons and which land is immediately adjacent to the District's current boundaries and is currently being served by the District under the terms of an interlocal agreement.

Section 2. Chapters 76-412, 81-414, 81-418, 81-419, 83-450, 87-447, 88-476, 88-545, 91-364, and 96-501, Laws of Florida, relating to the South Trail Fire Protection and Rescue Service District, are hereby codified, reenacted, and amended as provided herein.

Section 3. The South Trail Fire Protection and Rescue Service District, an independent special district, hereinafter referred to as the "District," is

re-created and the charter for such District is re-created and reenacted to read:

Section 1. The geographic boundaries of the South Trail Fire Protection and Rescue District shall include the following described lands:

That part of Lee County, Florida, as described as follows:

In Township 44 South, Range 25 East, that portion of Section 32 lying Southeasterly of the right of way of Colonial Boulevard extension, otherwise known as State Road 82 B, and all of Sections 33 and 34, and in Township 45 South, Range 24 East, that portion of Section 11 lying East of the District limits of the Iona-McGregor Fire Protection and Rescue Service District and lying South and East of the city limits of the City of Fort Myers, Florida, that portion of Section 12 not within the boundaries of the Page Field-Lee County Airport (except as specifically provided herein), all of Sections 13, 14, 23, 24, 25, 26, 35, 36 and in Township 45 South, Range 25 East, all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, and less and except that portion of all the above-described lands located within the municipal boundaries of the City of Fort Myers.

Together with the following described property:

All that portion of Section 31, Township 44 South, Range 26 East which lies southwesterly of State Road 82.

And: All that portion of Sections 5 & 6, Township 45 South, Range 26 East which lies southwesterly of State Road 82.

And: All of Sections 7 and 8, Township 45 South, Range 26 East.

And: All of Section 17, Township 45 South, Range 26 East, less and except that portion of the southwest quarter (SW $\frac{1}{4}$) which lies southeasterly of Daniels Parkway.

And: All that portion of Sections 18 & 19, Township 45 South, Range 26 East which lies northwesterly of Daniels Parkway.

And: That portion of Section 20, Township 45 South, Range 26 East which is more particularly described as follows: Beginning at the southeast corner of the said Section 20; thence S.88°18'45"W. for 2658.71 feet along the south line of the southeast quarter (SE $\frac{1}{4}$) of said Section 20 to the south quarter corner of said Section 20; thence N.01°15'38"W. for 2341.40 feet; thence N.54°00'00"E. for 3220.85 feet to an intersection with the east line of said Section 20; thence S.01°25'28"E. for 4157.00 feet to the Point of Beginning.

And: That portion of Section 29, Township 45 South, Range 26 East which is more particularly described as follows: From the east quarter of said Section 29, thence S.00°01'11"W. for 1201.08 feet along the east line of said Section 29 to the Point of Beginning; thence depart said east line and run S.54°00'06"W. for 2902.43 feet through said Section 29 to an intersection with the south line of said Section 29; thence easterly along the south line of said Section 29 to the southeast corner of said Section 29; thence northerly along the east line of said Section 29 to the Point of Beginning.

And: That portion of Section 30, Township 45 South, Range 26 East which is more particularly described as follows: Beginning at the southwest corner of said Section 30; thence N.00°50'50"W. for 1889.08 feet; thence N.54°00'00"E. for 1119.11 feet to the easterly line of a 100 foot wide roadway and public utility right-of-way (ROW) as described in deed recorded in Official Records Book 1398 at Page 2143, Public Records of Lee County, Florida; thence run along the east line of said roadway and public utility ROW the following courses and distances: S.00°51'02"E. for 2533.16 feet; S.00°51'53"E. for 119.91 feet to the south line of said Section 30; thence westerly along the said south line of said Section 30 to the Point of Beginning.

And: All that portion of Section 31, Township 45 South, Range 26 East which lies westerly of the easterly line of a 100 foot wide roadway and public utility right-of-way (ROW) as described in the deed recorded in Official Records Book 1398 at Page 2143, Public Records of Lee County, Florida.

And: All of Section 1, Township 45 South, Range 25 East, less and except the westerly 1709.78 feet of said Section 1.

And: All of Section 11, Township 45 South, Range 25 East, less and except the northwest quarter (NW ¼) of said Section 11.

And: All of Sections 12, 13, and 14, Township 45 South, Range 25 East.

And: All of Section 23, Township 45 South, Range 25 East, less and except the following described parcel: From the northeast corner of said Section 23, thence S.00°17'50"E. for 2073.11 feet along the east line of the northeast quarter (NE ¼) of said Section 23 to the Point of Beginning; thence continue along said east line S.00°17'50"E. for 557.70 feet to the east quarter corner of said Section 23; thence S.01°05'16"E. for 2644.46 feet along the east line of the southeast quarter (SE ¼) to the southeast corner of said Section 23; thence S.88°05'55"W. for 675.73 feet along the south line of said Section 23; thence N.01°04'08"W. for 2544.53 feet; thence S.88°06'12"W. for 2717.58 feet; thence S.83°46'46"W. for 418.33 feet; thence N. 00°36'27"W. for 199.98 feet; thence N.83°46'46"E. for 418.33 feet; thence N.88°06'12"E. for 2041.84 feet; thence N.00°39'21"W. for 55.70 feet; thence N.88°06'12" for 155.55 feet; thence N.54°36'12"E. for 729.32 feet; thence N.88°10'25"E. for 598.20 feet to the Point of Beginning.

And: All that portion of Section 24, Township 45 South, Range 25 East which lies northerly of Daniels Parkway.

And: That portion of Section 26, Township 45 South, Range 25 East which is more particularly described as follows: The West half (W ½) of the West half (W ½); and the northeast quarter (NE ¼) of the northwest quarter (NW ¼).

And: That portion of Section 35, Township 45 South, Range 25 East which is more particularly described as follows: The West half (W ½) of the West half (W ½).

And: That portion of Section 36, Township 45 South, Range 25 East which is more particularly described as follows: Beginning at the north-

east corner of said Section 36; thence S.00°52'30"E. for 2643.76 feet along the east line of the northeast quarter (NE ¼) of said Section 36 to the east quarter corner of said Section 36; thence S.00°57'40"E. for 2645.22 feet along the east line of the southeast quarter (SE ¼) of said Section 36 to the southeast corner of said Section 36; thence S.89°08'14"W. for 2643.68 feet along the south line of the southeast quarter (SE ¼) of said Section 36 to the south quarter of said Section 36; thence S.89°08'14"W. for 2643.68 feet along the south line of the southwest quarter (SW ¼) of said Section 36 to the southwest corner of said Section 36; thence N.00°25'56"W. for 1344.37 feet along the West line of the southwest quarter of said Section 36; thence N.89°22'24"E. for 1319.01 feet; thence N.00°33'08"W. for 3068.39 feet; thence N.54°00'00"E. for 1608.76 feet to an intersection with the north line of said Section 36; thence S.89°53'50"E. for 2621.29 feet along said north line of said Section 36 to the Point of Beginning.

A parcel or tract of land lying in Section 12, Township 45 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

Commence at the northwest corner of Section 12, Township 45 South, Range 24 East; thence N 89°44'43"E along the north line of the Northwest Quarter (NW ¼) of said Section 12 a distance of 33.00 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning thence S00°30'07" W, parallel with and offset 33.00 feet east from the west line of the Northwest Quarter (NW ¼) of said Section 12, a distance of 66.27 feet to an intersection with the south right-of-way line of the Fowler Street Extension and the east right-of-way line of U.S. 41 (State Road 45-Tamiami Trail); (the following six (6) courses are along the east right-of-way of U.S. 41 (State Road 45-Tamiami Trail): thence continue S00°30'07"W a distance of 788.69 feet; thence S45°24'36"E a distance of 53.94 feet; thence S83°55'07" W a distance of 39.00 feet; thence S00°30'07"W a distance of 47.42 feet; thence N89°39'14"E a distance of 35.00 feet; thence S00°30'07"W a distance of 1114.87 feet to an intersection with the north right-of-way line of Danley Drive; (the following three (3) courses are along the north line of Danley Drive): thence N89°30'55"E a distance of 16.50 feet; thence S 00°30'07" W a distance of 9.99 feet; thence N89°32'17"E a distance of 23.51 feet; thence N00°30'07"E a distance of 1196.13 feet; thence N45°24'36" W a distance of 48.72 feet; thence N00°30'07" E a distance of 838.23 feet to an intersection with the north line of the Northwest Quarter (NW-¼) of said Section 12; thence N89°48'16"W along the aforementioned north line a distance of 40.00 feet to the Point of Beginning.

Said parcel contains 1.948 acres, more or less.

Together with:

A parcel or tract of land lying in Section 1, Township 45 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

Commence at the southwest corner of Section 1, Township 45 South, Range 24 East; thence N89°44'43"E along the south line of the South-

west Quarter (SW-¼) of said Section 1, a distance of 33.00 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning, thence N00°06'40" W, parallel with and offset 33.00 feet east from the west line of the Southwest Quarter (SW-¼) of said Section 1, a distance of 203.68 feet to an intersection with the southern boundary of the tract known as Page Field Commons; thence S45°59'18"E along the southern boundary of Page Field Commons a distance of 55.72 feet; thence S00°06'40"E parallel with and offset 73.00 feet east from the aforementioned west line of the Southwest Quarter (SW-¼) of Section 1 a distance of 165.10 feet; thence N89°48'16" W a distance of 40.00 feet to the Point of Beginning.

Said parcel contains 7,376 square feet, more or less.

Together with:

A tract or parcel of land lying in Section 1, Township 45 South, Range 24 East, Lee County, Florida, commonly known as Page Field Commons, which tract or parcel is described as follows:

From the southwest corner of said Section 1, run N00°06'40"W along the West line of said Section for 203.76 feet; thence run N89°53'20"E (perpendicular to said section line) for 33.00 feet to the East line of State Road 45 (U.S. 41) (Tamiami Trail) and the Point of Beginning of the herein described parcel.

From said Point of Beginning run N00°06'40"W along said East line for 2399.68 feet; thence run N89°20'39"E for 696.11 feet to a West line of Fowler Street Extension (Official Record Book 2688, Page 1581, Lee County Records; thence run southerly along said west line along the arc of a curve to the left of radius 1017.93 feet (delta 00°38'34") (chord bearing S12°01'52"E) (chord 11.42 feet) for 11.42 feet to a point of tangency; thence run S12°21'09"E along said west line of Fowler Street for 1182.45 feet to a point of curvature; thence run southerly and southwesterly along the arc of a curve to the right of radius 1082.92 feet (delta 61°48'25") (chord bearing S18°33'04"W) (chord 1112.36 feet) for 1168.18 feet; thence run S53°48'02"W for 97.76 feet; thence run southwesterly along the arc of curve to the right of radius 1079.92 feet (delta 14°32'14") (chord bearing S61°54'07"W) (chord 273.26 feet) for 274.00 feet; thence run S85°05'58"W for 47.25 feet; thence run southwesterly along the arc of a curve to the right of radius 1067.92 feet (delta 00°54'28") (chord bearing S72°03'46"W) (chord 16.92 feet) for 16.92 feet to a point of tangency; thence run S72°31'00"W for 158.58 feet; thence run N45°59'18"W for 81.31 feet to the Point of Beginning.

Containing 45.38 acres, more or less.

Bearings hereinabove mentioned are based on assuming the south line of Section 1, Township 45 South, Range 24 East bears N89°44'31"E.

Section 2. Nothing contained herein shall deny the right of the Chief or other governing officials of the District to render such services to communities adjacent to the lands described herein, or such other places as from time to time may be deemed desirable.

Section 3. (1) The District shall be governed by a board (the "Board") which shall consist of five (5) resident electors of the District elected by a vote of the electors of the District according to the procedures set forth in chapter 191, Florida Statutes, and chapter 97-340, Laws of Florida, as well as other general laws and special laws, as said laws may be amended from time to time.

(2) Notwithstanding any provision of general law or special law to the contrary, any Board member of the District may be removed from office pursuant to recall election. The procedure for conducting a recall election shall be the same as for conducting a municipal recall election pursuant to section 100.361, Florida Statutes, as may be amended from time to time.

(3) Annually, or within sixty (60) days after the election of members of the Board, the members shall meet and elect from the membership a chair, a vice-chair, a secretary, and a treasurer; provided, however, the same member may be both secretary and treasurer. The District shall have all of the duties and the Board may exercise those general and special powers provided in chapters 189 and 191, Florida Statutes, chapter 97-340, Laws of Florida, and any other applicable general law or special law, as said laws may be amended from time to time.

(4) The Board may employ such personnel as deemed necessary for the proper function and operation of the fire department and establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment as prescribed by general law and special law, as said laws may be amended from time to time. The salaries of District personnel and other wages shall be determined by the Board.

(5) The Board is authorized to make and adopt rules and regulations not inconsistent with this act or any general law or local law, as may be amended from time to time, as it may deem necessary for the transaction of its business and implementing and carrying out the provisions of this act. Such rules and regulations shall be adopted in accordance with applicable general law and special law, as may be amended from time to time. The Board shall have the authority to provide all things necessary for the prevention, extinguishment, and control of fires in the District.

(6) The Board is authorized to adopt a fire code not inconsistent with general law or local law.

Section 4. (1) The District shall have the right, power, and authority to levy millage tax against taxable property within the District to provide funds for the purpose of the District; provided, however, two (2) mills is the maximum that can be levied in any one (1) year, except as provided in chapter 191, Florida Statutes, chapter 97-340, Laws of Florida, or any other applicable general law or special law, as said laws may be amended from time to time.

(2) Taxes and assessments herein provided for shall be assessed and collected in the manner prescribed by applicable general law or special law, as said laws may be amended from time to time.

(3) The District may be financed by any method established by this act, chapter 189, Florida Statutes, chapter 191, Florida Statutes, or chapter 97-340, Laws of Florida, as may be amended from time to time.

Section 5. Beginning on the effective date of this act, any properties that may be annexed by the City of Fort Myers and located within the District shall remain the responsibility of the District until January 1 of the following year, at which time the City shall assume the responsibility for fire control and such property shall no longer be a part of, or subject to, the taxing authority of the fire control taxing District. The municipal governing authority shall enter into an agreement to purchase, lease, or maintain real property and equipment of the District, if it is located within the area so annexed. Such agreement shall be reached by negotiated settlement. Should the City and the fire control taxing District not be able to reach a negotiated settlement, then the City shall have eminent domain authority for all real property owned by the fire control District and annexed by the City. The presently appointed or elected commissioners of the District who reside within the areas annexed by the City of Fort Myers shall continue to serve as the commissioners of the District until the local governing authority assumes responsibility for the lands so annexed.

Section 4. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended which is a codification, reenactment, amendment, and repeal of the several legislative enactments of the District.

Section 5. If any clause, section, or provision of this act is declared unconstitutional or invalid for any cause or reason, it shall be eliminated from this act, and the remaining portion of the act shall remain in full force and effect as if said unconstitutional or invalid portion had not been incorporated herein.

Section 6. Chapters 76-412, 81-414, 81-418, 81-419, 83-450, 87-447, 88-476, 88-545, 91-364, and 96-501, Laws of Florida, as said laws relate to the District, are repealed.

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

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.