

CHAPTER 27676--(No. 1197)
SPECIAL ACTS OF 1951
HOUSE BILL NO. 268

AN ACT Creating and Establishing a Fire Control District on San Carlos and Estero Islands, Which Are Parts of and Located In Lee County, Florida, Providing for the Creation and Appointment of a Fire Control Board, Defining its Duties, Powers and Authority, Providing for the Raising of Funds Within Such District by Taxation on All the Property Within Such Districts and the Method of Levying, Collecting and Disbursing Such Funds, and Providing for a Referendum.

Be it enacted by the legislature of the State of Florida;

Section 1. All that part of Lee County, Florida, that is located and situated on San Carlos and Estero Islands be and is hereby made and created into a fire control district to be known as Fort Myers Beach control district, and hereinafter referred to as the district.

Section 1 of Chapter 27676 Laws of Florida, 1951, is amended to read:

Section 1. All that part of Lee County, Florida, that is located and situated within San Carlos Island; Estero Island; easterly one-half ($\frac{1}{2}$) of Section 13, Township 46 South, Range 23 East; westerly one-half ($\frac{1}{2}$) of Section 18, Township 46 South, Range 24 East; and the westerly one-half ($\frac{1}{2}$) of Section 7, Township 46 South, Range 24 East, except that part which is located and situated north of the old railroad grade, be and is hereby made and created into a fire control district to be known as Fort Myers Beach Fire Control District, and hereafter referred to as the district.

SECTION 2. A petition having been made by the qualified freeholders requesting the area as described in Section 1, as amended, to be added to the Fort Myers Beach Fire Control District; a resolution to add the new area to said district having been approved by the Board of the Fort Myers Beach Fire Control District at a regular meeting; and a hearing having been held for all qualified freeholders of the Fort Myers Beach Fire Control District; it is hereby declared and determined by the Legislature that the establishment and maintenance of the Fort Myers Beach Fire Control District in the additional area as described in Section 1, as amended, will confer special benefits upon the lands and property within said additional area, for which ad valorem taxes for special benefits may be assessed and collected under the provisions of Chapter 27676, Laws of Florida, 1951, and amendments thereto.

SECTION 3. Any laws or parts of laws in conflict herewith are hereby repealed.

SECTION 4. This act shall be in force and effect immediately upon becoming a law.

Section 2. The governor of Florida is hereby authorized and directed to appoint three resident freeholders of said district as the Fort Myers Beach fire control board, hereinafter referred to as the Board. The members of the board shall each serve for a period of four years, unless removed for cause by the governor of Florida, and shall receive no compensation. It shall be the duty of the governor of Florida to appoint the first members of the board within ten days after this act shall become law.

Section 3. Within ten days after the appointment and qualification of members of said board, such members shall meet and elect from the membership a president, a secretary and a treasurer, provided, however, the same member may be both secretary and treasurer. The board for and on behalf of the district is hereby authorized and empowered to buy, own and maintain a fire department within the district and to purchase, own and dispose of fire fighting equipment and property, real or personal, that the board may from time to time deem necessary or needful to prevent and extinguish fires within said district.

SECTION 1. Section 3 of Chapter 27676, Laws of Florida, 1951, is amended to read:

Section 3. (1). Within ten (10) days after the qualification of its members, the board shall meet and elect from its membership a chairman or president, a secretary and a treasurer, provided, however, the same member may be both secretary and treasurer.

(2). The board for and on behalf of the district is hereby authorized and empowered to establish, equip, operate, and maintain a fire and rescue department within the district and shall buy, lease, sell, exchange, or otherwise acquire by gift or purchase, and to dispose of fire fighting, first aid, and rescue equipment and other property, real, personal or mixed, that it may from time to time deem necessary or needful to prevent and extinguish fires, to render and give first aid, to conduct and perform rescues, and to perform other governmental services.

(3). The board, in order to carry out the above powers and duties, shall have the authority and power to hire the necessary personnel who shall serve at the board's pleasure.

(4). The board is authorized to borrow money upon such terms and conditions that it may deem proper from any banking institution in the county and to pledge toward the repayment of same all or any portion of any of its anticipated budget funds in order to perform and carry out the powers, duties, and laws and amendments thereto of the Fort Myers Beach Fire Control District.

SECTION 2. Any clause or section of this act which for any reason may be declared invalid, may be eliminated from this act, and the remaining portion or portions thereof shall be in force and valid, as if such invalid clause or section had not been incorporated herein.

SECTION 3. It is intended that the provisions of this act shall be liberally construed for accomplishing the purposes provided therefor, or intended to be provided for by this act, and where strict construction would result in the defeat of the accomplishment of any of the purposes provided for by this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall prevail.

SECTION 4. This act shall be in force and effect immediately upon becoming a law.

Section 4. The board is hereby authorized and empowered to make rules and regulations for the prevention of fires and for fire control within the district, such rules and regulations after being made by the board and copies thereof signed by the president and secretary, and posted in at least three public places within said district, within ten days shall have the force and effect as a law.

Section 5. For the purpose of carrying into effect this law the board shall annually, during the month of June, make an itemized estimate of the amount of money

required to carry out the provisions of this law for the next fiscal year of said board, which fiscal year shall be from the first day of April to and including the thirty first day of the next succeeding March, and of each year, which estimate shall show for what purpose such monies are required and the amount necessary to be raised by taxation within the district, and shall be presented in writing, signed by the president and the secretary of the board, to the board of county commissioners of Lee County, Florida, on or before the first Monday in July of each year. Prior to the presentation of such estimate to the board of county commissioners of Lee County, Florida, copies of such itemized estimate, signed by the president and the secretary of the board, shall be posted in at least three public places within the district, and at the time of the presentation of such estimate the board shall also present to the board of county commissioners of Lee County, Florida, a certificate of the board that copies of such estimate have been posted as herein provided.

Section 6. Upon receipt of such estimate and certificate of posting the said board of county commissioners shall cause the same to be recorded in the minutes of the county commissioners' meetings, and at the time of making and fixing the rate of annual taxation for county purposes, said board of county commissioners shall fix and cause to be levied on all property of said district, real and personal, a millage sufficient to meet the requirements of such estimate so made by said fire control board, provided, however, six thousand (\$6,000.00) dollars is the maximum that can be levied in any one year.

Section 1, Section 6 of Chapter 27676, Laws of Florida, Acts of 1951 be, and the same is hereby amended to read as follows:

"Section 6. Upon receipt of such estimate and certificate of posting the said board of county commissioners shall cause the same to be recorded in the minutes of the county commissioners' meetings, and at the time of making and fixing the rate of annual taxation for county purposes, said board of county commissioners shall fix and cause to be levied on all property of said district, real and personal, a millage sufficient to meet the requirements of such estimate so made by said fire control board, provided, however, that such levy shall not exceed two mills in any one year."

Section 2. All laws or parts of law in conflict herewith are hereby repealed.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor or upon its becoming a law without such approval.

Section 7. When such taxes as herein provided for shall have been collected by the tax collector of Lee County, Florida, he 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 of said board and take a receipt for the same from such 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 8. That the taxes herein provided for shall be assessed and collected in the same manner and form as provided for the assessment and collection of county taxes and subject to the same commissions and fees for assessing and collecting the same as for the assessment and collection of county taxes, except as herein otherwise provided.

(2) FORT MYERS BEACH FIRE CONTROL DISTRICT.-- The fiscal year shall be from October 1 to and including the next succeeding September 30.