

CHAPTER 2014-240

Committee Substitute for House Bill No. 951

An act relating to Collier County; merging the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District to create a new district; creating and establishing an independent special fire control district to be known as the Greater Naples Fire Rescue District; providing that the district is an independent special district; providing legislative intent; providing for applicability of chapters 191 and 189, F.S., and other general laws; providing a district charter; providing boundaries; providing for a district board; providing an exception to general law; providing authority of the board; providing for staff; providing duties and powers of the board; providing for elections to the board; providing for salaries of board members; providing for removal of board members; providing a savings clause for the existing district authority to levy up to 1.5 mills; providing for bonds; providing for raising of revenue; providing for taxation; providing findings; providing for impact fees; providing for collection and disbursement of such fees; providing for deposit of taxes, assessments, and fees and authority to disburse funds; providing for immunity from tort liability; providing for liberal construction; providing for severability; providing that this act shall take precedence over any conflicting law to the extent of such conflict; providing for the determination of millage; repealing chapters 2000-392, 2012-231, 2004-433, and 2000-444, Laws of Florida, relating to the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District; transferring all assets and liabilities of the existing districts to the Greater Naples Fire Rescue District; requiring a referendum; providing an effective date.

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

Section 1. The East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District are hereby merged to create the Greater Naples Fire Rescue District (“district”).

Section 2. Corporate status.—All of the incorporated lands in Collier County, as described in section 2.01 of section 4, shall be incorporated into the district under the name of the Greater Naples Fire Rescue District. The district is an independent special fire control and rescue district in Collier County. The district is organized and exists for all purposes and shall hold all powers set forth in this act and chapters 189 and 191, Florida Statutes. The district charter may be amended only by special act of the Legislature.

Section 3. The East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District commission seats shall be redesignated as following upon merger:

East Naples Fire Control and Rescue District (“EN”) and Golden Gate Fire Control and Rescue District (“GG”)

Greater Naples Fire Rescue District (“ENGG”)

- EN Seat 1
- EN Seat 2
- EN Seat 3
- EN Seat 4
- EN Seat 5
- GG Seat 1
- GG Seat 2
- GG Seat 3

- ENGG Seat 6
- ENGG Seat 1
- ENGG Seat 2
- ENGG Seat 3
- ENGG Seat 7
- ENGG Seat 4
- ENGG Seat 5
- ENGG Seat 8

Section 4. The charter for the Greater Naples Fire Rescue District is created to read:

ARTICLE I
NAME OF THE DISTRICT

Section 1.01 The name of the district shall be the Greater Naples Fire Rescue District (“district”).

Section 1.02 The district shall be an independent special district of the State of Florida and a body corporate and politic.

ARTICLE II
BOUNDARIES OF THE DISTRICT

Section 2.01 The lands to be incorporated within the Greater Naples Fire Rescue District consist of the following described lands in Collier County:

- A. Township 48 South, Range 26 East, Sections 25, 26, 27, 28, 33, 34, 35, 36. Township 48 South, Range 27 East, Sections 29, 30, 31, 32. Township 49 South, Range 26 East, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36. Township 49 South, Range 27 East, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. Township 49 South, Range 28 East, Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33. Township 50 South, Range 26 East, Sections 2, 3, 4, 9, 10, 11, 14, 15, 16.

Hereinafter referred to as the “Golden Gate Division;”

and also,

B. Beginning at the northeast corner of the Northwest quarter of Section 27, Township 49 South, Range 25 East, thence along the north line of said Section 27, east 45 feet to the east right-of-way line of C-851 (also known as Goodlette-Frank Road), (which right-of-way line lies 45 feet east of, measured at right angles to, and parallel with the north and south quarter section line of said Section 27), to the north line of Lot 11, Naples Improvement Company's Little Farms, Plat Book 2, Page 2; thence east to the east section line of Section 27, Township 49 South, Range 25 East; then north along the east line of said Section 27 to the northeast corner of said Section 27; said point also being the southeast corner of Section 23 Township 49 South, Range 25 East thence east along the north line of Section 26, Township 49 South, Range 25 East to a point 990.0 feet west of the west right-of-way line of Airport-Pulling Road; thence south 01°30'00" East, 1320.0 feet; thence north 89°25'40" East, 660.0 feet; thence north 01°30'00" West, 1320.0 feet to the north line of said Section 26; thence east along said north line of Section 26 to the west right-of-way line of Airport-Pulling Road; to the south line of said Section 26 (said right-of-way line lying 50 feet west of the southeast corner of said Section 26); thence westerly along said south line to the southwest corner of said Section 26; thence northerly along the west line of said Section 26; to the southerly right-of-way line of Golden Gate Parkway (100 feet wide); thence easterly along said southerly right-of-way line to a point lying 1220.00 feet west of the west line of said Airport-Pulling Road; thence northerly parallel with said west right-of-way line to the northerly right-of-way line of said Golden Gate Parkway; thence westerly along the north right-of-way of Golden Gate Parkway to a point 620 feet east and 235.46 feet south of the northwest corner of Lot 8, Naples Improvement Company's Little Farms; thence north 235.46 feet to the north line of Lot 8; thence west along said north line 620 feet to the northwest corner of said Lot 8; thence southerly to that angle point in said east right-of-way line which lies on a line 400.00 feet northerly of (measured at right angles to) and parallel with the north line of Section 34, Township 49 South, Range 25 East; thence continuing along said east right-of-way to the north line of Gordon River Homes Subdivision; thence east along the north line of Lots 50, 49, and 48 to a point 22.5 feet east of the northwest corner of Lot 48; thence south parallel to the west line of Lot 48 to the south line of Lot 48; thence west along the south line of Lots 48, 49, and 50 to the east right-of-way line of Goodlette-Frank Road; thence continuing along said east right-of-way line, which line lies 100.00 feet east of, measured at right angles to, and parallel with the north and south quarter section line of said Section 34; thence continuing along said east right-of-way line to a point on the north line of the southwest quarter of the northeast quarter of Section 34, Township 49 South, Range 25 East; thence continue on said right of way line 460.0 feet; thence north 89°41'30" East 494.99 feet; thence south 0°34'06" East 615.88 feet to a point of curvature; thence southwesterly 343.97 feet along the arc of a tangential circular curve, concave to the northwest have a radius of 243.97 feet and subtended by a chord which bears south 44°33'25" West 345.84 feet; thence south 89°41'30" West

250.0 feet to the easterly right of way line of Goodlette-Frank Road; thence south along said right-of-way line to a point 48.41 feet south of the north line of the south half of Section 34, Township 49 South, Range 25 East; thence north 89°56'59" East 249.79 feet; thence northeasterly 173.98 feet along the arc of a circular curve concave to the northwest having a radius of 293.97 feet and being subtended by a chord which bears north 72°59'41" East 171.46 feet; thence south 89°47'31" East 808.79 feet; thence north 89°55'05" East 993.64 feet to a point on that bulkhead line as shown on Plate recorded in Bulkhead Line Plan Book 1, Page 25 Collier County Public Records, Collier County, Florida; thence run the following courses along the said Bulkhead line, 47.27 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 32.68 feet and subtended by a chord having a bearing of south 14°08'50" East and a length of 43.26 feet to a point of tangency; south 27°17'25" West for 202.44 feet to a point of curvature; 296.89 feet along the arc of a curve concave to the southeast, having a radius of 679.46 feet and subtended by a chord having a bearing of south 14°46'21" West and a length of 294.54 feet to a point of reverse curvature; 157.10 feet along the arc of a curve concave to the northwest, having a radius of 541.70 feet, and subtended by a chord having a bearing of south 10°33'47" West and a length of 156.55 feet to a point of reverse curvature; 307.67 feet along the arc of a curve concave to the northeast; having a radius of 278.30 feet, and subtended by a chord having a bearing of south 12°47'59" East and a length of 292.24 feet to a point of reverse curvature; 135.31 feet along the arc of a curve concave to the southwest having a radius of 100.00 feet and subtended by a chord having a bearing of south 05°42'27" East and a length of 125.21 feet to a point of tangency; thence South 33°03'21" West for 295.10 feet; and South 33°27'51" West 1.93 feet to the north line of the River Park East Subdivision which is also the north line of the south half of the southeast quarter of Section 34, Township 49 South, Range 25 East; thence along the north line of the south half of the southeast quarter of said Section 34, easterly to the west line of Section 35, Township 49 South, Range 25 East; thence along the west line of said Section 35, northerly 1320 feet more or less to the northwest corner of the south half of said Section 35; thence along the north line of the south half of said Section 35, easterly to the west right-of-way line of State Road No. 31 (Airport Road), which right-of-way lies 50.0 feet west of, measured at right angles to, and parallel with the east line of said Section 35; thence along said right-of-way line of State Road No. 31, south 00°13'57" West 1800 feet more or less to a point on said west right-of-way line, which lies north 00°13'57" East 848.02 feet and south 89°46'03" West 50.00 feet from the southeast corner of said Section 35; thence continuing along said west right-of-way line southerly 325.02 feet along the arc of a tangential circular curve concave to the east, radius 2914.93 feet, subtended by a chord which bears south 2°57'43" East 324.87 feet; thence continuing along said west right-of-way line, tangentially south 6°09'22" East 3.13 feet, thence southerly along a curve concave to the southwest, having a central angle of 6°23'18" and a radius of 1860.08 feet, a distance of 207.34 feet; thence south 0°13'57"

West 313.03 feet more or less to a point on the north line of and 20 feet west of the northeast corner of Section 2, Township 50 South, Range 25 East; thence southeasterly, 300.7 feet more or less to a point on the east line of said Section 2 which point lies 300.0 feet south of the northeast corner of said Section 2; thence along the east line of the north half of said Section 2, southerly to the southeast corner of the north half of said Section 2; thence along the south line of the north half of said Section 2; westerly to the northeast corner of the southeast quarter of Section 3, Township 50 South, Range 25 East; thence southerly along the east line of the southeast corner of said Section 3 for a distance of 2013.98 feet; thence North 89°37'20" East 662.04 feet; thence South 00°17'20" East 119.26 feet; thence South 89°27'40" West 322.00 feet; thence South 00°17'20" East 10.00 feet; thence South 89°27'40" West 68.00 feet; thence South 00°17'20" East 361.00 feet; thence North 89°27'40" East 68.00 feet; thence South 00°17'20" East 140.00 feet; thence South 89°27'40" West 221.81 feet; thence North 01°05'56" West 6.99 feet; thence westerly along the arc of a non-tangential circular curve concave to the north having a radius of 370.00 feet through a central angle of 18°34'13" and being subtended by a chord which bears North 81°50'17" West 119.40 feet for a distance of 119.92 feet to a point on the east line of said Section 3; thence southerly along the east line of Section 3, and along the east lines of Sections 10, 15, 22, and 27, all in Township 50 South, Range 25 East, to the southeast corner of said Section 27, Township 50 South, Range 25 East; thence westerly along the south line of said Section 27, Township 50 South, Range 25 East, and along the western prolongation of said south line to a point 1,000 feet west of the mean low water line of the Gulf of Mexico; thence southeasterly along said shoreline to the south line of Section 3, Township 51 South, Range 25 East, thence easterly along the south line of said Section 3, Section 2, Section 1, Township 51 South; thence along the south corner of said Section 5; thence north along the east line of Section 5, Township 51 South, Range 26 East; thence continue on the north line of Section 25, 26 and part of Section 27, Township 49 South, Range 25 East to the point of beginning and also,

C. All those lands in Collier County described as: Sections 21, 22, 23, 26, 27, 28, 33, 34 and 35, Township 50 South, Range 26 East; Section 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25, 26, 35 and 36, Township 51 South, Range 26 East; Sections 1, 2, 3 and those portions of Sections 10, 11, 12, and 13, Township 52 South, Range 26 East, that lie North of the Marco River; those portions of Sections 5, 6, 7 and 18, Township 52 South, Range 27 East, that lie West and North of State Road 92; and Sections 7, 8, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30 and 31, Township 51 South, Range 27 East, and those portions of Sections 32 and 33, Township 51 South, Range 27 East, that lie west and North of State Road 92,

D. Less and except the North ½ of Section 2 of Township 50 South, Range 25 East and the South ½ of Section 35 of Township 49 South, Range 25 East.

E. Less and except approximately 21.99 acres, more or less: A portion of Lots 7 through 9 of Naples Improvement Company's Little Farms as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commence at the intersection of the East right-of-way of Goodlette-Frank Road (C.R. 851) and the South right-of-way of Golden Gate Parkway; thence run along said South right-of-way for the following four (4) courses:

- (1) Thence run North 44°42'45" East, for a distance of 35.36 feet;
- (2) Thence run North 89°42'45" East, for a distance of 122.57 feet;
- (3) Thence run North 80°12'12" East, for a distance of 159.63 feet;
- (4) To a point on a circular curve concave northwest, whose radius point bears North 11°26'26" West, a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 22°36'33", subtended by a chord of 319.10 feet at a bearing of North 67°15'18" East, for an arc length of 321.18 feet to the intersection of the South right-of-way of said Golden Gate Parkway and the West line of the East 338.24 feet of the West 958.34 feet of Lot 7 of Naples Improvements Company's Little Farms Subdivision as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, also being the point of beginning of the parcel of land herein described; thence run South 00°16'32" East, along the West line of the East 338.24 feet of the West 958.34 feet of said Lot 7, for a distance of 302.90 feet to a point on the South line of said Lot 7; thence run along said South line for the following two (2) courses:

- (1) Thence run North 89°41'51" East, for a distance of 338.41 feet;
- (2) Thence run North 89°50'24" East, for approximately 850 feet to a point on the mean high water line of the west bank of Gordon River, said point herein called Point "A", thence return to the aforementioned point of beginning, thence run along the south right-of-way of said Golden Gate Parkway for the following four (4) courses:

(1) Beginning at a point on a circular curve concave northwest, whose radius point bears North 34°02'58" West a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 05°09'09", subtended by a chord of 73.17 feet at a bearing of North 53°22'27" East, for an arc length of 73.20 feet to the end of said curve;

(2) Thence run North 50°47'53" East, for a distance of 459.55 feet

(3) To the beginning of a tangential circular curve concave south; thence run Easterly along the arc of said curve to the right, having a radius of 713.94 feet; through a central angle of 38°52'20"; subtended by

a chord of 475.13 feet at a bearing of North 70°14'03" East, for an arc length of 484.37 feet to the end of said curve;

(4) Thence run North 89°40'13" East, for approximately 724 feet to a point on the mean high water line of the west bank of Gordon River; thence meander Southwesterly along the mean high water line for approximately 900 feet to the aforementioned Point "A" and the point of ending.

F. Less and except approximately 112.82 acres, more or less: All of East Naples Industrial Park, according to the plat thereof recorded in Plat Book 10, Pages 114 and 115, of the Public Records of Collier County, Florida; all of East Naples Industrial Park Replat No. 1, according to the Plat thereof recorded in Plat Book 17, Pages 38 and 39, of the Public Records of Collier County, Florida; and the Northerly 200 feet of the Southerly 510 feet of the Easterly 250 feet of the Northeast ¼ of Section 35, Township 49 South, Range 25 East, Collier County, Florida, less and excepting the Easterly 50 feet thereof.

G. Less and except approximately 6.17 acres, more or less: All that part of Lots 12, 13, and 14, Naples Improvement Company's Little Farms, as recorded in Plat Book 2, Page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 12, thence along the South line of said Lot 12, North 89°26'51" East 20.00 feet to the East right-of-way line of Goodlette-Frank Road; thence along the East right-of-way line North 00°39'49" East 10.00 feet to the Point of Beginning of the herein described parcel; thence continue along said East right-of-way North 00°39'49" West 580.00 feet; thence leaving said East right-of-way North 89°20'11" East 260.12 feet; thence North 59°31'13" East, 153.66 feet; thence South 30°28'42" East, 119.01 feet; thence South 00°33'09" East, 554.02 feet to a line lying 10 feet North of and parallel with said South line of Lot 12; thence along the said parallel line South 89°26'51" West, 451.54 feet to the point of beginning of the herein described parcel.

Bearings are based on the said East line Goodlette-Frank Road being North 00°33'49" East.

H. Less and except approximately 12.77 acres, more or less: The West one-half (W ½) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section 11, Township 50 South, Range 25 East, lying South of State Road 90 (Tamiami Trail, U.S. 41), in Collier County, Florida, except the South 264 feet, and All that part of the South 264 feet of the Southwest one-quarter (SW ¼) of the Northwest one-quarter (NW ¼) of the Northwest one-quarter (NW ¼) of Section 11, Township 50 South, Range 25 East, in Collier County, Florida, lying north of the north line of Walker's Subdivision as delineated on a Plat of record in plat book 1, at page 36, of the Public Records of Collier County, Florida.

TOGETHER WITH:

Lots 1 to 8, inclusive, COL-LEE-CO TERRACE, according to plat in Plat Book 1, Page 32, Public Records of Collier County, Florida.

LESS AND EXCEPT

Those parcels described in Official Records Book 1969, Page 977, and Official Records Book 2119, Page 1344 both of the Public Records of Collier County, Florida.

I. Less and except approximately 6.16 acres, more or less: Being a part of Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tract, Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract B, Plat Book 37, pages 13-18 and part of Section 26, Township 49 South, Range 25 East, Collier County, Florida.

All that part of Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tracts according to the plat thereof as recorded in Plat Book 36, pages 9-16, Estuary at Grey Oaks Tract B according to the plat thereof as recorded in Plat Book 37, pages 13-18, Public Records of Collier County, Florida, and part of Section 26, Township 49 South, Range 25 East, Collier County, Florida being more particularly described as follows:

Commencing at the northwest corner of Tract M of said Estuary at Grey Oaks Roadway, Clubhouse and Maintenance Facility Tracts;

Thence along the west line of said Tract M South 00°East 613.48 feet to the Point of Beginning of the parcel herein described;

Thence continue South 00°20'09" East 406.67 feet; Thence North 89°24'29" West 660.00 feet;

Thence North 00°20'09" West 406.66 feet to a point on the boundary of Golf Course Tract 1 of said Estuary at Grey Oaks Tract B;

Thence along said boundary South 89°24'33" East 660.00 feet to the Point of Beginning of the parcel herein described;

Bearings are based on the west line of said Tract M being South 00°20'09" East.

Hereinafter referred to as the "East Naples Division."

Section 2.02 If the annexation authorized by HB 949, 2014 Regular Session, is approved at referendum, the East Naples Division shall also include the following described lands in Collier County:

All that land located within Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 of Township 51 South, Range 26 East, and those portions of Sections 4, 5 and 6 of Township 52 South, Range 26 East, which lie north of the Marco River, Collier County, Florida. Bearings are based on the west line of said Tract M being South 00°20'09" East.

Section 2.03 Chapter 171, Florida Statutes, shall apply to all annexations by a municipality within the district’s boundaries.

ARTICLE III
POWERS OF THE DISTRICT

Section 3.01 The district shall have the authority and responsibility for and on behalf of the people residing, visiting, or passing through the district to establish, equip, operate, and maintain a fire department and rescue service, including, but not limited to, providing fire hydrants or other types of water supply, buildings for housing fire equipment and personnel, training facilities for fire and rescue, and other buildings deemed necessary by the district board to provide adequate protection from unwanted fire and to carry out rescue operations. In addition, the district shall have the authority to extend its services beyond the district boundaries, provided it is in cooperation with another governmental entity, whether federal, state, county, or municipal.

Section 3.02 The district shall have the authority to provide a paid staff to carry out its responsibilities. This staff shall serve at the pleasure of the district board.

Section 3.03 The district shall have all powers and duties granted by this charter and chapters 189 and 191, Florida Statutes.

ARTICLE IV
GOVERNING BOARD

Section 4.01 The business and affairs of the district shall be conducted and administered by a board of fire commissioners elected pursuant to chapter 191, Florida Statutes, by the electors of the district in a nonpartisan election held at the time and in the manner prescribed for holding general elections in s. 189.405(2)(a), Florida Statutes. Except as expressly provided in this charter, each member of the board shall be elected for a term of 4 years and shall serve until his or her successor assumes office.

Section 4.02 The office of each board member is designated as a seat on the board, distinguished from each of the other seats by a numeral. Each candidate must designate, at the time he or she qualifies, the seat on the board for which he or she is qualifying. The name of each candidate who

qualifies shall be included on the ballot in a way that clearly indicates the seat for which he or she is a candidate. The candidate for each seat who receives the most votes shall be elected to the board. The cost of such elections shall be paid from funds of the district. The board of commissioners shall initially be composed of eight members. The commissioners holding seats 2, 5, 6, and 7 shall have initial terms that expire in November 2016. Commissioners for seats 6 and 7 shall subsequently be elected to 2-year terms that expire in November 2018. The commissioners holding seats 1, 3, 4, and 8 shall have initial terms that expire in November 2018. Seats 6, 7, and 8 shall be eliminated in November 2018. The foregoing provisions establish, after the November 2018 election, a board having five commissioners with 4-year staggered terms. Seats 1 and 2 shall be elected as at-large seats for the East Naples Division. Seats 4 and 5 shall be elected as at-large seats for the Golden Gate Division. Seat 3 shall be elected as an at-large seat for the district as a whole.

Section 4.03 In accordance with chapter 191, Florida Statutes, each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

Section 4.04 Each elected member shall assume office 10 days after the member's election. Within 60 days after the newly elected members have taken office, the board shall meet and elect from its membership a chair, vice chair, secretary, and treasurer or secretary-treasurer.

Section 4.05 In accordance with s. 191.005, Florida Statutes, members of the board may each be paid, from the funds of the district, a salary or honorarium for his or her services in an amount not to exceed \$500 per month for each member. In addition, members may be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

Section 4.06 If a vacancy occurs on the board due to the resignation, death, or removal of a board member or the failure of anyone to qualify for a board seat, 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 policies by resolution defining excused and unexcused absences.

Section 4.07 The procedures for conducting district elections or referenda and for qualification of electors shall be pursuant to chapters 189 and 191, Florida Statutes.

Section 4.08 The board shall have those administrative duties set forth in this charter and chapters 189 and 191, Florida Statutes.

Section 4.09 The board is authorized to adopt rules and regulations for the prevention of fire and for fire control in the district, which rules and regulations shall have the same force and effect as law 10 days after copies

thereof executed by the chair and secretary of the board have been posted in at least three public places.

Section 4.10 A quorum of the board shall be a majority of its members. In order to take official action, an affirmative vote of a majority of those voting members present shall be required.

Section 4.11 It shall be considered a conflict of interest and unlawful for board members to enter into any type of agreement with the district which will bring about personal, monetary, or other gain, or to individually interfere with the day-to-day operations of the district staff.

ARTICLE V FINANCES

Section 5.01 The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements, and the methods for financing the district and for collecting non-ad valorem assessments, fees, or service charges, shall be as set forth in this charter, in chapters 170, 189, 191, and 197, Florida Statutes, and in any applicable general or special law.

Section 5.02 The district shall levy and collect ad valorem taxes in accordance with s. 191.009, Florida Statutes, and chapter 200, Florida Statutes. The taxes levied and assessed by the district shall be a lien upon the land so assessed along with the county taxes assessed against such land until such assessments and taxes have been paid, and if the taxes levied by the district become delinquent, such taxes shall be considered a part of the county tax subject to the same penalties, charges, fees, and remedies for enforcement and collection and shall be enforced and collected as provided by general law for the collection of such taxes. The district shall have the authority to levy a millage rate up to 1.5. This charter does not prevent the district from levying a millage rate as provided for in s. 191.009, Florida Statutes, which has been approved by referendum.

Section 5.03 The board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapters 189 and 191, Florida Statutes. The fiscal year shall be from October 1 through September 30. The budget shall state the purpose for which the money is required and the amount necessary to be raised by taxation within the district. Such budget and proposed millage rate shall be noticed, heard, and adopted in accordance with chapters 189, 192, and 200, Florida Statutes.

Section 5.04 All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the district board in carrying out the provisions of this charter shall be payable on accounts and vouchers approved by the district board.

Section 5.05 The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this charter, chapter 170, Florida Statutes, chapter 189, Florida Statutes, chapter 191, Florida Statutes, or chapter 197, Florida Statutes.

Section 5.06 Impact fees.—

(1) The district shall have the authority to charge and collect impact fees for capital improvements on new construction within the district as prescribed in chapter 191, Florida Statutes, or any other applicable general law.

(2) The district shall comply with the requirements in ss. 163.31801 and 191.009(4), Florida Statutes, in its collection and use of impact fees. New facilities and equipment shall be as provided for in s. 191.009(4), Florida Statutes.

(3) The district is authorized to enter into agreements regarding the collection of impact fees.

ARTICLE VI
MISCELLANEOUS

Section 6.01 Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in this charter and chapters 112, 119, 189, 191, and 286, Florida Statutes.

Section 5. Immunity from tort liability.—

(1) The district and its officers, agents, and employees shall have the same immunity from tort liability as other agencies and subdivisions of the state. The provisions of chapter 768, Florida Statutes, shall apply to all claims asserted against the district.

(2) The district commissioners and all officers, agents, and employees of the district shall have the same immunity and exemption from personal liability as is provided by chapter 768, Florida Statutes.

(3) In accordance with chapter 768, Florida Statutes, the district shall defend all claims against the district commissioners and officers, agents, and employees of the district which arise within the scope of employment or purposes of the district and shall pay all judgments against such persons, except where such persons acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 6. Miscellaneous.—

(1) The district shall exist until the Legislature approves a special act providing for its dissolution, and such special act is contingent upon approval by the electors of the district.

(2) The district's property and assets are exempt from taxation pursuant to s. 191.007, Florida Statutes.

(3) All contracts and obligations existing on the date of enactment of this act shall remain in full force and effect, and this act shall in no way affect the validity of such contracts or obligations.

Section 7. Liberal construction.—The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public health, welfare, and safety of the citizens served by the district.

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

Section 9. Conflict.—In the event of a conflict of any provision of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 10. Determination of millage.—The district shall maintain the authority to levy a millage rate up to 1.5 mills that was previously approved by referendum in each independent special district as required by the State Constitution and chapter 191, Florida Statutes. The maximum millage rate approved within each independent special district may not increase absent a subsequent referendum. The district is authorized to continue or conclude procedures under chapter 200, Florida Statutes, on behalf of the component independent special districts.

Section 11. Referendum.—At the special referendum election called pursuant to this act, the ballot question shall be substantially as follows:

Shall the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District be merged to create a new district known as the Greater Naples Fire Rescue District, for the purpose of providing fire protection and prevention services to the district, with such district retaining the authority to levy no more than the current rate of 1.5 mills of ad valorem taxation on property located within the district?

Section 12. Chapters 2000-392, 2012-231, 2004-433, and 2000-444, Laws of Florida, are repealed.

Section 13. All assets and liabilities of the East Naples Fire Control and Rescue District and the Golden Gate Fire Control and Rescue District are transferred to the Greater Naples Fire Rescue District.

Section 14. This act shall take effect only upon its approval by a majority vote of those qualified electors in the East Naples Division, as described in section 2.01 of Article II and, if applicable, section 2.02 of Article II, and a majority vote of those qualified electors in the Golden Gate Division, as described in section 2.01 of Article II, voting in a referendum to be held in conjunction with the general election to be held in Collier County on November 4, 2014, except that this section and section 11 shall take effect upon this act becoming a law.

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.