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~~Became a law without the Governor's approval.~~

~~Filed in Office Secretary of State July 10, 1963.~~

CHAPTER 63-1558

HOUSE BILL NO. 2294

AN ACT creating a fire control district in Lee County; establishing said district in Mat'lacha and Pine Island; describing the powers and duties of said district; providing a referendum; providing effective date.

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

Section 1. The following described area is known as the Mat'lacha and Pine Island fire control district, hereafter called the district:

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

That part of Township 44 South, Range 21 East on Pine Island. All that part of Township 44 South, Range 22 East lying on Pine Island and Little Pine Island, Government Lot 4 of Section 32 of said Township and Range, all surveyed and unsurveyed parts of Section 24 of said Township and Range lying between Little Pine Island and the Mainland except Government Lot 2, all that part of said Section 24 lying on the Mainland, and fractional Section 13 of said Township and Range. Sections 16, 17, 18, 19, 20 and 21 of Township 44 South, Range 23 East.

That part of Township 45 South, Range 22 East lying on Pine Island and Little Pine Island.

That part of Township 46 South, Range 22 East lying on Pine Island.

That part of Section 6, Township 46 South, Range 23 East lying on Pine Island.

Section 2. There is created a board known as the Mat'lacha and Pine Island fire control board and hereafter referred to as the board. The board shall be composed of five (5) members, each of whom shall be a freeholder and a qualified elector within the district. The original members of the board, who shall serve terms of office as indicated, are: Ted J. Smith, four (4) years, Hubert Mascoe, four (4) years, Martin F. Slater, four (4) years, C. Hansel, two (2) years, Truman W. Wheeler, two (2) years. Prior to the expiration of the two (2) and four (4) year terms, successors shall thereafter be elected to serve four (4) year terms. The election shall be initiated and conducted by the board of county commissioners. Members elected must receive a majority vote of those qualified electors voting in the election. In the event vacancies occur leaving unexpired terms, the governor is authorized and directed to appoint a successor who shall be qualified under the provisions of this act to serve in that capacity.

Section 3. Within thirty (30) days after the referendum election the 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 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 4. The board is authorized to make rules and regulations for the prevention of fires and for fire control within the district. Said rules and regulations, after being made by the board and copies thereof signed by the president and secretary, and posted in at least three (3) public places within said district, within ten (10) days shall have the force and effect as law.

Section 5. For the purposes 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 April 1 to and including the next succeeding March 31, and of each year, which estimate shall show for what

purpose such moneys 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 on or before the first (1st) Monday in July of each year. Prior to the presentation of such estimate to the board of county commissioners, copies of such itemized estimate, signed by the president and secretary of the board, shall be posted in at least three (3) 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, 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 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, two (2) mills is the maximum that can be levied in any one year.

Section 7. 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.

Section 8. When such taxes have been collected by the tax collector, he shall on or before the tenth (10th) 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 9. All warrants for the payment of labor, equipment and other expenses of the board, and in carrying into effect this act and the purpose thereof, shall be payable by the treasurer of the board on accounts and vouchers approved by the board.

Section 10. The treasurer of the board when entering upon his duties shall give a good and sufficient bond to the governor of the

state in the sum of five thousand dollars (\$5,000.00) for the faithful performance of his duties as treasurer; premiums on said bond to be paid out of district funds.

Section 11. The treasurer shall on or before April 10, and October 10 of each year make his semi-annual report of receipts and expenditures of the funds of said district to the board. Such report shall be in writing setting forth the amount of money received, from whom received, and itemized amounts of expenditures and to whom paid and for what such payment is made. At the time of making such report to the board the treasurer shall also file a copy of such report with the board of county commissioners.

Section 12. This act shall not become effective until and unless the same is ratified by a majority of the qualified electors of said Mat'lacha and Pine Island control district who vote in a special election to be held for ratification or rejection of this act. This act shall immediately become effective upon ratification.

Section 13. Upon the board of county commissioners of Lee county receiving a petition requesting such election, as provided for in section 12, signed by not less than twenty-five (25) qualified electors of said Mat'lacha and Pine Island fire control district, it shall become the duty of said board of county commissioners to call such election as by law provided for holding of such elections, and such election shall be called as soon as practicable after the receipt of such petition and shall be in all respects conducted as by law provided therefor. The costs of such election are to be paid from funds of said district, if created, otherwise by Lee county.

Section 14. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 15. In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 16. This act shall take effect upon becoming a law, subject, however, to the referendum herein contained.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 10, 1963.