

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 4029](#)

**TITLE:** Greater Naples Fire Rescue District; Collier County

**SPONSOR(S):** Melo

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Intergovernmental Affairs](#)

16 Y, 0 N



[Government Operations](#)

18 Y, 0 N



[State Affairs](#)

24 Y, 0 N

## SUMMARY

### Effect of the Bill:

If approved by a majority vote in a referendum, the bill amends the charter of the Greater Naples Fire Rescue District in Collier County to require all seats on the district's board of commissioners be elected at-large.

### Fiscal or Economic Impact:

None

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

## ANALYSIS

### EFFECT OF THE BILL:

If approved by a majority vote in a referendum, the bill amends the charter of the [Greater Naples Fire Rescue District](#), a [special district](#) that is an [independent fire control](#) district in Collier County, to require that all five seats on the district's board of commissioners be elected at-large beginning with the November 2028 general election. (Section [1](#))

The bill provides ballot language to be used in the referendum required for the bill to take effect. (Section [2](#))

The changes to the charter only take effect upon approval by a majority vote of qualified electors within the district voting in a referendum held in conjunction with a general, special, or other election held no later than December 31, 2026. The requirements for the referendum take effect upon becoming a law. (Section [3](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Special District](#)

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

<sup>3</sup> Intergovernmental Affairs Subcommittee, [Local Government Formation Manual](#), p. 56 (last visited Feb. 20, 2025).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. [189.02\(4\)\(g\)](#) and [189.031\(3\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\), Laws of Fla.](#) (East River Ranch Stewardship District). See also, e.g., ss.

**STORAGE NAME:** h4029e.SAC

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Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.<sup>6</sup>

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>7</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>8</sup> governance,<sup>9</sup> administration,<sup>10</sup> supervision,<sup>11</sup> merger,<sup>12</sup> and dissolution<sup>13</sup> of special districts, unless otherwise expressly provided in law.<sup>14</sup> The USDAA requires notice and publication of tentative budgets and final budgets.<sup>15</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>16</sup>

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>17</sup>

### **Independent Special Fire Control Districts**

An independent special fire control district is an independent special district created by the Legislature to provide fire suppression and related activities within the district.<sup>18</sup> As a type of independent special district, independent special fire control districts are subject to applicable provisions of the USDAA.<sup>19</sup>

The Independent Special Fire Control District Act (Act)<sup>20</sup> provides standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.<sup>21</sup> The Act preempts more specific provisions in any special act or general law of local application creating an independent

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[190.021](#) (community development districts), [191.009](#) (independent fire control districts), [197.3631](#) (non-ad valorem assessments), [298.305](#) (water control districts), and [388.221, F.S.](#) (mosquito control). *See also* [ch. 2004-397, s. 3\(27\), Laws of Fla.](#) (South Broward Hospital District).

<sup>5</sup> S. [189.012\(2\), F.S.](#)

<sup>6</sup> S. [189.012\(3\), F.S.](#)

<sup>7</sup> S. [189.01, F.S.](#), *but see* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

<sup>8</sup> *See* ss. [189.02](#) (creation of dependent special districts) and [189.031, F.S.](#) (creation of independent special districts).

<sup>9</sup> *See* [s. 189.0311, F.S.](#) (charter requirements for independent special districts).

<sup>10</sup> *See* [s. 189.019, F.S.](#) (requiring codification of charters incorporating all special acts for the district).

<sup>11</sup> *See* [s. 189.0651, F.S.](#) (oversight for special districts created by special act of the Legislature).

<sup>12</sup> Ss. [189.071](#) and [189.074, F.S.](#)

<sup>13</sup> Ss. [189.071](#) and [189.072, F.S.](#)

<sup>14</sup> *See, e.g.,* [s. 190.004, F.S.](#) (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

<sup>15</sup> S. [189.016\(4\), F.S.](#)

<sup>16</sup> S. [189.016\(6\), F.S.](#)

<sup>17</sup> *See, e.g.,* [ch. 2006-354, Laws of Fla.](#), (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

<sup>18</sup> S. [191.003\(5\), F.S.](#)

<sup>19</sup> S. [189.031, F.S.](#)

<sup>20</sup> Ch. 191, F.S.

<sup>21</sup> S. [191.002, F.S.](#)

fire control district's charter.<sup>22</sup> The Act requires that every independent special fire control district be governed by a five-member board<sup>23</sup> and provides for general powers, special powers, and issuance of district bonds and evidences of debt.<sup>24</sup>

A fire control district may levy non-ad valorem assessments to construct, operate, and maintain district facilities and services pursuant to the district's general powers, special powers, any applicable general laws of local application, and a district's enabling legislation.<sup>25</sup> The initial assessment of such a levy must be approved by the electors of the district in a referendum. The rate of the assessment is set using an assessment apportionment methodology that meets fair apportionment standards.<sup>26</sup> The rate set by the board may not exceed the maximum rates established by special act, county ordinance, or the previous year's resolution by more than the average annual growth rate in Florida personal income over the previous five years, unless a higher rate is approved by the voters in a referendum.<sup>27</sup>

### **Greater Naples Fire Rescue District**

The Greater Naples Fire Rescue District (District) was formed in 2014 through a merger of the East Naples Fire Control and Rescue District and Golden Gate Fire Control and Rescue District.<sup>28</sup> Voters in both districts approved the merger in November 2014.<sup>29</sup> The District is the largest independent fire district in Florida, covering 1,517 square miles.<sup>30</sup> The District provides fire, rescue, emergency medical, and life safety services to Chokoloskee, Everglades City, Golden Gate, East Naples, Isles of Capri, Port of the Islands, and surrounding communities.<sup>31</sup> In Fiscal Year 2023, the District received \$51.6 million in revenue and expended \$49.9 million.<sup>32</sup> The majority (85 percent) of the District's revenue came from ad valorem taxes.<sup>33</sup> The District also receives revenue from impact fees collected by Collier County, which totaled \$1.7 million in Fiscal Year 2023.<sup>34</sup>

The District's board of commissioners initially had eight seats as a result of the merger.<sup>35</sup> Three of those seats were eliminated in November 2018, resulting in a five-member board.<sup>36</sup> Currently, two seats are elected as at-large seats for the East Naples Division, two are elected as at-large seats for the Golden Gate Division, and one seat is a district-wide seat. Commissioners serve four-year staggered terms.<sup>37</sup>

### **Local Bill Forms**

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>38</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>39</sup> at least 30 days prior to the

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<sup>22</sup> S. [191.004, F.S.](#)

<sup>23</sup> S. [191.005\(1\)\(a\), F.S.](#) A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

<sup>24</sup> Ss. [191.006](#), [191.008](#), and [191.012, F.S.](#)

<sup>25</sup> S. [191.009\(2\)\(a\), F.S.](#)

<sup>26</sup> See [s. 191.011\(1\), F.S.](#)

<sup>27</sup> S. [191.009\(2\)\(a\), F.S.](#)

<sup>28</sup> Ch. [2014-240](#), Laws of Fla.

<sup>29</sup> Collier County Supervisor of Elections, [2014 General Election](#) (last visited Feb. 20, 2025).

<sup>30</sup> Greater Naples Fire Rescue District, [Chief's Message](#) (last visited February 20, 2025).

<sup>31</sup> Greater Naples Fire Rescue District, [2023 Annual Report](#), p. 1 (last visited Feb. 20, 2025).

<sup>32</sup> *Id.*

<sup>33</sup> In Fiscal Year 2023, the District's millage rate, assessed on property values set by the Collier County Property Appraiser, was 1.5. See Greater Naples Fire Rescue District, [2023 Annual Report](#) (last visited Feb. 20, 2025).

<sup>34</sup> Section [191.009\(4\), F.S.](#), authorizes fire districts to impose impact fees for construction within the district's boundaries which must be kept separate from other revenues and can only be used to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction in the district.

<sup>35</sup> Ch. [2014-240, s. 4\(4.02\)](#), Laws of Fla.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>39</sup> S. [50.0311\(2\), F.S.](#)

introduction of the local bill in the House or Senate.<sup>40</sup> The bill takes effect only upon its approval in a referendum held no later than December 31, 2026.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>41</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	16 Y, 0 N	3/12/2025	Darden	Jones
<a href="#">Government Operations Subcommittee</a>	18 Y, 0 N	3/25/2025	Toliver	Lines
<a href="#">State Affairs Committee</a>	24 Y, 0 N	4/2/2025	Williamson	Jones

<sup>40</sup> S. [11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>41</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Feb. 20, 2025).