

BILL

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the Greater Naples Fire Rescue
3 District, Collier County; amending chapter 2014-240,
4 Laws of Florida, as amended; deleting obsolete
5 language; providing for the election of fire
6 commissioners district-wide; requiring a referendum;
7 providing effective dates.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 4.02 of Article IV of section 4 of
12 chapter 2014-240, Laws of Florida, as amended by chapters 2015-
13 188, 2015-189, 2016-261, and 2016-262, Laws of Florida, is
14 amended to read:

15
16 Section 4.02 The office of each board member is designated as a
17 seat on the board, distinguished from each of the other seats by
18 a numeral. Each candidate must designate, at the time he or she
19 qualifies, the seat on the board for which he or she is
20 qualifying. The name of each candidate who qualifies shall be
21 included on the ballot in a way that clearly indicates the seat
22 for which he or she is a candidate. The candidate for each seat
23 who receives the most votes shall be elected to the board. The
24 cost of such elections shall be paid from funds of the district.
25 The board of commissioners shall be comprised of ~~initially be~~
26 ~~composed of eight members. The commissioners holding seats 2, 5,~~

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27 ~~6, and 7 shall have initial terms that expire in November 2016.~~
 28 ~~Commissioners for seats 6 and 7 shall subsequently be elected to~~
 29 ~~2-year terms that expire in November 2018. The commissioners~~
 30 ~~holding seats 1, 3, 4, and 8 shall have initial terms that~~
 31 ~~expire in November 2018. Seats 6, 7, and 8 shall be eliminated~~
 32 ~~in November 2018. The foregoing provisions establish, after the~~
 33 ~~November 2018 election, a board having five commissioners with~~
 34 ~~4-year staggered terms. Beginning with the November 2028~~
 35 ~~election, seats~~ Seats 1 and 2 shall be elected as at-large seats
 36 ~~for the East Naples Division. Seats 4 and 5 shall be elected as~~
 37 ~~at-large seats for the Golden Gate Division. Seat 3 shall be~~
 38 ~~elected as an at-large~~ seats ~~seat~~ for the district as a whole.

39 Section 2. Referendum.— At a referendum to be held in
 40 conjunction with a general, special, or other election be held
 41 in Collier County no later than December 31, 2026, the ballot
 42 title and question shall be substantially as follows:

43 GREATER NAPLES FIRE RESCUE DISTRICT'S BOARD CONVERSION TO FIRE
 44 COMMISSIONERS ELECTED DISTRICT-WIDE (AT-LARGE)

45 Beginning with the November 2028 election, shall the Greater
 46 Naples Fire Rescue District's Board of Fire Commissioners
 47 members be elected district-wide (at-large) rather than the
 48 current charter requirement that two board members are elected
 49 from the Golden Gate Division, two board members are elected
 50 from the East Naples Division, and one board member is elected
 51 district-wide (at-large)?

52 () YES.

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53 () NO.

54 Section 3. This act shall take effect only upon its
55 approval by a majority vote of those qualified electors residing
56 within the Greater Naples Fire Rescue District voting in a
57 referendum to be held in conjunction with a general, special, or
58 other election be held in Collier County no later than December
59 31, 2026, except that Section 2 and this section shall take
60 effect upon becoming law.

61

62

GREATER NAPLES FIRE RESCUE DISTRICT

Districtwide Elections

- The local bill revises the Greater Naples Fire Rescue District's ("District") charter related to the election of its Board of Fire Commissioners.
- Contingent on *referendum approval* at a referendum to be held in conjunction with a general, special, or other election no later than December 31, 2026, the local bill revises the District's election scheme to provide that all commissioners are elected districtwide beginning with the 2028 elections.
 - *Currently, two commissioners are elected from the Golden Gate Division, two commissioners are elected from the East Naples Division, and one commissioner is elected districtwide in an at-large seat. (Section 4.02 of Article IV of Section 4 of Chapter 2014-240, Laws of Florida)*
- Due to the continued growth in one division as a result of district expansion since 2014 and new development, revising how the commissioners are elected will ensure equity among electors districtwide.
 - *According to the Collier County Supervisor of Elections Office, there are currently 63,123 electors in the East Naples Division and 57,072 electors in the Golden Gate Division.*
- The new election scheme ensures that the equal protection concept of "one-person-one vote" is applicable within the District and that one voter's vote does not have greater weight than another voter.
 - *The U.S. Supreme Court ruled in Reynolds v. Sims, 377 U.S. 533 (1964), that one person's voting power ought to be roughly equivalent to another person within the same state under the Equal Protection Clause found in the Fourteenth Amendment of the U.S. Constitution.*
 - *Notwithstanding, the U.S. Supreme Court has upheld the constitutionality of a statutory scheme that restricted the right to vote to district landowners and weighted the vote according to the value of the land in Salyer Land Co. v. Tulare Lake Basin Water Storage District, 410 U.S. 719 (1973) and Ball v. James, 451 U.S. 355 (1981).*
 - *It is unclear whether the District's reason for not having districtwide elections would be upheld under the narrow purpose and disproportionate effect criteria utilized in Ball v. James.*
 - *The local bill will ensure that there is no legal question regarding the validity of the District's election scheme.*
- The local bill removes obsolete language related to the District's initial governing board composition following the merger of the East Naples and Golden Gate Fire Control and Rescue Districts.

HOUSE OF REPRESENTATIVES
LOCAL BILL CERTIFICATION FORM

BILL #: _____
SPONSOR(S): Representative _____
RELATING TO: Greater Naples Fire Rescue District, Collier County; Districtwide Elections _____
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Collier County _____
CONTACT PERSON: _____
PHONE NO.: () _____ **E-Mail:** _____

- I. House local bill policy requires the following steps to occur before a House committee or subcommittee considers a local bill:**
(1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
(2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s);
(3) At a public hearing, the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation; and
(4) An Economic Impact Statement for a local bill must be prepared at the local level and filed with the Clerk of the House. Under House policy, a local bill will not be considered by a committee or subcommittee without an Economic Impact Statement.

- 1. Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?**

YES ☒ NO ☐

Brief explanation as to why the purpose of the bill cannot be accomplished at the local level: The Greater Naples Fire Rescue District's charter may only be amended by a special act of the Florida Legislature.

- 2. Did the delegation conduct a public hearing on the subject of the bill in the affected area?**

YES ☒ NO ☐

Date Hearing Held: January 8, 2025

Location: 3299 Tamiami Trail East, Naples, Florida 34112

- 3. Was this bill formally approved by a majority of the delegation members?**

YES ☐ NO ☐

- 4. Was an Economic Impact Statement prepared at the local level and filed with the Clerk of the House?**

YES ☐ NO ☐

II. Article III, section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F.S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

1. Has this constitutional notice requirement been met?

Notice published: YES ☒ NO ☐

Date of Publication: _____

Name of Publication: _____

2. Referendum in lieu of publication: YES ☒ NO ☐

Date of Referendum: Before 12/31/26 in conjunction with a general/special/other election

III. Article VII, section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

1. Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES ☐ NO ☒

2. Does this bill change the authorized ad valorem millage rate for an existing special district?

YES ☐ NO ☒

3. If the answer to question 1. or 2. is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES ☐ NO ☐

Please file this completed form with the Clerk of the House.

Delegation Chair (Original Signature)

Date

Senator Kathleen Passidomo

Print Name of Delegation Chair