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April 19, 2017

VIA ELECTRONIC MAIL [upcapaj2@aol.com](mailto:upcapaj2@aol.com)

Commissioner A.J. LaVallie  
Upper Captiva Fire Protection and Rescue Service District  
4511 Hodgepodge Lane  
P.O. Box 322  
Pineland, FL 33945-0322

RE: Upper Captiva Fire Protection and Rescue Service District -Special Assessment

Dear Commissioner LaVallie:

Thank you for the opportunity to assist the Upper Captiva Fire Protection and Rescue Service District (District).

I have reviewed Chapter 2004-470, Laws of Florida, which is the codification legislation for the District. I have also reviewed the additional material you provided to me concerning the District's imposition of a non-ad valorem assessment to fund the District's Operational Plan, which, based on the information I reviewed, is an assessment to pay for the funding of two (2) firefighter positions for up to ten (10) years. I have also reviewed the motion approved by your Board at the last Board meeting on March 17, 2017, in which I was asked to provide a legal opinion on the following question:

“Does HB 1717 (Chapter 2004-470, Laws of Florida) give me the UCFRD the power to affect the improvement of the surface of our roadways to a minimum standard for emergency response times and for fire and rescue safety purposes?”

Based upon my review of Chapter 2004-470, Laws of Florida, especially at Section 3, it is my opinion that the District has the power to: “...; provide or require maintenance of roadways, rights-of-way, alleyways, and pathways and docking facilities for fire safety and rescue purposes and to impose fees, impact fees, or assessments upon real property for such purposes;...” as one of the specific powers of the District described in Section 3 of Chapter 2004-470, Laws of Florida.

Commissioner A.J. LaVallie

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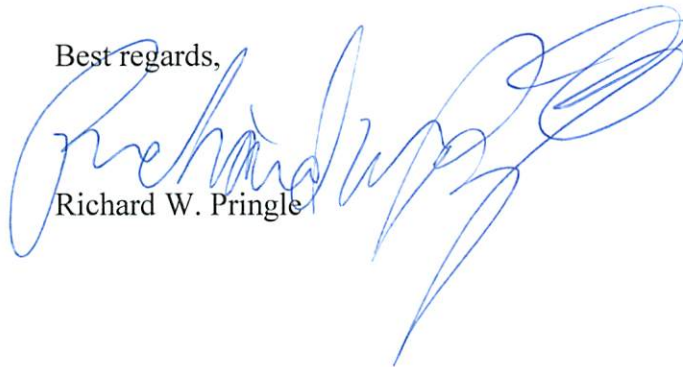
April 19, 2017

It is my opinion that the above quoted language in Section 3 gives the District the specific power to: "...provide or require maintenance of roadways..." which, in my opinion, includes, but is not limited to, the power to "affect the improvement of the surface" of roadways as one component of the District's overall authority to maintain the roads so that the roads are usable by the District for the District's purposes of providing timely and efficient fire suppression and control services, and emergency medical and rescue response services throughout the District via the use of the District's personnel and equipment.

Please let me know whether the above opinion satisfactorily responds to the question that was approved by Board action on March 17, 2017. Also, please let me know if there are any other questions I can answer for you or the Board.

Again, thank you for the opportunity to assist the District.

Best regards,



Richard W. Pringle

RWP/nlp  
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