

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

Amendment

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Chapter 61-2034, Laws of Florida, as amended, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The East Naples Fire Control and Rescue District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the East Naples Fire Control and Rescue District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district

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1 authority, including the authority to assess annually and levy
2 against the taxable property in the district a tax not to
3 exceed 1.5 mills on the dollar of assessed valuation.

4 Section 2. (1) A fire control district known as the
5 East Naples Fire Control and Rescue District, hereafter
6 referred to as the district, is hereby established to consist
7 of the following described lands in Collier County:

8
9 A. Beginning at the northeast corner of the
10 Northwest quarter of Section 27, Township 49
11 South, Range 25 East, thence along the north
12 line of said Section 27, east 45 feet to the
13 east right-of-way line of C-851 (also known as
14 Goodlette-Frank Road), (which right-of-way line
15 lies 45 feet east of, measured at right angles
16 to, and parallel with the north and south
17 quarter section line of said Section 27), to
18 the north line of Lot 11, Naples Improvement
19 Company's Little Farms, Plat Book 2, Page 2;
20 thence east to the east section line of Section
21 27, Township 49 South, Range 25 East; then
22 north along the east line of said Section 27 to
23 the northeast corner of said Section 27; said
24 point also being the southeast corner of
25 Section 23 Township 49 South, Range 25 East
26 thence east along the north line of Section 26,
27 Township 49 South, Range 25 East to a point
28 990.0 feet west of the west right-of-way line
29 of Airport Pulling Road; thence south 01
30 degrees 30 minutes 00 seconds east, 1320.0
31 feet; thence north 89 degrees 25 minutes 40

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1 seconds east, 660.0 feet; thence north 01
2 degrees 30 minutes 00 seconds west, 1320.0 feet
3 to the north line of said Section 26; thence
4 east along said north line of Section 26 to the
5 west right of way line of Airport-Pulling Road;
6 to the south line of said Section 26 (said
7 right-of-way line lying 50 feet west of the
8 southeast corner of said Section 26); thence
9 westerly along said south line to the southwest
10 corner of said Section 26; thence northerly
11 along the west line of said Section 26; to the
12 southerly right-of-way line of Golden Gate
13 Parkway (100 feet wide); thence easterly along
14 said southerly right-of-way line to a point
15 lying 1220.00 feet west of the west line of
16 said Airport-Pulling Road; thence northerly
17 parallel with said west right-of-way line to
18 the northerly right-of-way line of said Golden
19 Gate Parkway; thence westerly along the north
20 right-of-way of Golden Gate Parkway to a point
21 620 feet east and 235.46 feet south of the
22 northwest corner of Lot 8, Naples Improvement
23 Company's Little Farms; thence north 235.46
24 feet to the north line of Lot 8; thence west
25 along said north line 620 feet to the northwest
26 corner of said Lot 8; thence southerly to that
27 angle point in said east right-of-way line
28 which lies on a line 400.00 feet northerly of
29 (measured at right angles to) and parallel with
30 the north line of Section 34, Township 49
31 South, Range 25 East; thence continuing along

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1 said east right-of-way to the north line of
2 Gordon River Homes Subdivision; thence east
3 along the north line of Lots 50, 49, and 48 to
4 a point 22.5 feet east of the northwest corner
5 of Lot 48; thence south parallel to the west
6 line of Lot 48 to the south line of Lot 48;
7 thence west along the south line of Lots 48,
8 49, and 50 to the east right-of-way line of
9 Goodlette-Frank Road; thence continuing along
10 said east right-of-way line, which line lies
11 100.00 feet east of, measured at right angles
12 to, and parallel with the north and south
13 quarter section line of said Section 34; thence
14 continuing along said east right-of-way line to
15 a point on the north line of the southwest
16 quarter of the northeast quarter of Section 34,
17 Township 49 South, Range 25 East; thence
18 continue on said right of way line 460.0 feet;
19 thence north 89 degrees 41 minutes 30 seconds
20 east 494.99 feet; thence south 0 degrees 34
21 minutes 06 seconds east 615.88 feet to a point
22 of curvature; thence southwesterly 343.97 feet
23 along the arc of a tangential circular curve,
24 concave to the northwest have a radius of
25 243.97 feet and subtended by a chord which
26 bears south 44 degrees 33 minutes 25 seconds
27 west 345.84 feet; thence south 89 degrees 41
28 minutes 30 seconds west 250.0 feet to the
29 easterly right of way line of Goodlette-Frank
30 Road; thence south along said right of way line
31 to a point 48.41 feet south of the north line

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1 of the south half of Section 34, Township 49
2 South, Range 25 East; thence north 89 degrees
3 56 minutes 59 seconds east 249.79 feet; thence
4 northeasterly 173.98 feet along the arc of a
5 circular curve concave to the northwest having
6 a radius of 293.97 feet and being subtended by
7 a chord which bears north 72 degrees 59 minutes
8 41 seconds east 171.46 feet; thence south 89
9 degrees 47 minutes 31 seconds east 808.79 feet;
10 thence north 89 degrees 55 minutes 05 seconds
11 east 993.64 feet to a point on that bulkhead
12 line as shown on Plate recorded in Bulkhead
13 Line Plan Book 1, Page 25 Collier County Public
14 Records, Collier County, Florida; thence run
15 the following courses along the said Bulkhead
16 line, 47.27 feet along the arc of a
17 non-tangential circular curve concave to the
18 west, having a radius of 32.68 feet and
19 subtended by a chord having a bearing of south
20 14 degrees 08 minutes 50 seconds east and a
21 length of 43.26 feet to a point of tangency;
22 south 27 degrees 17 minutes 25 seconds west for
23 202.44 feet to a point of curvature; 296.89
24 feet along the arc of a curve concave to the
25 southeast, having a radius of 679.46 feet and
26 subtended by a chord having a bearing of south
27 14 degrees 46 minutes 21 seconds west and a
28 length of 294.54 feet to a point of reverse
29 curvature; 157.10 feet along the arc of a curve
30 concave to the northwest, having a radius of
31 541.70 feet, and subtended by a chord having a

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1 bearing of south 10 degrees 33 minutes 47
2 seconds west and a length of 156.55 feet to a
3 point of reverse curvature; 307.67 feet along
4 the arc of a curve concave to the northeast;
5 having a radius of 278.30 feet, and subtended
6 by a chord having a bearing of south 12 degrees
7 47 minutes 59 seconds east and a length of
8 292.24 feet to a point of reverse curvature;
9 135.31 feet along the arc of a curve concave to
10 the southwest having a radius of 100.00 feet
11 and subtended by a chord having a bearing of
12 south 05 degrees 42 minutes 27 seconds East and
13 a length of 125.21 feet to a point of tangency;
14 thence South 33 degrees, 03 minutes, 21 seconds
15 West for 295.10 feet; and South 33 degrees 27
16 minutes 51 seconds West 1.93 feet to the north
17 line of the River Park East Subdivision which
18 is also the north line of the south half of the
19 southeast quarter of Section 34, Township 49
20 South, Range 25 East; thence along the north
21 line of the south half of the southeast quarter
22 of said Section 34, easterly to the west line
23 of Section 35, Township 49 South, Range 25
24 East; thence along the west line of said
25 Section 35, northerly 1320 feet more or less to
26 the northwest corner of the south half of said
27 Section 35; thence along the north line of the
28 south half of said Section 35, easterly to the
29 west right-of-way line of State Road No. 31
30 (Airport Road), which right-of-way lies 50.0
31 feet west of, measured at right angles to, and

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1 parallel with the east line of said Section 35;
2 thence along said right-of-way line of State
3 Road No. 31, south 00 degrees 13 minutes 57
4 seconds west 1800 feet more or less to a point
5 on said west right-of-way line, which lies
6 north 00 degrees 13 minutes 57 seconds east
7 848.02 feet and south 89 degrees 46 minutes 03
8 seconds west 50.00 feet from the southeast
9 corner of said Section 35; thence continuing
10 along said west right-of-way line southerly
11 325.02 feet along the arc of a tangential
12 circular curve concave to the east, radius
13 2914.93 feet, subtended by a chord which bears
14 south 2 degrees 57 minutes 43 seconds east
15 324.87 feet; thence continuing along said west
16 right-of-way line, tangentially south 6 degrees
17 09 minutes 22 second east 3.13 feet, thence
18 southerly along a curve concave to the
19 southwest, having a central angle of 6 degrees
20 23 minutes 18 seconds and a radius of 1860.08
21 feet, a distance of 207.34 feet; thence south 0
22 degrees 13 minutes 57 seconds west 313.03 feet
23 more or less to a point on the north line of
24 and 20 feet west of the northeast corner of
25 Section 2, Township 50 South, Range 25 East;
26 thence southeasterly, 300.7 feet more or less
27 to a point on the east line of said Section 2
28 which point lies 300.0 feet south of the
29 northeast corner of said Section 2; thence
30 along the east line of the north half of said
31 Section 2, southerly to the southeast corner of

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1 the north half of said Section 2; thence along
2 the south line of the north half of said
3 Section 2; westerly to the northeast corner of
4 the southeast quarter of Section 3, Township 50
5 South, Range 25 East; thence southerly along
6 the east line of the southeast corner of said
7 Section 3 for a distance of 2013.98 feet;
8 thence North 89 degrees 37 minutes 20 seconds
9 East 662.04 feet; thence South 00 degrees 17
10 minutes 20 seconds East 119.26 feet; thence
11 South 89 degrees 27 minutes 40 seconds West
12 322.00 feet; thence South 00 degrees, 17
13 minutes 20 seconds East 10.00 feet; thence
14 South 89 degrees 27 minutes 40 seconds West
15 68.00 feet; thence South 00 degrees 17 minutes
16 20 seconds East 361.00 feet; thence North 89
17 degrees 27 minutes 40 seconds East 68.00 feet;
18 thence South 00 degrees 17 minutes 20 seconds
19 East 140.00 feet; thence South 89 degrees 27
20 minutes 40 seconds West 221.81 feet; thence
21 North 01 degrees 05 minutes 56 seconds West
22 6.99 feet; thence westerly along the arc of a
23 non-tangential circular curve concave to the
24 north having a radius of 370.00 feet through a
25 central angle of 18 degrees 34 minutes 13
26 seconds and being subtended by a chord which
27 bears North 81 degrees 50 minutes 17 seconds
28 West 119.40 feet for a distance of 119.92 feet
29 to a point on the east line of said Section 3;
30 thence southerly along the east line of Section
31 3, and along the east lines of Sections 10, 15,

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1 22, and 27, all in Township 50 South, Range 25
2 East, to the southeast corner of said Section
3 27, Township 50 South, Range 25 East; thence
4 westerly along the south line of said Section
5 27, Township 50 South, Range 25 East, and along
6 the western prolongation of said south line to
7 a point 1,000 feet west of the mean low water
8 line of the Gulf of Mexico; thence
9 southeasterly along said shoreline to the south
10 line of Section 3, Township 51 South, Range 25
11 East, thence easterly along the south line of
12 said Section 3, Section 2, Section 1, Township
13 51 South; thence along the south corner of said
14 Section 5; thence north along the east line of
15 Section 5, Township 51 South, Range 26 East;
16 thence continue on the north line of Section
17 25, 26 and part of Section 27, Township 49
18 South, Range 25 East to the point of beginning
19 and also,

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

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1 Road 92; and Sections 7, 8, 16, 17, 18, 19, 20,
2 21, 22, 27, 28, 29, 30 and 31, Township 51
3 South, Range 27 East, and those portions of
4 Sections 32 and 33, Township 51 South, Range 27
5 East, that lie west and North of State Road 92,

6
7 C. Less and except the North 1/2 of Section 2
8 of Township 50 South, Range 25 East and the
9 South 1/2 of Section 35 of Township 49 South,
10 Range 25 East.

11
12 (2) In the event that property in the district is
13 annexed by the City of Naples between January 1 and July 1 of
14 any year, the property shall be regarded as removed from the
15 East Naples Fire Control and Rescue District as of January 1
16 of that year for the purpose of the levy of general ad valorem
17 taxes by the district. If annexation occurs after July 1, the
18 property shall be assessed by the district for ad valorem
19 taxes for that year. On and after the effective date of
20 annexation, the district shall be relieved of providing fire
21 service to the annexed area. The city and the district may
22 reach an agreement to determine what portion, if any, of the
23 existing indebtedness or property of the district shall be
24 assumed by the municipality of which the annexed territory
25 will become a part, the fair value of such indebtedness or
26 property, and the manner of transfer and financing. Nothing
27 herein shall relieve the property annexed from the payment of
28 general obligation debt service incurred by the district
29 before annexation.

30 Section 3. The governing body of the district board
31 shall be a board of five commissioners who are residents of

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1 the district who shall be elected as are county officers and
2 who shall qualify and run for office as provided for by
3 general law. For purposes of qualification and running for
4 office, the commission seats shall be designated as number 1,
5 2, 3, 4, and 5. Within 15 days after any commissioner takes
6 office, the district board shall meet and elect a chair and
7 secretary-treasurer. Each member of the district board shall
8 receive, from the funds of the district, compensation for his
9 or her services as provided for by general law.

10 Section 4. Within 10 days after the election and
11 qualification of its members the board shall meet and elect
12 from its membership a president, a secretary and treasurer or
13 a secretary-treasurer.

14 Section 5. The business affairs of the district shall
15 be administered and conducted by the board. It shall have the
16 authority, for and on behalf of the district, to establish,
17 equip, operate, and maintain a fire department and rescue
18 squad within the district and shall buy, lease, sell,
19 exchange, or otherwise acquire and dispose of firefighting
20 equipment and other property, real, personal, or mixed, that
21 it may from time to time deem necessary to prevent and
22 extinguish fire or provide rescue services within the
23 district, which services may include transportation to a
24 health facility when authorized by the Board of County
25 Commissioners of Collier County under emergency conditions as
26 may be prescribed by the board of county commissioners. This
27 shall include, but not be limited to, the authority to provide
28 water, water supply, water stations, and other necessary
29 buildings; accept gifts or donations of equipment or money for
30 the use of the district; and to do all things necessary to
31 provide for an adequate water supply, fire prevention, and

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1 proper fire protection for the district. In addition, the
2 board shall have the authority to extend its services outside
3 the district when provided in cooperation with another
4 governmental entity.

5 Section 6. The board shall have the power to hire
6 necessary firefighting personnel who shall serve at its
7 pleasure.

8 Section 7. The board shall have authority to inspect
9 all property and investigate for fire hazards.

10 Section 8. The board is authorized to promulgate rules
11 and regulations for the prevention of fire and for fire
12 control in the district, which rules and regulations shall
13 have the same force and effect as law 10 days after copies
14 thereof executed by the president and secretary of the board
15 have been posted in at least three public places.

16 Section 9. For the purpose of carrying into effect
17 this law the board shall annually during the month of June,
18 make an itemized estimate of the amount of money required to
19 carry out the provisions of this act for the next fiscal year
20 of said board, which fiscal year shall be from April 1 to and
21 including the next succeeding March 31, which estimate shall
22 show for what purpose the moneys are required and the amount
23 necessary to be raised by taxation within the district, and
24 shall be presented in writing, signed by the president and the
25 secretary to the Board of County Commissioners of Collier
26 County on or before the first Monday in July of each year.
27 Prior to the presentation of such estimate to the Board of
28 County Commissioners of Collier County, copies of the itemized
29 estimate, signed by the president and secretary of the board,
30 shall be posted in at least three public places within the
31 district, and at the time of the presentation of such estimate

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1 the board shall also present to the Board of County
2 Commissioners of Collier County a certificate of the board
3 that copies of such estimate have been posted as provided
4 herein.

5 Section 10. Upon receipt of such estimate and
6 certificate of posting the said board of county commissioners
7 shall cause the same to be recorded in the minutes of the
8 county commissioners' meeting, and at the time of making and
9 fixing the rate of annual taxation for county purposes, shall
10 fix and cause to be levied on all property of said district,
11 real and personal, a millage sufficient to meet the
12 requirements of the estimate, provided however, the total
13 millage shall not exceed 1 1/2 mills. Subject to the
14 provisions of chapter 82-281, Laws of Florida, this act shall
15 take effect only when approved by a majority of the qualified
16 electors residing within the area of the boundaries of the
17 East Naples Fire Control District, voting in a referendum
18 election to be called by the Board of County Commissioners of
19 Collier County, in accordance with the provisions of the law
20 relating to elections currently in force in Collier County,
21 except that this section shall take effect upon becoming a law
22 on March 18, 1982.

23 Section 11. Taxes herein provided for shall be
24 assessed and collected in the same manner as provided for the
25 assessment and collection of county taxes and subject to the
26 same commission and fees for assessing and collecting as for
27 the assessment and collection of county taxes except as herein
28 otherwise provided.

29 Section 12. When the tax collector has collected the
30 taxes provided for by this act he or she shall on or before
31 the 10th day of each month report to the secretary of the

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1 board the collection made for the preceding month and remit
2 the same to the treasurer of the board.

3 Section 13. All warrants for the payment of labor,
4 equipment, materials, and other allowable expenses incurred by
5 the board in carrying out the provisions of this act shall be
6 payable by the treasurer of the board on accounts and vouchers
7 approved by the board.

8 Section 14. The treasurer of the board when entering
9 upon his or her duties shall give a good and sufficient bond
10 to the Governor in the sum of \$3,000 for the faithful
11 performance of his or her duties as treasurer.

12 Section 15. The treasurer shall on or before April 10
13 and October 10 of each year make a written semiannual report
14 of receipts and expenditures of the funds of the district to
15 the board. He or she shall furnish a copy of said report to
16 the board of county commissioners.

17 Section 16. Subject to the original provisions of
18 chapter 61-2034, Laws of Florida, not be effective until the
19 same is ratified by a majority of the qualified electors of
20 the district who vote in an election called by the board of
21 county commissioners for ratification or rejection. In the
22 event of ratification this act shall become effective
23 immediately.

24 Section 17. This act shall be construed as a remedial
25 act and shall be liberally construed to promote the purpose
26 for which it is intended.

27 Section 18. The district shall have the power to issue
28 general obligation bonds, notes, or certificates of
29 indebtedness, hereafter "bonds," pledging the full faith,
30 credit, and taxing power of the district for capital projects
31 of the district in accordance with the following requirements:

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1 (a) The district shall have the power to, from time to
2 time, issue general obligation bonds, notes, or certificates
3 of indebtedness not to exceed 3 percent of the assessed value
4 of the taxable property within the district as shown on the
5 current tax roll at the time of the authorization of the
6 general bonds.

7 (b) Except for refunding bonds, no bonds shall be
8 issued unless the issuance thereof shall have been approved at
9 a referendum held in accordance with the requirements for such
10 referendum as prescribed by general law. A referendum shall be
11 called by the board of county commissioners of the county upon
12 the request of the board of the district. The expenses of
13 calling and holding the referendum shall be borne by the
14 district, and the district shall reimburse the county for any
15 expenses incurred in calling or holding such referendum.

16 (c) The district may pledge its full faith and credit
17 for the payment of the principal and interest on such general
18 obligations bonds and for any reserve funds provided therefor
19 and will unconditionally and irrevocably pledge itself to levy
20 a special tax on all taxable property in the district, to the
21 extent necessary for the payment thereof, over and above all
22 other taxes authorized and permitted by this act.

23 (d) If the board shall determine to issue bonds
24 maturing in 12 months or more from the date of issue for more
25 than one purpose, the approval of the issuance of the bonds
26 for each and all such purposes may be submitted to the
27 electors on one and the same ballot. The failure of the
28 electors to approve the issuance of bonds for any one or more
29 purposes shall not defeat the approval of bonds for any
30 purpose which shall be approved by the electors.

31 (e) Notwithstanding any provisions of any other law to

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1 the contrary, all bonds issued under the provisions of the act
2 shall constitute legal investments for savings banks, banks,
3 trust companies, insurance companies, executors,
4 administrators, trustees, guardians, and other fiduciaries and
5 for any board, body, agency, instrumentality, county,
6 municipality, or other political subdivision of the state and
7 shall be and constitute security which may be deposited by
8 banks or trust companies as security for deposits of state,
9 county, municipal, or other public funds or be insurance
10 companies as required for voluntary statutory deposits.

11 (f) Any bonds issued by the district shall be
12 incontestable in the hands of bona fide purchasers or holders
13 for value and shall not be invalid because of any irregularity
14 or defect in the proceeding for the issue and sale thereof.

15 (g) Any resolution authorizing the issuance of bonds
16 may contain such covenants as the board may deem advisable,
17 and all such covenants shall constitute valid and legally
18 binding and enforceable contracts between the district and the
19 bondholders, regardless of the time of issuance thereof.

20 (h) This act constitutes full and complete authority
21 for the issuance of bonds and the exercise of the powers of
22 the district provided herein. No procedures or proceedings,
23 publications, minutes, consents, approvals, orders, acts, or
24 things by the board for any board, officers, commission,
25 department, agency, or instrumentality of the district, other
26 than those required by this act, shall be required to issue
27 bonds under this act.

28 (i) Bonds may be sold at public or private sale after
29 such advertisement, if any, as deemed advisable by the board.

30 (j) The state pledges to the holders of any bonds
31 issued under this act that it will not limit or alter the

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1 rights of the district to furnish the projects or to own,
2 acquire, construct, reconstruct, improve, maintain, operate,
3 or furnish the projects or to levy and collect the taxes,
4 assessments, rentals, rates, fees, and other charges provided
5 for herein and to fulfill the terms of any agreement made with
6 the holders of such bonds and that it will not in any way
7 impair the rights or remedies of such holders.

8 (k) A default on the bonds of the district shall not
9 constitute a debt or obligation of a local general-purpose
10 government or the state.

11 Section 19. The district shall have the authority to
12 exercise the power of eminent domain, pursuant to chapters 73
13 and 74, Florida Statutes, over any property located within the
14 district, except municipal, county, state, and federal
15 property, for the purpose of acquiring property for the
16 location of fire stations. The location and construction of
17 fire stations shall comply with applicable Collier County
18 ordinances.

19 Section 20. Whenever a referendum is required under
20 the provisions of this act, the district shall reimburse the
21 county for the cost of such election.

22 Section 21. The district board may allow for the
23 collection of impact fees for capital improvements on new
24 construction within the district.

25 (a) Impact fees for capital improvement:

26 1. It is hereby found and determined that Collier
27 County is located in one of the fastest growing areas in the
28 nation. New construction and resulting population growth is
29 placing a strain upon the capabilities of the district to
30 continue to provide the high level of professional fire
31 protection and related emergency services, for which the

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1 residents of the district pay and which they deserve.

2 2. It is readily apparent that additional equipment
3 and facilities will be needed to meet the expanded commercial
4 and residential growth within the district, at a cost beyond
5 that which can be provided from current and anticipated ad
6 valorem tax revenues assessed, collected, and received by the
7 district.

8 3. It is hereby declared that the cost of new
9 facilities and equipment for fire protection and related
10 emergency services shall be borne by new users of the
11 district's services to the extent that new construction
12 requires new facilities and equipment, but only to that
13 extent.

14 4. It is therefore the legislative intent of this
15 section to transfer to the new user of the district's fire
16 protection and related emergency services a fair share of the
17 costs that new users impose on the district for new
18 facilities.

19 5. It is hereby declared that the amounts of impact
20 fees for capital improvement provided for in this section are
21 just, reasonable, and equitable.

22
23 No person shall issue or obtain a building permit for new
24 residential dwelling units or new commercial or industrial
25 structures within the district, or issue or obtain
26 construction plan approval for new mobile home developments
27 located within the district, until the developer thereof shall
28 have paid the applicable impact fee to capital improvements to
29 the district hereinafter set forth.

30 (b) Impact fees for capital improvement to be assessed
31 and collected hereunder shall not exceed the following:

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- 1 1. Each new residential dwelling unit: \$.15 per square
2 foot of living area.
- 3 2. New commercial or industrial structure: \$.30 per
4 square foot of usable area.
- 5 3. New mobile home development: \$.15 per square foot
6 of permitted living area.
- 7 a. Living area shall be defined as that area of any
8 structure that is covered by a roof.
- 9 b. Permitted living shall be 25 percent of the area
10 covered by the individual lots.
- 11 (c) For the purpose of this section, each unit of any
12 multifamily structure, whether it be a duplex, triplex,
13 cooperative apartment, or condominium or similar type
14 structure shall be considered and shall constitute a
15 residential dwelling unit.
- 16 (d) For the purpose of this section, motels, hotels,
17 shopping centers, churches, nursing homes, hospitals,
18 congregate living facilities when not part of an actual
19 residence, schools, fraternal lodges, veterans' lodges, or
20 similar type structure shall be considered commercial
21 structures.
- 22 (e) Impact fees for capital improvement collected by
23 the district pursuant to this section shall be kept and
24 maintained as a separate fund from other revenues of the
25 district and shall be used exclusively for the acquisition,
26 purchase, or construction of new facilities and equipment, or
27 portions thereof required to provide fire protection and
28 related emergency services to new construction. "New
29 facilities and equipment" means buildings and capital
30 equipment including, but not limited to, such fire and
31 emergency vehicles and communication equipment as may from

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1 time to time be deemed necessary by the district to provide
2 fire protection and related emergency services to the areas of
3 new construction.

4 (f) The impact fees for capital improvement collected
5 hereunder shall not be used for the acquisition, purchase, or
6 construction of facilities or equipment which must be obtained
7 in any event to meet the needs of the district, regardless of
8 growth within the district.

9 (g) The district board shall determine the maximum
10 amount of impact fees to be assessed in any 1 fiscal year.
11 This determination shall be made prior to the immediately
12 succeeding fiscal year. However, should the district board
13 authorize the collection of impact fees in an amount less than
14 the maximum allowable hereunder, then these fees shall be
15 uniform in each type of new construction subject to the fee.
16 The district board's determination of the amount of the impact
17 fee to be assessed in any 1 fiscal year shall be based on the
18 requirements set forth in this section.

19 (h) The impact fee for capital improvement called for
20 in this section may be reduced by 50 percent if the owner of
21 the permitted structure will install fire sprinklers in
22 accordance with NFPA Pamphlet 13 and 13D. Only full sprinkler
23 coverage is applicable for this reduction.

24 (i) The board of fire commissioners shall, prior to
25 assessing and collecting said fees, pass a resolution by a
26 majority vote authorizing the collection of said fees subject
27 to a referendum of registered voters of the district voting in
28 favor of said resolution by a majority of votes cast.

29 Section 3. It is intended that the provisions of this
30 act shall be liberally construed for accomplishing the work
31 authorized and provided for by this act, and where strict

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1 construction would result in the defeat of the accomplishment
2 of any part of the work authorized by this act, and a liberal
3 construction would permit or assist in the accomplishment of
4 any part of the work authorized by this act, the liberal
5 construction shall be chosen.

6 Section 4. If any section, subsection, sentence,
7 clause, or phrase of this act is held to be unconstitutional,
8 such holding shall not affect the validity of the remaining
9 portions of the act, the Legislature hereby declaring that it
10 would have passed this act and each section, subsection,
11 sentence, clause, and phrase thereof, irrespective of any
12 separate section, subsection, sentence, clause, or phrase
13 thereof, and irrespective of the fact that any one or more
14 other sections, subsections, sentences, clauses, or phrases
15 thereof may be declared unconstitutional.

16 Section 5. Chapter 61-2034, Laws of Florida; chapter
17 65-1410, Laws of Florida; chapter 77-534, Laws of Florida;
18 chapter 80-486, Laws of Florida; chapter 82-281, Laws of
19 Florida; chapter 83-391, Laws of Florida; chapter 84-417, Laws
20 of Florida; chapter 87-546, Laws of Florida; and chapter
21 89-454, Laws of Florida, are repealed.

22 Section 6. This act shall take effect upon becoming a
23 law.

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