

By Representative Goodlette

1 A bill to be entitled
2 An act relating to the East Naples Fire Control
3 and Rescue District, Collier County; codifying
4 the district's charter, chapter 61-2034, Laws
5 of Florida, 1961, as amended; providing a
6 provision that the district is an independent
7 special district; providing for a board of
8 commissioners; defining its duties, powers, and
9 authority; providing for the raising of funds
10 within said district by taxation on all the
11 property therein and the methods of levying,
12 collecting, and disbursing said funds;
13 repealing all prior special acts of the
14 Legislature relating to the East Naples Fire
15 Control and Rescue District; providing that
16 this act shall take precedence over any
17 conflicting law to the extent of such conflict;
18 providing severability; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Chapter 61-2034, Laws of Florida, as
24 amended, is codified, reenacted, amended, and repealed as
25 herein provided.

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

29 Section 1. Pursuant to chapter 97-255, Laws of
30 Florida, this act constitutes the codification of all special
31 acts relating to the East Naples Fire Control and Rescue

1 District. It is the intent of the Legislature in enacting this
2 law to provide a single, comprehensive special act charter for
3 the district, including all current legislative authority
4 granted to the district by its several legislative enactments
5 and any additional authority granted by this act. It is
6 further the intent of this act to preserve all district
7 authority, including the authority to assess annually and levy
8 against the taxable property in the district a tax not to
9 exceed 1.5 mills on the dollar of assessed valuation.

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

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

1 990.0 feet west of the west right-of-way line
2 of Airport Pulling Road; thence south 01
3 degrees 30 minutes 00 seconds east, 1320.0
4 feet; thence north 89 degrees 25 minutes 40
5 second east, 660.0 feet; thence north 01
6 degrees 30 minutes 00 seconds west, 1320.0 feet
7 to the north line of said Section 26; thence
8 east along said north line of Section 26 to the
9 west right of way line of Airport-Pulling Road;
10 thence southerly along the west right-of-way
11 line of said Airport-Pulling Road to a point
12 534.46 feet south of the south right-of-way
13 line of Golden Gate Parkway; thence westerly
14 and northwesterly along a curve concave
15 southwesterly with an arc distance of 32.46
16 feet, a radius of 35.0 feet and a central angle
17 of 53 degrees 08 minutes 18 seconds; thence
18 north 89 degrees 53 minutes 02 seconds west,
19 14.0 feet to the beginning of a circular curve
20 concave northeasterly with a central angle of
21 89 degrees 59 minutes 48 seconds and an arc
22 distance of 108.38 feet; thence north 0 degrees
23 06 minutes 58 seconds east 656.45 feet; thence
24 south 89 degrees 11 minutes 27 seconds west
25 1008.99 feet; thence north 0 degrees 06 minutes
26 58 seconds east 408.63 feet to the south right
27 of way line of Golden Gate Parkway; thence
28 north on the previous line extended to the
29 north right of way line of Golden Gate Parkway;
30 thence westerly along the north right of way of
31 Golden Gate Parkway to a point 620 feet east

1 and 235.46 feet south of the northwest corner
2 of Lot 8, Naples Improvement Company's Little
3 Farms; thence north 235.46 feet to the north
4 line of Lot 8; thence west along said north
5 line 620 feet to the northwest corner of said
6 Lot 8; thence southerly to that angle point in
7 said east right-of-way line which lies on a
8 line 400.00 feet northerly of (measured at
9 right angles to) and parallel with the north
10 line of Section 34, Township 49 South, Range 25
11 East; thence continuing along said east
12 right-of-way to the north line of Gordon River
13 Homes Subdivision; thence east along the north
14 line of Lots 50, 49, and 48 to a point 22.5
15 feet east of the northwest corner of Lot 48;
16 thence south parallel to the west line of Lot
17 48 to the south line of Lot 48; thence west
18 along the south line of Lots 48, 49, and 50 to
19 the east right-of-way line of Goodlette-Frank
20 Road; thence continuing along said east
21 right-of-way line, which line lies 100.09 feet
22 east of, measured at right angles to, and
23 parallel with the north and south quarter
24 section line of said Section 34; thence
25 continuing along said east right-of-way line to
26 a point on the north line of the southwest
27 quarter of the northeast quarter of Section 34,
28 Township 49 South, Range 25 East; thence
29 continue on said right of way line 460.0 feet;
30 thence north 89 degrees 41 minutes 30 seconds
31 east 494.99 feet; thence south 0 degrees 34

1 minutes 06 seconds east 615.88 feet to a point
2 of curvature; thence southwesterly along the
3 arc of a tangential circular curve, concave to
4 the northwest have a radius of 243.97 feet and
5 subtended by a chord which bears south 44
6 degrees 33 minutes 25 seconds west 345.84 feet;
7 thence south 89 degrees 41 minutes 30 seconds
8 west 250.0 feet to the easterly right of way
9 line of Goodlette-Frank Road; thence south
10 along said right of way line to a point 248.43
11 feet south of the north line of the south half
12 of Section 34, Township 49 South, Range 25
13 East; thence north 89 degrees 56 minutes 59
14 seconds east 600.0 feet; thence north 0 degrees
15 18 minutes 37 seconds west 200.0 feet; thence
16 south 89 degree 56 minutes 59 seconds west
17 350.21 feet; thence northeasterly 173.98 feet
18 along the arc of a circular curve concave to
19 the northwest having a radius of 293.97 feet
20 and being subtended by a chord which bears
21 north 72 degrees 59 minutes 41 seconds east
22 171.46 feet; thence south 89 degrees 47 minutes
23 31 seconds east 808.79 feet; thence north 89
24 degrees 55 minutes 05 seconds east 993.64 feet
25 to a point on that bulkhead line as shown on
26 Plate recorded in Bulkhead Line Plan Book 1,
27 Page 25 Collier County Public Records, Collier
28 County, Florida; Thence run the following
29 courses along the said Bulkhead line, 47.27
30 feet along the arc of a non-tangential circular
31 curve concave to the west, having a radius of

1 32.68 feet and subtended by a chord having a
2 bearing of south 14 degrees 08 minutes 50
3 seconds east and a length of 43.26 feet to a
4 point of tangency; south 27 degrees 17 minutes
5 25 seconds west for 202.44 feet to a point of
6 curvature; 296.89 feet along the arc of a curve
7 concave to the southeast, having a radius of
8 679.46 feet and subtended by a chord having a
9 bearing of south 14 degrees 46 minutes 21
10 seconds west and a length of 294.54 feet to a
11 point of reverse curvature; 157.10 feet along
12 the arc of a curve concave to the northwest,
13 having a radius of 541.70 feet, and subtended
14 by a chord having a bearing of south 10 degree
15 33 minutes 47 seconds west and a length of
16 2156.66 feet to a point of reverse curvature;
17 280.42 feet along the arc of a curve concave to
18 the northeast; having a radius of 278.30 feet,
19 and subtended by a chord having a bearing of
20 south 9 degrees 59 minutes 48 second east and a
21 length of 268.71 feet; thence north 89 degrees
22 57 minutes 00 seconds west 1772.02 feet; then
23 south 00 degrees 33 minutes 35 seconds east
24 200.0 feet; thence south 00 degrees 18 minutes
25 37 seconds east 195.13 feet to the north line
26 of River Park East Subdivision which is also
27 the north line of the south half of the
28 southeast quarter of Section 34, Township 49
29 South, Range 25 East; thence along the north
30 line of the south half of the southeast quarter
31 of said Section 34, easterly to the west line

1 of Section 35, Township 49 South, Range 25
2 East; thence along the west line of said
3 Section 35, northerly 1320 feet more or less to
4 the northwest corner of the south half of said
5 Section 35; thence along the north line of the
6 south half of said Section 35, easterly to the
7 west right-of-way line of State Road No. 31
8 (Airport Road), which right-of-way lies 50.0
9 feet west of, measured at right angles to, and
10 parallel with the east line of said Section 35;
11 thence along said right-of-way line of State
12 Road No. 31, south 00 degrees 13 minutes 57
13 seconds west 1800 feet more or less to a point
14 on said west right-of-way line, which lies
15 north 00 degrees 13 minutes 57 seconds east
16 848.02 feet and south 89 degrees 46 minutes 03
17 seconds west 5000 feet from the southeast
18 corner of said Section 35; thence continuing
19 along said west right-of-way line southerly
20 3255.02 feet along the arc of a tangential
21 circular concave to the east, radius 2914.93
22 feet, subtended by a chord which bears south 2
23 degrees 57 minutes 43 seconds east 324.87 feet;
24 thence continuing along said west right-of-way
25 line, tangentially south 6 degrees 09 minutes
26 22 second east 3.13 feet, thence southerly
27 along a curve concave to the southwest, having
28 a central angle of 6 degrees 23 minutes 18
29 seconds and a radius of 1860.08 feet, a
30 distance of 207.34 feet; thence south 0 degrees
31 13 minutes 57 seconds west 313.03 feet more or

1 less to a point on the north line of and 20
2 feet west of the northeast corner of Section 2,
3 Township 50 South, Range 25 East; thence
4 southeasterly, 300.7 feet more or less to a
5 point on the east line of said Section 2 which
6 point lies 300.0 feet south of the northeast
7 corner of said Section 2; thence along the east
8 line of the north half of said Section 2,
9 southerly to the southeast quarter of Section
10 3, Township 50-South, Range 25 East; thence
11 southerly along the east line of the southeast
12 quarter of said Section 3, and along the east
13 lines of Section 10, 15, 22, and 27, all in
14 Township 50 South, Range 25 East, to the
15 southeast corner of said Section 27, Township
16 50 South, Range 25 East; thence westerly along
17 the south line of said Section 27, Township 50
18 South, Range 25 East, to the shoreline of the
19 Gulf of Mexico; thence southeasterly along said
20 shoreline to the south line of Section 3,
21 Township 51 South, Range 25 East; thence
22 easterly along the south line of said Section
23 3, Section 2 and Section 1, Township 51 South,
24 Range 25 East; thence along the south corner of
25 said section 5; thence north along the east
26 line of Section 5, Township 51 South, Range 26
27 East; thence continue on the north line of
28 Section 25, 26 and part of Section 27, Township
29 49 South, Range 25 East to the point of
30 beginning and also,
31

1 B. All those lands in Collier County described
2 as: Sections 21, 22, 23, 26, 27, 28, 33, 34
3 and 35, Township 50 South, Range 26 East;
4 Section 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16,
5 17, 18, 23, 24, 25, 26, 35 and 36, Township 51
6 South, Range 16 East; Sections 1, 2, 3 and
7 those portions of Sections 10, 11, 12, and 13,
8 Township 52 South, Range 26 East, that lie
9 North of the Marco River; those portion of
10 Section 5, 6, 7 and 18, Township 52 South,
11 Range 27 East, that lie West and North of State
12 Road 92; and Sections 7, 8, 16, 17, 18, 19, 20,
13 21, 22, 27, 28, 29, 30 and 31, Township 51
14 South, Range 27 East, and those portions of
15 Sections 32 and 33, Township 51 South, Range 27
16 East, that lie west and North of State Road 92,

17
18 C. Less and except the North 1/2 of Section 2
19 of Township 50 South, Range 25 East and the
20 South 1/2 of Section 35 of Township 49 South,
21 Range 25 East.

22
23 (2) In the event that property in the district is
24 annexed by the City of Naples between January 1 and July 1 of
25 any year, the property shall be regarded as removed from the
26 East Naples Fire Control and Rescue District as of January 1
27 of that year for the purpose of the levy of general ad valorem
28 taxes by the district. If annexation occurs after July 1, the
29 property shall be assessed by the district for ad valorem
30 taxes for that year. On and after the effective date of
31 annexation, the district shall be relieved of providing fire

1 service to the annexed area. The city and the district may
2 reach an agreement to determine what portion, if any, of the
3 existing indebtedness or property of the district shall be
4 assumed by the municipality of which the annexed territory
5 will become a part, the fair value of such indebtedness or
6 property, and the manner of transfer and financing. Nothing
7 herein shall relieve the property annexed from the payment of
8 general obligation debt service incurred by the district
9 before annexation.

10 Section 2. The governing body of the district board
11 shall be a board of five commissioners who are residents of
12 the district who shall be elected as are county officers and
13 who shall qualify and run for office as provided for by
14 general law. For purposes of qualification and running for
15 office, the commission seats shall be designated as number 1,
16 2, 3, 4, and 5. Within 15 days after any commissioner takes
17 office, the district board shall meet and elect a chair and
18 secretary-treasurer. Each member of the district board shall
19 receive, from the funds of the district, compensation for his
20 or her services as provided for by general law.

21 Section 3. Within 10 days after the election and
22 qualification of its members the board shall meet and elect
23 from its membership a president, a secretary and treasurer or
24 a secretary-treasurer.

25 Section 4. The business affairs of the district shall
26 be administered and conducted by the board. It shall have the
27 authority, for and on behalf of the district, to establish,
28 equip, operate, and maintain a fire department and rescue
29 squad within the district and shall buy, lease, sell,
30 exchange, or otherwise acquire and dispose of firefighting
31 equipment and other property, real, personal, or mixed, that

1 it may from time to time deem necessary to prevent and
2 extinguish fire or provide rescue services within the
3 district, which services may include transportation to a
4 health facility when authorized by the Board of County
5 Commissioners of Collier County under emergency conditions as
6 may be prescribed by the board of county commissioners. This
7 shall include, but not be limited to, the authority to provide
8 water, water supply, water stations, and other necessary
9 buildings; accept gifts or donations of equipment or money for
10 the use of the district; and to do all things necessary to
11 provide for an adequate water supply, fire prevention, and
12 proper fire protection for the district. In addition, the
13 board shall have the authority to extend its services outside
14 the district when provided in cooperation with another
15 governmental entity.

16 Section 5. The board shall have the power to hire
17 necessary firefighting personnel who shall serve at its
18 pleasure.

19 Section 6. The board shall have authority to inspect
20 all property and investigate for fire hazards.

21 Section 7. The board is authorized to promulgate rules
22 and regulations for the prevention of fire and for fire
23 control in the district, which rules and regulations shall
24 have the same force and effect as law 10 days after copies
25 thereof executed by the president and secretary of the board
26 have been posted in at least three public places.

27 Section 8. For the purpose of carrying into effect
28 this law the board shall annually during the month of June,
29 make an itemized estimate of the amount of money required to
30 carry out the provisions of this act for the next fiscal year
31 of said board, which fiscal year shall be from April 1 to and

1 including the next succeeding March 31, which estimate shall
2 show for what purpose the moneys are required and the amount
3 necessary to be raised by taxation within the district, and
4 shall be presented in writing, signed by the president and the
5 secretary to the Board of County Commissioners of Collier
6 County on or before the first Monday in July of each year.
7 Prior to the presentation of such estimate to the Board of
8 County Commissioners of Collier County, copies of the itemized
9 estimate, signed by the president and secretary of the board,
10 shall be posted in at least three public places within the
11 district, and at the time of the presentation of such estimate
12 the board shall also present to the Board of County
13 Commissioners of Collier County a certificate of the board
14 that copies of such estimate have been posted as provided
15 herein.

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

1 except that this section shall take effect upon becoming a law
2 on March 18, 1982.

3 Section 10. Taxes herein provided for shall be
4 assessed and collected in the same manner as provided for the
5 assessment and collection of county taxes and subject to the
6 same commission and fees for assessing and collecting as for
7 the assessment and collection of county taxes except as herein
8 otherwise provided.

9 Section 11. When the tax collector has collected the
10 taxes provided for by this act he or she shall on or before
11 the 10th day of each month report to the secretary of the
12 board the collection made for the preceding month and remit
13 the same to the treasurer of the board.

14 Section 12. All warrants for the payment of labor,
15 equipment, materials, and other allowable expenses incurred by
16 the board in carrying out the provisions of this act shall be
17 payable by the treasurer of the board on accounts and vouchers
18 approved by the board.

19 Section 13. The treasurer of the board when entering
20 upon his or her duties shall give a good and sufficient bond
21 to the Governor in the sum of \$3,000 for the faithful
22 performance of his or her duties as treasurer.

23 Section 14. The treasurer shall on or before April 10
24 and October 10 of each year make a written semiannual report
25 of receipts and expenditures of the funds of the district to
26 the board. He or she shall furnish a copy of said report to
27 the board of county commissioners.

28 Section 15. Subject to the original provisions of
29 chapter 61-2034, Laws of Florida, not be effective until the
30 same is ratified by a majority of the qualified electors of
31 the district who vote in an election called by the board of

1 county commissioners for ratification or rejection. In the
2 event of ratification this act shall become effective
3 immediately.

4 Section 16. This act shall be construed as a remedial
5 act and shall be liberally construed to promote the purpose
6 for which it is intended.

7 Section 17. The district shall have the power to issue
8 general obligation bonds, notes, or certificates of
9 indebtedness, hereafter "bonds," pledging the full faith,
10 credit, and taxing power of the district for capital projects
11 of the district in accordance with the following requirements:

12 (a) The district shall have the power to, from time to
13 time, issue general obligations bonds, notes, or certificates
14 of indebtedness not to exceed 3 percent of the assessed value
15 of the taxable property within the district as shown on the
16 current tax roll at the time of the authorization of the
17 general bonds.

18 (b) Except for refunding bonds, no bonds shall be
19 issued unless the issuance thereof shall have been approved at
20 a referendum held in accordance with the requirements for such
21 referendum as prescribed by general law. A referendum shall be
22 called by the board of county commissioners of the county upon
23 the request of the board of the district. The expenses of
24 calling and holding the referendum shall be borne by the
25 district, and the district shall reimburse the county for any
26 expenses incurred in calling or holding such referendum.

27 (c) The district may pledge its full faith and credit
28 for the payment of the principal and interest on such general
29 obligations bonds and for any reserve funds provided therefor
30 and will unconditionally and irrevocably pledge itself to levy
31 a special tax on all taxable property in the district, to the

1 extent necessary for the payment thereof, over and above all
2 other taxes authorized and permitted by this act.

3 (d) If the board shall determine to issue bonds
4 maturing in 12 months or more from the date of issue for more
5 than one purpose, the approval of the issuance of the bonds
6 for each and all such purposes may be submitted to the
7 electors on one and the same ballot. The failure of the
8 electors to approve the issuance of bonds for any one or more
9 purposes shall not defeat the approval of bonds for any
10 purpose which shall be approved by the electors.

11 (e) Notwithstanding any provisions of any other law to
12 the contrary, all bonds issued under the provisions of the act
13 shall constitute legal investments for savings banks, banks,
14 trust companies, insurance companies, executors,
15 administrators, trustees, guardians, and other fiduciaries and
16 for any board, body, agency, instrumentality, county,
17 municipality, or other political subdivision of the state and
18 shall be and constitute security which may be deposited by
19 banks or trust companies as security for deposits of state,
20 county, municipal, or other public funds or be insurance
21 companies as required for voluntary statutory deposits.

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

26 (g) Any resolution authorizing the issuance of bonds
27 may contain such covenants as the board may deem advisable,
28 and all such covenants shall constitute valid and legally
29 binding and enforceable contracts between the district and the
30 bondholders, regardless of the time of issuance thereof.

31

1 (h) This act constitutes full and complete authority
2 for the issuance of bonds and the exercise of the powers of
3 the district provided herein. No procedures or proceedings,
4 publications, minutes, consents, approvals, orders, acts, or
5 things by the board for any board, officers, commission,
6 department, agency, or instrumentality of the district, other
7 than those required by this act, shall be required to issue
8 bonds under this act.

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

11 (j) The state pledges to the holders of any bonds
12 issued under this act that it will not limit or alter the
13 rights of the district to furnish the projects or to own,
14 acquire, construct, reconstruct, improve, maintain, operate,
15 or furnish the projects or to levy and collect the taxes,
16 assessments, rentals, rates, fees, and other charges provided
17 for herein and to fulfill the terms of any agreement made with
18 the holders of such bonds and that it will not in any way
19 impair the rights or remedies of such holders.

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

23 Section 18. The district shall have the authority to
24 exercise the power of eminent domain, pursuant to chapters 73
25 and 74, Florida Statutes, over any property located within the
26 district, except municipal, county, state, and federal
27 property, for the purpose of acquiring property for the
28 location of fire stations. The location and construction of
29 fire stations shall comply with applicable Collier County
30 ordinances.

31

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

4 Section 20. The district board may allow for the
5 collection of impact fees for capital improvements on new
6 construction within the district.

7 (a) Impact fees for capital improvement:

8 1. It is hereby found and determined that Collier
9 County is located in one of the fastest growing areas in the
10 nation. New construction and resulting population growth is
11 placing a strain upon the capabilities of the district to
12 continue to provide the high level of professional fire
13 protection and related emergency services, for which the
14 residents of the district pay and which they deserve.

15 2. It is readily apparent that additional equipment
16 and facilities will be needed to meet the expanded commercial
17 and residential growth within the district, at a cost beyond
18 that which can be provided from current and anticipated ad
19 valorem tax revenues assessed, collected, and received by the
20 district.

21 3. It is hereby declared that the cost of new
22 facilities and equipment for fire protection and related
23 emergency services shall be borne by new users of the
24 district's services to the extent that new construction
25 requires new facilities and equipment, but only to that
26 extent.

27 4. It is therefore the legislative intent of this
28 section to transfer to the new user of the district's fire
29 protection and related emergency services a fair share of the
30 costs that new users impose on the district for new
31 facilities.

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

4
5 No person shall issue or obtain a building permit for new
6 residential dwelling units or new commercial or industrial
7 structures within the district, or issue or obtain
8 construction plan approval for new mobile home developments
9 located within the district, until the developer thereof shall
10 have paid the applicable impact fee to capital improvements to
11 the district hereinafter set forth.

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

14 1. Each new residential dwelling unit: \$.15 per square
15 foot of living area.

16 2. New commercial or industrial structure: \$.30 per
17 square foot of usable area.

18 3. New mobile home development: \$.15 per square foot
19 of permitted living area.

20 a. Living area shall be defined as that area of any
21 structure that is covered by a roof.

22 b. Permitted living shall be 25 percent of the area
23 covered by the individual lots.

24 (c) For the purpose of this section, each unit of any
25 multifamily structure, whether it be a duplex, triplex,
26 cooperative apartment, or condominium or similar type
27 structure shall be considered and shall constitute a
28 residential dwelling unit.

29 (d) For the purpose of this section, motels, hotels,
30 shopping centers, churches, nursing homes, hospitals,
31 congregate living facilities when not part of an actual

1 residence, schools, fraternal lodges, veterans' lodges, or
2 similar type structure shall be considered commercial
3 structures.

4 (e) Impact fees for capital improvement collected by
5 the district pursuant to this section shall be kept and
6 maintained as a separate fund from other revenues of the
7 district and shall be used exclusively for the acquisition,
8 purchase, or construction of new facilities and equipment, or
9 portions thereof required to provide fire protection and
10 related emergency services to new construction. "New
11 facilities and equipment" means buildings and capital
12 equipment including, but not limited to, such fire and
13 emergency vehicles and communication equipment as may from
14 time to time be deemed necessary by the district to provide
15 fire protection and related emergency services to the areas of
16 new construction.

17 (f) The impact fees for capital improvement collected
18 hereunder shall not be used for the acquisition, purchase, or
19 construction of facilities or equipment which must be obtained
20 in any event to meet the needs of the district, regardless of
21 growth within the district.

22 (g) The district board shall determine the maximum
23 amount of impact fees to be assessed in any 1 fiscal year.
24 This determination shall be made prior to the immediately
25 succeeding fiscal year. However, should the district board
26 authorize the collection of impact fees in an amount less than
27 the maximum allowable hereunder, then these fees shall be
28 uniform in each type of new construction subject to the fee.
29 The district board's determination of the amount of the impact
30 fee to be assessed in any 1 fiscal year shall be based on the
31 requirements set forth in this section.

1 (i) The impact fee for capital improvement called for
2 in this section may be reduced by 50 percent if the owner of
3 the permitted structure will install fire sprinklers in
4 accordance with NFPA Pamphlet 13 and 13D. Only full sprinkler
5 coverage is applicable for this reduction.

6 (j) The board of fire commissioners shall, prior to
7 assessing and collecting said fees, pass a resolution by a
8 majority vote authorizing the collection of said fees subject
9 to a referendum of registered voters of the district voting in
10 favor of said resolution by a majority of votes cast.

11 Section 3. It is intended that the provisions of this
12 act shall be liberally construed for accomplishing the work
13 authorized and provided for by this act, and where strict
14 construction would result in the defeat of the accomplishment
15 of any part of the work authorized by this act, and a liberal
16 construction would permit or assist in the accomplishment of
17 any part of the work authorized by this act, the liberal
18 construction shall be chosen.

19 Section 4. If any section, subsection, sentence,
20 clause, or phrase of this act is held to be unconstitutional,
21 such holding shall not affect the validity of the remaining
22 portions of the act, the Legislature hereby declaring that it
23 would have passed this act and each section, subsection,
24 sentence, clause, and phrase thereof, irrespective of any
25 separate section, subsection, sentence, clause, or phrase
26 thereof, and irrespective of the fact that any one or more
27 other sections, subsections, sentences, clauses, or phrases
28 thereof may be declared unconstitutional.

29 Section 5. Chapters 61-2034, Laws of Florida; chapter
30 65-1410, Laws of Florida; chapter 77-534, Laws of Florida;
31 chapter 80-486, Laws of Florida; chapter 82-281, Laws of

1 Florida; chapter 83-391, Laws of Florida; chapter 84-417, Laws
2 of Florida; chapter 87-546, Laws of Florida; and chapter
3 89-454, Laws of Florida, will be repealed 10 days after the
4 effective date of this act; provided the authority to levy and
5 assess 1.5 mill of ad valorem tax shall not be repealed.

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

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