

1
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24 amended, is codified, reenacted, amended, and repealed as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; said
30 point also being the southeast corner of
31 Section 23 Township 49 South, Range 25 East

1 thence east along the north line of Section 26,
2 Township 49 South, Range 25 East to a point
3 990.0 feet west of the west right-of-way line
4 of Airport Pulling Road; thence south 01
5 degrees 30 minutes 00 seconds east, 1320.0
6 feet; thence north 89 degrees 25 minutes 40
7 seconds east, 660.0 feet; thence north 01
8 degrees 30 minutes 00 seconds west, 1320.0 feet
9 to the north line of said Section 26; thence
10 east along said north line of Section 26 to the
11 west right of way line of Airport-Pulling Road;
12 to the south line of said Section 26 (said
13 right-of-way line lying 50 feet west of the
14 southeast corner of said Section 26); thence
15 westerly along said south line to the southwest
16 corner of said Section 26; thence northerly
17 along the west line of said Section 26; to the
18 southerly right-of-way line of Golden Gate
19 Parkway (100 feet wide); thence easterly along
20 said southerly right-of-way line to a point
21 lying 1220.00 feet west of the west line of
22 said Airport-Pulling Road; thence northerly
23 parallel with said west right-of-way line to
24 the northerly right-of-way line of said Golden
25 Gate Parkway; thence westerly along the north
26 right-of-way of Golden Gate Parkway to a point
27 620 feet east and 235.46 feet south of the
28 northwest corner of Lot 8, Naples Improvement
29 Company's Little Farms; thence north 235.46
30 feet to the north line of Lot 8; thence west
31 along said north line 620 feet to the northwest

1 corner of said Lot 8; thence southerly to that
2 angle point in said east right-of-way line
3 which lies on a line 400.00 feet northerly of
4 (measured at right angles to) and parallel with
5 the north line of Section 34, Township 49
6 South, Range 25 East; thence continuing along
7 said east right-of-way to the north line of
8 Gordon River Homes Subdivision; thence east
9 along the north line of Lots 50, 49, and 48 to
10 a point 22.5 feet east of the northwest corner
11 of Lot 48; thence south parallel to the west
12 line of Lot 48 to the south line of Lot 48;
13 thence west along the south line of Lots 48,
14 49, and 50 to the east right-of-way line of
15 Goodlette-Frank Road; thence continuing along
16 said east right-of-way line, which line lies
17 100.00 feet east of, measured at right angles
18 to, and parallel with the north and south
19 quarter section line of said Section 34; thence
20 continuing along said east right-of-way line to
21 a point on the north line of the southwest
22 quarter of the northeast quarter of Section 34,
23 Township 49 South, Range 25 East; thence
24 continue on said right of way line 460.0 feet;
25 thence north 89 degrees 41 minutes 30 seconds
26 east 494.99 feet; thence south 0 degrees 34
27 minutes 06 seconds east 615.88 feet to a point
28 of curvature; thence southwesterly 343.97 feet
29 along the arc of a tangential circular curve,
30 concave to the northwest have a radius of
31 243.97 feet and subtended by a chord which

1 bears south 44 degrees 33 minutes 25 seconds
2 west 345.84 feet; thence south 89 degrees 41
3 minutes 30 seconds west 250.0 feet to the
4 easterly right of way line of Goodlette-Frank
5 Road; thence south along said right of way line
6 to a point 48.41 feet south of the north line
7 of the south half of Section 34, Township 49
8 South, Range 25 East; thence north 89 degrees
9 56 minutes 59 seconds east 249.79 feet; thence
10 northeasterly 173.98 feet along the arc of a
11 circular curve concave to the northwest having
12 a radius of 293.97 feet and being subtended by
13 a chord which bears north 72 degrees 59 minutes
14 41 seconds east 171.46 feet; thence south 89
15 degrees 47 minutes 31 seconds east 808.79 feet;
16 thence north 89 degrees 55 minutes 05 seconds
17 east 993.64 feet to a point on that bulkhead
18 line as shown on Plate recorded in Bulkhead
19 Line Plan Book 1, Page 25 Collier County Public
20 Records, Collier County, Florida; thence run
21 the following courses along the said Bulkhead
22 line, 47.27 feet along the arc of a
23 non-tangential circular curve concave to the
24 west, having a radius of 32.68 feet and
25 subtended by a chord having a bearing of south
26 14 degrees 08 minutes 50 seconds east and a
27 length of 43.26 feet to a point of tangency;
28 south 27 degrees 17 minutes 25 seconds west for
29 202.44 feet to a point of curvature; 296.89
30 feet along the arc of a curve concave to the
31 southeast, having a radius of 679.46 feet and

1 subtended by a chord having a bearing of south
2 14 degrees 46 minutes 21 seconds west and a
3 length of 294.54 feet to a point of reverse
4 curvature; 157.10 feet along the arc of a curve
5 concave to the northwest, having a radius of
6 541.70 feet, and subtended by a chord having a
7 bearing of south 10 degrees 33 minutes 47
8 seconds west and a length of 156.55 feet to a
9 point of reverse curvature; 307.67 feet along
10 the arc of a curve concave to the northeast;
11 having a radius of 278.30 feet, and subtended
12 by a chord having a bearing of south 12 degrees
13 47 minutes 59 seconds east and a length of
14 292.24 feet to a point of reverse curvature;
15 135.31 feet along the arc of a curve concave to
16 the southwest having a radius of 100.00 feet
17 and subtended by a chord having a bearing of
18 south 05 degrees 42 minutes 27 seconds East and
19 a length of 125.21 feet to a point of tangency;
20 thence South 33 degrees, 03 minutes, 21 seconds
21 West for 295.10 feet; and South 33 degrees 27
22 minutes 51 seconds West 1.93 feet to the north
23 line of the River Park East Subdivision which
24 is also the north line of the south half of the
25 southeast quarter of Section 34, Township 49
26 South, Range 25 East; thence along the north
27 line of the south half of the southeast quarter
28 of said Section 34, easterly to the west line
29 of Section 35, Township 49 South, Range 25
30 East; thence along the west line of said
31 Section 35, northerly 1320 feet more or less to

1 the northwest corner of the south half of said
2 Section 35; thence along the north line of the
3 south half of said Section 35, easterly to the
4 west right-of-way line of State Road No. 31
5 (Airport Road), which right-of-way lies 50.0
6 feet west of, measured at right angles to, and
7 parallel with the east line of said Section 35;
8 thence along said right-of-way line of State
9 Road No. 31, south 00 degrees 13 minutes 57
10 seconds west 1800 feet more or less to a point
11 on said west right-of-way line, which lies
12 north 00 degrees 13 minutes 57 seconds east
13 848.02 feet and south 89 degrees 46 minutes 03
14 seconds west 50.00 feet from the southeast
15 corner of said Section 35; thence continuing
16 along said west right-of-way line southerly
17 325.02 feet along the arc of a tangential
18 circular curve concave to the east, radius
19 2914.93 feet, subtended by a chord which bears
20 south 2 degrees 57 minutes 43 seconds east
21 324.87 feet; thence continuing along said west
22 right-of-way line, tangentially south 6 degrees
23 09 minutes 22 second east 3.13 feet, thence
24 southerly along a curve concave to the
25 southwest, having a central angle of 6 degrees
26 23 minutes 18 seconds and a radius of 1860.08
27 feet, a distance of 207.34 feet; thence south 0
28 degrees 13 minutes 57 seconds west 313.03 feet
29 more or less to a point on the north line of
30 and 20 feet west of the northeast corner of
31 Section 2, Township 50 South, Range 25 East;

1 thence southeasterly, 300.7 feet more or less
2 to a point on the east line of said Section 2
3 which point lies 300.0 feet south of the
4 northeast corner of said Section 2; thence
5 along the east line of the north half of said
6 Section 2, southerly to the southeast corner of
7 the north half of said Section 2; thence along
8 the south line of the north half of said
9 Section 2; westerly to the northeast corner of
10 the southeast quarter of Section 3, Township 50
11 South, Range 25 East; thence southerly along
12 the east line of the southeast corner of said
13 Section 3 for a distance of 2013.98 feet;
14 thence North 89 degrees 37 minutes 20 seconds
15 East 662.04 feet; thence South 00 degrees 17
16 minutes 20 seconds East 119.26 feet; thence
17 South 89 degrees 27 minutes 40 seconds West
18 322.00 feet; thence South 00 degrees, 17
19 minutes 20 seconds East 10.00 feet; thence
20 South 89 degrees 27 minutes 40 seconds West
21 68.00 feet; thence South 00 degrees 17 minutes
22 20 seconds East 361.00 feet; thence North 89
23 degrees 27 minutes 40 seconds East 68.00 feet;
24 thence South 00 degrees 17 minutes 20 seconds
25 East 140.00 feet; thence South 89 degrees 27
26 minutes 40 seconds West 221.81 feet; thence
27 North 01 degrees 05 minutes 56 seconds West
28 6.99 feet; thence westerly along the arc of a
29 non-tangential circular curve concave to the
30 north having a radius of 370.00 feet through a
31 central angle of 18 degrees 34 minutes 13

1 seconds and being subtended by a chord which
2 bears North 81 degrees 50 minutes 17 seconds
3 West 119.40 feet for a distance of 119.92 feet
4 to a point on the east line of said Section 3;
5 thence southerly along the east line of Section
6 3, and along the east lines of Sections 10, 15,
7 22, and 27, all in Township 50 South, Range 25
8 East, to the southeast corner of said Section
9 27, Township 50 South, Range 25 East; thence
10 westerly along the south line of said Section
11 27, Township 50 South, Range 25 East, and along
12 the western prolongation of said south line to
13 a point 1,000 feet west of the mean low water
14 line of the Gulf of Mexico; thence
15 southeasterly along said shoreline to the south
16 line of Section 3, Township 51 South, Range 25
17 East, thence easterly along the south line of
18 said Section 3, Section 2, Section 1, Township
19 51 South; thence along the south corner of said
20 Section 5; thence north along the east line of
21 Section 5, Township 51 South, Range 26 East;
22 thence continue on the north line of Section
23 25, 26 and part of Section 27, Township 49
24 South, Range 25 East to the point of beginning
25 and also,

26
27 B. All those lands in Collier County described
28 as: Sections 21, 22, 23, 26, 27, 28, 33, 34
29 and 35, Township 50 South, Range 26 East;
30 Section 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16,
31 17, 18, 23, 24, 25, 26, 35 and 36, Township 51

1 South, Range 26 East; Sections 1, 2, 3 and
2 those portions of Sections 10, 11, 12, and 13,
3 Township 52 South, Range 26 East, that lie
4 North of the Marco River; those portion of
5 Section 5, 6, 7 and 18, Township 52 South,
6 Range 27 East, that lie West and North of State
7 Road 92; and Sections 7, 8, 16, 17, 18, 19, 20,
8 21, 22, 27, 28, 29, 30 and 31, Township 51
9 South, Range 27 East, and those portions of
10 Sections 32 and 33, Township 51 South, Range 27
11 East, that lie west and North of State Road 92,
12

13 C. Less and except the North 1/2 of Section 2
14 of Township 50 South, Range 25 East and the
15 South 1/2 of Section 35 of Township 49 South,
16 Range 25 East.
17

18 (2) In the event that property in the district is
19 annexed by the City of Naples between January 1 and July 1 of
20 any year, the property shall be regarded as removed from the
21 East Naples Fire Control and Rescue District as of January 1
22 of that year for the purpose of the levy of general ad valorem
23 taxes by the district. If annexation occurs after July 1, the
24 property shall be assessed by the district for ad valorem
25 taxes for that year. On and after the effective date of
26 annexation, the district shall be relieved of providing fire
27 service to the annexed area. The city and the district may
28 reach an agreement to determine what portion, if any, of the
29 existing indebtedness or property of the district shall be
30 assumed by the municipality of which the annexed territory
31 will become a part, the fair value of such indebtedness or

1 property, and the manner of transfer and financing. Nothing
2 herein shall relieve the property annexed from the payment of
3 general obligation debt service incurred by the district
4 before annexation.

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

16 Section 4. Within 10 days after the election and
17 qualification of its members the board shall meet and elect
18 from its membership a president, a secretary and treasurer or
19 a secretary-treasurer.

20 Section 5. The business affairs of the district shall
21 be administered and conducted by the board. It shall have the
22 authority, for and on behalf of the district, to establish,
23 equip, operate, and maintain a fire department and rescue
24 squad within the district and shall buy, lease, sell,
25 exchange, or otherwise acquire and dispose of firefighting
26 equipment and other property, real, personal, or mixed, that
27 it may from time to time deem necessary to prevent and
28 extinguish fire or provide rescue services within the
29 district, which services may include transportation to a
30 health facility when authorized by the Board of County
31 Commissioners of Collier County under emergency conditions as

1 may be prescribed by the board of county commissioners. This
2 shall include, but not be limited to, the authority to provide
3 water, water supply, water stations, and other necessary
4 buildings; accept gifts or donations of equipment or money for
5 the use of the district; and to do all things necessary to
6 provide for an adequate water supply, fire prevention, and
7 proper fire protection for the district. In addition, the
8 board shall have the authority to extend its services outside
9 the district when provided in cooperation with another
10 governmental entity.

11 Section 6. The board shall have the power to hire
12 necessary firefighting personnel who shall serve at its
13 pleasure.

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

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

22 Section 9. For the purpose of carrying into effect
23 this law the board shall annually during the month of June,
24 make an itemized estimate of the amount of money required to
25 carry out the provisions of this act for the next fiscal year
26 of said board, which fiscal year shall be from April 1 to and
27 including the next succeeding March 31, which estimate shall
28 show for what purpose the moneys are required and the amount
29 necessary to be raised by taxation within the district, and
30 shall be presented in writing, signed by the president and the
31 secretary to the Board of County Commissioners of Collier

1 County on or before the first Monday in July of each year.
2 Prior to the presentation of such estimate to the Board of
3 County Commissioners of Collier County, copies of the itemized
4 estimate, signed by the president and secretary of the board,
5 shall be posted in at least three public places within the
6 district, and at the time of the presentation of such estimate
7 the board shall also present to the Board of County
8 Commissioners of Collier County a certificate of the board
9 that copies of such estimate have been posted as provided
10 herein.

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

29 Section 11. Taxes herein provided for shall be
30 assessed and collected in the same manner as provided for the
31 assessment and collection of county taxes and subject to the

1 same commission and fees for assessing and collecting as for
2 the assessment and collection of county taxes except as herein
3 otherwise provided.

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

9 Section 13. All warrants for the payment of labor,
10 equipment, materials, and other allowable expenses incurred by
11 the board in carrying out the provisions of this act shall be
12 payable by the treasurer of the board on accounts and vouchers
13 approved by the board.

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

18 Section 15. The treasurer shall on or before April 10
19 and October 10 of each year make a written semiannual report
20 of receipts and expenditures of the funds of the district to
21 the board. He or she shall furnish a copy of said report to
22 the board of county commissioners.

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

30
31

1 Section 17. This act shall be construed as a remedial
2 act and shall be liberally construed to promote the purpose
3 for which it is intended.

4 Section 18. The district shall have the power to issue
5 general obligation bonds, notes, or certificates of
6 indebtedness, hereafter "bonds," pledging the full faith,
7 credit, and taxing power of the district for capital projects
8 of the district in accordance with the following requirements:

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

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

24 (c) The district may pledge its full faith and credit
25 for the payment of the principal and interest on such general
26 obligations bonds and for any reserve funds provided therefor
27 and will unconditionally and irrevocably pledge itself to levy
28 a special tax on all taxable property in the district, to the
29 extent necessary for the payment thereof, over and above all
30 other taxes authorized and permitted by this act.

31

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

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

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

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

29 (h) This act constitutes full and complete authority
30 for the issuance of bonds and the exercise of the powers of
31 the district provided herein. No procedures or proceedings,

1 publications, minutes, consents, approvals, orders, acts, or
2 things by the board for any board, officers, commission,
3 department, agency, or instrumentality of the district, other
4 than those required by this act, shall be required to issue
5 bonds under this act.

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

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

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

20 Section 19. The district shall have the authority to
21 exercise the power of eminent domain, pursuant to chapters 73
22 and 74, Florida Statutes, over any property located within the
23 district, except municipal, county, state, and federal
24 property, for the purpose of acquiring property for the
25 location of fire stations. The location and construction of
26 fire stations shall comply with applicable Collier County
27 ordinances.

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

31

1 Section 21. The district board may allow for the
2 collection of impact fees for capital improvements on new
3 construction within the district.

4 (a) Impact fees for capital improvement:

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

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

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

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

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

1
2 No person shall issue or obtain a building permit for new
3 residential dwelling units or new commercial or industrial
4 structures within the district, or issue or obtain
5 construction plan approval for new mobile home developments
6 located within the district, until the developer thereof shall
7 have paid the applicable impact fee to capital improvements to
8 the district hereinafter set forth.

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

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

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

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

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

19 b. Permitted living shall be 25 percent of the area
20 covered by the individual lots.

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

26 (d) For the purpose of this section, motels, hotels,
27 shopping centers, churches, nursing homes, hospitals,
28 congregate living facilities when not part of an actual
29 residence, schools, fraternal lodges, veterans' lodges, or
30 similar type structure shall be considered commercial
31 structures.

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

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

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

29 (h) The impact fee for capital improvement called for
30 in this section may be reduced by 50 percent if the owner of
31 the permitted structure will install fire sprinklers in

1 accordance with NFPA Pamphlet 13 and 13D. Only full sprinkler
2 coverage is applicable for this reduction.

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

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

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

26 Section 5. Chapter 61-2034, Laws of Florida; chapter
27 65-1410, Laws of Florida; chapter 77-534, Laws of Florida;
28 chapter 80-486, Laws of Florida; chapter 82-281, Laws of
29 Florida; chapter 83-391, Laws of Florida; chapter 84-417, Laws
30 of Florida; chapter 87-546, Laws of Florida; and chapter
31 89-454, Laws of Florida, are repealed.

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