

By Senator Miller

21-1528-02

See HB 447

1                                   A bill to be entitled  
2           An act relating to the North River Fire  
3           District, Manatee County; codifying the  
4           district charter; providing boundaries;  
5           providing for a Board of Fire Commissioners;  
6           providing for elections; providing for filling  
7           of vacancies; providing authority to levy  
8           special assessments; providing for liens;  
9           providing for public hearings; providing for  
10          deposit of funds; providing for use of funds;  
11          providing borrowing power of the district;  
12          providing authority and power to acquire  
13          certain property; providing duties of the Board  
14          of Fire Commissioners; providing authority to  
15          employ qualified personnel; providing for  
16          financial reporting; providing for existence of  
17          the district; providing definitions; providing  
18          for impact fees; providing a schedule of  
19          special assessments; providing severability;  
20          providing for liberal construction; repealing  
21          chapters 89-502, 91-406, and 96-452, Laws of  
22          Florida; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Pursuant to section 191.015, Florida  
27 Statutes, this act constitutes the codification of all special  
28 acts relating to the North River Fire District. It is the  
29 intent of this act to provide a single, comprehensive special  
30 act charter for the district including all current legislative  
31 authority granted to the district by its several legislative

1 enactments and by any additional authority granted by this act  
2 and chapters 189 and 191, Florida Statutes, as they may be  
3 amended from time to time. It is further the intent of this  
4 act to preserve all district authority.

5 Section 2. Chapters 89-502, 91-406, and 96-452, Laws  
6 of Florida, are codified, amended, reenacted, and repealed as  
7 herein provided.

8 Section 3. The charter of the North River Fire  
9 District is reenacted to read:

10 Section 1. Incorporation.--Upon this act becoming a  
11 law, all of the unincorporated lands in Manatee County, as  
12 described in this act, and the City of Palmetto, shall become  
13 and be incorporated into and as a special fire district. The  
14 special fire district shall become and be a public municipal  
15 corporation, having the powers and duties herein set forth  
16 under the name of North River Fire District.

17 Section 2. Jurisdiction.--The lands to be incorporated  
18 within the North River Fire District are located in Manatee  
19 County and are described as follows:

20  
21 All of Sections 1, 12, 13, 14, 21, 22, 23, 24,  
22 25, 26, 27, 28, 32, 33, 34, 35 and 36, all in  
23 Township 33 South, Range 17 East; all of  
24 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
25 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,  
26 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and  
27 36, all in Township 33 South, Range 18 East;  
28 all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,  
29 11, 12, 13, 14, 15, 16 and 17, and that part of  
30 Sections 18, 22, 23 and 24 North of North  
31 bulkhead line of the Manatee River, all in

1       Township 34 South, Range 17 East; all of  
2       Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
3       17, 18, and 19, and that part of Section 16  
4       lying North of North bulkhead line of the  
5       Manatee River, all in Township 34 South, Range  
6       18 East. Further including the full right of  
7       way of all abutting roads. Also, all islands  
8       and submerged lands within the limits of the  
9       established bulkhead line abutting the  
10       specified Sections, more particularly described  
11       as follows:

12  
13       Begin at the intersection of the established or  
14       to be established bulkhead line along the North  
15       bank of the Manatee River with the West  
16       boundary of Section 7, Township 34 South, Range  
17       17 East; thence Easterly along the established  
18       or to be established bulkhead line of the  
19       Manatee River to the East boundary of Section  
20       12, Township 34 South, Range 18 East; thence  
21       Northerly along the East boundary of Township  
22       34 South, Range 18 East to the Manatee  
23       County-Hillsborough County boundary line;  
24       thence Westerly along the Manatee  
25       County-Hillsborough County boundary line to the  
26       established or to be established bulkhead line  
27       of the East shore of Tampa Bay; thence  
28       Southerly and Westerly along the established or  
29       to be established bulkhead line of Tampa Bay  
30       and Terra Ceia Bay to the established or to be  
31       established bulkhead line on the North bank of

1           the Manatee River to the West boundary of  
2           Section 7, Township 34 South, Range 17 East and  
3           the Point of Beginning.

4  
5           Section 3. Board of Fire Commissioners.--The business  
6 and affairs of said district shall be conducted and  
7 administered by a board of seven commissioners, who shall be  
8 elected freeholders as provided for in section 4. Upon their  
9 election annually in January, the commissioners shall organize  
10 by electing from their number a chair and vice chair. The  
11 commissioners shall appoint or employ a qualified person or  
12 persons for the positions of secretary or treasurer, or the  
13 position of secretary/treasurer. The positions of secretary,  
14 treasurer, or secretary/treasurer may be held by one  
15 commissioner or the commission may, in lieu of electing a  
16 secretary and/or treasurer from its number, employ a qualified  
17 person or persons who is not a commissioner to perform the  
18 duties of secretary, treasurer, or secretary/treasurer and may  
19 compensate such person or persons from funds of the district  
20 for the services rendered. If the commissioners do employ such  
21 qualified person or persons to perform the duties of  
22 secretary, treasurer, or secretary/treasurer, that performance  
23 shall be subject to the supervision of the Board of Fire  
24 Commissioners. The commissioners may each be paid a salary or  
25 honorarium, to be determined by the board, that shall not  
26 exceed \$500 per month and may not be otherwise employed by the  
27 district on either a full-time or part-time basis and receive  
28 compensation for such employment, except as specifically  
29 provided for in this act. The Board of Fire Commissioners is  
30 authorized to pay the commissioner or commissioners who are  
31 elected secretary, treasurer, or secretary/treasurer a

1 reasonable sum for their services as such. The treasurer  
2 shall, before he or she enters upon his or her duties as  
3 treasurer, execute to the State of Florida, for the benefit of  
4 the district, a good and sufficient bond approved by a Circuit  
5 Judge of Manatee County in the sum of not less than \$1,000  
6 with a qualified corporate surety, conditioned to faithfully  
7 perform the duties as such treasurer and to account for all  
8 funds to come into his or her hands as treasurer. All premiums  
9 for such surety on all such bonds shall be paid from the funds  
10 of the district. The Board of Fire Commissioners shall have  
11 the authority and power to make and enter into contracts with  
12 firms, individuals, and municipal corporations relating to any  
13 and all of the purposes of the district.

14 Section 4. Election of commissioners.--

15 (1) The members of the Board of Fire Commissioners of  
16 the district shall consist of seven members who shall serve  
17 for 4-year terms and shall be elected by a nonpartisan  
18 election, as hereinafter set forth. The seven-member Board of  
19 Fire Commissioners shall consist of one member elected by the  
20 entire fire district to represent each of five fire  
21 commissioner districts of the North River Fire District, plus  
22 two commissioners elected by the entire fire district to hold  
23 seats at large. The boundaries of the fire commissioner  
24 districts shall be established by the board and shall be  
25 numerically designated as fire commissioner districts 1, 2, 3,  
26 4, and 5. The fire commissioner seats on the board shall be  
27 identified as seats 1, 2, 3, 4, and 5, corresponding to the  
28 numerical designation of each fire commissioner district,  
29 respectively, and the at-large seats shall be identified as  
30 seats 6 and 7. In addition to requirements of candidates for  
31 election under general law, in order to qualify for such

1 election or for maintaining such a position, a candidate or  
2 elected commissioner shall reside within his or her respective  
3 district.

4 (2) Four members of the Board of Fire Commissioners  
5 (district seats 2, 4, and 5 and at-large seat 6) shall be  
6 elected at the general election during each United States  
7 presidential election year. The remaining three members of the  
8 board (district seats 1 and 3 and at-large seat 7) shall be  
9 elected at the general election during each Florida  
10 gubernatorial election year.

11 (3) Each elected commissioner shall hold office until  
12 his or her successor is elected and qualified, or until such  
13 commissioner ceases to qualify as a commissioner or is removed  
14 from office.

15 (4) Each elected member shall assume office on the  
16 third Thursday following the election.

17 (5) If a vacancy occurs on the board, the remaining  
18 members may appoint a qualified person to fill the seat until  
19 the next general election that is held at least 3 months after  
20 the date the vacancy occurs, at which time an election shall  
21 be held to fill the vacancy.

22 Section 5. Authority to levy non-ad valorem  
23 assessments.--

24 (1) The district shall have the right, power, and  
25 authority to levy non-ad valorem assessments against the  
26 taxable real estate lying within its territorial bounds, as  
27 well as assessing an additional charge for hazardous or  
28 emergency conditions, in order to provide funds for the  
29 purpose of the district. The rate of such assessments shall be  
30 fixed by a resolution of the Board of Fire Commissioners, but  
31 shall in no event exceed the amounts set forth in section 15,

1 unless increased as provided in section 191.009(2), Florida  
2 Statutes.

3 (2) The Board of Fire Commissioners is authorized to  
4 provide a reasonable schedule of charges for emergency  
5 services, including, but not limited to, firefighting  
6 occurring in or to motor vehicles, marine vessels including  
7 live-aboards, aircraft, or rail cars including engines, or as  
8 a result of the operation of such motor vehicles, marine  
9 vessels including live-aboards, aircraft, or rail cars  
10 including engines to which the North River Fire District is  
11 called upon to render such emergency service, and to charge a  
12 fee for the services rendered in accordance with that  
13 schedule. The North River Fire District shall have a lien upon  
14 the motor vehicle, marine vessel including live-aboards,  
15 aircraft, or rail cars including engines for the charges so  
16 assessed. The Board of Fire Commissioners is authorized to  
17 enter into contracts for firefighting duties which provide a  
18 reasonable remuneration to the district for such firefighting  
19 activities.

20 (3) The Board of Fire Commissioners is authorized to  
21 provide a reasonable schedule of charges for the fighting of  
22 fires occurring in or at refuse dumps or as a result of an  
23 illegal burn, which fire, dump, or burn is not authorized by  
24 general or special law of the state, rule, regulation, order,  
25 or ordinance to which the district is called upon to fight or  
26 extinguish. The fee charged in accordance with this schedule  
27 shall constitute a lien upon the real property where the fire  
28 or burn is located.

29 (4) The district shall provide to the County Property  
30 Appraiser a notice of fire assessment rates as adopted by  
31 resolution not later than June 1 of each year. The County

1 Property Appraiser shall then furnish to the commissioners of  
2 the district a tax roll covering all taxable properties with  
3 the assessment rate levy placed on each parcel of property by  
4 July 1, which tax roll is consistent with and set forth by  
5 section 193.1142, Florida Statutes. Not later than 21 days  
6 after receipt of the tax roll from the County Property  
7 Appraiser, the district shall return the tax roll, having  
8 first checked and noted any corrections or adjustments to the  
9 fire assessment levy against each parcel of property.

10 (5) Prior to adopting a rate of assessment as required  
11 in subsection (4), the Board of Fire Commissioners of the  
12 district shall properly advertise and hold a public hearing  
13 with respect to the proposed rate of assessment. At such  
14 hearing, any property owner in the district shall have the  
15 right to file a written objection and testify at such hearing  
16 regarding the proposed rate of assessment. After due  
17 consideration of all comments or protests, the Board of Fire  
18 Commissioners shall adopt a resolution specifying the rate of  
19 assessment on all taxable property.

20 (6) The Board of Fire Commissioners of the district  
21 shall, not earlier than 30 days nor later than 45 days after  
22 the mailing of the notice of proposed property taxes as  
23 required by section 194.011(1), Florida Statutes, hold a  
24 properly advertised public hearing to hear appeals from any  
25 property owner in the district with respect to the method of  
26 calculation or the amounts of fire assessment levied against a  
27 parcel of land. Within 20 calendar days after the conclusion  
28 of the public hearing to hear appeals, the Board of Fire  
29 Commissioners of the district shall notify all concerned  
30 parties and the County Property Appraiser in writing of its  
31



1 decision. The decision shall include reasons for granting or  
2 denying the appeal.

3 (7) The County Property Appraiser shall then include  
4 the assessments thus made by the Board of Fire Commissioners  
5 of the district in the Manatee County tax roll and the same  
6 shall be collected in the manner and form as is provided for  
7 the collection of county taxes and paid over by the County Tax  
8 Collector to the Board of Fire Commissioners.

9 (8) Such non-ad valorem assessments shall be a lien  
10 upon the land so assessed along with the county taxes assessed  
11 against the same until the assessments have been paid and, if  
12 the same become delinquent, shall be considered a part of the  
13 county tax subject to the same penalties, fees, and remedies  
14 for enforcement and collections, and shall be enforced and  
15 collected as provided by the laws of the state for the  
16 collection of such taxes.

17 Section 6. Deposit of funds.--All proceeds of  
18 assessments and other funds of the district shall be deposited  
19 in the name of the district in a financial institution  
20 designated under the provisions of chapter 280, Florida  
21 Statutes, as a qualified public depository. The approved  
22 financial institution shall be designated by a resolution of  
23 the Board of Fire Commissioners. No funds of the district  
24 shall be paid out or disbursed except by check.

25 Section 7. Use of funds.--No funds of the district  
26 shall be used for any purpose other than for the  
27 administration of the affairs and business of the district;  
28 for the acquisition, construction, care, maintenance, upkeep,  
29 and operation of sites for fire stations; fire station and  
30 firefighting and rescue equipment; the employment of qualified  
31 personnel as provided for in this act and payment of the

1 essential personnel benefits such as health, life, disability,  
2 and workers' compensation insurance; retirement programs and  
3 other associated costs designed to further the purpose of the  
4 district; and for legal expenses incurred for the operation,  
5 enforcement, and furtherance of the district's affairs and  
6 business.

7 Section 8. Borrowing power.--The Board of Fire  
8 Commissioners shall have the power and authority to borrow  
9 money for the purpose of the district and to mortgage the real  
10 and personal property of the district or to pledge future  
11 assessments and liens as security for such loans. The limits  
12 of such authority shall be that the amount borrowed shall not  
13 exceed three times the total assessments in the fiscal year  
14 the loan is contracted; however, the district commissioners  
15 shall not create any indebtedness or incur obligations for any  
16 amount which it is unable to pay out of the district's funds.  
17 Neither the district commissioners as a body nor any one of  
18 them as an individual shall be personally or individually  
19 liable for the repayment of such loan or loans. In addition,  
20 the Board of Fire Commissioners shall have the power and  
21 authority to make purchases of equipment on an installment  
22 basis as necessary, if funds are available for the payment of  
23 the current year's installment on such equipment plus the  
24 amount due in that year on any other installment or other  
25 indebtedness.

26 Section 9. Authority and power to acquire.--The North  
27 River Fire District shall have all of the corporate powers of  
28 a Florida municipal corporation as provided by statute,  
29 including, but not limited to, the right to sue and to be  
30 sued; to lease, own, possess, and convey real and personal  
31 property necessary to carry out the purpose of this act; and

1 to acquire such property by grant, gift, purchase, devise, or  
2 eminent domain, or any means whatsoever.

3 Section 10. Duties of officers and authority of  
4 commissioners.--The officers of the Board of Fire  
5 Commissioners shall have the duties usually pertaining to,  
6 vested in, and incumbent upon like officers. A record shall be  
7 kept of all meetings of said Board of Fire Commissioners and  
8 in such meetings concurrence of a majority of the  
9 commissioners at the meeting consisting of a quorum shall be  
10 necessary for any affirmative actions by the board. The Board  
11 of Fire Commissioners of the district shall have the authority  
12 to adopt ordinances and rules and regulations for fire safety  
13 and protection, including, but not limited to, those standards  
14 set out in section 633.025, Florida Statutes.

15 Section 11. Authority to employ qualified  
16 personnel.--The Board of Fire Commissioners of the district  
17 shall have the authority to employ personnel as required to  
18 carry out the purpose of the district. Such personnel may, in  
19 addition to others, include a fire chief, who shall reside in  
20 the district, one or more firefighters or inspectors, and  
21 administrative or maintenance personnel as the Board of Fire  
22 Commissioners deems necessary to carry out the purpose of the  
23 district, and shall have authority to provide all things  
24 necessary for the prevention, extinguishment, and control of  
25 fires in the district.

26 Section 12. Financial reporting.--The Board of Fire  
27 Commissioners of the district shall comply with all  
28 appropriate reporting requirements for units of local  
29 government, including, but not limited to, sections 11.45,  
30 189.416-189.418, 218.32, and 218.38, Florida Statutes. These  
31 requirements include the filing on or before September 1 of

1 each year of the district's estimated budget for the fiscal  
2 year beginning October 1, the filing of financial statements  
3 and audits for the fiscal year ending each September 30 within  
4 the timeframes identified, and other reporting requirements  
5 specified.

6 Section 13. Existence.--The North River Fire District  
7 shall exist until dissolved by law.

8 Section 14. Definitions.--As used in this act, the  
9 word "district" means the North River Fire District and the  
10 words "board" and "Board of Fire Commissioners" mean the Board  
11 of Fire Commissioners of the North River Fire District, unless  
12 otherwise specified.

13 Section 15. Schedule of non-ad valorem  
14 assessments.--The assessment procedures and amounts, as set  
15 forth in this act, represent the manner to be followed and the  
16 maximum allowable rates that may be charged by the district,  
17 if needed. For assessment purposes, all property within the  
18 district shall be divided into three general classifications:  
19 vacant parcels, residential parcels, and commercial/industrial  
20 parcels.

21 (1) Vacant parcels shall include all parcels which are  
22 essentially undeveloped and are usually classified by the  
23 property appraiser as Use Code types "0000," "0004," "1000,"  
24 "4000," "9800," "9900," and "5000" through "7000." The maximum  
25 annual assessment for these parcels shall be:

26 (a) Vacant residential lots (Use Code 0000) \$8.90 per  
27 lot.

28 (b) Vacant condominium lots (Use Code 0004) \$8.90 per  
29 lot.

30 (c) Unsubdivided acreage (Use Code 5000 through 7000,  
31 9800, 9900, and 9901) \$4.85 per acre or fraction thereof,

1 except that not more than \$890 shall be assessed against any  
2 one parcel.

3 (d) Vacant commercial and industrial parcels (Use Code  
4 1000 and 4000) shall be assessed as a platted lot or  
5 unsubdivided acreage as applicable. Whenever a residential  
6 unit is located on a parcel defined as vacant, the residential  
7 plot shall be considered as one lot or one acre with the  
8 balance of the parcel being assessed as vacant land in  
9 accordance with the schedule of commercial/industrial  
10 assessments. Whenever an agricultural or commercial building  
11 or structure is located on a parcel defined as vacant, the  
12 building or structure shall be assessed in accordance with the  
13 schedule of commercial/industrial assessments.

14 (2) Residential parcels shall include all parcels  
15 which are developed for residential purposes and are usually  
16 classified by the property appraiser as Use Code types "0100,"  
17 "0104," "0200," "0204," "0300," "0400," "0500," "0600,"  
18 "0700," "0800," "0801," "0803," "1200," "2800," and "2802."

19  
20 Surcharges may be assigned by the district for dwelling units  
21 located on the second, third, fourth, fifth, or higher floors.  
22 The maximum annual assessment for these parcels shall be:

23 (a) Use Codes "0100" and "0104" shall be \$98 per  
24 single-family residence. If the residence is located on a  
25 parcel of land not in excess of one lot or one acre, no  
26 additional assessment shall be made for the land on which the  
27 residence is located. If the land upon which the residence is  
28 located exceeds one lot or one acre, an additional assessment  
29 may be made in accordance with subsection (1).

30 (b) Use Codes "0300," "0800," "0801," and "0803,"  
31 multifamily residences, shall be \$98 per unit. If the

1 residence is located on a parcel of land not in excess of one  
2 lot or one acre, no additional assessment shall be made for  
3 the land on which the residence is located. If the land upon  
4 which the residence is located exceeds one lot or one acre, an  
5 additional assessment may be made in accordance with  
6 subsection (1).

7 (c) Use Code "0400," condominiums/apartments and  
8 residential, shall be \$98 per dwelling unit for any condominiums  
9 or apartment units located on the first and second floors. The  
10 sum of \$147 per unit for any condominiums or apartment units  
11 located on the third floor; the sum of \$196 per unit for any  
12 condominiums or apartment units located on the fourth floor; the  
13 sum of \$245 per unit for any condominiums or apartment units  
14 located on the fifth floor; and the sum of \$294 per unit for  
15 any condominiums or apartment units on a floor above a fifth  
16 floor.

17 (d) Use Codes "0200," "0204," and "2802," mobile  
18 homes, mobile homes/condominiums, and mobile home parks,  
19 residential, shall be \$98 per dwelling unit.

20 (e) Use Codes "0500," "0600," and "0700,"  
21 cooperatives, retirement homes, miscellaneous, migrant camps,  
22 etc., shall be assessed \$98 per dwelling unit.

23 (f) Any other residential units, including, but not  
24 limited to, the residential portion of mixed uses (Use Code  
25 1200) shall be assessed \$98 per dwelling unit.

26 (g) Travel trailer parks (Use Code 2800) shall be  
27 assessed \$49 per dwelling unit or available rental space, as  
28 applicable.

29 (3) Commercial/industrial parcels shall include all  
30 other developed parcels which are not included in the  
31 residential category. All commercial/industrial parcels shall

1 be assessed on a square footage basis for all buildings and  
2 structures in accordance with the following schedule and  
3 hazard classification. The district may vary the assessment by  
4 hazard classifications as set forth in this act, based on  
5 guidelines to be approved by the Board of Fire Commissioners.  
6 The base assessment for all buildings and structures shall be  
7 \$178 for the first 1,000 square feet on a parcel. The schedule  
8 for all square footage above 1,000 square feet is as follows;  
9 however, the district may grant an improved hazard rating to  
10 all or part of the building or structure if it is equipped  
11 with complete internal fire suppression facilities.

| <u>Category</u>                    | <u>Use Codes</u>                                                                                            | <u>Square Foot Assessment</u> |
|------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------|
| <u>Mercantile (M)</u>              | <u>1100, 1200, 1300,</u><br><u>1400, 1500, 1600,</u><br><u>1604, 2900</u>                                   | <u>\$0.09 per square foot</u> |
| <u>Business (B)</u>                | <u>1700, 1704, 1800,</u><br><u>1900, 1904, 2200,</u><br><u>2300, 2400, 2500,</u><br><u>2600, 3000, 3600</u> | <u>\$0.09 per square foot</u> |
| <u>Assembly (A)</u>                | <u>2100, 3100, 3200,</u><br><u>3300, 3400, 3500,</u><br><u>3700, 3800, 3900,</u><br><u>7600, 7700, 7900</u> | <u>\$0.10 per square foot</u> |
| <u>Factory/<br/>Industrial (F)</u> | <u>4100, 4104, 4400,</u><br><u>4500, 4600, 4700,</u><br><u>9100</u>                                         | <u>\$0.10 per square foot</u> |

|    |                          |                          |                               |
|----|--------------------------|--------------------------|-------------------------------|
| 1  |                          |                          |                               |
| 2  | <u>Storage (S)</u>       | <u>2000, 2700, 2800,</u> |                               |
| 3  |                          | <u>4900</u>              | <u>\$0.09 per square foot</u> |
| 4  |                          |                          |                               |
| 5  | <u>Hazardous (H)</u>     | <u>4200, 4300, 4800,</u> |                               |
| 6  |                          | <u>4804</u>              | <u>\$0.20 per square foot</u> |
| 7  |                          |                          |                               |
| 8  | <u>Institutional (I)</u> | <u>7000, 7100, 7200,</u> |                               |
| 9  |                          | <u>7300, 7400, 7800,</u> |                               |
| 10 |                          | <u>8400, 8500, 9200</u>  | <u>\$0.09 per square foot</u> |
| 11 |                          |                          |                               |

12 Whenever a parcel is used for multiple hazard classifications,  
13 the district may vary the assessment in accordance with actual  
14 categories.

15 Section 16. Impact fees.--

16 (1)(a) The district is located in one of the fastest  
17 growing areas of Manatee County, which is itself experiencing  
18 one of the highest growth rates in the nation. New  
19 construction and resulting population growth has placed a  
20 strain upon the capabilities of the district to continue  
21 providing the high level of professional fire protection and  
22 emergency service for which the residents of the district pay  
23 and which they deserve.

24 (b) It is declared that the cost of new facilities for  
25 fire protection and emergency service should be borne by new  
26 users of the district services to the extent new construction  
27 requires new facilities, but only to that extent. It is the  
28 legislative intent of this section to transfer to the new user  
29 of the district's fire protection and emergency services a  
30 fair share of the costs that new users impose on the district  
31 for new facilities.



1           (c) It is declared that the amount of the impact fees  
2 provided for in this section are just, reasonable, and  
3 equitable.

4           (2) No person shall issue or obtain a building permit  
5 for new residential dwelling units or new commercial or  
6 industrial structures within the district, or issue or obtain  
7 construction plan approval for new mobile home or recreational  
8 or travel trailer park developments located within the  
9 district, until the developer thereof has paid the applicable  
10 impact fee to the district, according to a schedule determined  
11 annually by the board. The board shall establish a schedule of  
12 impact fees to pay for the cost of new facilities and  
13 equipment, the need for which is in whole or in part the  
14 result of new construction.

15           (3) The impact fees collected by the district pursuant  
16 to this section shall be kept as a separate fund from other  
17 revenues of the district and shall be used exclusively for the  
18 acquisition, purchase, or construction of new facilities or  
19 portions thereof required to provide fire protection and  
20 emergency service to new construction. "New facilities" means  
21 land, buildings, and capital equipment, including, but not  
22 limited to, fire and emergency vehicles and radio-telemetry  
23 equipment, and other firefighting or rescue equipment. These  
24 fees shall not be used for the acquisition, purchase, or  
25 construction of facilities which must be obtained in any  
26 event, regardless of growth within the district. The Board of  
27 Fire Commissioners shall maintain adequate records to ensure  
28 that impact fees are expended only for permissible new  
29 facilities or equipment.

30           Section 4. If any provision of this act or its  
31 application to any person or circumstance is held invalid, the

1 invalidity shall not affect other provisions or applications  
2 of the act which can be given effect without the invalid  
3 provision or application, and to this end the provisions of  
4 this act are severable.

5 Section 5. The provisions of this act shall be  
6 liberally construed in order to effectively carry out the  
7 purpose of this act in the interest of the public and safety.

8 Section 6. Chapters 89-502, 91-406, and 96-452, Laws  
9 of Florida, are repealed.

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

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