

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Local Government & Veterans Affairs offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the North River Fire District. It is the intent of this act to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and by any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time. It is further the intent of this act to preserve all district authority.

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 Chapters 89-502, 91-406, and 96-452, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

Section 3. The North River Fire District is re-created

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1 and the charter is recreated and reenacted to read:

2 Section 1. Incorporation.--Upon this act becoming a
3 law, all of the unincorporated lands in Manatee County, as
4 described in this act, and the City of Palmetto, shall become
5 and be incorporated into an independent special fire district.
6 Said special fire district shall become and be a public
7 municipal corporation, having the powers and duties herein set
8 forth under the name of North River Fire District.

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

12
13 All of Sections 1, 12, 13, 14, 21, 22, 23, 24,
14 25, 26, 27, 28, 32, 33, 34, 35 and 36, all in
15 Township 33 South, Range 17 East; all of
16 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
17 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,
18 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and
19 36, all in Township 33 South, Range 18 East;
20 all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
21 11, 12, 13, 14, 15, 16 and 17, and that part of
22 Sections 18, 22, 23 and 24 North of North
23 bulkhead line of the Manatee River, all in
24 Township 34 South, Range 17 East; all of
25 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
26 17, 18, and 19, and that part of Section 16
27 lying North of North bulkhead line of the
28 Manatee River, all in Township 34 South, Range
29 18 East. Further including the full right of
30 way of all abutting roads. Also, all islands
31 and submerged lands within the limits of the

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1 established bulkhead line abutting the
2 specified Sections, more particularly described
3 as follows:

4
5 Begin at the intersection of the established or
6 to be established bulkhead line along the North
7 bank of the Manatee River with the West
8 boundary of Section 7, Township 34 South, Range
9 17 East; thence Easterly along the established
10 or to be established bulkhead line of the
11 Manatee River to the East boundary of Section
12 12, Township 34 South, Range 18 East; thence
13 Northerly along the East boundary of Township
14 34 South, Range 18 East to the Manatee
15 County-Hillsborough County boundary line;
16 thence Westerly along the Manatee
17 County-Hillsborough County boundary line to the
18 established or to be established bulkhead line
19 of the East shore of Tampa Bay; thence
20 Southerly and Westerly along the established or
21 to be established bulkhead line of Tampa Bay
22 and Terra Ceia Bay to the established or to be
23 established bulkhead line on the North bank of
24 the Manatee River to the West boundary of
25 Section 7, Township 34 South, Range 17 East and
26 the Point of Beginning.

27
28 Section 3. Board of Fire Commissioners.--The business
29 and affairs of said district shall be conducted and
30 administered by a board of seven commissioners, who shall be
31 elected as provided for in section 4. Upon their election

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1 annually in January, the commissioners shall organize by
2 electing from their number a chair and vice chair. The
3 commissioners shall appoint or employ a qualified person or
4 persons for the positions of secretary or treasurer, or the
5 position of secretary/treasurer. The positions of secretary,
6 treasurer, or secretary/treasurer may be held by one
7 commissioner or the commission may, in lieu of electing a
8 secretary and/or treasurer from its number, employ a qualified
9 person or persons who is not a commissioner to perform the
10 duties of secretary, treasurer, or secretary/treasurer and may
11 compensate such person or persons from funds of the district
12 for the services rendered. If the commissioners do employ such
13 qualified person or persons to perform the duties of
14 secretary, treasurer, or secretary/treasurer, said performance
15 shall be subject to the supervision of the Board of Fire
16 Commissioners. The commissioners may each be paid a salary or
17 honorarium, to be determined by the board, that shall not
18 exceed \$500 per month and may not be otherwise employed by the
19 district on either a full-time or part-time basis and receive
20 compensation for such employment, except as specifically
21 provided for herein. The Board of Fire Commissioners is
22 authorized to pay the commissioner or commissioners who are
23 elected secretary, treasurer, or secretary/treasurer a
24 reasonable sum for their services as such. The treasurer
25 shall, before he or she enters upon his or her duties as
26 treasurer, execute to the State of Florida, for the benefit of
27 the district, a good and sufficient bond approved by a Circuit
28 Judge of Manatee County in the sum of not less than \$1,000
29 with a qualified corporate surety, conditioned to faithfully
30 perform the duties as such treasurer and to account for all
31 funds to come into his or her hands as treasurer. All premiums

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1 for such surety on all such bonds shall be paid from the funds
2 of said district. The Board of Fire Commissioners shall have
3 the authority and power to make and enter into contracts with
4 firms, individuals, and municipal corporations relating to any
5 and all of the purposes of the district.

6 Section 4. Election of commissioners.--

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

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

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1 elected at the general election during each Florida
2 gubernatorial election year.

3 (3) Each elected commissioner shall hold office until
4 his or her successor is elected and qualified, or until such
5 commissioner ceases to qualify as a commissioner or is removed
6 from office.

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

9 (5) If a vacancy occurs on the board, the remaining
10 members may appoint a qualified person to fill the seat until
11 the next general election that is held at least 3 months after
12 the date the vacancy occurs, at which time an election shall
13 be held to fill the vacancy.

14 Section 5. Authority to levy non-ad valorem
15 assessments.--

16 (1) Said district shall have the right, power, and
17 authority to levy non-ad valorem assessments against the
18 taxable real estate lying within its territorial bounds, as
19 well as assessing an additional charge for hazardous or
20 emergency conditions, in order to provide funds for the
21 purpose of the district. The rate of such assessments shall be
22 fixed by a resolution of the Board of Fire Commissioners, but
23 shall in no event exceed the amounts set forth in section 15,
24 unless increased as provided in section 191.009(2), Florida
25 Statutes.

26 (2) The Board of Fire Commissioners is hereby
27 authorized to provide a reasonable schedule of charges for
28 emergency services, including, but not limited to,
29 firefighting occurring in or to motor vehicles, marine vessels
30 including live-aboards, aircraft, or rail cars including
31 engines, or as a result of the operation of such motor

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1 vehicles, marine vessels including live-aboards, aircraft, or
2 rail cars including engines to which the North River Fire
3 District is called upon to render such emergency service, and
4 to charge a fee for the services rendered in accordance with
5 said schedule. The North River Fire District shall have a lien
6 upon said motor vehicle, marine vessel including live-aboards,
7 aircraft, or rail cars including engines for the charges so
8 assessed. The Board of Fire Commissioners is authorized to
9 enter into contracts for firefighting duties which provide a
10 reasonable remuneration to the district for such firefighting
11 activities.

12 (3) The Board of Fire Commissioners is authorized to
13 provide a reasonable schedule of charges for the fighting of
14 fires occurring in or at refuse dumps or as a result of an
15 illegal burn, which fire, dump, or burn is not authorized by
16 general or special law of the state, rule, regulation, order,
17 or ordinance to which the district is called upon to fight
18 and/or extinguish. The fee charged in accordance with said
19 schedule shall constitute a lien upon the real property where
20 said fire or burn is located.

21 (4) The district shall provide to the County Property
22 Appraiser a notice of fire assessment rates as adopted by
23 resolution not later than June 1 of each year. The County
24 Property Appraiser shall then furnish to the commissioners of
25 the district a tax roll covering all taxable properties with
26 the assessment rate levy placed on each parcel of property by
27 July 1, which tax roll is consistent with and set forth by
28 section 193.1142, Florida Statutes. Not later than 21 days
29 after receipt of the tax roll from the County Property
30 Appraiser, the district shall return the tax roll, having
31 first checked and noted any corrections or adjustments to the

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1 fire assessment levy against each parcel of property.

2 (5) Prior to adopting a rate of assessment as required
3 in subsection (4), the Board of Fire Commissioners of the
4 district shall properly advertise and hold a public hearing
5 with respect to the proposed rate of assessment. At such
6 hearing, any property owner in the district shall have the
7 right to file a written objection and/or testify at such
8 hearing regarding the proposed rate of assessment. After due
9 consideration of all comments or protests, the Board of Fire
10 Commissioners shall adopt a resolution specifying the rate of
11 assessment on all taxable property.

12 (6) The Board of Fire Commissioners of the district
13 shall, not earlier than 30 days nor later than 45 days after
14 the mailing of the notice of proposed property taxes as
15 required by section 194.011(1), Florida Statutes, hold a
16 properly advertised public hearing to hear appeals from any
17 property owner in the district with respect to the method of
18 calculation and/or the amounts of fire assessment levied
19 against a parcel of land. Within 20 calendar days after the
20 conclusion of the public hearing to hear appeals, the Board of
21 Fire Commissioners of the district shall notify all concerned
22 parties and the County Property Appraiser in writing of its
23 decision. The decision shall include reasons for granting or
24 denying the appeal.

25 (7) The County Property Appraiser shall then include
26 the assessments thus made by the Board of Fire Commissioners
27 of the district in the Manatee County tax roll and the same
28 shall be collected in the manner and form as is provided for
29 the collection of county taxes and paid over by the County Tax
30 Collector to the Board of Fire Commissioners.

31 (8) Such non-ad valorem assessments shall be a lien

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1 upon the land so assessed along with the county taxes assessed
2 against the same until said assessments have been paid and, if
3 the same become delinquent, shall be considered a part of the
4 county tax subject to the same penalties, fees, and remedies
5 for enforcement and collections, and shall be enforced and
6 collected as provided by the laws of the state for the
7 collection of such taxes.

8 Section 6. Deposit of funds.--All proceeds of
9 assessments and other funds of the district shall be deposited
10 in the name of the district in a financial institution
11 designated under the provisions of chapter 280, Florida
12 Statutes, as a qualified public depository. The approved
13 financial institution shall be designated by a resolution of
14 the Board of Fire Commissioners. No funds of the district
15 shall be paid out or disbursed except by check.

16 Section 7. Use of funds.--No funds of the district
17 shall be used for any purpose other than for the
18 administration of the affairs and business of the district;
19 for the acquisition, construction, care, maintenance, upkeep,
20 and operation of sites for fire stations; fire station and
21 firefighting and rescue equipment; the employment of qualified
22 personnel as provided for herein and payment of the essential
23 personnel benefits such as health, life, disability, and
24 workers' compensation insurance; retirement programs and other
25 associated costs designed to further the purpose of the
26 district; and for legal expenses incurred for the operation,
27 enforcement, and furtherance of the district's affairs and
28 business.

29 Section 8. Borrowing power.--The Board of Fire
30 Commissioners shall have the power and authority to borrow
31 money for the purpose of the district and to mortgage the real

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

17 Section 9. Authority and power to acquire.--The North
18 River Fire District shall have all of the corporate powers of
19 a Florida municipal corporation as provided by statute,
20 including, but not limited to, the right to sue and to be
21 sued; to lease, own, possess, and convey real and personal
22 property necessary to carry out the purpose of this act; and
23 to acquire such property by grant, gift, purchase, devise, or
24 eminent domain, or any means whatsoever.

25 Section 10. Duties of officers and authority of
26 commissioners.--The officers of the Board of Fire
27 Commissioners shall have the duties usually pertaining to,
28 vested in, and incumbent upon like officers. A record shall be
29 kept of all meetings of said Board of Fire Commissioners and
30 in such meetings concurrence of a majority of said
31 commissioners at the meeting consisting of a quorum shall be

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1 necessary for any affirmative actions by said board. The Board
2 of Fire Commissioners of said district shall have the
3 authority to adopt ordinances and rules and regulations for
4 fire safety and protection, including, but not limited to,
5 those standards set out in section 633.025, Florida Statutes.

6 Section 11. Authority to employ qualified
7 personnel.--The Board of Fire Commissioners of said district
8 shall have the authority to employ personnel as required to
9 carry out the purpose of the district. Such personnel may, in
10 addition to others, include a fire chief, who shall reside in
11 the district, one or more firefighters or inspectors, and
12 administrative or maintenance personnel as the Board of Fire
13 Commissioners deems necessary to carry out the purpose of the
14 district, and shall have authority to provide all things
15 necessary for the prevention, extinguishment, and control of
16 fires in the district.

17 Section 12. Financial reporting.--The Board of Fire
18 Commissioners of the district shall comply with all
19 appropriate reporting requirements for units of local
20 government, including, but not limited to, sections 11.45,
21 189.416-189.418, 218.32, and 218.38, Florida Statutes. These
22 requirements as referenced herein include the filing on or
23 before September 1 of each year of the district's estimated
24 budget for the fiscal year beginning October 1, the filing of
25 financial statements and audits for the fiscal year ending
26 each September 30 within the timeframes identified, and other
27 reporting requirements specified.

28 Section 13. Existence.--The North River Fire District
29 herein contemplated shall exist until dissolved by law.

30 Section 14. Definitions.--The word "district" means
31 the North River Fire District and the words "board" and "Board

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1 of Fire Commissioners" mean the Board of Fire Commissioners of
2 the North River Fire District, unless otherwise specified.

3 Section 15. Schedule of non-ad valorem
4 assessments.--The assessment procedures and amounts, as set
5 forth herein, represent the manner to be followed and the
6 maximum allowable rates which shall be charged by the
7 district, if needed. For assessment purposes, all property
8 within the district shall be divided into three general
9 classifications: vacant parcels, residential parcels, and
10 commercial/industrial parcels.

11 (1) Vacant parcels shall include all parcels which are
12 essentially undeveloped and are usually classified by the
13 property appraiser as Use Code types "0000," "0004," "1000,"
14 "4000," "9800," "9900," and "5000" through "7000." The maximum
15 annual assessment for these parcels shall be:

16 (a) Vacant residential lots (Use Code 0000) \$8.90 per
17 lot.

18 (b) Vacant condominia lots (Use Code 0004) \$8.90 per
19 lot.

20 (c) Unsubdivided acreage (Use Code 5000 through 7000,
21 9800, 9900, and 9901) \$4.85 per acre or fraction thereof,
22 except that not more than \$890 shall be assessed against any
23 one parcel.

24 (d) Vacant commercial and industrial parcels (Use Code
25 1000 and 4000) shall be assessed as a platted lot or
26 unsubdivided acreage as applicable. Whenever a residential
27 unit is located on a parcel defined herein as vacant, the
28 residential plot shall be considered as one lot or one acre
29 with the balance of the parcel being assessed as vacant land
30 in accordance with the schedule of commercial/industrial
31 assessments. Whenever an agricultural or commercial building

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1 or structure is located on a parcel defined herein as vacant,
2 the building or structure shall be assessed in accordance with
3 the schedule of commercial/industrial assessments.

4 (2) Residential parcels shall include all parcels
5 which are developed for residential purposes and are usually
6 classified by the property appraiser as Use Code types "0100,"
7 "0104," "0200," "0204," "0300," "0400," "0500," "0600,"
8 "0700," "0800," "0801," "0803," "1200," "2800," and "2802."

9
10 Surcharges may be assigned by the district for dwelling units
11 located on the second, third, fourth, fifth, or higher floors.
12 The maximum annual assessment for these parcels shall be:

13 (a) Use Codes "0100" and "0104" shall be \$98 per
14 single-family residence. If said residence is located on a
15 parcel of land not in excess of one lot or one acre, no
16 additional assessment shall be made for the land on which said
17 residence is located. If the land upon which said residence is
18 located exceeds one lot or one acre, an additional assessment
19 may be made in accordance with subsection (1).

20 (b) Use Codes "0300," "0800," "0801," and "0803,"
21 multifamily residences, shall be \$98 per unit. If said
22 residence is located on a parcel of land not in excess of one
23 lot or one acre, no additional assessment shall be made for
24 the land on which said residence is located. If the land upon
25 which said residence is located exceeds one lot or one acre,
26 an additional assessment may be made in accordance with
27 subsection (1).

28 (c) Use Code "0400," condominiums/apartments and
29 residential, shall be \$98 per dwelling unit for any condominiums
30 or apartment units located on the first and second floors. The
31 sum of \$147 per unit for any condominiums or apartment units

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1 located on the third floor; the sum of \$196 per unit for any
2 condominia or apartment units located on the fourth floor; the
3 sum of \$245 per unit for any condominium or apartment units
4 located on the fifth floor; and the sum of \$294 per unit for
5 any condominium or apartment units on a floor above a fifth
6 floor.

7 (d) Use Codes "0200," "0204," and "2802," mobile
8 homes, mobile homes/condominia, and mobile home parks,
9 residential, shall be \$98 per dwelling unit.

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

13 (f) Any other residential units, including, but not
14 limited to, the residential portion of mixed uses (Use Code
15 1200) shall be assessed \$98 per dwelling unit.

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

19 (3) Commercial/industrial parcels shall include all
20 other developed parcels which are not included in the
21 residential category as defined above. All
22 commercial/industrial parcels shall be assessed on a square
23 footage basis for all buildings and structures in accordance
24 with the following schedule and hazard classification. The
25 district may or may not vary the assessment by hazard
26 classifications as set forth herein, based on guidelines to be
27 approved by the Board of Fire Commissioners. The base
28 assessment for all buildings and structures shall be \$178 for
29 the first 1,000 square feet on a parcel. The schedule for all
30 square footage above 1,000 square feet is as follows; however,
31 the district may grant an improved hazard rating to all or

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1 part of the building and/or structures if they are equipped
2 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> <u>1400, 1500, 1600,</u> <u>1604, 2900</u>	<u>\$0.09 per square foot</u>
<u>Business (B)</u>	<u>1700, 1704, 1800,</u> <u>1900, 1904, 2200,</u> <u>2300, 2400, 2500,</u> <u>2600, 3000, 3600</u>	<u>\$0.09 per square foot</u>
<u>Assembly (A)</u>	<u>2100, 3100, 3200,</u> <u>3300, 3400, 3500,</u> <u>3700, 3800, 3900,</u> <u>7600, 7700, 7900</u>	<u>\$0.10 per square foot</u>
<u>Factory/ Industrial (F)</u>	<u>4100, 4104, 4400,</u> <u>4500, 4600, 4700,</u> <u>9100</u>	<u>\$0.10 per square foot</u>
<u>Storage (S)</u>	<u>2000, 2700, 2800,</u> <u>4900</u>	<u>\$0.09 per square foot</u>
<u>Hazardous (H)</u>	<u>4200, 4300, 4800,</u> <u>4804</u>	<u>\$0.20 per square foot</u>
<u>Institutional (I)</u>	<u>7000, 7100, 7200,</u> <u>7300, 7400, 7800,</u>	

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1 district, until the developer thereof has paid the applicable
2 impact fee to the district, according to a schedule determined
3 annually by the board. The board shall establish a schedule of
4 impact fees to pay for the cost of new facilities and
5 equipment, the need for which is in whole or in part the
6 result of new construction.

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

22 Section 4. If any provision of this act or the
23 application thereof to any person or circumstance is held
24 invalid, the invalidity shall not affect other provisions or
25 applications of the act which can be given effect without the
26 invalid provision or application, and to this end the
27 provisions of this act are declared severable.

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

31 Section 6. Chapters 89-502, 91-406, and 96-452, Laws

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1 of Florida, are repealed.

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

4
5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 2,
9 remove: the entire title

10
11

and insert:

12 An act relating to the North River Fire
13 District, Manatee County; codifying the
14 district charter; providing boundaries;
15 providing for a Board of Fire Commissioners;
16 providing for elections; providing for filling
17 of vacancies; providing authority to levy
18 non-ad valorem assessments; providing for
19 liens; providing for public hearings; providing
20 for deposit of funds; providing for use of
21 funds; providing borrowing power of the
22 district; providing authority and power to
23 acquire certain property; providing duties of
24 the Board of Fire Commissioners; providing
25 authority to employ qualified personnel;
26 providing for financial reporting; providing
27 for existence of the district; providing
28 definitions; providing for impact fees;
29 providing a schedule of non-ad valorem
30 assessments; providing severability; providing
31 for liberal construction; repealing chapters

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89-502, 91-406, and 96-452, Laws of Florida;
providing an effective date.