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**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 447
RELATING TO: Manatee Co./ North River Fire District
SPONSOR(S): Representative Bennett & others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

The bill codifies all prior special acts relating to the North River Fire District, the jurisdiction of which is unincorporated Manatee County and the City of Palmetto, into a single act, and repeals all prior special acts relating to the District's charter. It removes obsolete language and inserts applicable chapter language.

The bill provides that the business affairs of the North River Fire District be conducted and administered by a seven-member, rather than a five-member, board of commissioners.

The bill removes the current limits on impact fee rates that may be imposed by the District, and does not impose a cap on the impact fee rates that the District may levy.

The bill replaces the term "non-ad valorem assessment" with the term "special assessment" wherever it appears. The bill amends current law to state that the rate of non-ad valorem assessments shall be fixed by a resolution of the Board, and will not exceed the amounts set forth in section 15, **unless increased to an amount not to exceed the average annual growth rate in Florida personal income over the previous five years, as provided by law.**

The sponsor has proposed a strike-all amendment to this bill. **See section: V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.**

Pursuant to House Rule 5.6(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.6(b) appear to apply to this bill. (See section II.C. "EFFECT OF PROPOSED CHANGES:").

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

The bill removes the limits on impact fee rates that may be imposed by the District, and does not impose a cap on the impact fee rates that the District may levy. Although the bill does not directly authorize higher impact fees, the removal of the limits may allow for an increase in impact fees. The bill amends current law to state that the rate of non-ad valorem assessments shall be fixed by a resolution of the Board, and will not exceed the amounts set forth in section 15, **unless increased to an amount not to exceed the average annual growth rate in Florida personal income over the previous five years, as provided by law.**

B. PRESENT SITUATION:

The North River Fire District was created in 1989, chapter 89-502, Laws of Florida, to promote the health, welfare and safety of the citizens and residents of Manatee County and the City of Palmetto, who reside within the geographical limits of that area, by providing for the establishment and maintenance of fire stations and fire substations. The District provides for the acquisition and maintenance of all fire fighting equipment necessary for the prevention of fires, or fighting of fires; the employment and training of such personnel as may be necessary to accomplish fire prevention and fire fighting; the acquisition and maintenance of rescue and emergency equipment; and the employment and training of necessary emergency personnel.

Currently the District is authorized to impose impact fees pursuant to a schedule established annually by the Board of Fire Commissioners that shall not exceed the limits set out in section 16(2) of chapter 89-502, Laws of Florida. The District also has the power and authority to levy special assessments against the taxable real estate within its bounds, as well as assessing an additional charge for hazardous or emergency conditions, in order to provide funds for the purpose of the district. The rate of the assessments shall be fixed by a resolution of the board of commissioners, and shall not exceed the limits set out in section 15 of chapter 89-502, Laws of Florida.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception, or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Schedule of Submittals of Special Districts' Charters

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 110 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

Status Statement Language

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the department's determination or declaratory statement regarding the status of the district.

Fire District Codification

There are some independent special fire control districts that do not have to codify, as they do not have more than one special act. Most of these independent special fire control districts were

previously governed by ordinances. However, these ordinances were preempted by chapter 191, Florida Statutes, (see section 191.004, Florida Statutes). Some independent special fire control districts have codified their charter even though they currently do not have any special acts. These codifications are generally a restatement of chapter 191, Florida Statutes.

Chapter 191, Florida Statutes, Provisions

Chapter 191, Florida Statutes, is the "Independent Special Fire Control District Act" (Act). The Act's purpose is to establish standards and procedures concerning the operations and governance of the 53 independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply. The section provides that it is the intent of the Legislature that this Act supersedes all special acts or general laws of local application provisions that contain the charter of an independent special fire control district. However, those provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted. Chapter 191, Florida Statutes, also does not repeal any authorization providing for the levying of ad valorem taxes, special assessments, non-ad valorem assessments, impact fees, or other charges.

District Board of Commissioners

Section 191.005, Florida Statutes, provides for the election of the district board of commissioners, including its membership, officers, and meetings. This section requires the business affairs of each district to be conducted and administered by a five-member board that is elected in nonpartisan staggered elections by the electors of the district. Districts that currently have three-member boards were required to increase to five members unless a special act was enacted after 1997 that provides that they are three-member boards. Although a special act is needed to have fewer than five members, a district can have more than five commissioners on its governing board. Pursuant to paragraph (c) of subsection 191.005(1), the board of any district may request the local legislative delegation that represents the area within the district to create by special law geographical subdistricts for board seats. Any board of five members or larger elected on a subdistrict basis as of the effective date of this act shall continue to elect board members from such previously designated subdistricts, and this act shall not require the elimination of board seats from such boards.

Candidates for the board are required to qualify with the county supervisor of elections. Except as specifically stated in chapter 191, Florida Statutes, elections must be held at the same time and in the same manner as prescribed by law for holding general elections in accordance with subsections 189.405(2)(a) and (3), Florida Statutes. Each member is elected for a term of 4 years and serves until the member's successor is chosen and qualified. Candidates for the board must qualify by paying a filing fee equal to 3 percent of the salary or honorarium paid for the office, or a filing fee of \$25, whichever is more. In the alternative, candidates may qualify by submitting a petition that contains the signatures of at least 3 percent of the district's registered electors, or any lesser amount of signatures as directed by chapter 99, chapter 582, or other general or special law. No election or party assessment shall be levied if the election is nonpartisan. The forms are to be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section 105.035, Florida Statutes.

If a district presently elects members of its board, the next election must be conducted in accordance with section 191.005, F.S. This section does not require the early expiration of any member's term of office by more than 60 days.

Members of the board may each be paid a salary or honorarium that is determined by at least a majority-plus-one vote of the board. Such salary or honorarium is prohibited from exceeding \$500 per month for each member. Members may be reimbursed for travel and per diem expenses pursuant to section 112.061, Florida Statutes.

When a vacancy occurs on the board, the remaining members are permitted to appoint a qualified person to fill the seat until the next general election, at which time an election must be held to fill the vacancy. Upon assuming office, each member must take and subscribe to the oath of office and within 30 days after assuming office, give a surety bond in the sum of \$5,000. The cost of such bond is borne by the district.

The board is required to maintain records of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts. The records are open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes. All meetings of the board are open to the public and governed by chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

Powers of the District

The district's general governmental powers, which may be exercised by majority vote, include but are not limited to the following:

To provide for a pension or retirement plan for its employees. The board is also authorized to provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees.

To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board is also authorized to adopt ordinances and resolutions that are necessary to conduct district business.

To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate for any purpose authorized in the Act.

To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by the Act.

To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes, and assessments, warrants, notes, or other evidence of indebtedness, and to mortgage real and personal property when necessary.

To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection "in the manner prescribed by resolution not inconsistent with law."

To levy non-ad valorem assessments against the taxable real estate lying within the territorial bounds of the District. The amounts of the non-ad valorem assessments shall not exceed the rates set forth in section 15 of chapter 89-502, Laws of Florida, unless increased to an amount not to exceed the average annual growth rate in Florida personal income over the previous five years, as provided in section 191.009(2), Florida Statutes.

To exercise the power of eminent domain pursuant to chapter 73, Florida Statutes, or chapter 74, Florida Statutes, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose. Eminent domain may only be exercised for district purposes relating solely to the establishment and maintenance of fire stations and substations.

To assess and impose ad valorem taxes, and special assessments, on real property in the district.

To impose and foreclose special assessment liens or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, Florida Statutes.

Special Powers of the District

Independent special fire control districts are granted "special powers" relating to the provision of fire suppression and prevention, which involves the establishment and maintenance of fire stations and substations and the acquisition and maintenance of firefighting and fire-protection equipment deemed necessary to prevent or fight fires. The board is authorized to carry out the following powers:

Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, pursuant to chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued for those purposes.

Employ, train, and equip firefighting and other personnel, including volunteer firefighters, as necessary to accomplish the duties of the district.

Conduct public education to promote awareness of methods to prevent fires and reduce loss of life and property.

Adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal.

Conduct arson investigations and cause-and-origin investigations.

Adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency, as provided in chapter 252, Florida Statutes.

Contract with general-purpose local government for emergency management planning and services.

Taxes, Assessments, and Impact Fees

Districts are authorized to levy ad valorem taxes and non-ad valorem assessments for district purposes. Each district is authorized by this general provision to levy ad valorem taxes up to 3.75 mills, upon voter approval, notwithstanding lower millage caps in the special acts of individual districts. This provision applies unless a higher amount has previously been authorized. In that event, the higher, previously authorized rate applies. With respect to user charges, the board is permitted to provide a schedule of charges for emergency services, including firefighting occurring in or to structures outside the district.

The board may establish a schedule of impact fees, if the general-purpose local government has not adopted an impact fee for fire services. The schedule of impact fees must be in compliance with

any standards set by general law for new construction to pay for the cost of new facilities and equipment. The board may enter into agreements with general-purpose local governments to share in the revenues from fire protection impact fees imposed by such governments.

Bonds

Independent special fire control districts are authorized to issue various types of bonds, including general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements by this Act or under general law or special law. The total annual payments for the principal and interest on such indebtedness must not exceed 50 percent of the total annual budgeted revenues of the district. The bonds are payable from the non-ad valorem assessments or other non-ad valorem revenues, including user fees or charges or rental income authorized by this Act or general law. No proceedings may be required for the issuance of bonds other than those provided by this section and by general law. Detailed and lengthy provisions are set forth relating to issuance of bonds and the use of bond proceeds, and authority is given for the issuance of refunding bonds.

Boundaries and Mergers

There are conditions under which the boundaries of an independent special fire control district are permitted to be modified, extended, enlarged or dissolved. Lands may be added or deleted from a district only by special act of the Legislature. In order to levy ad valorem taxes in a newly annexed area, approval at referendum is required.

The merger of a district with all or part of another independent special district or dependent fire control district is effective only when it is ratified by the Legislature. A district's merger with another governmental entity is not justification for increasing the ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless such increase is approved by the electors of the district by referendum.

A district may only be dissolved by special act of the Legislature, subject to referendum vote of the electors of the district. If legislative dissolution of a district is proposed in order to consolidate fire services under county government, the county is required to prepare a report describing the plans for merger. The county commission is required to consider the report at a public hearing. If the commission adopts the report, the request for legislative dissolution is permitted to proceed. The report must be filed as an attachment to the economic impact statement regarding the special act or general law of local application dissolving the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the North River Fire District, the jurisdiction of which is unincorporated Manatee County and the City of Palmetto, into a single act, and repeals all prior special acts relating to the District's charter.

The bill removes obsolete language and inserts applicable chapter language.

The bill removes restrictions that prohibited the committee chair from making, or seconding a motion, or voting on any matter except to break a tie vote.

The bill creates an exemption from the general law. The bill provides that the business affairs of the North River Fire District be conducted and administered by a seven-member, rather than a five-member, board of commissioners.

The bill provides that the fire commissioners of the North River Fire District shall have the authority to adopt ordinances, rules, and regulations for fire safety and protection, including, but not limited to, those standards set out in section 633.025, Florida Statutes, entitled "minimum fire-safety standards".

The bill removes the limits on impact fee rates that may be imposed by the District, and does not impose a cap on the impact fee rates that the District may levy. Language in the bill is confusing concerning the extent to which impact fees may be imposed on new users of the District services. Section 16(1)(b) of HB 447 states that, "*the cost of new facilities for fire protection and emergency service should be born by new users of the district services to the extent new construction requires new facilities, but only to that extent.*" However, section 16(2) of HB 447 states that, "*the board shall establish a schedule of impact fees to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction.*"

When these sections are read in conjunction with each other, it appears that the District first determines the costs of new facilities and equipment. The District subsequently determines the extent to which the new facilities and equipment are attributable, in whole or in part, to new construction in the District. The District then allocates and distributes these costs in the form of impact fees to the new users of the District services, on a pro-rata basis, based on the extent to which the new construction required the new facilities and equipment, but only to that extent.

The bill replaces the term "non-ad valorem assessment" with the term "special assessment" wherever it appears. The bill amends current law to state that the rate of non-ad valorem assessments shall be fixed by a resolution of the Board, and will not exceed the amounts set forth in section 15, **unless increased to an amount not to exceed the average annual growth rate in Florida personal income over the previous five years, as provided in section 191.009(2), Florida Statutes.**

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification pursuant to section 191.015, Florida Statutes, of the North River Fire District into a single, comprehensive special act charter.

Section 2: Codifies, amends, reenacts, and repeals chapters 89-502; 91-406; and 96-452, Laws of Florida.

Section 3: Recreates and reenacts the North River Fire District charter to read:

Section 1: Incorporation

Restates section 1 of chapter 89-502, Laws of Florida, providing that all unincorporated lands in Manatee County, and the City of Palmetto, comprise the North River Fire District.

Section 2: Jurisdiction

Restates section 2 of chapter 89-502, Laws of Florida, providing boundaries for the North River Fire District.

Section 3: Board of Fire Commissioners

Amends section 3 of chapter 89-502, Laws of Florida, to remove language prohibiting the committee chair from making or seconding a motion, or voting on any matter except to break a tie vote; restates that the Board shall consist of seven commissioners **(an exemption from**

general law); restates that the commissioners shall appoint or employ a secretary, or treasurer, or a combined secretary/ treasurer; restates that the position(s) of secretary, treasurer, or secretary/ treasurer may be filled by a commissioner, or a person who is not a commissioner; restates that the commissioners may each be paid a salary, or honorarium that shall not exceed \$500.00 per month, and may not be otherwise employed by the district and receive compensation, except as provided; restates that before commencing work, the treasurer must execute to the State of Florida, a bond approved by a Circuit Judge of Manatee County of at least \$1,000.00; restates that the Board of Fire Commissioners shall have the authority and power to make and enter into contracts with firms, individuals, and municipal corporations relating to any of the purposes of the district.

Section 4: Election of Commissioners

Restates section 4 of chapter 89-502, Laws of Florida, providing for the election of commissioners; restates that the Board of Fire Commissioners shall consist of seven members, who shall serve four-year terms, and be elected by a nonpartisan election; restates that the Board shall consist of one member elected by the entire fire district to represent each of five fire commissioner districts of the North River Fire District, plus two commissioners elected by the entire fire district to hold seats at large; restates that in addition to the requirements of candidates for election under general law, to qualify for election, or maintain a position, a candidate, or elected commissioner, must reside within his, or her, respective district; restates that four members of the Board shall be elected at the general election during each United States presidential election year, while the remaining three seats shall be elected at the general election during each Florida gubernatorial election year; restates that each elected commissioner shall hold office until a successor is elected and qualified, or such commissioner ceases to qualify as a commissioner, or is removed from office.

Section 5: Authority to Levy Non-Ad Valorem Assessments

Amends section 5 of chapter 89-502, Laws of Florida, replacing the term "non-ad valorem assessment" with the term "special assessment" wherever it appears in section 5; restates that the district shall have the power and authority to levy non-ad valorem assessments against the taxable real estate lying within its territorial bounds, as well as assessing an additional charge for hazardous, or emergency conditions, in order to provide funds for the purpose of the district; amends section 5 of chapter 89-502, Laws of Florida, to state that the rate of such assessments shall be fixed by a resolution of the Board, and will not exceed the amounts set forth in section 15, **unless increased to an amount not to exceed the average annual growth rate in Florida personal income over the previous five years, as provided in section 191.009(2), Florida Statutes**; restates the process of assessing, adopting, noticing, and instituting changes to the fire assessment rates.

Section 6: Deposit of Funds

Restates section 6 of chapter 89-502, Laws of Florida, providing that all proceeds of assessments, and other funds of the district, shall be deposited in the name of the district, in a financial institution designated as a qualified public depository under the provisions of chapter 280, Florida Statutes; restates that no funds of the district shall be paid out, or disbursed, except by check.

Section 7: Use of Funds

Restates section 7 of chapter 89-502, Laws of Florida, providing that district funds shall only be used for the administration of the affairs, and business of the district; for the acquisition, construction, maintenance, and operation of sites for fire stations; for firefighting, fire station, and rescue equipment; for the employment of qualified personnel, and payment of essential personal benefits; and for the legal expenses incurred in the operation, enforcement, and furtherance of the district's affairs and business.

Section 8: Borrowing Power

Restates section 8 of chapter 89-502, Laws of Florida, providing the Board of Fire Commissioners with the power to borrow money for the purpose of the district, to mortgage the real, and personal property of the district, and to pledge future assessments, and liens as security for such loans; restates that the district commissioners shall not incur obligations for any amount which the district is unable to pay out of its funds; restates that the amount borrowed by the district shall not exceed three times the total assessments in the fiscal year that the loan is contracted; restates that the district commissioners shall not be jointly or severally liable for the repayment of such loans; restates that the Board may purchase equipment on an installment basis, provided that the district has funds available to pay the current year's installment amount, in addition to the amount due in that year on any other installments or indebtedness.

Section 9: Authority and Power to Acquire

Restates section 9 of chapter 89-502, Laws of Florida, providing that the North River Fire District shall have all the corporate powers of a Florida municipal corporation as provided by statute; restates that these powers include, but are not limited to: the right to sue and be sued; to lease, own, possess, and convey real and personal property necessary to carry out the purpose of this act; and the right to acquire such property by grant, gift, purchase, devise, eminent domain, or any means whatsoever.

Section 10: Duties of Officers and Authority of Commissioners

Restates section 10 of chapter 89-502, Laws of Florida, providing the duties of and authority of commissioners; restates that a record shall be kept of all Board of Fire Commissioner meetings; restates that in such meetings a concurrence of a majority of commissioners consisting of a quorum is necessary for any affirmative actions by the board; amends language of chapter 89-502, Laws of Florida, providing that fire commissioners of said district shall have the authority to adopt ordinances, rules, and regulations for fire safety and protection, including, but not limited to, those standards set out in section 633.025, Florida Statutes, entitled "minimum fire-safety standards".

Section 11: Authority to Employ Qualified Personnel

Restates section 11 of chapter 89-502, Laws of Florida, providing that the Board of Fire Commissioners shall have the authority to employ personnel as required to carry out the purpose of the district.

Section 12: Financial Reporting

Restates section 12 of chapter 89-502, Laws of Florida, providing that the Board of Fire Commissioners shall comply with all appropriate reporting requirements for units of local

government; amends the list of Florida Statutes included in previous charter, 89-502, Laws of Florida, to remove statutes which have been repealed.

Section 13: Existence

Restates section 13 of chapter 89-502, Laws of Florida, providing that the North River Fire District shall exist until dissolved by law.

Section 14: Definitions

Restates section 14 of chapter 89-502, Laws of Florida, providing definitions for the terms "district" and "board", as they are used throughout the charter.

Section 15: Schedule of Non-Ad Valorem Assessments

Amends section 15 of chapter 89-502, Laws of Florida, providing a name change from "Schedule of Special Assessments" to "Schedule of Non-Ad Valorem Assessments."

Section 16: Impact Fees

Restates section 16 of chapter 89-502, Laws of Florida, providing the authority to levy impact fees to transfer the cost of new facilities for fire protection and emergency services to the new users of district services, to the extent that new construction requires new facilities, **but only to that extent**; amends chapter 89-502, Laws of Florida, by inserting language stating that the board shall establish a schedule of impact fees to pay for the cost of new facilities and equipment, **the need for which is in whole or in part the result of new construction**; amends previous chapter 89-502, Laws of Florida, **to delete the limits on impact fee rates that may be imposed**, and inserts language stating that a schedule will be determined annually by the Board.

Section 4: Restates section 17 of chapter 89-502, Laws of Florida, providing severability.

Section 5: Restates section 18 of chapter 89-502, Laws of Florida, providing for liberal interpretation.

Section 6: Repeals chapters 89-502; 91-406; and 96-452, Laws of Florida.

Section 7: Provides that the act takes effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? October 9, 2001

WHERE? Bradenton Herald: Bradenton, Manatee, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The bill removes the limits on impact fee rates that may be imposed by the District. It creates an exemption to general law, which requires that the business affairs of each fire control district be conducted and administered by a five-member board of commissioners. The bill provides that the business affairs of the North River Fire District be conducted and administered by a seven-member, rather than a five-member, board of commissioners.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill has proposed a strike-all amendment to the bill that does the following:

The bill removes reference to "special assessments" in favor of the term "non-ad valorem assessments". However, the language in the title refers to "special assessments", and the amendment conforms the title to the bill provisions.

The bill does not include a status statement, as required by section 189.404(5), Florida Statutes. The amendment conforms the bill to the requirements of section 189.404(5).

The amendment clarifies Section 3 of the bill, which recreates and reenacts the North River Fire District charter.

Mr. H. Hamilton Rice Jr., the attorney representing the North River Fire District, has stated that the condition "freeholder" was accidentally inserted as a prerequisite to the election of an individual to the Board of Fire Commissioners. The amendment removes this term from the bill.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Alex Abdo

Joan Highsmith-Smith