

HB 1145

2004

A bill to be entitled

An act relating to the East Naples Fire Control and Rescue District, Collier County; amending chapter 2000-444, Laws of Florida, relating to the district's power to issue general obligation bonds, notes, or certificates of indebtedness and charging and collecting impact fees on new construction within the district in order to be consistent with the amended provisions of this act, chapter 189 or chapter 191, Florida Statutes, or other applicable law; providing for liberal construction; providing for severability; providing an effective date.

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

Section 1. Section 18 of section 2 of chapter 2000-444, Laws of Florida, is amended to read:

Section 18. The district shall have the power to issue general obligation bonds, notes, or certificates of indebtedness, ~~hereafter "bonds,"~~ pledging the full faith, credit, and taxing power of the district for capital projects of the district in accordance with any method established in this act, chapter 189, or chapter 191, Florida Statutes, or any other applicable general or special law, as any of these may be amended from time to time. ~~the following requirements:~~

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

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30 ~~(b) Except for refunding bonds, no bonds shall be issued~~
31 ~~unless the issuance thereof shall have been approved at a~~
32 ~~referendum held in accordance with the requirements for such~~
33 ~~referendum as prescribed by general law. A referendum shall be~~
34 ~~called by the board of county commissioners of the county upon~~
35 ~~the request of the board of the district. The expenses of~~
36 ~~calling and holding the referendum shall be borne by the~~
37 ~~district, and the district shall reimburse the county for any~~
38 ~~expenses incurred in calling or holding such referendum.~~

39 ~~(c) The district may pledge its full faith and credit for~~
40 ~~the payment of the principal and interest on such general~~
41 ~~obligations bonds and for any reserve funds provided therefor~~
42 ~~and will unconditionally and irrevocably pledge itself to levy a~~
43 ~~special tax on all taxable property in the district, to the~~
44 ~~extent necessary for the payment thereof, over and above all~~
45 ~~other taxes authorized and permitted by this act.~~

46 ~~(d) If the board shall determine to issue bonds maturing~~
47 ~~in 12 months or more from the date of issue for more than one~~
48 ~~purpose, the approval of the issuance of the bonds for each and~~
49 ~~all such purposes may be submitted to the electors on one and~~
50 ~~the same ballot. The failure of the electors to approve the~~
51 ~~issuance of bonds for any one or more purposes shall not defeat~~
52 ~~the approval of bonds for any purpose which shall be approved by~~
53 ~~the electors.~~

54 ~~(e) Notwithstanding any provisions of any other law to the~~
55 ~~contrary, all bonds issued under the provisions of the act shall~~
56 ~~constitute legal investments for savings banks, banks, trust~~
57 ~~companies, insurance companies, executors, administrators,~~
58 ~~trustees, guardians, and other fiduciaries and for any board,~~

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59 ~~body, agency, instrumentality, county, municipality, or other~~
60 ~~political subdivision of the state and shall be and constitute~~
61 ~~security which may be deposited by banks or trust companies as~~
62 ~~security for deposits of state, county, municipal, or other~~
63 ~~public funds or be insurance companies as required for voluntary~~
64 ~~statutory deposits.~~

65 ~~(f) Any bonds issued by the district shall be~~
66 ~~incontestable in the hands of bona fide purchasers or holders~~
67 ~~for value and shall not be invalid because of any irregularity~~
68 ~~or defect in the proceeding for the issue and sale thereof.~~

69 ~~(g) Any resolution authorizing the issuance of bonds may~~
70 ~~contain such covenants as the board may deem advisable, and all~~
71 ~~such covenants shall constitute valid and legally binding and~~
72 ~~enforceable contracts between the district and the bondholders,~~
73 ~~regardless of the time of issuance thereof.~~

74 ~~(h) This act constitutes full and complete authority for~~
75 ~~the issuance of bonds and the exercise of the powers of the~~
76 ~~district provided herein. No procedures or proceedings,~~
77 ~~publications, minutes, consents, approvals, orders, acts, or~~
78 ~~things by the board for any board, officers, commission,~~
79 ~~department, agency, or instrumentality of the district, other~~
80 ~~than those required by this act, shall be required to issue~~
81 ~~bonds under this act.~~

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

84 ~~(j) The state pledges to the holders of any bonds issued~~
85 ~~under this act that it will not limit or alter the rights of the~~
86 ~~district to furnish the projects or to own, acquire, construct,~~
87 ~~reconstruct, improve, maintain, operate, or furnish the projects~~

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88 ~~er to levy and collect the taxes, assessments, rentals, rates,~~
89 ~~fees, and other charges provided for herein and to fulfill the~~
90 ~~terms of any agreement made with the holders of such bonds and~~
91 ~~that it will not in any way impair the rights or remedies of~~
92 ~~such holders.~~

93 ~~(k) A default on the bonds of the district shall not~~
94 ~~constitute a debt or obligation of a local general purpose~~
95 ~~government or the state.~~

96 Section 2. Section 21 of section 2 of chapter 2000-444,
97 Laws of Florida, is amended to read:

98 Section 21. The district shall have authority to charge
99 and collect ~~board may allow for the collection of~~ impact fees
100 for capital improvements on new construction within the district
101 as prescribed in chapter 191, Florida Statutes, or any other
102 applicable general or special law, as any of these may be
103 amended from time to time.

104 ~~(a) Impact fees for capital improvement:~~

105 1. ~~It is hereby found and determined that Collier County~~
106 ~~is located in one of the fastest growing areas in the nation.~~
107 ~~New construction and resulting population growth is placing a~~
108 ~~strain upon the capabilities of the district to continue to~~
109 ~~provide the high level of professional fire protection and~~
110 ~~related emergency services, for which the residents of the~~
111 ~~district pay and which they deserve.~~

112 2. ~~It is readily apparent that additional equipment and~~
113 ~~facilities will be needed to meet the expanded commercial and~~
114 ~~residential growth within the district, at a cost beyond that~~
115 ~~which can be provided from current and anticipated ad valorem~~
116 ~~tax revenues assessed, collected, and received by the district.~~

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117 ~~3. It is hereby declared that the cost of new facilities~~
118 ~~and equipment for fire protection and related emergency services~~
119 ~~shall be borne by new users of the district's services to the~~
120 ~~extent that new construction requires new facilities and~~
121 ~~equipment, but only to that extent.~~

122 ~~4. It is therefore the legislative intent of this section~~
123 ~~to transfer to the new user of the district's fire protection~~
124 ~~and related emergency services a fair share of the costs that~~
125 ~~new users impose on the district for new facilities.~~

126 ~~5. It is hereby declared that the amounts of impact fees~~
127 ~~for capital improvement provided for in this section are just,~~
128 ~~reasonable, and equitable.~~

129
130 ~~No person shall issue or obtain a building permit for new~~
131 ~~residential dwelling units or new commercial or industrial~~
132 ~~structures within the district, or issue or obtain construction~~
133 ~~plan approval for new mobile home developments located within~~
134 ~~the district, until the developer thereof shall have paid the~~
135 ~~applicable impact fee to capital improvements to the district~~
136 ~~hereinafter set forth.~~

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

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

141 ~~2. New commercial or industrial structure: \$.30 per square~~
142 ~~foot of usable area.~~

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

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145 ~~a. Living area shall be defined as that area of any~~
146 ~~structure that is covered by a roof.~~

147 ~~b. Permitted living shall be 25 percent of the area~~
148 ~~covered by the individual lots.~~

149 ~~(c) For the purpose of this section, each unit of any~~
150 ~~multifamily structure, whether it be a duplex, triplex,~~
151 ~~cooperative apartment, or condominium or similar type structure~~
152 ~~shall be considered and shall constitute a residential dwelling~~
153 ~~unit.~~

154 ~~(d) For the purpose of this section, motels, hotels,~~
155 ~~shopping centers, churches, nursing homes, hospitals, congregate~~
156 ~~living facilities when not part of an actual residence, schools,~~
157 ~~fraternal lodges, veterans' lodges, or similar type structure~~
158 ~~shall be considered commercial structures.~~

159 ~~(e) Impact fees for capital improvement collected by the~~
160 ~~district pursuant to this section shall be kept and maintained~~
161 ~~as a separate fund from other revenues of the district and shall~~
162 ~~be used exclusively for the acquisition, purchase, or~~
163 ~~construction of new facilities and equipment, or portions~~
164 ~~thereof required to provide fire protection and related~~
165 ~~emergency services to new construction. "New facilities and~~
166 ~~equipment" means buildings and capital equipment including, but~~
167 ~~not limited to, such fire and emergency vehicles and~~
168 ~~communication equipment as may from time to time be deemed~~
169 ~~necessary by the district to provide fire protection and related~~
170 ~~emergency services to the areas of new construction.~~

171 ~~(f) The impact fees for capital improvement collected~~
172 ~~hereunder shall not be used for the acquisition, purchase, or~~
173 ~~construction of facilities or equipment which must be obtained~~

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174 ~~in any event to meet the needs of the district, regardless of~~
175 ~~growth within the district.~~

176 ~~(g) The district board shall determine the maximum amount~~
177 ~~of impact fees to be assessed in any 1 fiscal year. This~~
178 ~~determination shall be made prior to the immediately succeeding~~
179 ~~fiscal year. However, should the district board authorize the~~
180 ~~collection of impact fees in an amount less than the maximum~~
181 ~~allowable hereunder, then these fees shall be uniform in each~~
182 ~~type of new construction subject to the fee. The district~~
183 ~~board's determination of the amount of the impact fee to be~~
184 ~~assessed in any 1 fiscal year shall be based on the requirements~~
185 ~~set forth in this section.~~

186 ~~(h) The impact fee for capital improvement called for in~~
187 ~~this section may be reduced by 50 percent if the owner of the~~
188 ~~permitted structure will install fire sprinklers in accordance~~
189 ~~with NFPA Pamphlet 13 and 13D. Only full sprinkler coverage is~~
190 ~~applicable for this reduction.~~

191 ~~(i) The board of fire commissioners shall, prior to~~
192 ~~assessing and collecting said fees, pass a resolution by a~~
193 ~~majority vote authorizing the collection of said fees subject to~~
194 ~~a referendum of registered voters of the district voting in~~
195 ~~favor of said resolution by a majority of votes cast.~~

196 Section 3. It is intended that the provisions of this act
197 shall be liberally construed for accomplishing the work
198 authorized and provided for in this act, and where strict
199 construction would result in the defeat of the accomplishment of
200 any part of the work authorized by this act, and a liberal
201 construction would permit and assist in the accomplishment of

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202 any part of the work authorized by this act, the liberal
203 construction shall be chosen.

204 Section 4. If any section, subsection, sentence, clause,
205 or phrase of this act be held unconstitutional, such holding
206 shall not affect the validity of the remaining portions of the
207 act, the Legislature hereby declaring that it would have passed
208 this act and each section, subsection, clause, and phrase
209 thereof, irrespective of any separate section, subsection,
210 sentence, clause, or phrase thereof, and irrespective of the
211 fact that any one or more other sections, subsections,
212 sentences, clauses, or phrases thereof may be declared
213 unconstitutional.

214 Section 5. This act shall take effect upon becoming a law.

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