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1 A bill to be entitled 2 An act relating to the Parrish Fire District, Manatee 3 County; codifying the district's charter; providing 4 boundaries; providing for a board of fire commissioners; 5 providing for elections; providing for filling of 6 vacancies; providing authority to levy non-ad valorem 7 assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for 8 9 use of funds; providing borrowing power of the district; 10 providing authority and power to acquire certain property; 11 providing duties of the board of fire commissioners; 12 providing authority to employ qualified personnel; providing for financial reporting; providing for existence 13 of the district; providing definitions; providing for 14 impact fees; providing a schedule of non-ad valorem 15 16 assessments; providing severability; providing for liberal construction; amending chapter 93-352, Laws of Florida; 17 18 removing a reference to the district; repealing chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, 19 20 and 02-335, Laws of Florida, relating to the district; providing an effective date. 21 22 23 Be It Enacted by the Legislature of the State of Florida: 24 25 Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating 26 27 to the Parrish Fire District. It is the intent of this act to provide a single, comprehensive special act charter for the 28

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29	district including all current legislative authority granted to
30	the district by its several legislative enactments and by any
31	additional authority granted by this act and chapters 189 and 191,
32	Florida Statutes, as they may be amended from time to time. It is
33	further the intent of this act to preserve all district authority.
34	Section 2. <u>Chapters 82-325, 85-451, 89-515, 90-458, 91-409,</u>
35	94-373, 95-501, and 02-335, Laws of Florida, are codified,
36	amended, reenacted, and repealed as herein provided.
37	Section 3. The Parrish Fire District is re-created and the
38	charter is re-created and reenacted to read:
39	Section 1. IncorporationUpon this act becoming a law, all
40	of the unincorporated lands in Manatee County, as described in
41	this act, shall become and be incorporated into an independent
42	special fire district. Said special fire district shall become and
43	be a public municipal corporation, having the powers and duties
44	herein set forth under the name of Parrish Fire District.
45	Section 2. JurisdictionThe lands to be incorporated
46	within the Parrish Fire District are located in Manatee County,
47	and are described as follows:
48	<u>Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,</u>
49	<u>15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30,</u>
50	31, 32, 33, 34, 35 and 36 all lying in Township 33
51	South, Range 19 East; and Sections 1, 2, 3, 4, 5, 6, 7,
52	8, 9, 10, 11, and 12, all lying in Township 34 South,
53	Range 19 East; and all of Sections 13, 14, 15, 16, 17,
54	and 18, lying north of Manatee River, all lying in
55	Township 34 South, Range 19 East, and Sections 3, 4, 5,
56	<u>6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28,</u>

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57	29, 30, 31, 32, 33, and 34, all lying in Township 33
58	South, Range 20 East, and Sections 3, 4, 5, 6, 7, 8, 9,
59	<u>10, 15, 16, 17, 18, 19, 20, 21, 22, and 28, all lying in</u>
60	Township 34 South, Range 20 East, and all of Sections
61	29, 30, 32, and 33, lying North of Manatee River, all
62	lying in Township 34 South, Range 20 East.
63	
64	Section 3. Board of fire commissionersThe business and
65	affairs of the district shall be conducted and administered by a
66	board of five commissioners, who shall be elected as provided for
67	in section 4. Upon their election annually in November, the
68	commissioners shall organize by electing from their number a chair
69	and vice chair. The commissioners shall appoint or employ a
70	qualified person or persons for the positions of secretary or
71	treasurer or the position of secretary/treasurer. The positions of
72	secretary, treasurer, or secretary/treasurer may be held by one
73	commissioner or the commission may, in lieu of electing a
74	secretary and/or treasurer from its number, employ a qualified
75	person or persons who are not commissioners to perform the duties
76	of secretary, treasurer, or secretary/treasurer and may compensate
77	such person or persons from funds of the district for the services
78	rendered. If the commissioners do employ such qualified person or
79	persons to perform the duties of secretary, treasurer, or
80	secretary/treasurer, said performance shall be subject to the
81	supervision of the board of fire commissioners. The commissioners
82	may each be paid a salary or honorarium, to be determined by the
83	board, that shall not exceed \$500 per month and may not be
84	otherwise employed by the district on either a full-time or part-
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85	time basis and receive compensation for such employment, except as
86	specifically provided for herein. The board of fire commissioners
87	is authorized to pay the commissioner or commissioners who are
88	elected secretary, treasurer, or secretary/treasurer a reasonable
89	sum for their services as such. Each commissioner shall, before he
90	or she enters upon his or her duties as commissioner, execute to
91	the state, for the benefit of the district, a good and sufficient
92	bond approved by a Circuit Judge of Manatee County in the sum of
93	not less than \$5,000 with a qualified corporate surety,
94	conditioned to faithfully perform the duties of the office of
95	commissioner. All premiums for such surety on all such bonds shall
96	be paid from the funds of said district. The board of fire
97	commissioners shall have the authority and power to make and enter
98	into contracts with firms, individuals, and municipal corporations
99	relating to any and all of the purposes of the district.
100	Section 4. Election of commissioners
101	(1) The members of the board of fire commissioners of the
102	district shall consist of five members who shall serve for 4-year
103	terms and shall be elected by the electors of the respective
104	district in a nonpartisan election, as hereinafter set forth. The
105	five-member board of fire commissioners shall consist of one
106	member elected by the entire fire district to represent each of
107	five fire commissioner seats of the Parrish Fire District. The
108	fire commissioner seats on the board shall be identified as
109	district seats 1, 2, 3, 4, and 5. Each candidate must designate,
110	at the time he or she qualifies, the district seat on the board
111	for which he or she is qualifying and the name of each candidate
112	who qualifies shall be included on the ballot in a way that
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113	clearly indicates the district seat for which he or she is a
114	candidate. The candidate for each district seat who receives the
115	most votes shall be elected to the board. In addition to
116	requirements of candidates for election under general law, in
117	order to qualify for such election or maintain such a position, a
118	candidate or elected commissioner must be a qualified elector and
119	must reside within the boundaries of the fire district at the time
120	he or she qualifies and continually throughout the term.
121	(2) Two members of the board of fire commissioners (district
122	seats 2 and 4) shall be elected at the general election during
123	each United States presidential election year. The remaining three
124	members of the board (district seats 1, 3, and 5) shall be elected
125	at the general election during each Florida gubernatorial election
126	year.
127	(3) Each elected commissioner shall hold office until his or
128	her successor is elected and qualified, or until such commissioner
129	ceases to qualify as a commissioner or is removed from office.
130	(4) Each elected member shall assume office on the fourth
131	Tuesday following the election.
132	(5) If a vacancy occurs on the board, the remaining members
133	may appoint a qualified person to fill the seat until the next
134	general election that is held at least 3 months after the date the
135	vacancy occurs, at which time an election shall be held to fill
136	the vacancy.
137	Section 5. Authority to levy non-ad valorem assessments
138	(1) Said district shall have the right, power, and authority
139	to levy non-ad valorem assessments against the taxable real estate
140	lying within its territorial bounds, as well as assessing an
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141 additional charge for hazardous or emergency conditions, in order 142 to provide funds for the purpose of the district. The rate of such 143 assessments shall be fixed by a resolution of the board of fire 144 commissioners, but shall in no event exceed the amounts set forth 145 in section 15. 146 (2) The board of fire commissioners is hereby authorized to 147 provide a reasonable schedule of charges for emergency services, including, but not limited to, firefighting occurring in or to 148 149 motor vehicles, marine vessels including live-aboards, aircraft, or rail cars including engines, or as a result of the operation of 150 151 such motor vehicles, marine vessels including live-aboards, 152 aircraft, or rail cars including engines, to which the Parrish 153 Fire District is called upon to render such emergency services, 154 and to charge a fee for such services rendered in accordance with 155 said schedule. The Parrish Fire District shall have a lien upon 156 said motor vehicles, marine vessels including live-aboards, 157 aircraft, or rail cars including engines for the charges so assessed. The board of fire commissioners is authorized to enter 158 159 into contracts for firefighting duties which provide a reasonable 160 remuneration to the district for such firefighting activities. 161 (3) The board of fire commissioners is authorized to provide 162 a reasonable schedule of charges for the fighting of fires 163 occurring in or at refuse dumps or as a result of an illegal burn, 164 which fire, dump, or burn is not authorized by general or special law of the state, rule, regulation, order, or ordinance to which 165 166 the district is called upon to fight and/or extinguish. The fee 167 charged in accordance with said schedule shall constitute a lien 168 upon the real property where said fire or burn is located.

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169	(4) The district shall provide to the county property
170	appraiser a notice of fire assessment rates as adopted by
171	resolution no later than June 1 of each year. The county property
172	appraiser shall then furnish to the commissioners of the district
173	a tax roll covering all taxable properties with the assessment
174	rate levy placed on each parcel of property by July 1, which tax
175	roll is consistent with and set forth by section 193.1142, Florida
176	Statutes. No later than 21 days after receipt of the tax roll from
177	the county property appraiser, the district shall return the tax
178	roll, having first checked and noted any corrections or
179	adjustments to the fire assessment levy against each parcel of
180	property.
181	(5) Prior to adopting a rate of assessment as required in
182	subsection (4), the board of fire commissioners of the district
183	shall properly advertise and hold a public hearing with respect to
184	the proposed rate of assessment. At such hearing, any property
185	owner in the district shall have the right to file written
186	objection and/or testify at such hearing regarding the proposed
187	rate of assessment. After due consideration of all comments or
188	protests, the board of fire commissioners shall adopt a resolution
189	specifying the rate of assessment on all taxable property.
190	(6) The board of fire commissioners of the district shall,
191	no earlier than 30 days nor later than 45 days after the mailing
192	of the notice of proposed property taxes as required by section
193	194.011(1), Florida Statutes, hold a properly advertised public
194	hearing to hear appeals from any property owner in the district
195	with respect to the method of calculation and/or the amounts of
196	fire assessment levied against a parcel of land. Within 20
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197 <u>calendar days after the conclusion of the public hearing to hear</u> 198 <u>appeals, the board of fire commissioners of the district shall</u> 199 <u>notify all concerned parties and the county property appraiser in</u> 200 <u>writing of its decision. The decision shall include reasons for</u> 201 <u>granting or denying the appeal.</u>

(7) The county property appraiser shall then include the
 assessments thus made by the board of fire commissioners of the
 district in the Manatee County tax roll and the same shall be
 collected in the manner and form as is provided for the collection
 of county taxes and paid over by the county tax collector to the
 board of fire commissioners.

208 (8) Such non-ad valorem assessments shall be a lien upon the 209 land so assessed along with the county taxes assessed against the 210 same until said assessments have been paid, and, if the same 211 become delinquent, shall be considered a part of the county tax 212 subject to the same penalties, fees, and remedies for enforcement 213 and collections, and shall be enforced and collected as provided 214 by the laws of the state for the collection of such taxes.

215 Section 6. Deposit of funds. -- All proceeds of assessments 216 and other funds of the district shall be deposited in the name of 217 the district in a financial institution designated under the 218 provisions of chapter 280, Florida Statutes, as a qualified public 219 depository. The approved financial institution shall be designated 220 by a resolution of the board of fire commissioners. No funds of 2.2.1 the district shall be paid out or disbursed except by check. 222 Section 7. Use of funds. -- No funds of the district shall be 223 used for any purpose other than for the administration of the 2.2.4 affairs and business of the district; the acquisition,

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225	construction, care, maintenance, upkeep, and operation of sites
226	for fire stations; fire station, firefighting, and rescue
227	equipment; the employment of qualified personnel as provided for
228	herein and payment of the essential personnel benefits such as
229	health, life, disability, and workers' compensation insurance;
230	retirement programs and other associated costs designed to further
231	the purpose of the district; and legal expenses incurred for the
232	operation, enforcement, and furtherance of the district's affairs
233	and business.
234	Section 8. Borrowing power The board of fire commissioners
235	shall have the power and authority to borrow money for the purpose
236	of the district and to mortgage the real and personal property of
237	the district or to pledge future assessments and liens as security
238	for such loans. The limits of such authority shall be that the
239	amount borrowed shall not exceed three times the total assessments
240	in the fiscal year the loan is contracted; however, the district
241	commissioners shall not create any indebtedness or incur
242	obligations for any amount which it is unable to pay out of the
243	district's funds. Neither the district commissioners as a body nor
244	any one of them as an individual shall be personally or
245	individually liable for the repayment of such loan or loans. In
246	addition, the board of fire commissioners shall have the power and
247	authority to make purchases of equipment on an installment basis
248	as necessary, if funds are available for the payment of the
249	current year's installment on such equipment plus the amount due
250	in that year on any other installment or other indebtedness.
251	Section 9. Authority and power to acquireThe Parrish Fire
252	District shall have all of the corporate powers of a Florida
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253	municipal corporation as provided by statute, including, but not
254	limited to, the right to sue and to be sued; to lease, own,
255	possess, and convey real and personal property necessary to carry
256	out the purpose of this act; and to acquire such property by
257	grant, gift, purchase, devise, or eminent domain, or any means
258	whatsoever.
259	Section 10. Duties of officers and authority of
260	commissionersThe officers of the board of fire commissioners
261	shall have the duties usually pertaining to, vested in, and
262	incumbent upon like officers. A record shall be kept of all
263	meetings of said board of fire commissioners and in such meetings
264	concurrence of a majority of said commissioners at the meeting
265	consisting of a quorum shall be necessary for any affirmative
266	actions by said board. The board of fire commissioners of said
267	district shall have the authority to adopt ordinances and rules
268	and regulations for fire safety and protection, including, but not
269	limited to, those standards set out in section 633.025, Florida
270	Statutes.
271	Section 11. Authority to employ qualified personnelThe
272	board of fire commissioners of said district shall have the
273	authority to employ personnel as required to carry out the purpose
274	of the district. Such personnel may, in addition to others,
275	include a Fire Chief, one or more firefighters or inspectors, and
276	administrative or maintenance personnel as the board of fire
277	commissioners deems necessary to carry out the purpose of the
278	district, and shall have authority to provide all things necessary
279	for the prevention, extinguishment, and control of fires in the
280	<u>district.</u>
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281	Section 12. Financial reporting The board of fire
282	commissioners of the district shall comply with all appropriate
283	reporting requirements for units of local government, including,
284	but not limited to, sections 11.45, 189.416-189.418, 218.32, and
285	218.38, Florida Statutes. These requirements as referenced herein
286	include the filing on or before September 1 of each year of the
287	district's estimated budget for the fiscal year beginning October
288	1, the filing of financial statements and audits for the fiscal
289	year ending each September 30 within the timeframes identified,
290	and other reporting requirements specified.
291	Section 13. Existence The Parrish Fire District herein
292	contemplated shall exist until dissolved by law.
293	Section 14. DefinitionsThe term "district" means the
294	Parrish Fire District and the terms "board" and "board of fire
295	commissioners" mean the board of fire commissioners of the Parrish
296	Fire District, unless otherwise specified.
297	Section 15. Schedule of non-ad valorem assessmentsThe
298	assessment procedures and amounts, as set forth herein, represent
299	the manner to be followed and the maximum allowable rates which
300	shall be charged by the district, if needed. For assessment
301	purposes, all property within the district shall be divided into
302	three general classifications: vacant parcels, residential
303	parcels, and commercial/industrial parcels.
304	(1) Vacant parcels shall include all parcels which are
305	essentially undeveloped and are usually classified by the property
306	appraiser as Use Code types "0000," "0004," "1000," "4000,"
307	"9800," "9900," and "5000" through "7000." The maximum annual
308	assessment for these parcels shall be:
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309	(a) Vacant residential lots (Use Code 0000) \$10.00 per lot.
310	(b) Vacant condominium lots (Use Code 0004) \$10.00 per lot.
311	(c) Unsubdivided acreage (Use Code 5000 through 7000, 9800,
312	9900, and 9901) \$3.50 per acre or fraction thereof, except that
313	not more than \$850 shall be assessed against any one parcel.
314	(d) Vacant commercial and industrial parcels (Use Code 1000
315	and 4000) shall be assessed as a platted lot or unsubdivided
316	acreage as applicable. Whenever a residential unit is located on a
317	parcel defined herein as vacant, the residential plot shall be
318	considered as one lot or 1 acre with the balance of the parcel
319	being assessed as vacant land in accordance with the schedule of
320	commercial/industrial assessments. Whenever an agricultural or
321	commercial building or structure is located on a parcel defined
322	herein as vacant, the building or structure shall be assessed in
323	accordance with the schedule of commercial/industrial assessments.
324	(2) Residential parcels shall include all parcels which are
325	developed for residential purposes and are usually classified by
326	the property appraiser as Use Code types "0100," "0104," "0200,"
327	<u>"0204," "0300," "0400," "0500," "0600," "0700," "0800," "0801,"</u>
328	"0803," "1200," "2800," and "2802." Surcharges may be assigned by
329	the district for dwelling units located on the second, third,
330	fourth, fifth, or higher floors. The maximum annual assessment for
331	these parcels shall be:
332	(a) Use Codes "0100" and "0104" shall be \$150.00 per single
333	family residence. If said residence is located on a parcel of land
334	not in excess of one lot or 1 acre, no additional assessment shall
335	be made for the land on which said residence is located. If the
336	land upon which said residence is located exceeds one lot or 1
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337	acre, an additional assessment may be made in accordance with
338	subsection (1).
339	(b) Use Codes "0300," "0800," "0801," and "0803," multi-
340	family residences, shall be \$150 per unit. If said residence is
341	located on a parcel of land not in excess of one lot or 1 acre, no
342	additional assessment shall be made for the land on which said
343	residence is located. If the land upon which said residence is
344	located exceeds one lot or 1 acre, an additional assessment may be
345	made in accordance with subsection (1).
346	(c) Use Code "0400," condominiums/apartments, residential,
347	shall be \$150.00 per dwelling unit.
348	(d) Use Codes "0200," "0204," and "2802," mobile homes,
349	mobile homes/condominiums, and mobile home parks, residential,
350	shall be \$150 per dwelling unit.
351	(e) Use Codes "0500," "0600," and "0700," cooperatives,
352	retirement homes, miscellaneous, migrant camps, etc., shall be
353	\$150 per dwelling unit.
354	(f) Any other residential units, including, but not limited
355	to, the residential portion of mixed uses (Use Code "1200") shall
356	be \$150 per dwelling unit.
357	(g) Travel trailer parks (Use Code "2800") shall be \$20 per
358	dwelling unit or available rental space, as applicable.
359	(3) Commercial/industrial parcels shall include all other
360	developed parcels which are not included in the residential
361	category as defined above. All commercial/industrial parcels shall
362	be assessed on a square footage basis for all buildings and
363	structures in accordance with the following schedule and hazard
364	classification. The district may or may not vary the assessment by

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365	hazard classifications a	s set forth herein	, based on guidelines to
366	be approved by the board	of fire commission	ners. The base
367	assessment for all build	ings and structure	s shall be \$150 for the
368	first 1,000 square feet	on a parcel. The so	chedule for all square
369	footage in excess of 1,0	00 square feet sha	ll be as follows;
370	however, the district ma	y grant an improved	d hazard rating to all
371	or part of the buildings	and/or structures	if they are equipped
372	with complete internal f	ire suppression fa	cilities.
373			
374	Category	<u>Use Codes</u>	Square Foot Assessment
375			
376	Mercantile (M)	<u>1100, 1200, 1300,</u>	-
377		<u>1400, 1500, 1600,</u>	-
378		<u>1604, 2900</u>	\$0.25
379			
380	Business (B)	<u>1700, 1704, 1800,</u>	-
381		<u>1900, 1904, 2200, </u>	-
382		2300, 2400, 2500,	-
383		<u>2600, 3000, 3600</u>	\$0.25
384			
385	Assembly (A)	2100, 3100, 3200,	-
386		3300, 3400, 3500,	-
387		3700, 3800, 3900,	-
388		7600, 7700, 7900	\$0.25
389			
390	Factory/	4100, 4104, 4400,	-
391	Industrial (F)	<u>4500, 4600, 4700,</u>	-
392		<u>9100</u>	\$0.25
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393 394 Storage (S) 2000, 2700, 2800, 395 4900 \$0.25 396 397 4200, 4300, 4800, Hazardous (H) 398 4804 \$0.25 399 400 Institutional (I) 7000, 7100, 7200, 401 7300, 7400, 7800, 402 8400, 8500, 9200 \$0.25 403 Whenever a parcel is utilized for multiple hazard classifications, 404 405 the district may vary the assessment in accordance with actual 406 categories. 407 Section 16. Impact fees. --408 (1)(a) It is hereby found and determined that the district 409 is located in one of the fastest growing areas of Manatee County, 410 which is itself experiencing one of the highest growth rates in 411 the nation. New construction and resulting population growth have 412 placed a strain upon the capabilities of the district to continue 413 providing the high level of professional fire protection and 414 emergency service for which the residents of the district pay and 415 which they deserve. 416 (b) It is hereby declared that the cost of new facilities 417 for fire protection and emergency service should be borne by new 418 users of the district services to the extent new construction 419 requires new facilities, but only to that extent. It is the 420 legislative intent of this section to transfer to the new user of

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421 the district's fire protection and emergency services a fair share 422 of the costs that new users impose on the district for new 423 facilities. 424 (c) It is hereby declared that the amount of the impact fees 425 provided for in this section are just, reasonable, and equitable. 426 (2) No person shall issue or obtain a building permit for 427 new residential dwelling units or new commercial or industrial 428 structures within the district, or issue or obtain construction 429 plan approval for new mobile home or recreational or travel 430 trailer park developments located within the district, until the 431 developer thereof has paid the applicable impact fee to the 432 district, according to a schedule determined annually by the 433 board, as follows: For each new residential dwelling unit, a fee 434 that shall not exceed \$500; for new commercial or industrial 435 structures having a total floor area less than 5,000 square feet, 436 a fee that shall not exceed \$500, and for structures 5,000 square 437 feet and over, a base fee that shall not exceed \$500 plus \$0.25 438 per square foot for such floor area in excess of 5,000 square 439 feet; for new recreational or travel trailer park developments, a 440 fee that shall not exceed \$25 per lot or permitted space. 441 The impact fees collected by the district pursuant to (3) 442 this section shall be kept as a separate fund from other revenues 443 of the district and shall be used exclusively for the acquisition, 444 purchase, or construction of new facilities or portions thereof 445 required to provide fire protection and emergency service to new 446 construction. The term "new facilities" means land, buildings, and 447 capital equipment, including, but not limited to, fire and 448 emergency vehicles and radio-telemetry equipment, and other

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449	firefighting or rescue equipment. Said fees shall not be used for
450	the acquisition, purchase, or construction of facilities which
451	must be obtained in any event, regardless of growth within the
452	district. The board of fire commissioners shall maintain adequate
453	records to ensure that impact fees are expended only for
454	permissible new facilities or equipment.
455	Section 4. If any provision of this act or the application
456	thereof to any person or circumstance is held invalid, the
457	invalidity shall not affect other provisions or applications of
458	the act which can be given effect without the invalid provision or
459	application, and to this end the provisions of this act are
460	declared severable.
461	Section 5. The provisions of this act shall be liberally
462	construed in order to effectively carry out the purpose of this
463	act in the interest of the public and safety.
464	Section 6. Paragraph (a) of subsection (1) of section 1 of
465	chapter 93-352, Laws of Florida, is amended to read:
466	Section 1. Manatee County district boards of fire
467	commissioners; membership
468	(1)(a) The business affairs of the Cedar Hammock Fire
469	Control District, Parrish Fire Control District, Southern
470	Manatee Fire and Rescue District, Trailer Estates Fire Control
471	District, Westside Fire Control District, and Whitfield Fire
472	Control District in Manatee County shall be conducted and
473	administered by a five-member board that is elected by the
474	electors of the respective districts in nonpartisan elections
475	held at the time and in the manner prescribed for holding
476	general elections in section 189.405(2)(a), Florida Statutes.
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Each member shall be elected for a term of 4 years and shall
serve until his successor is chosen and qualified, except that
members elected to seats 2 and 4 in the first election held
after the effective date of this act shall be elected for a term
of 2 years.
Section 7. <u>Chapters 82-325, 85-451, 89-515, 90-458, 91-409,</u>
<u>94-373, 95-501, and 02-335, Laws of Florida, are repealed.</u>

Section 8. This act shall take effect upon becoming a law.

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