

DESTIN FIRE CONTROL DISTRICT

RESOLUTION 08-02

A RESOLUTION OF THE BOARD OF THE DESTIN FIRE CONTROL DISTRICT OF OKALOOSA COUNTY, FLORIDA AMENDING RESOLUTION 04-06 TO PROVIDE FOR THE FOLLOWING CHANGES AND ADDITIONS:

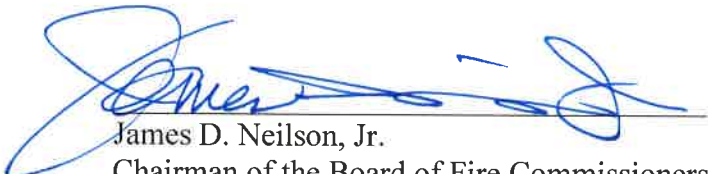
SECTION 3-4 – DEFINITIONS:

9. “Institutional Structures” – include schools, churches, certified hospitals, residential retirement centers providing nursing services on site, ~~government buildings~~ and the like.

SECTION 5 – NEGOTIATION OF FEES:

1. Destin Fire Control District may negotiate with property owners for in-kind impacts fees on individual and as needed basis.

DULY ADOPTED, at a public hearing 12th of December, 2005.



James D. Neilson, Jr.
Chairman of the Board of Fire Commissioners

3-3-08
Date

ATTEST:



Bobbie Metz, District Clerk

“FIRE PUBLIC SAFETY FACILITIES FEE

RESOLUTION NO. 04-06

WHEREAS, the present Fire Public Safety Facilities of the Destin Fire Control District (hereinafter the “District”) are operating at full capacity and they are presently providing adequate fire protection and fire public safety services; and,

WHEREAS, increasing demands have been placed on the District for the use of fire public safety facilities to serve the newly constructed residential units, service establishments, commercial enterprises, businesses, industrial developments, public assembly facilities and institutions; and,

WHEREAS, the District Board of Commissioners finds that it is necessary to provide additional fire public safety facilities, including capital improvements to the District’s fire public safety facilities such as land, building, equipment and vehicles to address the continuing growth and development of construction activities within the District; and,

WHEREAS, the District Board of Commissioners desires to establish an equitable way for making these capital improvements to meet the demands of new construction and for providing that the money collected for these capital improvements will be used for no other purposes; and,

WHEREAS, the District Board of Commissioners finds that it is equitable for the new construction creating the increased demand for fire public safety facilities to contribute directly to their funding rather than placing such increased burden on the current citizens of the District; and,

WHEREAS, the District has conducted a study of the increase in ad valorem tax base and ad valorem taxes collected by the District as a direct result of the future new construction to occur in the District, and, after giving credit for such increase, find that said increases will not be sufficient to provide additional revenue sufficient to fully fund the expenses of new capital facilities and equipment necessary to provide necessary increased fire services and rescue services in response to the increased demand on the District’s ability to such services within the District resulting from new construction in the District that growth and development, but will leave a substantial net future revenue deficiency; and,

WHEREAS, the District Board of Commissioners has determined the proper amount for a fire public safety facility fee, hereafter referred to as “impact fees” based on projected construction and fire capital needs to serve such new construction; and,

WHEREAS, the District finds that the impact fees contemplated in this resolution will furnish needed revenues to cover and eliminate the said net future revenue deficiency, and the District further finds that the schedule of impact fees in this resolution is based upon covering the deficiency, is reasonably calculated to do so, and is intended by the District to do so, and,

WHEREAS, the schedule of impact fees in this resolution takes into account and credits the increase in ad valorem tax base in the District and the increase in ad valorem taxes collected by the District as the result of the new construction subject to the impact fees; and,

WHEREAS, the findings of facts made herein are based upon the matter in the rule making record of this Resolution, including, without limitation the Destin Fire Control District Fire Revenue Impact Fee Rate Study, October 2004, the public comment received in response to the above-recited notices, and the matter placed into the record at the Public Workshop and Public Hearing conducted on the Resolution; and,

WHEREAS, the District finds that there is a reasonable relationship between the occurrence of new construction within the District boundaries and the exhaustion of District's resources to deliver adequate fire protection and rescue service, and that the expenditure of the revenue collected by the impact fees contemplated in this resolution will confer the benefit of adequate fire protection and rescue services on the new construction upon which the impact fees will be imposed;

NOW, THEREFORE, it is hereby resolved by the Board of Commissioners of the Destin Fire Control District as follows:

SECTION 1 - AUTHORITY.

The enactment of this Resolution is authorized by Florida law and the Charter of the Destin Fire Control District.

SECTION 2 - DESIGNATION.

The Fire Public Safety Facilities Fee is hereby designated as the title for Resolution No. 04-06.

SECTION 3 - RESOLUTION ESTABLISHED.

Resolution No. DFCDR 04-06, Fire Public Safety Facilities Fee, is hereby established as an impact fee resolution.

SECTION 3-1 - APPLICABILITY.

This Resolution shall apply to those areas of Okaloosa County that are included within the boundaries of the Destin Fire Control District.

SECTION 3-2 - INTENT AND PURPOSE.

1. This Resolution is intended to provide a method to assess a Fire Public Safety Facilities Fee on development which impacts the District's ability to deliver fire protection services within its boundaries.

2. The purpose of this Resolution is to implement a methodology and administrative means to assure that development bears a proportionate or fair share of the capital expenditure costs necessary to accommodate impact of development on fire protection service of the District.

SECTION 3-3 - RULES OF CONSTRUCTION.

1. The provisions of this Resolution shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety, and welfare of the District's citizens.

2. For the purposes of administration and enforcement of this Resolution, unless otherwise stated, the following rules of construction shall apply to this Resolution:

- (a) In case of any difference of meaning or implication between the text of this Resolution and any caption, illustration, summary table, or illustrative table, the text shall control.
- (b) The word "shall" is always mandatory and not discretionary; to the word "may" is permissive.
- (c) The phrase "used for" includes "arranged for", "maintained for", or "occupied for".
- (d) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (e) Unless the context clearly indicated the contrary, where a regulation involves two (2) or more items, condition, provisions, or events connected by the conjunction "and", "or", or "either/or", the conjunction shall be interpreted as follows:
 - (1) "And" indicated that all the connected terms, condition, provisions, or events shall apply.
 - (2) "Or" indicated that the connected items, condition, provisions, or events may apply singularly or in any combination.
 - (3) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singularly, but not in combination.
- (f) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

SECTION 3-4 - DEFINITIONS.

1. "Fee Payer" means a person who is obligated to remit, or who has remitted, all or a portion of the Fire Public Safety Facilities Fee described herein.

2. "Public Assembly Unit or Building" means those types of buildings used for the gathering together of persons for purposes such as civic, social or religious functions or for recreation or for food or drink consumption or for awaiting transportation. Public assembly buildings shall include, among others, the following: auditoriums, churches, gymnasiums, restaurants, motion picture theaters, museums, passenger depots, public assembly halls, recreation halls, stadiums, and theaters.

Amended see
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3. “Institutional Units or Buildings” mean a structure occupied by a group cooperative, board, agency, or organization created for the purposes of conducting functions of a public or semi-public nature, such as hospitals or schools, or congregate care living facilities.
4. “Fire Public Safety Facilities Capital Improvements” means the land, building, facilities, vehicles and equipment necessary for the District to provide fire fighting and fire protection services to the public.
5. “New Facilities” means land, building, and capital equipment including, but not limited to, fire and emergency vehicles, radio-telemetry equipment, and other firefighting or rescue equipment.
6. “Residential Dwelling Units” includes both single and multi-family residential dwelling units.
7. “Commercial Structures” include retail establishments, retail and professional service establishments, financial institutions, restaurants, offices, hotels, motels and the like.
8. “Industrial/Warehouse Structures” include factories, laboratories, warehouses, derricks or towers, establishments for operation, repair, or storage of heavy machinery or industrial vehicles or equipment, establishments for storage of bulk materials, mining or extractive operations, and places of fabrication, assembly or staging of components for incorporation off site into construction projects or assembly of machinery or equipment.
9. “Institutional Structures” include schools, churches, certified hospitals, residential retirement centers providing nursing services on site, government buildings and the like.

SECTION 3-5 - IMPOSITION OF FIRE PUBLIC SAFETY FACILITIES FEE.

1. As a condition of the issuance of certificate of occupancy following the initial construction of or substantial reconstruction of a building, the person, public assembly or institutional building or addition thereto, shall pay to the District, in advance, the Fire Public Safety Facilities Fee as set forth in Section 3-6. The only exception for the payment of such fee shall be for additions to existing residential structures not creating another dwelling unit.
2. Any person who, after the effective date of this Resolution, seeks to develop or improve land by applying for a development permit/building permit to make an improvement to land that will generate additional demand on the fire protection services of the District shall be assessed a Fire Public Safety Facilities Fee notwithstanding subparagraph one (1) above.
3. Any development activity in progress prior to the effective date of this Resolution with prepaid development permit fees shall not be required to pay the Fire Public Safety Facilities Fee.

SECTION 3-6 - COMPUTATION AND SCHEDULE OF FIRE PUBLIC SAFETY FACILITIES FEES.

The "Fire Public Safety Facilities Fee", an impact fee, shall be charged by and paid to the District in the manner prescribed by this Resolution. On and after the effective date of this Resolution, the Fire Public Safety Facilities Fee shall be paid by the applicant for issuance of any building permit or any other development order, permit, or certificate of occupancy for improvements to real property lying within the District boundaries. Such payment shall be made at the time the District is processing the said application, or any certification by the District in support of such application, and in any event prior to the issuance of said building permit, other development order or permit, or certificate of occupancy. The amount of such fee to be paid by the applicant shall be calculated for the appropriate property category as determined by the District Fire Chief based upon the information in the application in accordance with the following Schedule:

SCHEDULE 1

Property Category	Fire Public Safety Facilities Fee Per Unit of Development	Type of Unit of Development
Residential	\$297.08	Dwelling Unit
Commercial	\$0.6097	Square foot
Industrial/Warehouse	\$0.1042	Square foot
Institutional	\$0.3972	Square foot

SECTION 3-7 - TIME OF PAYMENT

The applicant for a development permit/building permit shall satisfy payment of Fire Public Safety Facilities Fees as a condition of issuance of a building permit or development permit. Funds shall be processed and disposition made as described in this Resolution.

SECTION 3-8 - INTERLOCAL AGREEMENTS

To the extent required to collect the impact fees described in this Resolution, the District Fire Chief is authorized to negotiate, and the Board of District Fire Commissioners is authorized to enter into, appropriate interlocal agreements with Okaloosa County, Florida, and the City of Destin, Florida for the collection of the impact fees.

SECTION 3-9- SEPARATE ACCOUNTING REQUIREMENT

All Fire Public Safety Facilities Fees received by the District shall be deposited in an appropriate account of the District to be accounted for separately and to be used only for the purposes referred to in paragraph 3-10. These funds may be disbursed only upon the prior approval of the Board of Fire Commissioners of the District upon a finding that the fire capital expenditure is in

accordance with the terms of this section. Any funds on deposit which are not immediately necessary for expenditure may be invested by the District Commissioners and all income derived from such investment shall be accounted for in the same manner as required for the fees collected. The District Commissioners, in August of every even year, shall review the current Resolution and determine whether it is in need of modification.

SECTION 3-10 - USE OF FUNDS

The funds accumulated by reason of the collection of the Fire Public Safety Facilities Fee shall be used exclusively to acquire, purchase, or construct , “facilities and equipment” , which term includes, without limitation, land, buildings, and capital equipment including, but not limited to, fire and emergency vehicles, radiotelemetry equipment and other firefighting or rescue equipment,

reasonably needed and used to provide fire protection and emergency services to the public.

SECTION 3-11 - REFUNDS AND FEE FOR SPECIAL NEEDS

1. Refunds of Fire Public Safety Facilities Fees paid hereunder may be allowed upon application therefore when it is determined that no construction has occurred and the building permit issued for such construction has expired or otherwise has been canceled.

2. In addition to Section 3-6 above, in the event that any structure or group of structures evidenced in one or more applications has special fire and rescue safety needs because of size, height, configuration, location, or type of construction or the nature of proposed use thereof, the District is authorized to withhold approval of the application or supporting certification until such time as specific equipment or facilities required to meet such special fire and rescue safety needs not previously contemplated for acquisition by the District, are available to the District, and District is not obligated to acquire such specific equipment based solely upon one or more applications for construction which would require the specific equipment. In this regard, to expedite the approval of the application, the applicant may voluntarily agree to pay, and District is authorized to accept payment of, a Special Fire Safety Facilities Fee, in the amount necessary to permit the acquisition of any such specific equipment or other capital asset necessary for the safe provision of fire protection service to the structure at or prior to the time of construction. Alternatively, the owner or developer of such construction may voluntarily agree to provide to the District , and the District is authorized to accept, the such items of specific equipment or capital assets in kind as determined to be needed because of such construction. Payment of such fee or provision of such items in kind is not an impact fee and shall be in addition to the Fire Public Safety Facilities Fee imposed hereunder, and shall not constitute a credit against such fee, and shall be paid prior to the issuance of a building permit for such structure.


SECTION 4 - SEVERABILITY

The provisions of this Resolution are declared to be separable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of the Resolution but they shall remain in effect, it being the intent that this Resolution shall remain valid notwithstanding the invalidity of any part.

SECTION 5 - EFFECTIVE DATE

This Resolution shall become effective immediately upon its passage and final adoption by the Board of District Fire Commissioners at a duly noticed public meeting of the Board. Passed and adopted by the Board of Commissioners of the Destin Fire Control District in Okaloosa County, Florida, at a public meeting conducted on the 15th day of November, 2004.

DESTIN FIRE CONTROL DISTRICT


Chairman

ATTEST:


District Clerk

NAME OF PERSON ORIGINATING THE PROPOSED RULE:
MILNER R. DIXON, DISTRICT FIRE CHIEF, MAIN FIRE STATION, 848 AIRPORT ROAD,
DESTIN, FLORIDA 32541, Telephone (850) 837-8413.

NAME OF PERSON WHO APPROVED THE PROPOSED RULE:
MILNER R. DIXON, DISTRICT FIRE CHIEF, MAIN FIRE STATION, 848 AIRPORT ROAD,
DESTIN, FLORIDA 32541, Telephone (850) 837-8413.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
October 20, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED:
This District is an agency exempt from the requirement to publish notice of rule development in Florida Administrative Weekly. The Notice of Proposed Rule Development was published in the Northwest Florida daily News on September 24, 2004.

CERTIFICATE OF ADOPTION

THE UNDERSIGNED hereby certify that the attached **“RESOLUTION 04-06”**, was duly adopted by the Destin Fire Control District Board of Fire Commissioners at its meeting held Monday, November 15th, 2004 at the Commissioners’ meeting room at 848 Airport Road, Destin, Florida.



J. THOMAS GREEN
Chairman of the Board of Fire Commissioners

11/15/04
DATE



WANDA MARTIN, District Clerk

11/15/04
Date