

By Senator McKay

26-1307-00

See HB 841

1 A bill to be entitled
2 An act relating to Cedar Hammock Fire Control
3 District; providing for codification of special
4 laws relating to Cedar Hammock Fire Control
5 District pursuant to s. 191.015, F.S.;
6 providing legislative intent; amending,
7 codifying, and reenacting all prior special
8 acts; providing for incorporation as a special
9 fire control district; providing a district
10 boundary; providing for a governing board of
11 said district; providing for non-ad valorem
12 assessments and impact fees; providing a
13 schedule of non-ad valorem assessments;
14 providing for district powers, functions, and
15 duties; amending chapter 93-352, Laws of
16 Florida, as amended by chapter 94-373, Laws of
17 Florida; deleting a reference to the district;
18 providing for construction and effect;
19 providing for repeal of chapters 57-1546,
20 59-1537, 59-1538, 61-2453, 65-1897, 71-759,
21 72-613, 72-614, 75-429, 79-507, 81-433, 82-326,
22 84-478, 85-450, 88-486, 89-483, and 90-454,
23 Laws of Florida; providing an effective date.

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25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Chapters 57-1546, 59-1537, 59-1538,
29 61-2453, 65-1897, 71-759, 72-613, 72-614, 75-429, 79-507,
30 81-433, 82-326, 84-478, 85-450, 88-486, 89-483, 90-454, and
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1 93-353, Laws of Florida, are codified, reenacted, amended, and
2 repealed as herein provided.

3 Section 2. The charter of the Cedar Hammock Fire
4 Control District is reenacted to read:

5 Section 1. Intent.--Pursuant to section 191.015,
6 Florida Statutes, this act constitutes the codification of all
7 special acts relating to Cedar Hammock Fire Control District.
8 It is the intent of the Legislature to provide a single,
9 comprehensive special act charter for the district including
10 all current legislative authority granted to the district by
11 its several legislative enactments and any additional
12 authority granted by this act and chapters 189 and 191,
13 Florida Statutes, as they may be amended from time to time.
14 It is further the intent of this act to preserve all district
15 authority.

16 Section 2. Incorporation.--All of the unincorporated
17 lands in Manatee County, as described in this act, shall be
18 incorporated into an independent special fire control
19 district. Said special fire control district shall be a
20 public municipal corporation under the name of Cedar Hammock
21 Fire Control District. The district is organized and exists
22 for all purposes set forth in this act and chapters 189 and
23 191, Florida Statutes. The district was created by special act
24 in 1957 and its charter may be amended only by special act of
25 the Legislature.

26 Section 3. Jurisdiction.--The lands to be incorporated
27 within the Cedar Hammock Fire Control District are located in
28 Manatee County, Florida, and are described as follows:

29
30 Begin at SE corner of Section 35, Township 34,
31 Range 17 East, thence South to the SE corner of

1 the center line of Bowlees Creek, that point
2 being located in Section 23, Township 34, Range
3 17 East; thence Westerly along the center line
4 of said Bowlees Creek to the waters of Sarasota
5 Bay;
6
7 Less and excepting all the lands within Trailer
8 Estates Subdivisions, as shown in Plat Book 8,
9 Pages 138, 139, 140, and 141, and in Plat Book
10 9, Page 61, of the Public Records of Manatee
11 County, Florida.
12
13 Thence meander the shore line of Sarasota Bay
14 in a Westerly and Northwesterly direction to
15 point where said shore line intersects the West
16 line of Section 7, Township 35, Range 17 East,
17 thence North along said section line to
18 intersection of said section line with Cortez
19 Road (State Road 684), thence continue North to
20 the waters of Palma Sola Bay, meander the shore
21 of Palma Sola Bay in an easterly,
22 Northeasterly, Northwesterly, and Northerly
23 direction to point where shore line intersects
24 the South line of Section 31, Township 34,
25 Range 17 East, thence East along South line of
26 Section 31, 32, 33, 34, 35, Township 34, Range
27 17 East to Point of Beginning, less those lands
28 annexed by the City of Bradenton after the
29 adoption of Chapter 57-1546, Laws of Florida.
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1 Together with Block B, Trailer Estates recorded
2 in Plat Book 8, Page 141 of the Public Records
3 of Manatee County, Florida.

4 Section 4. Governing board.--

5 (1) In accordance with chapter 191, Florida Statutes,
6 the business and affairs of the district shall be conducted
7 and administered by a five-member board of fire commissioners
8 elected pursuant to chapter 191, Florida Statutes, by the
9 electors of the district in a nonpartisan election held at the
10 time and in the manner prescribed for holding general
11 elections in section 189.405(2)(a), Florida Statutes. Each
12 member of the board shall be elected for a term of 4 years and
13 shall serve until his or her successor assumes office.

14 (2) The office of each board member is designated as a
15 seat on the board, distinguished from each of the other seats
16 by a numeral: 1, 2, 3, 4, or 5. Each candidate must
17 designate, at the time he or she qualifies, the seat on the
18 board for which he or she is qualifying. The name of each
19 candidate who qualifies shall be included on the ballot in a
20 way that clearly indicates the seat for which he or she is a
21 candidate. The candidate for each seat who receives the most
22 votes shall be elected to the board.

23 (3) In accordance with chapter 191, Florida Statutes,
24 each member of the board must be a qualified elector at the
25 time he or she qualifies and continually throughout his or her
26 term.

27 (4) Each elected member shall assume office 10 days
28 following the member's election. Annually, within 60 days
29 after the newly elected members have taken office, the board
30 shall organize by electing from its members a chair, a vice
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1 chair, a secretary, and a treasurer. The positions of
2 secretary and treasurer may be held by one member.

3 (5) Members of the board may each be paid a salary or
4 honorarium to be determined by at least a majority plus one
5 vote of the board, pursuant to chapter 191, Florida Statutes.

6 (6) If a vacancy occurs on the board due to the
7 resignation, death, or removal of a board member or the
8 failure of anyone to qualify for a board seat, the remaining
9 members may appoint a qualified person to fill the seat until
10 the next general election, at which time an election shall be
11 held to fill the vacancy for the remaining term, if any.

12 (7) The procedures for conducting district elections
13 or referenda and for qualification of electors shall be
14 pursuant to chapters 189 and 191, Florida Statutes.

15 (8) The board shall have those administrative duties
16 set forth in this act and chapters 189 and 191, Florida
17 Statutes, as they may be amended from time to time.

18 Section 5. Authority to levy non-ad valorem
19 assessments.--Said district shall have the right, power, and
20 authority to levy non-ad valorem assessments as defined in
21 section 197.3632, Florida Statutes, against the taxable real
22 estate lying within its territorial bounds in order to provide
23 funds for the purpose of the district. The rate of such
24 assessments shall be fixed annually by a resolution of the
25 board of commissioners after the conduct of a public hearing.
26 Such non-ad valorem assessments may be imposed, collected, and
27 enforced pursuant to the provisions of sections
28 197.363-197.3635, Florida Statutes.

29 Section 6. Schedule of non-ad valorem
30 assessments.--The assessment procedures and amounts, as set
31 forth herein, represent the manner to be followed and the

1 maximum allowable rates that may be charged by the district.
2 For assessment purposes, all property within the district
3 shall be divided into three general classifications: vacant
4 parcels, residential parcels, and commercial/industrial
5 parcels.

6 (1) Vacant parcels shall include all parcels that are
7 essentially undeveloped and are usually classified by the
8 property appraiser as use code types 0000, 1000, 4000, 9900,
9 and 5000 through 6900. The maximum annual assessment for
10 these parcels shall be:

11 (a) Vacant platted lot (use code 0000), \$6 per lot.

12 (b) Unsubdivided acreage (use codes 5000 through 6900
13 and 9900), \$6 per acre or fraction thereof, except that not
14 more than \$2,000 shall be assessed against any one parcel.

15 (c) Vacant commercial and industrial (use codes 1000
16 and 4000) shall be assessed as a platted lot or unsubdivided
17 acreage, as applicable.

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19 Whenever a residential unit is located on a parcel defined
20 herein as vacant, the residential plot shall be considered as
21 one lot or one acre, with the balance of the parcel being
22 assessed as vacant land in accordance with the schedule
23 herein. Whenever an agricultural or commercial building or
24 structure is located on a parcel defined herein as vacant, the
25 building or structure shall be assessed in accordance with the
26 schedule of commercial/industrial assessments.

27 (2) Residential parcels shall include all parcels that
28 are developed for residential purposes and are usually
29 classified by the property appraiser as use code types 0100
30 through 0800 and 2800. All residential parcels shall be
31 assessed by the number and size of dwelling units per parcel.

1 Surcharges may be assigned by the district for dwelling units
2 located on the third or higher floors. The maximum annual
3 assessment for these parcels shall be:
4 (a) Single family residential (use code 0100) shall be
5 assessed on a square footage basis for all dwelling units in
6 accordance with the following. The base assessment for all
7 dwellings shall be \$85 for the first 1,000 square feet in the
8 dwelling unit. All square footage above 1,000 square feet
9 shall be charged at a rate of \$0.00 per square foot.
10 (b) Condominia residential (use code 0400) shall be
11 assessed as follows:
12 (i) Units located on the first, second, and third
13 floors, \$85 per dwelling unit;
14 (ii) Units located on the fourth and fifth floors,
15 \$109 per dwelling unit;
16 (iii) Units located on a floor above a fifth floor,
17 \$117 per dwelling unit.
18 (c) Mobile homes (use code 0200) shall be assessed \$85
19 per dwelling unit.
20 (d) Multifamily residential (use codes 0300 and 0800),
21 cooperatives (use code 0500), retirement homes (use code
22 0600), and miscellaneous residential uses (use code 0700)
23 shall be assessed as follows:
24 (i) Units located on the first, second, and third
25 floors, \$85 per dwelling unit;
26 (ii) Units located on the fourth and fifth floors,
27 \$109 per dwelling unit;
28 (iii) Units located on a floor above a fifth floor,
29 \$117 per dwelling unit.
30 (e) Any other residential unit, including, but not
31 limited to, the residential portions of mixed uses (use code

1 1200) and mobile home or travel trailer parks (use code 2800),
2 shall be assessed \$85 per dwelling unit or available rental
3 space, as applicable.

4 (3) Commercial/industrial parcels shall include all
5 other developed parcels that are not included in the
6 residential category as defined above. All
7 commercial/industrial parcels shall be assessed on a square
8 footage basis for all buildings and structures in accordance
9 with the following schedule and hazard classification. The
10 district may or may not vary the assessment by hazard
11 classifications as set forth herein. The base assessment for
12 all buildings and structures shall be \$150 for the first 1,000
13 square feet on a parcel. The schedule for all square footage
14 above 1,000 square feet is as follows. The district may grant
15 an improved hazard rating to all or part of the buildings and
16 structures if they are equipped with complete internal fire
17 suppression facilities.

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
<u>Mercantile (M)</u>	<u>1100,1200,1300,</u> <u>1400,1500,1600,</u> <u>and 2900</u>	<u>\$0.050 per sq. ft.</u>
<u>Business (B)</u>	<u>1700,1800,1900,</u> <u>2200,2300,2400,</u> <u>2500,2600,3000,</u> <u>and 3600</u>	<u>\$0.078 per sq. ft.</u>
<u>Assembly (A)</u>	<u>2100,3100,3200,</u> <u>3300,3400,3500,</u> <u>3700,3800,3900,</u> <u>7200,7600,7700,</u> <u>and 7900</u>	<u>\$0.061 per sq. ft.</u>

1	<u>Factory/</u>	<u>4100,4400,4500,</u>	<u>\$0.023 per sq. ft.</u>
2	<u>Industrial (F)</u>	<u>4600,4700, and</u>	
3		<u>9100</u>	
4	<u>Storage (S)</u>	<u>2000,2700,2800,</u>	<u>\$0.076 per sq. ft.</u>
5		<u>and 4900</u>	
6	<u>Hazardous (H)</u>	<u>4200,4300, and</u>	<u>\$0.102 per sq. ft.</u>
7		<u>4800</u>	
8	<u>Institutional</u>	<u>7000,7300,7400,</u>	<u>\$0.030 per sq. ft.</u>
9	<u>(I)</u>	<u>7500, and 7800</u>	

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11 Whenever a parcel is used for multiple hazard classifications,
12 the district may vary the assessment in accordance with actual
13 categories. The board of commissioners shall have the
14 authority to further define these use code numbers subject to
15 information received from the property appraiser's office.

16 Section 7. Impact fees.--

17 (1)(a) It is hereby found and determined that the
18 district is located in one of the fastest growing areas of
19 Manatee County which is itself experiencing one of the highest
20 growth rates in the nation. New construction and resulting
21 population growth have placed a strain upon the capabilities
22 of the district to continue providing the high level of
23 professional fire protection and emergency service for which
24 the residents of the district pay and which they deserve.

25 (b) It is hereby declared that the cost of new
26 facilities upon fire protection and emergency service should
27 be borne by new users of the district's services to the extent
28 new construction requires new facilities, but only to that
29 extent. It is the legislative intent of this section to
30 transfer to the new users of the district's fire protection

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1 and emergency services a fair share of the costs that new
2 users impose on the district for new facilities.

3 (c) It is hereby declared that the amounts of the
4 impact fees provided for in this section are just, reasonable,
5 and equitable.

6 (2) No person shall issue or obtain a building permit
7 for new residential dwelling units or new commercial or
8 industrial structures within the district, or issue or obtain
9 construction plan approval for new recreational or travel
10 trailer park developments located within the district, until
11 the developer thereof shall have paid the applicable impact
12 fee to the district as follows: each new residential dwelling
13 unit, \$100 per unit; new commercial or industrial structures,
14 \$200 for the first 5,000 square feet of gross floor area and
15 \$0.05 per square foot thereafter; new recreational or travel
16 trailer park developments, \$25 per lot or permitted space.

17 (3) The impact fees collected by the district pursuant
18 to this section shall be kept as a separate fund from other
19 revenues of the district and shall be used exclusively for the
20 acquisition, purchase, or construction of new facilities or
21 portions thereof required to provide fire protection and
22 emergency service to new construction. "New facilities" means
23 land, buildings, and capital equipment, including, but not
24 limited to, fire and emergency vehicles and radiotelemetry
25 equipment. The fees shall not be used for the acquisition,
26 purchase, or construction of facilities that must be obtained
27 in any event, regardless of growth within the district. The
28 board of fire commissioners shall maintain adequate records to
29 ensure that impact fees are expended only for permissible new
30 facilities.

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1 Section 8. Other district powers, functions, and
2 duties.--In addition to any powers set forth in this act, the
3 district shall hold all powers, functions, and duties set
4 forth in chapters 189, 191, and 197, Florida Statutes, as they
5 may be amended from time to time, including, but not limited
6 to, ad valorem taxation, bond issuance, other revenue-raising
7 capabilities, budget preparation and approval, liens and
8 foreclosure of liens, use of tax deeds and tax certificates as
9 appropriate for non-ad valorem assessments, and contractual
10 agreements. The district may be financed by any method
11 established in this act, chapter 189, Florida Statutes, or
12 chapter 191, Florida Statutes, or any other applicable general
13 or special law, as they may be amended from time to time.

14 Section 9. Planning.--The district's planning
15 requirements shall be as set forth in this act, chapters 189
16 and 191, Florida Statutes, and other applicable general or
17 special laws, as they may be amended from time to time.

18 Section 10. Boundaries.--The district's geographic
19 boundary limitations shall be as set forth in this act.

20 Section 11. Officers and employees.--Requirements for
21 financial disclosure, meeting notices, public records
22 maintenance, and per diem expenses for officers and employees
23 shall be as set forth in chapters 112, 119, 189, 191, and 286,
24 Florida Statutes, as they may be amended from time to time.

25 Section 12. Bonds.--The procedures and requirements
26 governing the issuance of bonds, notes, and other evidence of
27 indebtedness by the district shall be as set forth in this
28 act, chapter 191, Florida Statutes, and any other applicable
29 general or special laws, as they may be amended from time to
30 time.

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1 Section 3. Construction.--This act shall be construed
2 as remedial and shall be liberally construed to promote the
3 purpose for which it is intended.

4 Section 4. Effect.--In the event that any part of this
5 act should be held void for any reason, such holding shall not
6 affect any other part thereof.

7 Section 5. Repeal of prior special acts.--Chapters
8 57-1546, 59-1537, 59-1538, 61-2453, 65-1897, 71-759, 72-613,
9 72-614, 75-429, 79-507, 81-433, 82-326, 84-478, 85-450,
10 88-486, 89-483, and 90-454, Laws of Florida, are repealed.

11 Section 6. Paragraph (a) of subsection (1) of section
12 1 of chapter 93-352, Laws of Florida, as amended by chapter
13 94-373, Laws of Florida, is amended to read:

14 Section 1. Manatee County district boards of fire
15 commissioners; membership.

16 (1)(a) The business affairs of the ~~Cedar Hammock Fire~~
17 ~~Control District~~, Parrish Fire Control District, Southern
18 Manatee Fire and Rescue District, Trailer Estates Fire Control
19 District, Westside Fire Control District, and Whitfield Fire
20 Control District in Manatee County shall each be conducted and
21 administered by a five-member board of fire commissioners that
22 is elected by the electors of the respective district in a
23 nonpartisan election held at the time and in the manner
24 prescribed for holding general elections in section
25 189.405(2)(a), Florida Statutes. Each member of a district
26 board shall be elected for a term of 4 years and shall serve
27 until his successor is chosen and qualified, except that
28 members elected to seats 2 and 4 in the first election held
29 after the effective date of this act shall be elected for a
30 term of 2 years.

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