

By Senator McKay

26-1260A-00

1                                   A bill to be entitled  
2           An act relating to Manatee County; merging the  
3           Anna Maria Fire Control District and Westside  
4           Fire Control District to create a new district;  
5           creating and establishing an independent  
6           special fire control district to be known as  
7           the West Manatee Fire and Rescue District;  
8           establishing boundaries; providing purpose of  
9           the district; providing definitions; providing  
10          for the membership and organization of the  
11          governing body of the district; providing for  
12          maximum compensation of a governing board  
13          member; providing for district elections or  
14          referenda and the qualifications of an elector;  
15          providing administrative duties of the  
16          district; providing applicable financial  
17          disclosure, noticing, and reporting  
18          requirements of the district; providing powers,  
19          functions, and duties; providing for financing  
20          the district; providing authority to levy ad  
21          valorem taxes and maximum millage that is  
22          authorized therefor; providing for collecting  
23          non-ad valorem assessments, fees, or service  
24          charges; providing a schedule of special  
25          assessments; providing for impact fees;  
26          providing authority to issue, and the  
27          procedures for issuing, bonds by the district;  
28          providing exemption from taxation; providing  
29          for the establishment of the district;  
30          providing for amending the charter of the  
31          district; providing for district planning;

1 providing for transfer of the assets and  
2 liabilities of the existing districts to the  
3 West Manatee Fire and Rescue District;  
4 providing for repeal of all acts relating to  
5 the Anna Maria Fire Control District and the  
6 Westside Fire Control District, including  
7 chapter 25994, Laws of Florida, 1949, chapter  
8 27696, Laws of Florida, 1951, chapters 29263  
9 and 29264, Laws of Florida, 1953, and chapters  
10 59-1535, 59-1536, 61-2445, 65-1896, 65-1898,  
11 72-610, 75-427, 75-433, 79-510, 81-427, 81-434,  
12 82-324, 83-458, 84-476, 84-479, 85-455, 85-460,  
13 88-487, 90-456, 90-459, 91-414, and 94-373,  
14 Laws of Florida; providing for severability;  
15 providing for interpretation; providing an  
16 effective date.

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

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20 Section 1. The Anna Maria Fire Control District and  
21 the Westside Fire Control District are hereby merged to create  
22 the West Manatee Fire and Rescue District.

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24 Section 2. The West Manatee Fire and Rescue District  
25 is established and its charter is created to read:

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27 Section 1. Creation; boundaries.--Upon this act  
28 becoming a law, all of the following lands in Manatee County  
29 shall be incorporated as an independent special fire control  
30 district, which shall be a public municipal corporation for  
31 the public benefit, with perpetual existence, to be known as  
the West Manatee Fire and Rescue District in which name it may  
sue and be sued and lease, own, possess, and convey real and

1 personal property, by purchase or gift or otherwise, in order  
2 to carry out the purposes of this act. The lands so  
3 incorporated shall include the following:

4 (1) All of Anna Maria Island in Manatee County,  
5 Florida, and the unincorporated village of Cortez, Florida,  
6 and the adjoining area bounded on the north by Palma Sola Bay,  
7 on the east by the range line between Ranges 16 East and 17  
8 East, and on the south by Sarasota Bay; and

9 (2) All that part of Manatee County, Florida lying  
10 west of the City of Bradenton, Florida, as now constituted or  
11 hereinafter expanded, being presently 34th Street West, the  
12 section line dividing Sections 33 and 28 from Section 34 and  
13 27, Township 34 South, Range 17 East; south of the Manatee  
14 River; north of Cedar Hammock Fire Control District being 26th  
15 Avenue West. The township line dividing township 34 South  
16 from 35 South: and being bounded on the west by Palma Sola  
17 Bay, Tampa Bay and the Manatee River, to include Perico  
18 Island.

19 Section 2. Purposes of the District.--The purpose of  
20 the West Manatee Fire and Rescue District is to provide for  
21 greater uniformity, communication, and coordination in  
22 performing fire suppression and related activities within the  
23 jurisdictional boundaries of the District in order to benefit  
24 the public health, safety, and welfare; and to effectively  
25 achieve the purposes set forth for independent special fire  
26 control districts pursuant to chapter 191, Florida Statutes,  
27 as same may be amended from time to time.

28 Section 3. Definitions.--As used in this act, the  
29 term:

30 (1) "Board" means the governing board of the West  
31 Manatee Fire Control District.

1           (2) "District" means the West Manatee Fire Control  
2 District, an independent special fire control district as  
3 defined in section 189.403, Florida Statutes.

4           (3) "Elector" means a person who is a resident of the  
5 West Manatee Fire Control District and is qualified to vote in  
6 a general election within Manatee County.

7           (4) "Emergency medical service" means basic and  
8 advanced life support service as defined in section 401.23,  
9 Florida Statutes.

10           (5) "Rescue response service" means an initial  
11 response to an emergency or accident situation, including, but  
12 not limited to, a plane crash, a trench or building collapse,  
13 a swimming or boating accident, or a motor vehicle accident.

14           Section 4. District board of commissioners;  
15 membership, terms of office, officers, meetings.--The district  
16 board of commissioners shall conduct and administer the  
17 business affairs of the district through a five-member board  
18 the members of which shall be elected in nonpartisan elections  
19 by the electors of the district for terms of 4 years. Each  
20 member shall serve until the member's successor assumes  
21 office. A member of the board shall be a resident of the  
22 district and a citizen of the United States. No district  
23 board member shall be a paid employee of the district, and  
24 each board member must continue to meet all qualifications to  
25 hold office continually through his or her term. Members of  
26 the district board shall take office at the same time as do  
27 county officers on the second Tuesday following the general  
28 election in November. The board of commissioners shall be  
29 established and elected, and shall operate, organize, and  
30 function in accordance with the provisions of section 191.005,  
31 Florida Statutes. The office of each member of the board is

1 designated as being a seat, distinguished from each of the  
2 other seats of the board by the numeral 1, 2, 3, 4, or 5. The  
3 numerical seat designation does not reflect a geographical  
4 subdistrict or area of the district, but each candidate for a  
5 seat on the board shall designate, at the time the candidate  
6 qualifies, the seat for which the candidate is qualifying.  
7 The election for each seat shall be at-large within the  
8 district. The initial board of commissioners, until  
9 successors are elected and assume office, shall consist of the  
10 officials who are then holding elected office as a district  
11 board member for seats 1, 4 and 5 on the West Side Fire  
12 Control District and seats 2 and 3 on the Anna Maria Fire  
13 Control District as of the date immediately preceding the  
14 effective day of this act. The commissioners holding seats 1  
15 and 5 from West Side Fire Control District and the  
16 commissioner holding seat 2 from the Anna Maria Fire Control  
17 District shall each have an initial term of 4 years, ending in  
18 November, 2004, as provided in this section. The commissioner  
19 holding seat 4 from the West Side Fire Control District and  
20 the commissioner holding seat 3 from the Anna Maria Fire  
21 Control District shall each have an initial term of 2 years,  
22 ending in November, 2002, as provided in this section. The  
23 foregoing provisions establish an initial board having three  
24 commissioners, each with a 4-year term, and two commissioners,  
25 each with a 2-year term, thereby establishing staggered terms  
26 for the board on the effective date of this act.

27 Section 5. Board compensation.--The members of the  
28 district board shall receive a compensation not to exceed \$500  
29 per month for each board member, as provided in section  
30 191.005(4), Florida Statutes.

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1           Section 6. Procedures for conducting elections.--The  
2 procedures for conducting any district election or referendum  
3 are as provided in section 191.005, Florida Statutes, and as  
4 otherwise provided by general law. To qualify as an elector  
5 of the district, a person must be a resident of the district  
6 and a citizen of the United States, and must meet such other  
7 qualifications as provided in section 191.005, Florida  
8 Statutes, or as otherwise provided by general law.

9           Section 7. District Board, administrative duties.--The  
10 administrative duties of the governing board are as provided  
11 in section 191.005, Florida Statutes, as same may be amended.

12           Section 8. Financial disclosure, noticing and  
13 reporting requirements.--The district and the board shall have  
14 those financial disclosure, noticing, and reporting  
15 requirements as provided by general law and made applicable to  
16 such board members and independent fire control districts  
17 within the state.

18           Section 9. Powers, functions, and duties of the  
19 district.--The district shall have, and the district board of  
20 commissioners may exercise by a majority vote, all of the  
21 following powers, including, but not limited to, the powers to  
22 sue and be sued in the name of the district; make and execute  
23 contracts and other instruments; provide pension and  
24 retirement plans; provide for extra compensation programs;  
25 contract for services; borrow money; adopt resolutions and  
26 procedures prescribing the powers, duties and functions of the  
27 officers of the district; acquire by all lawful means both  
28 real and personal property; purchase equipment by installment  
29 sales contracts; enter into leases; borrow money and issue  
30 bonds; charge user and impact fees; assess and impose on real  
31 property of the district both ad valorem taxes and

1 non-ad-valorem assessments; prepare and implement budgets;  
2 establish liens and foreclose thereon; and establish and  
3 maintain emergency medical and rescue response services and  
4 perform all other general powers as provided for in section  
5 191.006, Florida Statutes, and special powers as provided for  
6 in section 191.008, Florida Statutes, as same may be amended.

7 Section 10. Financing of the district.--The methods  
8 for financing the district shall be as provided in chapter  
9 191, Florida Statutes, as same may be amended, and as provided  
10 by other general law applicable to independent special  
11 districts.

12 Section 11. Levy of ad valorem taxes and millage rate  
13 authorized.--The district board may levy and assess ad valorem  
14 taxes on all taxable property in the district for any and all  
15 operating purposes, exclusive of debt service on bonds, in a  
16 millage amount not to exceed 3.75 mills, pursuant to the  
17 provisions of section 191.009, Florida Statutes, as same may  
18 be amended.

19 Section 12. Collection of non-ad-valorem assessments,  
20 fees or services charges.--The district is authorized to use  
21 any method or methods for collecting non-ad-valorem  
22 assessments, fees, impact fees, or service charges as provided  
23 in chapter 191, Florida Statutes, as the same may be amended,  
24 or as otherwise provided by general law.

25 Section 13. Schedule of special assessments.--The  
26 provisions regarding assessment procedures as set forth in  
27 this act, represents the method to be followed by the district  
28 regarding any subsequent establishment or increase in special  
29 assessments for the district. Upon the effective date of this  
30 act, but in no way limiting the ability of the district board  
31 to increase special assessments as necessary in keeping with

1 this charter, for assessment purposes, all property within the  
2 district is divided into three general classifications:  
3 vacant parcels, residential parcels, and commercial/industrial  
4 parcels.

5 (1) Vacant parcels shall include all parcels that are  
6 essentially undeveloped. The annual assessment for these  
7 parcels shall be as follows:

8 (a) A vacant platted lot, \$25 per lot.

9 (b) Unsubdivided acreage, \$25 per acre or fraction  
10 thereof; and

11 (c) A vacant commercial and industrial parcel shall be  
12 assessed as a platted lot or unsubdivided acreage, as  
13 applicable. Whenever a residential unit is located on a  
14 vacant parcel, the residential plot shall be considered as one  
15 lot or one acre, with the balance of the parcel being assessed  
16 as vacant land in accordance with the schedule in this  
17 section. When an agricultural or commercial building or  
18 structure is located on a vacant parcel, the building or  
19 structure shall be assessed in accordance with the schedule of  
20 commercial/industrial assessments.

21 (2) Residential parcels include all parcels that are  
22 developed for residential purposes. All residential parcels  
23 shall be assessed by the number and square-footage size of  
24 dwelling units per parcel. Surcharges may be assigned by the  
25 district for dwelling units located on the third floor or  
26 higher floors. The annual assessment for these parcels shall  
27 be as follows:

28 (a) A single-family residential parcel shall be  
29 assessed on a square-footage basis for each dwelling unit at  
30 \$125 for the first 1,000 square feet in the dwelling unit, and

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1 all square footage above 1,000 square feet shall be charged at  
2 a rate of \$0.075 per additional square foot.

3 (b) A parcel for residential condominium use shall be  
4 assessed on a square-footage basis for each dwelling unit at  
5 \$125 for the first 1,000 square feet in the dwelling unit, and  
6 all square footage above 1,000 square feet shall be charged at  
7 a rate of \$0.075 per additional square foot.

8 (c) A mobile home shall be assessed at \$125 per  
9 dwelling unit;

10 (d) A duplex, multi-family residential, cooperative,  
11 retirement home and any miscellaneous residential-use parcel  
12 shall be assessed on a square-footage basis for each dwelling  
13 unit at \$125 for the first 1,000 square feet in the dwelling  
14 unit, and all square footage above 1,000 square feet shall be  
15 charged at a rate of \$0.075 per additional square foot.

16 (e) Any other residential unit, including, but not  
17 limited to, the residential portions of mixed-use parcels and  
18 travel trailer units or parks shall be assessed at \$125 per  
19 dwelling unit or available rental space, as applicable.

20 (3) Commercial/industrial parcels shall include all  
21 other developed parcels that are not included in the  
22 residential categories as defined in subsection (2). Each  
23 commercial/industrial parcel shall be assessed on a  
24 square-footage basis for each building and structure in  
25 accordance with the following schedule:

26 (a) The base assessment for each building or structure  
27 shall be \$300 for the first 1,000 square feet, and all square  
28 footage above 1,000 square feet shall be charged at a rate of  
29 \$0.125 per additional square foot.

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1           (b) Whenever a parcel is classified for  
2 multiple-hazard use, the district may vary the assessment in  
3 accordance with actual categories.

4           Section 14. Impact Fees.--

5           (1) It is hereby established and determined that the  
6 district is composed of one of the fastest-growing areas of  
7 Manatee County, which is also experiencing one of the highest  
8 growth rates in the state. New construction and the resulting  
9 population growth will place a strain upon the capabilities of  
10 the district to provide the high level of professional fire  
11 protection and emergency service for which the residents of  
12 the district deserve and for which they pay.

13           (2) It is hereby declared that the cost of the new  
14 facilities for fire protection and emergency service shall be  
15 borne by new users of the district's services to the extent  
16 that new construction requires new facilities, but only to  
17 that extent. It is the legislative intent to transfer to the  
18 new users of the district's fire protection and emergency  
19 services a fair share of the cost that new users impose on the  
20 district for new facilities.

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

24           (4) No person or local governmental jurisdiction  
25 within the district shall issue or obtain a building permit  
26 for a new residential dwelling unit or a new non-residential  
27 structure within the district, or issue or obtain  
28 construction-plan approval for a new mobile home park  
29 development or a new recreational or travel trailer park  
30 development located within the district, until the applicant  
31 or developer thereof has paid his or her applicable impact fee

1 to the district as follows: for each new residential dwelling  
2 unit, \$100; for each new non-residential structure, \$200 for  
3 up to 5,000 square feet, and \$200 plus \$0.05 per square foot  
4 for each square foot over 5,000 square feet for a structure  
5 5,000 square feet or over; and for a new mobile home park  
6 development or a new recreational or travel trailer park  
7 development, \$25 per lot or permitted space.

8 (5) The impact fees collected by the district pursuant  
9 to this section shall be kept as a separate fund from other  
10 revenues of the district and shall be used exclusively for the  
11 acquisition, purchase, or construction of new facilities or  
12 portions thereof required to provide fire protection and  
13 emergency service to new construction. "New facilities" shall  
14 mean real property, buildings, and capital equipment,  
15 including, but not limited to, fire and emergency vehicles and  
16 radio-telemetry equipment. Impact fees shall not be used for  
17 the acquisition, purchase, or construction of facilities that  
18 are necessary to serve existing development, nor shall impact  
19 fees be used for maintenance of existing facilities. The  
20 district board shall maintain adequate records to ensure that  
21 impact fees are expended only for permissible purposes.

22 (6) Evidence of payment to the district of the impact  
23 fee for new development shall be presented to the applicable  
24 local governmental unit within the district before a  
25 certificate of occupancy is issued.

26 Section 15. Issuance of bonds and procedures.--The  
27 district may issue general obligation bonds, assessment bonds,  
28 revenue bonds, notes, bond anticipation notes, or other  
29 evidences of indebtedness to finance all or a part of any  
30 proposed improvements authorized pursuant to this act, or  
31 under general or other special law, provided that the total

1 annual payments for the principal and interest of such  
2 indebtedness shall not exceed 50 percent of the total annual  
3 budgeted revenues of the district. The procedures and  
4 requirements for issuing bonds shall be as provided in section  
5 191.012, Florida Statutes, as may be amended, and as otherwise  
6 provided by applicable general law.

7 Section 16. Exemption from Taxation.--The assets and  
8 properties of the district are exempt from taxes as provided  
9 by general law.

10 Section 17. Establishing the district.--The district  
11 shall be established by the adoption of this charter by the  
12 Legislature and in adherence to the provisions set forth in  
13 section 189.404, Florida Statutes, and under the authority of  
14 chapter 191, Florida Statutes.

15 Section 18. Amending the charter.--The charter of the  
16 district shall be amended only by special act of the  
17 Legislature.

18 Section 19. District planning.--The district board  
19 shall provide for, coordinate with, and participate in  
20 short-range and long-range planning with Manatee County and  
21 other local governments in order to meet the demands for  
22 service delivery while maintaining the fiscal responsibility  
23 of the district. Additionally, the district shall have the  
24 authority, as provided in section 191.013, Florida Statutes,  
25 to participate in intergovernmental coordination activities as  
26 may be beneficial to the district and necessary for the  
27 protection of the public health, safety, and welfare.

28 Section 3. Transfer of the assets and liabilities of  
29 the existing districts to the new created District.--The  
30 existing assets and liabilities of the Anna Maria Fire Control  
31 District and the West Side Fire Control District, upon the

1 effective date of this act, are transferred to the West  
2 Manatee Fire and Rescue District.

3       Section 4. Repeal of special acts.--Upon the effective  
4 date of this act, chapter 25994, Laws of Florida, 1949,  
5 chapter 27696, Laws of Florida, 1951, chapter 29263, Laws of  
6 Florida, 1953, chapter 29264, Laws of Florida, 1953, and  
7 59-1535, chapters 59-1536, 61-2445, 65-1896, 65-1898, 72-610,  
8 75-427, 75-433, 79-510, 81-427, 81-434, 82-324, 83-458,  
9 84-476, 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414  
10 and 94-373, Laws of Florida, are repealed.

11       Section 5. Severability.--If any clause, section or  
12 provision of this act is declared to be unconstitutional or  
13 invalid for any cause or reason, the same shall be eliminated  
14 from this act, and the remaining portion of said act shall be  
15 in force and effect and be as valid as if such invalid portion  
16 thereof had not been incorporated therein.

17       Section 6. Interpretation.--The provisions of this act  
18 shall be liberally construed in order to effectively carry out  
19 the public purpose of this act in the best interest of the  
20 public health, safety, and welfare.

21       Section 7. Effective date.--This act shall take effect  
22 upon becoming a law.

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