

By Senator McKay

26-1261-00

See HB 965

1                                   A bill to be entitled  
2           An act relating to Southern Manatee Fire and  
3           Rescue District; providing for codification of  
4           special laws relating to Southern Manatee Fire  
5           and Rescue District pursuant to s. 191.015,  
6           F.S.; 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; deleting a reference to the district  
16          from chapter 93-352, Laws of Florida, as  
17          amended by chapter 94-373, Laws of Florida;  
18          providing for construction and effect;  
19          providing for repeal of chapter 92-249, Laws of  
20          Florida; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Chapters 92-249 and 94-373, Laws of  
25 Florida, are codified, reenacted, amended, and repealed as  
26 herein provided.

27           Section 2. The Southern Manatee Fire and Rescue  
28 District is re-created and reenacted to read:

29           Section 1. Intent.--Pursuant to section 191.015,  
30 Florida Statutes, this act constitutes the codification of all  
31 special acts relating to Southern Manatee Fire and Rescue

1 District. It is the intent of the Legislature to provide a  
2 single, comprehensive special act charter for the district  
3 including all current legislative authority granted to the  
4 district by its several legislative enactments and any  
5 additional authority granted by this act and chapters 189 and  
6 191, Florida Statutes, as they may be amended from time to  
7 time. It is further the intent of this act to preserve all  
8 district authority.

9 Section 2. Incorporation.--All of the unincorporated  
10 lands in Manatee County, as described in this act, shall be  
11 incorporated into an independent special fire control  
12 district. Said special fire control district shall be a public  
13 municipal corporation under the name of the Southern Manatee  
14 Fire and Rescue District. The district is organized and exists  
15 for all purposes set forth in this act and chapters 189 and  
16 191, Florida Statutes. The district was created by the merger  
17 of the Oneco-Tallevast and Samoset Fire Control Districts in  
18 chapter 92-249, Laws of Florida. This charter may be amended  
19 only by special act of the Legislature.

20 Section 3. Jurisdiction.--The lands to be incorporated  
21 within the Southern Manatee Fire and Rescue District are  
22 located in Manatee County, Florida, and are described as  
23 follows:

24 Begin at the northwest corner of the southwest  
25 quarter of the northwest quarter of Section 36,  
26 Township 34 South, Range 17 East, thence run  
27 generally east along the south line of the city  
28 limits of the City of Bradenton and an easterly  
29 extension thereof to the center line of the  
30 Braden River at a point in Section 33, Township  
31 34 South, Range 18 East; provided however that

1        those unincorporated enclaves located within  
2        the corporate limits of the City of Bradenton  
3        within Sections 29 and 32, Township 34 South,  
4        Range 18 East are included; thence meandering  
5        the center line of the Braden River in a  
6        southeasterly, southerly and southwesterly  
7        direction to a point where the Braden River  
8        intersects the westerly Right-of-Way line of  
9        I-75, said point located in Section 25,  
10       Township 35 South, Range 18 East; thence  
11       southerly along said West Right-of-Way line of  
12       I-75 and the extension thereof to the line  
13       dividing Manatee County and Sarasota County,  
14       said point being located in Section 36,  
15       Township 35 South, Range 18 East; then west to  
16       the Southeast corner of Section 36, Township 35  
17       South, Range 17 East; thence north to the  
18       Northeast corner of Section 36, Township 35  
19       South, Range 17 East; thence west to the  
20       Southwest corner of Southeast corner of Section  
21       25, Township 35 South, Range 17 East; thence  
22       north to the north line of said Section 25,  
23       Township 35 South, Range 17 East; thence West  
24       to the Southwest corner of Section 24, Township  
25       35 South, Range 17 East; thence north to the  
26       point of beginning.

27       Section 4. Governing board.--

28       (1) In accordance with chapter 191, Florida Statutes,  
29       the business and affairs of the district shall be conducted  
30       and administered by a five-member board of fire commissioners  
31       elected pursuant to chapter 191, Florida Statutes, by the

1 electors of the district in a nonpartisan election held at the  
2 time and in the manner prescribed for holding general  
3 elections in section 189.405(2)(a), Florida Statutes. Each  
4 member of the board shall be elected for a term of 4 years and  
5 shall serve until his or her successor assumes office.

6 (2) The office of each board member is designated as a  
7 seat on the board, distinguished from each of the other seats  
8 by a numeral: 1, 2, 3, 4, or 5. Each candidate must  
9 designate, at the time he or she qualifies, the seat on the  
10 board for which he or she is qualifying. The name of each  
11 candidate who qualifies shall be included on the ballot in a  
12 way that clearly indicates the seat for which he or she is a  
13 candidate. The candidate for each seat who receives the most  
14 votes shall be elected to the board.

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

19 (4) In accordance with chapter 191, Florida Statutes,  
20 each elected member shall assume office 10 days following the  
21 member's election. Annually, within 60 days after the newly  
22 elected members have taken office, the board shall organize by  
23 electing from its members a chair, a vice chair, a secretary,  
24 and a treasurer. The positions of secretary and treasurer may  
25 be held by one member.

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

29 (6) If a vacancy occurs on the board due to the  
30 resignation, death, removal of a board member, or the failure  
31 of anyone to qualify for a board seat, the remaining members

1 may appoint a qualified person to fill the seat until the next  
2 general election, at which time an election shall be held to  
3 fill the vacancy for the remaining term, if any.

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

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

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

21 Section 6. Schedule of non-ad valorem  
22 assessments.--The assessment procedures and amount, as set  
23 forth herein, represent the manner to be followed and the  
24 maximum allowable rates that may be charged by the district,  
25 if needed. For assessment purposes, all property within the  
26 district shall be divided into three general classifications:  
27 vacant parcels, residential parcels, and commercial/industrial  
28 parcels.

29 (1) Vacant parcels shall include all parcels that are  
30 essentially undeveloped and are usually classified by the  
31 property appraiser as use code types "0000," "0004," "1000,"

1 "4000," "9800," "9900," and "5000" through "7000." The  
2 maximum annual assessment for these parcels shall be:  
3 (a) Vacant platted lots (use code 0000) or unbuilt  
4 condominia (use code 0004) \$4 per lot or condominium.  
5 (b) Unsubdivided acreage (use codes 5000 through 7000  
6 and 9800, 9900, and 9901) \$2 per acre or fraction thereof,  
7 except that not more than \$250 may be assessed against any one  
8 parcel.  
9 (c) Vacant commercial and industrial parcels, per lot  
10 or parcel (use codes 1000 and 4000) \$4 per lot or parcel.  
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12 Whenever a residential unit is located on a parcel defined  
13 herein as vacant, the residential plot shall be considered as  
14 one lot or one acre, with the balance of the parcel being  
15 assessed as vacant land in accordance with the schedule  
16 herein. Whenever an agricultural or commercial building or  
17 structure is located on a parcel defined herein as vacant, the  
18 building or structure shall be assessed in accordance with the  
19 schedule of commercial/industrial assessments.  
20 (2) Residential parcels include all parcels that are  
21 developed for residential purposes and are usually classified  
22 by the property appraiser as use code types "0100" through  
23 "0800," "0801," "0803," and "2802." All residential parcels  
24 shall be assessed by the number and size of dwelling units per  
25 parcel. Surcharges may be assigned by the district for  
26 dwelling units located on the third or higher floors. The  
27 maximum annual assessment for these parcels shall be:  
28 (a) Single family residential (use code 0100) shall be  
29 assessed per dwelling unit. The base assessment for all  
30 dwelling units may not exceed \$60 for the first 1,000 square feet.  
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1 Each square foot above 1,000 square feet shall be assessed at  
2 a rate not to exceed \$0.04 per square foot.

3 (b) Condominia residential (use code 0400) shall be  
4 assessed \$90 per dwelling unit.

5 (c) Mobile homes (use codes 0200 or 0204) shall be  
6 assessed \$80 per dwelling unit.

7 (d) Multifamily residential (use codes 0300 and 0800),  
8 cooperatives (use code 0500), retirement homes (use code  
9 0600), and miscellaneous residential uses (use code 0700)  
10 shall be assessed \$90 per dwelling unit or, in the case of  
11 group quarters, per bedroom.

12 (e) Mobile home or travel trailer parks (use code  
13 2802) shall be assessed \$80 per dwelling unit or available  
14 rental space as applicable.

15 (f) Any other residential unit, including, but not  
16 limited to, the residential portions of mixed uses (use code  
17 1200), shall be assessed \$90 per dwelling unit.

18 (3)(a) Commercial/industrial parcels shall include all  
19 other developed parcels that are not included in the  
20 residential category as defined above. All  
21 commercial/industrial parcels shall be assessed on a square  
22 footage basis for all buildings and structures in accordance  
23 with the following schedule and hazard classification. The  
24 district may or may not vary the assessment by hazard  
25 classifications as set forth herein.

26 (b) The base assessment for all buildings and  
27 structures shall be \$200 for the first 1,000 square feet on a  
28 parcel. The schedule for all square footage above 1,000  
29 square feet is as follows. However, the district may grant an  
30 improved hazard rating to all or part of the buildings and  
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1 structures if they are equipped with complete internal fire  
2 suppression facilities.

3	<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
4			
5	<u>Mercantile (M)</u>	<u>1100,1200,1300,1400,</u>	
6		<u>1500,1600,1604,2900</u>	<u>\$0.0525 per sq. ft.</u>
7	<u>Business (B)</u>	<u>1700,1704,1800,1900,</u>	
8		<u>1904,2200,2300,2400,</u>	
9		<u>2500,2600,3000,3600</u>	<u>\$0.0525 per sq. ft.</u>
10	<u>Assembly (A)</u>	<u>2100,3100,3200,3300,</u>	
11		<u>3400,3500,3700,3800,</u>	
12		<u>3900,7600,7700,7900</u>	<u>\$0.0675 per sq. ft.</u>
13	<u>Factory/</u>	<u>4100,4104,4400,4500,</u>	
14	<u>Industrial (F)</u>	<u>4600,4700,9100</u>	<u>\$0.0900 per sq. ft.</u>
15	<u>Storage (S)</u>	<u>2000,2700,2800,4900</u>	<u>\$0.0900 per sq. ft.</u>
16	<u>Hazardous (H)</u>	<u>4200,4300,4800,4804</u>	<u>\$0.1050 per sq. ft.</u>
17	<u>Institutional</u>	<u>7000,7100,7200,7300,</u>	
18	<u>(I)</u>	<u>7400,7800,8400,8500,</u>	
19		<u>9200</u>	<u>\$0.0600 per sq. ft.</u>

20 (c) Whenever a parcel is used for multiple hazard  
21 classifications, the district may vary the assessment in  
22 accordance with actual categories.

23 (d) The board of commissioners shall have the  
24 authority to further define these use code numbers subject to  
25 information received from the property appraiser's office.

26 (e) Whenever one industrial complex under single  
27 ownership has more than 2.5 million square feet of structures  
28 on a site of contiguous parcels or a site of parcels that  
29 would be contiguous except that they are dissected by one or  
30 more transportation rights-of-way, the maximum fire tax  
31 assessment may not exceed one-half of the adopted fire tax



1 rate for that tax year for factory industrial use. Such rate  
2 shall be applied to all structural square footage in the  
3 complex regardless of actual use or use classification.

4 Section 7. Impact fees.--

5 (1)(a) It is hereby found and determined that the  
6 district is located in one of the fastest growing areas of  
7 Manatee County, which is itself experiencing one of the  
8 highest growth rates in the nation. New construction and  
9 resulting population growth have placed a strain upon the  
10 capabilities of the district to continue providing the high  
11 level of professional fire protection and emergency service  
12 for which the residents of the district pay and which they  
13 deserve.

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

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

25 (2) No person may issue or obtain a building permit  
26 for new residential dwelling units or new commercial or  
27 industrial structures within the district, or issue or obtain  
28 construction plan approval for new mobile home or recreational  
29 or travel trailer park developments located within the  
30 district, until the developer thereof has paid the applicable  
31 impact fee to the district as follows: each new residential

1 dwelling unit, \$150; new commercial or industrial structures,  
2 \$310 up to 5,000 square feet, and \$310 plus \$0.08 per square  
3 foot above 5,000 square feet for structures 5,000 square feet  
4 or over; new recreational or travel trailer park developments,  
5 \$40 per lot or permitted space.

6 (3) The impact fees collected by the district pursuant  
7 to this section shall be kept as a separate fund from other  
8 revenues of the district and shall be used exclusively for the  
9 acquisition, purchase, or construction of new facilities or  
10 portions thereof required to provide fire protection and  
11 emergency service to new construction. "New facilities" means  
12 land, buildings, and capital equipment, including, but not  
13 limited to, fire and emergency vehicles and radio-telemetry  
14 equipment. The fees may not be used for the acquisition,  
15 purchase, or construction of facilities which must be obtained  
16 in any event, regardless of growth within the district. The  
17 board of fire commissioners shall maintain adequate records to  
18 ensure that impact fees are expended only for permissible new  
19 facilities.

20 Section 8. Other district powers, functions, and  
21 duties.--In addition to any powers set forth in this act, the  
22 district shall hold all powers, functions, and duties set  
23 forth in chapters 189, 191, and 197, Florida Statutes, as they  
24 may be amended from time to time, including, but not limited  
25 to, ad valorem taxation, bond issuance, other revenue-raising  
26 capabilities, budget preparation and approval, liens and  
27 foreclosure of liens, use of tax deeds and tax certificates as  
28 appropriate for non-ad valorem assessments, and contractual  
29 agreements. The district may be financed by any method  
30 established in this act, chapter 189, Florida Statutes, or

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1 chapter 191, Florida Statutes, or any other applicable general  
2 or special law, as they may be amended from time to time.

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

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

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

14 Section 12. Bonds.--The procedures and requirements  
15 governing the issuance of bonds, notes, and other evidence of  
16 indebtedness by the district shall be as set forth in this  
17 act, chapter 191, Florida Statutes, and any other applicable  
18 general or special laws, as they may be amended from time to  
19 time.

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

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

26 Section 5. Repeal of prior special acts.--Chapter  
27 92-249, Laws of Florida, shall be repealed upon the effective  
28 date of this act.

29 Section 6. Paragraph (1)(a) of section 1, chapter  
30 93-352, Laws of Florida, as amended by chapter 94-373, Laws of  
31 Florida, is amended to read:

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

3           (1)(a) The business affairs of the Cedar Hammock Fire  
4 Control District, Parrish Fire Control District, ~~Southern~~  
5 ~~Manatee Fire and Rescue District~~, Trailer Estates Fire Control  
6 District, Westside Fire Control District, and Whitfield Fire  
7 Control District in Manatee County shall each be conducted and  
8 administered by a five-member board of fire commissioners that  
9 is elected by the electors of the respective district in a  
10 nonpartisan election held at the time and in the manner  
11 prescribed for holding general elections in section  
12 189.405(2)(a), Florida Statutes. Each member of a district  
13 board shall be elected for a term of 4 years and shall serve  
14 until his successor is chosen and qualified, except that  
15 members elected to seats 2 and 4 in the first election held  
16 after the effective date of this act shall be elected for a  
17 term of 2 years.

18           Section 7. This act shall take effect upon becoming a  
19 law.

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