

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Community Affairs offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

Section 1. Creation; boundaries.--Upon this act becoming a law, all of the following lands in Manatee County shall be incorporated as an independent special fire control district, which shall be a public municipal corporation for 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, leased, own, possess, and convey real and personal property, by purchase or gift or otherwise, in order to carry out the purposes of this act. The lands so incorporated shall include the following:

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

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

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

25 Section 3. Definitions.--

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

28 (2) "District" means the West Manatee Fire Control
29 District, an independent special fire control district as
30 defined in s. 189.403, Florida Statutes.

31 (3) "Elector" means a person who is a resident of the

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1 West Manatee Fire Control District and is qualified to vote in
2 a general election within Manatee County.

3 (4) "Emergency medical service" means basic and
4 advanced life support service as defined in s. 401.23, Florida
5 Statutes.

6 (5) "Rescue response service" means an initial
7 response to an emergency or accident situation, including, but
8 not limited to, a plane crash, a trench or building collapse,
9 a swimming or boating accident, or a motor vehicle accident.

10 Section 4. District board of commissioners;
11 membership, terms of office, officers, meetings.--The district
12 board of commissioners shall conduct and administer the
13 business affairs of the district through a five-member board
14 which shall be elected in nonpartisan elections by the
15 electors of the district for a term of four (4) years, and
16 each member shall serve until the member's successor assumes
17 office. A member of the board shall be a resident of the
18 district and a citizen of the United States. No district
19 board member shall be a paid employee of the district, and
20 each board member shall continue to meet all qualifications to
21 hold office continually through his or her term. Members of
22 the district board shall take office at the same time as do
23 county officers, being the second Tuesday following the
24 general election in November. The board of commissioners
25 shall be established and elected, and shall operate, organize
26 and function in accordance with the provisions of section
27 191.005, Florida Statutes. The office of each member of the
28 board is designated as being a seat, distinguished from each
29 of the other seats of the board by a numeral; 1, 2, 3, 4 or 5.
30 The numerical seat designation does not reflect a geographical
31 subdistrict or area of the district, but each candidate for a

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1 seat on the board shall designate, at the time the candidate
2 qualifies, the seat for which the candidate is qualifying.
3 The election for each seat shall be at-large within the
4 district. The initial board of commissioners, until
5 successors are elected and assume office, shall consist of the
6 officials who are then holding elected office as a district
7 board member for seats 1, 4 and 5 on the West Side Fire
8 Control District and seats 2 and 3 on the Anna Maria Fire
9 Control District as of the date immediately preceding the
10 effective day of this act. The commissioners holding seat 1
11 and 5 from West Side Fire Control District and the
12 commissioner hold seat 2 from the Anna Maria Fire Control
13 District shall have initial terms of four (4) years, with
14 their terms expiring in November, 2004, as provided in this
15 section. The commissioner holding seat 4 from the West Side
16 Fire Control District and the commissioner holding seat 3 from
17 the Anna Maria Fire Control District shall have initial terms
18 of two (2) years, with their terms expiring in November, 2002,
19 as provided in this section. The foregoing provisions
20 establish an initial board having three (3) commissioners,
21 each with a four (4) year term, and two (2) commissioners,
22 each with a two (2) year term, thereby establishing staggered
23 terms for the board on the effective date of this act.

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

28 Section 6. Procedures for conducting elections.--The
29 procedures for conducting any district election or referendum
30 are as provided in section 191.005, Florida Statutes, and as
31 otherwise provided by general law. To qualify as an elector

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1 of the district, a person must be a resident of the district
2 and a citizen of the United States, and shall meet such other
3 qualifications as provided in section 191.005, Florida
4 Statutes, or as otherwise provided by general law.

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

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

14 Section 9. Powers, functions, and duties of the
15 district.--The district shall have, and the district board of
16 commissioners may exercise by a majority vote, all of the
17 following powers, including, but not limited to, the powers to
18 sue and be sued in the name of the district; make and execute
19 contracts and other instruments; provide pension and
20 retirement plans; provide for extra compensation programs;
21 contract for services; borrow money; adopt resolutions and
22 procedures prescribing the powers, duties and functions of the
23 officers of the district; acquire by all lawful means both
24 real and personal property; purchase equipment by installment
25 sales contracts, enter into leases; borrow money and issue
26 bonds; charge user and impact fee; assess and impose on real
27 property of the district both ad valorem taxes and non ad
28 valorem assessments; prepare and implement budgets; establish
29 liens and foreclose thereon, establish and maintain emergency
30 medical and rescue response services, and any and all other
31 general powers as provided for in section 191.006, Florida

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1 Statutes, and special powers as provided for in section
2 191.008, Florida Statutes, as same may be amended.

3 Section 10. Financing of the district.--The methods
4 for financing the district shall be as provided in chapter
5 191, Florida Statutes, as same be amended, and as provided by
6 other general law applicable to independent special districts.

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

14 Section 12. Collection of non-ad valorem assessments,
15 fees or services charges.--The district is hereby authorized
16 to utilize any method or methods for collecting non-ad valorem
17 assessments, fees, impact fees, or service charges as provided
18 in chapter 191, Florida Statutes, as the same may be amended,
19 or as otherwise provided by general law.

20 Section 13. Schedule of special assessments.--The
21 provisions regarding assessment procedures as set forth above,
22 represents the method to be followed by the district regarding
23 any subsequent establishment or increase in special
24 assessments for the district. Upon the effective date of this
25 act, but in no way limiting the ability of the district board
26 to increase special assessments as necessary in keeping with
27 this charter, for assessment purposes, all property within the
28 district is divided into three general classifications:
29 vacant parcels, residential parcels, and commercial/industrial
30 parcels.

31 (1) Vacant parcels shall include all parcels which are

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1 essentially undeveloped. The annual assessment for these
2 parcels shall be as follows:

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

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

6 (c) A vacant commercial and industrial parcel shall be
7 assessed as a platted lot or unsubdivided acreage, as
8 applicable. Whenever a residential unit is located on a
9 parcel defined herein as vacant, the residential plot shall be
10 considered as one lot or one acre, with the balance of the
11 parcel being assessed as vacant land in accordance with the
12 schedule herein. When a agricultural or commercial building
13 or structure is located on a parcel defined herein as vacant,
14 the building or structure shall be assessed in accordance with
15 the schedule of commercial/industrial assessments.

16 (2) Residential parcels include all parcels which are
17 developed for residential purposes. All residential parcels
18 shall be assessed by the number and square-footage size of
19 dwelling units per parcel. Surcharges may be assigned by the
20 district for dwelling units located on the third or higher
21 floors. The annual assessment for these parcels shall be as
22 follows:

23 (a) A single family residential parcel shall be
24 assessed on a square footage basis for each dwelling unit at
25 \$125 for the first 1,000 square feet in the dwelling unit, and
26 all square footage above 1,000 square feet shall be charged at
27 a rate of \$0.075 per additional square foot.

28 (b) A parcel for residential condominium use shall be
29 assessed on a square-footage basis for each dwelling unit \$125
30 for the first 1,000 square feet in the dwelling unit, and all
31 square-footage above 1,000 square feet shall be charged at a

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1 rate of \$0.075 per additional square foot.

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

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

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

14 (3) Commercial/industrial parcels shall include all
15 other developed parcels which are not included in the
16 residential categories as defined in subsection (2). Each
17 commercial/industrial parcel shall be assessed on a square
18 footage basis for each building and structure in accordance
19 with the following schedule:

20 (a) The base assessment for each building or structure
21 shall be \$300 for the first 1,000 square feet and all square
22 footage above 1,000 square feet, shall be charged at a rate of
23 \$0.125 per additional square foot.

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

27 Section 14. Impact Fees.--

28 (1) It is hereby established and determined that the
29 district is comprised of one of the fastest-growing areas of
30 Manatee County, which is also experiencing one of the highest
31 growth rates in the state. New construction and the resulting

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1 population growth will place a strain upon the capabilities of
2 the district to provide the high level of professional fire
3 protection and emergency service for which the residents of
4 the district deserve and for which they pay.

5 (2) It is hereby declared that the cost of the new
6 facilities for fire protection and emergency service shall be
7 borne by new users of the district's services to the extent
8 new construction requires new facilities, but only to that
9 extent. It is the legislative intent to transfer to the new
10 user of the district's fire protection and emergency services
11 a fare share of the cost that new users impose on the district
12 for new facilities.

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

16 (4) No person or local governmental jurisdiction
17 within the district shall issue or obtain a building permit
18 for a new residential dwelling unit or a new non-residential
19 structure within the district, or issue or obtain
20 construction-plan approval for a new mobile home park
21 development or a new recreational or travel trailer park
22 development located within the district, until the applicant
23 or developer thereof has paid his or her applicable impact fee
24 to the district as follows: for each new residential dwelling
25 unit, \$100; for each new non-residential structure, \$200 up to
26 5,000 square feet and \$200 plus \$0.05 per square foot for each
27 square foot over 5,000 square feet for a structure 5,000
28 square feet or over; for a new mobile home park development or
29 a new recreational or travel trailer park development, \$25 per
30 lot or permitted space.

31 (5) The impact fees collected by the district pursuant

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

14 (6) Evidence of payment to the district of the impact
15 fee for new development shall be presented to the applicable
16 local governmental unit within the district before a
17 certificate of occupancy is issued.

18 Section 15. Issuance of bonds and procedures.--The
19 district may issue general obligation bonds, assessment bonds,
20 revenue bonds, notes, bond anticipation notes, or other
21 evidences of indebtedness to finance all or a part of any
22 proposed improvements authorized pursuant to this act, or
23 under general or other special law, provided that the total
24 annual payments for the principal and interest of such
25 indebtedness shall not exceed 50% of the total annual budgeted
26 revenues of the district. The procedures and requirements for
27 issuing bonds shall be provided in section 191.012, Florida
28 Statutes, as may be amended, and as otherwise provided by
29 applicable general law.

30 Section 16. Exemption from Taxation.--The assets and
31 properties of the district are exempt from all taxes imposed

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1 by the state or any political subdivision, agency, or
2 instrumentality of the state or any political subdivision,
3 agency, or instrumentality of the state, pursuant to section
4 191.007, Florida Statutes.

5 Section 17. Establishing the district.--The district
6 shall be established by the adoption of this charter by the
7 Legislature and in adherence to the provisions set forth in
8 section 189.404, Florida Statutes, and under the authority of
9 chapter 191, Florida Statutes.

10 Section 18. Amending the charter.--The charter of the
11 district shall be amended only by special act of the
12 Legislature.

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

23 Section 3. Transfer of the assets and liabilities of
24 the existing districts to the new created District.--The
25 existing assets and liabilities of the Anna Maria Fire Control
26 District and the West Side Fire Control District are, upon the
27 effect date of this act, transferred to the West Manatee Fire
28 and Rescue District.

29 Section 4. Repeal of special acts.--Upon the effective
30 date of this act, chapter 25994, Laws of Florida, 1949,
31 chapter 27696, Laws of Florida, 1951, chapter 29263, Laws of

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1 Florida, 1953, chapter 29264, Laws of Florida, 1953, and
2 59-1535, chapters 59-1536, 61-2445, 65-1896, 65-1898, 72-610,
3 75-427, 75-433, 79-510, 81-427, 81-434, 82-324, 83-458,
4 84-476, 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414
5 and 94-373, Laws of Florida, are repealed.

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

12 Section 6. Interpretation.--The provisions of this act
13 shall be liberally construed in order to effectively carry out
14 the public purpose of this act in the best interest of the
15 public health, safety and welfare.

16 Section 7. Effective date.--This act and the charter
17 for the West Manatee Fire and Rescue District shall take
18 effect upon becoming a law.

19
20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Beginning on page 1 line 2 through page 2, line 14,
24 remove from the title of the bill: all of said lines

25
26 and insert in lieu thereof:

27 An act relating to Manatee County; merging the
28 Anna Maria Fire Control District and Westside
29 Fire Control District to create a new district;
30 creating and establishing an independent
31 special fire control district to be known as

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1 the West Manatee Fire and Rescue District;
2 establishing boundaries; providing purpose of
3 the district; providing definitions; providing
4 for the membership and organization of the
5 governing body of the district; providing for
6 maximum compensation of a governing board
7 member; providing for district elections or
8 referenda and the qualifications of an elector;
9 providing administrative duties of the
10 district; providing applicable financial
11 disclosure, noticing, and reporting
12 requirements of the district; providing powers,
13 functions, and duties; provides for financing
14 the district; provides authority to levy ad
15 valorem taxes and maximum millage that is
16 authorized therefor; providing for collecting
17 non-ad valorem assessments, fees, or service
18 charges; providing a schedule of special
19 assessments; providing for impact fees;
20 providing authority to issue, and the
21 procedures for issuing, bonds by the district;
22 provides exemption from taxation; providing for
23 the establishment of the district; providing
24 for amending the charter of the district;
25 providing for district planning; providing for
26 transfer of the assets and liabilities of the
27 existing districts to the West Manatee Fire and
28 Rescue District; providing for repeal of all
29 acts relating to the Anna Maria Fire Control
30 District and the Westside Fire Control
31 District, including chapter 25994, Laws of

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Florida, 1949, chapter 27696, Laws of Florida,
1951, chapters 29263 and 29264, Laws of
Florida, 1953, and chapters 59-1535, 59-1536,
61-2445, 65-1896, 65-1898, 72-610, 75-427,
75-433, 79-510, 81-427, 81-434, 82-324, 83-458,
84-476, 84-479, 85-455, 85-460, 88-487, 90-456,
90-459, 91-414, and 94-373, Laws of Florida;
providing for severability; providing for
interpretation; providing an effective date.