

By Representative Ogles

1 A bill to be entitled
2 An act relating to Manatee County; creating and
3 establishing an independent special fire
4 control district to be known as the West
5 Manatee Fire and Rescue District; providing
6 purpose of the district; providing powers,
7 functions, and duties; providing for
8 establishment of the district; providing for
9 amending the charter of the district; 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 administrative duties of the
14 district; providing applicable financial
15 disclosure, noticing, and reporting
16 requirements of the district; providing
17 authority to issue, and the procedures for
18 issuing, bonds by the district; providing for
19 district elections or referenda and the
20 qualifications of an elector; providing for
21 financing the district; providing authority to
22 levy ad valorem taxes and the maximum millage
23 rate that is authorized therefor; providing for
24 collecting non-ad valorem assessments, fees, or
25 service charges; providing requirements for
26 comprehensive and long-range planning;
27 establishing the geographic boundaries of the
28 district; providing a schedule of special
29 assessments; providing for impact fees;
30 providing for transfer of the assets and
31 liabilities of the existing districts to the

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

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

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18 Section 1. The charter of the West Manatee Fire and
19 Rescue District, an independent special fire control district,
20 is created to read:

21 Section 1. Short title.--This act may be cited as the
22 "West Manatee Fire and Rescue District Act."

23 Section 2. Creation of West Manatee Fire and Rescue
24 District.--There is hereby created the West Manatee Fire and
25 Rescue District for the purposes and having the powers and
26 authority as provided herein.

27 Section 3. Purpose of the district.--The purposes of
28 this act are to create the West Manatee Fire and Rescue
29 District, hereinafter "district," to consist of the
30 jurisdictional boundaries of the existing Anna Maria Fire
31 Control District and the Westside Fire Control District, and

1 to repeal all acts relating to the Anna Maria and Westside
2 Fire Control Districts; to establish a charter for the
3 district; to provide the district with such general and
4 special powers as hereinafter set forth; to provide for the
5 operations and governance of the district; to provide for
6 greater uniformity, communication, and coordination in
7 performing fire suppression and related activities within the
8 jurisdictional boundaries of the district in order to benefit
9 the public health, safety, and welfare; and to effectively
10 achieve the purposes set forth for independent special fire
11 control districts pursuant to chapter 191, Florida Statutes,
12 as the same may be amended from time to time.

13 Section 4. Powers, functions, and duties of the
14 district.--The district shall have, and the district board of
15 commissioners may exercise by a majority vote, all of the
16 following powers, including, but not limited to, the powers to
17 sue and be sued in the name of the district; make and execute
18 contracts and other instruments; provide pension and
19 retirement plans; provide for extra compensation programs;
20 contract for services; borrow money; adopt resolutions and
21 procedures prescribing the powers, duties, and functions of
22 the officers of the district; acquire by all lawful means both
23 real and personal property; purchase equipment by installment
24 sales contracts; enter into leases; borrow money and issue
25 bonds; charge user and impact fees; assess and impose on real
26 property of the district both ad valorem taxes and non-ad
27 valorem assessments; prepare and implement budgets; establish
28 liens and foreclose thereon; establish and maintain emergency
29 medical and rescue response services, and any and all other
30 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 the same may be amended.

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

8 Section 6. Amending the charter.--The charter of the
9 district shall be amended only by special act of the
10 Legislature.

11 Section 7. Membership and organization of the
12 governing board.--The district board of commissioners shall
13 conduct and administer the business affairs of the district
14 through a five-member board which shall be elected in
15 nonpartisan elections by the electors of the district for a
16 term of 4 years, and each member shall serve until the
17 member's successor assumes office. A member of the board shall
18 be a resident of the district and a citizen of the United
19 States. No board member shall be a paid employee of the
20 district, and each board member shall continue to meet all
21 qualifications to hold office continually throughout his or
22 her term. Members of the board shall take office at the same
23 time as do county officers, being the second Tuesday following
24 the 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 a seat, distinguished from each of the
29 other seats of the board by a numeral: 1, 2, 3, 4, or 5. The
30 numerical seat designation does not reflect a geographical
31 subdistrict or area of the district, but each candidate for a

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

23 Section 8. Board compensation.--The members of the
24 district board shall receive compensation not to exceed \$500
25 per month for each board member, as provided in section
26 191.005(4), Florida Statutes.

27 Section 9. District board; administrative duties.--The
28 administrative duties of the governing board are as provided
29 in section 191.005, Florida Statutes.

30 Section 10. Financial disclosure, noticing, and
31 reporting requirements.--The district and the board shall have

1 those financial disclosure, noticing, and reporting
2 requirements as provided by general law and made applicable to
3 said board members and independent fire control districts
4 within the state.

5 Section 11. Issuance of bonds and procedures.--The
6 district may issue general obligation bonds, assessment bonds,
7 revenue bonds, notes, bond anticipation notes, or other
8 evidences of indebtedness to finance all or a part of any
9 proposed improvements authorized pursuant to this act, or
10 under general or other special law, provided that the total
11 annual payments for the principal and interest of such
12 indebtedness shall not exceed 50 percent of the total annual
13 budgeted revenues of the district. The procedures and
14 requirements for issuing bonds shall be as provided in section
15 191.012, Florida Statutes, and as otherwise provided by
16 applicable general law.

17 Section 12. Procedures for conducting elections.--The
18 procedures for conducting any district election or referendum
19 are as provided in section 191.005, Florida Statutes, and as
20 otherwise provided by general law. To qualify as an elector of
21 the district, a person must be a resident of the district and
22 a citizen of the United States, and shall meet such other
23 qualifications as provided in section 191.005, Florida
24 Statutes, or as otherwise provided by general law.

25 Section 13. Financing of the district.--The methods
26 for financing the district shall be as provided in chapter
27 191, Florida Statutes, as the same may be amended, and as
28 provided by other general law applicable to independent
29 special districts.

30 Section 14. Levy of ad valorem taxes and millage
31 rate.--The district board may levy and assess ad valorem taxes

1 on all taxable property in the district for any and all
2 operating purposes, exclusive of debt service on bonds, in a
3 millage amount not to exceed 3.75 mills, pursuant to the
4 provisions of section 191.009, Florida Statutes.

5 Section 15. Collection of non-ad valorem assessments,
6 fees, or service charges.--The district is hereby authorized
7 to utilize any method or methods for collecting non-ad valorem
8 assessments, fees, impact fees, or service charges as provided
9 in chapter 191, Florida Statutes, as the same may be amended,
10 or as otherwise provided by general law.

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

21 Section 17. District geographical boundary
22 limitations.--The real property and lands to be incorporated
23 within the district are described as follows:

24
25 (1) All of Anna Maria Island in Manatee
26 County, Florida, and the unincorporated village
27 of Cortez, Florida, and the adjoining area
28 bounded on the north by Palma Sola Bay, on the
29 east by the range line between Ranges 16 East
30 and 17 East, and on the south by Sarasota Bay;
31 and

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

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15 Section 18. Schedule of special assessments.--The
16 provisions regarding assessment procedures as set forth in
17 section 14 represent the method to be followed by the district
18 regarding any subsequent establishment or increase in special
19 assessments for the district. Upon the effective date of this
20 act, but in no way limiting the ability of the district board
21 to increase special assessments as necessary in keeping with
22 this charter, for assessment purposes, all property within the
23 district is divided into three general classifications: vacant
24 parcels, residential parcels, and commercial/industrial
25 parcels.

26 (1) Vacant parcels include all parcels which are
27 essentially undeveloped. The annual assessment for these
28 parcels shall be as follows:

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

30 (b) Unsubdivided acreage, \$25 per acre or fraction
31 thereof.

1 (c) A vacant commercial and industrial parcel shall be
2 assessed as a platted lot or unsubdivided acreage, as
3 applicable.

4
5 Whenever a residential unit is located on a parcel defined
6 herein as vacant, the residential plot shall be considered as
7 one lot or one acre, with the balance of the parcel being
8 assessed as vacant land in accordance with the schedule
9 herein. Whenever an agricultural or commercial building or
10 structure is located on a parcel defined herein as vacant, the
11 building or structure shall be assessed in accordance with the
12 schedule of commercial/industrial assessments.

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

20 (a) A single family residential parcel shall be
21 assessed on a square-footage basis for each dwelling unit at
22 \$125 for the first 1,000 square feet in the dwelling unit, and
23 all square footage above 1,000 square feet shall be charged at
24 a rate of \$0.075 per additional square foot.

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

30 (c) A mobile home shall be assessed at \$125 per
31 dwelling unit.

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

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

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

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

21 (b) Whenever a parcel is classified for
22 multiple-hazard use, the district may vary the assessment in
23 accordance with the actual category.

24 Section 19. Impact fees.--

25 (1) It is hereby established and determined that the
26 district is comprised of one of the fastest-growing areas of
27 Manatee County, which is also experiencing one of the highest
28 growth rates in the state. New construction and the resulting
29 population growth will place a strain upon the capabilities of
30 the district to provide the high level of professional fire
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1 protection and emergency services which the residents of the
2 district deserve and for which they pay.

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

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

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

29 (5) The impact fees collected by the district pursuant
30 to this section shall be kept as a separate fund from other
31 revenues of the district and shall be used exclusively for the

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

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

16 Section 2. The existing assets and liabilities of the
17 Anna Maria Fire Control District and the Westside Fire Control
18 District are, upon the effective date of this act, transferred
19 to the West Manatee Fire and Rescue District.

20 Section 3. Upon the effective date of this act, all
21 acts relating to the Anna Maria Fire Control District and the
22 Westside Fire Control District, including chapter 25994, Laws
23 of Florida, 1949, chapter 27696, Laws of Florida, 1951,
24 chapters 29263 and 29264, Laws of Florida, 1953, and chapters
25 59-1535, 59-1536, 61-2445, 65-1896, 65-1898, 72-610, 75-427,
26 75-433, 79-510, 81-427, 81-434, 82-324, 83-458, 84-476,
27 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414, and
28 94-373, Laws of Florida, are repealed.

29 Section 4. If any clause, section, or provision of
30 this act is declared to be unconstitutional or invalid for any
31 cause or reason, the same shall be eliminated from this act,

1 and the remaining portion of said act shall be in force and
2 effect and shall be as valid as if such invalid portion
3 thereof had not been incorporated therein.

4 Section 5. The provisions of this act shall be
5 liberally construed in order to effectively carry out the
6 public purposes of this act in the best interest of the
7 public health, safety, and welfare.

8 Section 6. This act shall take effect upon becoming a
9 law.

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