

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; provides for financing
20 the district; provides 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 provides exemption from taxation; providing for
29 the establishment of the district; providing
30 for amending the charter of the district;
31 providing for district planning; providing for

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

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

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

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

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

1 to carry out the purposes of this act. The lands so
2 incorporated shall include the following:

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

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

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

27 Section 3. Definitions.--

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

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1 (2) "District" means the West Manatee Fire Control
2 District, an independent special fire control district as
3 defined in s. 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 s. 401.23, Florida
9 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 which shall be elected in nonpartisan elections by the
19 electors of the district for a term of four (4) years, and
20 each 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 shall 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, being the second Tuesday following the
28 general election in November. The board of commissioners
29 shall be established and elected, and shall operate, organize
30 and function in accordance with the provisions of section
31 191.005, Florida Statutes. The office of each member of the

1 board is designated as being a seat, distinguished from each
 2 of the other seats of the board by a numeral; 1, 2, 3, 4 or 5.
 3 The 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 seat 1
 15 and 5 from West Side Fire Control District and the
 16 commissioner hold seat 2 from the Anna Maria Fire Control
 17 District shall have initial terms of four (4) years, with
 18 their terms expiring in November, 2004, as provided in this
 19 section. The commissioner holding seat 4 from the West Side
 20 Fire Control District and the commissioner holding seat 3 from
 21 the Anna Maria Fire Control District shall have initial terms
 22 of two (2) years, with their terms expiring in November, 2002,
 23 as provided in this section. The foregoing provisions
 24 establish an initial board having three (3) commissioners,
 25 each with a four (4) year term, and two (2) commissioners,
 26 each with a two (2) year term, thereby establishing staggered
 27 terms for the board on the effective date of this act.
 28 Section 5. Board compensation.--The members of the
 29 district board shall receive a compensation not to exceed five
 30 hundred dollars (\$500) per month for each board member, as
 31 provided in section 191.005(4), Florida Statutes.

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 shall 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 said 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 fee; assess and impose on real
31 property of the district both ad valorem taxes and non ad

1 valorem assessments; prepare and implement budgets; establish
2 liens and foreclose thereon, establish and maintain emergency
3 medical and rescue response services, and any and all other
4 general powers as provided for in section 191.006, Florida
5 Statutes, and special powers as provided for in section
6 191.008, 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 be amended, and as provided by
10 other general law applicable to independent special districts.

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

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

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

1 district is divided into three general classifications:
2 vacant parcels, residential parcels, and commercial/industrial
3 parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Section 14. Impact Fees.--

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

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

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

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

1 square feet or over; for a new mobile home park development or
2 a new recreational or travel trailer park development, \$25 per
3 lot or permitted space.

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

18 (6) Evidence of payment to the district of the impact
19 fee for new development shall be presented to the applicable
20 local governmental unit within the district before a
21 certificate of occupancy is issued.

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

1 Statutes, as may be amended, and as otherwise provided by
2 applicable general law.

3 Section 16. Exemption from Taxation.--The assets and
4 properties of the district are exempt from all taxes imposed
5 by the state or any political subdivision, agency, or
6 instrumentality of the state or any political subdivision,
7 agency, or instrumentality of the state, pursuant to section
8 191.007, Florida Statutes.

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

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

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

27 Section 3. Transfer of the assets and liabilities of
28 the existing districts to the new created District.--The
29 existing assets and liabilities of the Anna Maria Fire Control
30 District and the West Side Fire Control District are, upon the
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1 effect date of this act, transferred to the West Manatee Fire
2 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 and the charter
22 for the West Manatee Fire and Rescue District shall take
23 effect upon becoming a law.

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