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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.

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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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