

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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