

1 A bill to be entitled
2 An act relating to Southern Manatee Fire and
3 Rescue District; providing for codification of
4 special laws relating to Southern Manatee Fire
5 and Rescue District pursuant to s. 191.015,
6 F.S.; providing legislative intent; amending,
7 codifying, and reenacting all prior special
8 acts; providing for incorporation as a special
9 fire control district; providing a district
10 boundary; providing for a governing board of
11 said district; providing for non-ad valorem
12 assessments and impact fees; providing a
13 schedule of non-ad valorem assessments;
14 providing for district powers, functions, and
15 duties; deleting a reference to the district
16 from chapter 93-352, Laws of Florida, as
17 amended by chapter 94-373, Laws of Florida;
18 providing for construction and effect;
19 providing for repeal of chapter 92-249, Laws of
20 Florida; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Intent.--Pursuant to section 191.015,
25 Florida Statutes, this act constitutes the codification of all
26 special acts relating to Southern Manatee Fire and Rescue
27 District. It is the intent of the Legislature to provide a
28 single, comprehensive special act charter for the district
29 including all current legislative authority granted to the
30 district by its several legislative enactments and any
31 additional authority granted by this act and chapters 189 and

1 191, Florida Statutes, as they may be amended from time to
2 time. It is further the intent of this act to preserve all
3 district authority.

4 Section 2. Codification--Chapter 92-249, Laws of
5 Florida, is codified, reenacted, amended, and repealed as
6 herein provided.

7 Section 3. The Southern Manatee Fire and Rescue
8 District is recreated and the charter is recreated and
9 reenacted to read:

10 Section 1. Incorporation.--All of the unincorporated
11 lands in Manatee County, as described in this act, shall be
12 incorporated into an independent special fire control
13 district. Said special fire control district shall be a public
14 municipal corporation under the name of the Southern Manatee
15 Fire and Rescue District. The district is organized and exists
16 for all purposes set forth in this act and chapters 189 and
17 191, Florida Statutes. The district was created by the merger
18 of the Oneco-Tallevast and Samoset Fire Control Districts in
19 chapter 92-249, Laws of Florida. This charter may be amended
20 only by special act of the Legislature.

21 Section 3. Jurisdiction.--The lands to be incorporated
22 within the Southern Manatee Fire and Rescue District are
23 located in Manatee County, Florida, and are described as
24 follows:

25 Begin at the northwest corner of the southwest
26 quarter of the northwest quarter of Section 36,
27 Township 34 South, Range 17 East, thence run
28 generally east along the south line of the city
29 limits of the City of Bradenton and an easterly
30 extension thereof to the center line of the
31 Braden River at a point in Section 33, Township

1 34 South, Range 18 East; provided however that
 2 those unincorporated enclaves located within
 3 the corporate limits of the City of Bradenton
 4 within Sections 29 and 32, Township 34 South,
 5 Range 18 East are included; thence meandering
 6 the center line of the Braden River in a
 7 southeasterly, southerly and southwesterly
 8 direction to a point where the Braden River
 9 intersects the westerly Right-of-Way line of
 10 I-75, said point located in Section 25,
 11 Township 35 South, Range 18 East; thence
 12 southerly along said West Right-of-Way line of
 13 I-75 and the extension thereof to the line
 14 dividing Manatee County and Sarasota County,
 15 said point being located in Section 36,
 16 Township 35 South, Range 18 East; then west to
 17 the Southeast corner of Section 36, Township 35
 18 South, Range 17 East; thence north to the
 19 Northeast corner of Section 36, Township 35
 20 South, Range 17 East; thence west to the
 21 Southwest corner of Southeast corner of Section
 22 25, Township 35 South, Range 17 East; thence
 23 north to the north line of said Section 25,
 24 Township 35 South, Range 17 East; thence West
 25 to the Southwest corner of Section 24, Township
 26 35 South, Range 17 East; thence north to the
 27 point of beginning.

28 Section 4. Governing board.--

29 (1) In accordance with chapter 191, Florida Statutes,
 30 the business and affairs of the district shall be conducted
 31 and administered by a five-member board of fire commissioners

1 elect pursuant to chapter 191, Florida Statutes, by the
2 electors of the district in a nonpartisan election held at the
3 time and in the manner prescribed for holding general
4 elections in section 189.405(2)(a), Florida Statutes. Each
5 member of the board shall be elected for a term of 4 years and
6 shall serve until his or her successor assumes office.

7 (2) The office of each board member is designated as a
8 seat on the board, distinguished from each of the other seats
9 by a numeral: 1, 2, 3, 4, or 5. Each candidate must
10 designate, at the time he or she qualifies, the seat on the
11 board for which he or she is qualifying. The name of each
12 candidate who qualifies shall be included on the ballot in a
13 way that clearly indicates the seat for which he or she is a
14 candidate. The candidate for each seat who receives the most
15 votes shall be elected to the board.

16 (3) In accordance with chapter 191, Florida Statutes,
17 each member of the board must be a qualified elector at the
18 time he or she qualifies and continually throughout his or her
19 term.

20 (4) In accordance with chapter 191, Florida Statutes,
21 each elected member shall assume office 10 days following the
22 member's election. Annually, within 60 days after the newly
23 elected members have taken office, the board shall organize by
24 electing from its members a chair, a vice chair, a secretary,
25 and a treasurer. The positions of secretary and treasurer may
26 be held by one member.

27 (5) Members of the board may each be paid a salary or
28 honorarium to be determined by at least a majority plus one
29 vote of the board, pursuant to chapter 191, Florida Statutes.

30 (6) If a vacancy occurs on the board due to the
31 resignation, death, removal of a board member, or the failure

1 of anyone to qualify for a board seat, the remaining members
2 may appoint a qualified person to fill the seat until the next
3 general election, at which time an election shall be held to
4 fill the vacancy for the remaining term, if any.

5 (7) The procedures for conducting district elections
6 or referenda and for qualification of electors shall be
7 pursuant to chapters 189 and 191, Florida Statutes.

8 (8) The board shall have those administrative duties
9 set forth in this act and chapters 189 and 191, Florida
10 Statutes, as they may be amended from time to time.

11 Section 5. Authority to levy non-ad valorem
12 assessments.--Said district shall have the right, power, and
13 authority to levy non-ad valorem assessments as defined in
14 section 197.3632, Florida Statutes, against the taxable real
15 estate lying within its territorial bounds in order to provide
16 funds for the purpose of the district. The rate of such
17 assessments shall be fixed annually by a resolution of the
18 board of commissioners after the conduct of a public hearing.
19 Such non-ad valorem assessments may be imposed, collected, and
20 enforced pursuant to the provisions of sections
21 197.363-197.3635, Florida Statutes.

22 Section 6. Schedule of non-ad valorem
23 assessments.--The assessment procedures and amount, as set
24 forth herein, represent the manner to be followed and the
25 maximum allowable rates that may be charged by the district,
26 if needed. For assessment purposes, all property within the
27 district shall be divided into three general classifications:
28 vacant parcels, residential parcels, and commercial/industrial
29 parcels.

30 (1) Vacant parcels shall include all parcels that are
31 essentially undeveloped and are usually classified by the

1 property appraiser as use code types "0000," "0004," "1000,"
2 "4000," "9800," "9900," and "5000" through "7000." The
3 maximum annual assessment for these parcels shall be:

4 (a) Vacant platted lots (use code 0000) or unbuilt
5 condominia (use code 0004) \$4 per lot or condominium.

6 (b) Unsubdivided acreage (use codes 5000 through 7000
7 and 9800, 9900, and 9901) \$2 per acre or fraction thereof,
8 except that not more than \$250 may be assessed against any one
9 parcel.

10 (c) Vacant commercial and industrial parcels, per lot
11 or parcel (use codes 1000 and 4000) \$4 per lot or parcel.

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13 Whenever a residential unit is located on a parcel defined
14 herein as vacant, the residential plot shall be considered as
15 one lot or one acre, with the balance of the parcel being
16 assessed as vacant land in accordance with the schedule
17 herein. Whenever an agricultural or commercial building or
18 structure is located on a parcel defined herein as vacant, the
19 building or structure shall be assessed in accordance with the
20 schedule of commercial/industrial assessments.

21 (2) Residential parcels include all parcels that are
22 developed for residential purposes and are usually classified
23 by the property appraiser as use code types "0100" through
24 "0800," "0801," "0803," and "2802." All residential parcels
25 shall be assessed by the number and size of dwelling units per
26 parcel. Surcharges may be assigned by the district for
27 dwelling units located on the third or higher floors. The
28 maximum annual assessment for these parcels shall be:

29 (a) Single family residential (use code 0100) shall be
30 assessed per dwelling unit. The base assessment for all
31 dwelling may not exceed \$60 for the first 1,000 square feet.

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.

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
<u>Mercantile (M)</u>	<u>1100,1200,1300,1400,</u> <u>1500,1600,1604,2900</u>	<u>\$0.0525 per sq. ft.</u>
<u>Business (B)</u>	<u>1700,1704,1800,1900,</u> <u>1904,2200,2300,2400,</u> <u>2500,2600,3000,3600</u>	<u>\$0.0525 per sq. ft.</u>
<u>Assembly (A)</u>	<u>2100,3100,3200,3300,</u> <u>3400,3500,3700,3800,</u> <u>3900,7600,7700,7900</u>	<u>\$0.0675 per sq. ft.</u>
<u>Factory/</u>	<u>4100,4104,4400,4500,</u>	
<u>Industrial (F)</u>	<u>4600,4700,9100</u>	<u>\$0.0900 per sq. ft.</u>
<u>Storage (S)</u>	<u>2000,2700,2800,4900</u>	<u>\$0.0900 per sq. ft.</u>
<u>Hazardous (H)</u>	<u>4200,4300,4800,4804</u>	<u>\$0.1050 per sq. ft.</u>
<u>Institutional</u>	<u>7000,7100,7200,7300,</u>	
<u>(I)</u>	<u>7400,7800,8400,8500,</u> <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 4. 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 5. 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 6. 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 7. 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 8. This act shall take effect upon becoming a
19 law.
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