

By Senator Miller

21-1542-01

See HB 921

1 A bill to be entitled

2 An act relating to the Cedar Hammock Fire

3 Control District and the Southern Manatee Fire

4 and Rescue District, Manatee County; providing

5 for merger of the two districts pursuant to s.

6 191.014, F.S.; creating the South Manatee Fire

7 & Rescue District; providing legislative

8 intent; providing for incorporation as a

9 special fire control district; providing

10 district boundaries; providing for election and

11 duties of a governing board of said district;

12 providing for non-ad valorem assessments and

13 impact fees; providing a schedule of non-ad

14 valorem assessments; providing for district

15 powers, functions, and duties; authorizing

16 employees of the South Manatee Fire & Rescue

17 District to exercise certain choices with

18 regard to retirement plans; providing for

19 construction and effect; providing for repeal

20 of chapters 2000-391 and 2000-402, Laws of

21 Florida; providing an effective date.

22

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

24

25 Section 1. Intent.--Pursuant to section 191.014,

26 Florida Statutes, this act shall constitute the merger of

27 Cedar Hammock Fire Control District and Southern Manatee Fire

28 and Rescue District in Manatee County, thereby dissolving

29 Cedar Hammock Fire Control District and Southern Manatee Fire

30 and Rescue District and creating a new special fire control

31 district. The new district shall be named South Manatee Fire &

1 Rescue District. It is the intent of the Legislature that this
2 act shall provide the single, comprehensive special act
3 charter for South Manatee Fire & Rescue District, including
4 all current legislative authority granted to the district by
5 this act and chapters 189 and 191, Florida Statutes, as they
6 may be amended from time to time.

7 Section 2. Incorporation.--The South Manatee Fire &
8 Rescue District is created by the merger of Cedar Hammock Fire
9 Control District and Southern Manatee Fire and Rescue
10 District, and all of the unincorporated lands in Manatee
11 County, as described in this act, shall be incorporated into
12 an independent special fire control district. Said special
13 fire control district shall be a public municipal corporation
14 under the name of South Manatee Fire & Rescue District. The
15 district is organized and exists for all purposes set forth in
16 this act and chapters 189 and 191, Florida Statutes. The
17 district is created by this act and its charter may be amended
18 only by special act of the Legislature.

19 Section 3. Jurisdiction.--The lands to be incorporated
20 within the South Manatee Fire & Rescue District are located in
21 Manatee County, Florida, and are described as follows:

22
23 Begin at the northwest corner of the southwest
24 quarter of the northwest quarter of Section 36,
25 Township 34 South, Range 17 East, thence run
26 generally east along the south line of the city
27 limits of the City of Bradenton and an easterly
28 extension thereof to the centerline of the
29 Braden River at a point in Section 33, Township
30 34 South, Range 18 East; provided however that
31 those unincorporated enclaves located within

1 the corporate limits of the City of Bradenton
2 within Sections 29 and 32, Township 34 South,
3 Range 18 East are included; thence meandering
4 the center line of the Braden River in a
5 southeasterly, southerly and southwesterly
6 direction to a point where the Braden River
7 intersects the westerly right-of-way line of
8 I-75, said point located in Section 25,
9 Township 35 South, Range 18 East; thence
10 southerly along said West right-of-way line of
11 I-75 and the extension thereof to the line
12 dividing Manatee County and Sarasota County,
13 said point being located in Section 36,
14 Township 35 South, Range 18 East; then west to
15 the southeast corner of Section 36, Township 35
16 South, Range 17 East; thence north to the
17 northeast corner of Section 36, Township 35
18 South, Range 17 East; thence west to the
19 southwest corner of the southeast corner of
20 Section 25, Township 35 South, Range 17 East;
21 thence north to the north line of said Section
22 25, Township 35 South, Range 17 East; thence
23 west to the southwest corner of Section 24,
24 Township 35 South, Range 17 East; thence north
25 to the center line of Bowlees Creek, that point
26 being located in Section 23, Township 34 South,
27 Range 17 East; thence westerly along the center
28 line of said Bowlees Creek to the waters of
29 Sarasota Bay,
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1 Less and excepting all the lands within Trailer
2 Estates Subdivisions as shown in Plat Book 8,
3 Pages 138, 139, 140, and 141, and in Plat Book
4 9, Page 61 of the Public Records of Manatee
5 County, Florida.
6
7 Thence meander the shore line of Sarasota Bay
8 in a westerly and northwesterly direction to
9 point where said shore line intersects the west
10 line of Section 7, Township 35 South, Range 17
11 East, thence north along said section line to
12 intersection of said section line with Cortez
13 Road (State Road 684), thence continue north to
14 the waters of Palma Sola Bay, meander the shore
15 of Palma Sola Bay in an easterly,
16 northeasterly, northwesterly and northerly
17 direction to point where shore line intersects
18 the south line of Section 31, Township 34
19 South, Range 17 East, thence east along the
20 south line of Section 31, 32, 33, 34, 35,
21 Township 34 South, Range 17 East to the
22 southeast corner of Section 35, Township 34
23 South, Range 17 East, less those lands annexed
24 by the City of Bradenton after the adoption of
25 Chapter 57-1546, Laws of Florida. Thence north
26 along the west section line of Section 36,
27 Township 34 South, Range 17 East to the Point
28 of Beginning.
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1 Together with Block B, Trailer Estates recorded
2 in Plat Book 8, Page 141, of the Public Records
3 of Manatee County, Florida.

4 Section 4. Governing board.--

5 (1) In accordance with chapter 191, Florida Statutes,
6 and upon the conclusion of the 2004 general election, the
7 business and affairs of the district shall be conducted and
8 administered by a five-member board of fire commissioners
9 elected pursuant to chapter 191, Florida Statutes, by the
10 electors of the district in a nonpartisan election held at the
11 time and in the manner prescribed for holding general
12 elections in section 189.405(2)(a), Florida Statutes. Prior to
13 the 2004 general election, the district shall be governed by a
14 board in accordance with subsection (4).

15 (2) The office of each board member is designated as a
16 seat on the board, distinguished from each of the other seats
17 by a numeral: 1, 2, 3, 4, or 5. Each candidate must designate,
18 at the time he or she qualifies, the seat on the board for
19 which he or she is qualifying. The name of each candidate who
20 qualifies shall be included on the ballot in a way that
21 clearly indicates the seat for which he or she is a candidate.
22 The candidate for each seat who receives the most votes shall
23 be elected to the board.

24 (3) Pursuant to section 191.005(1)(b)1., Florida
25 Statutes, the district is hereby divided into two
26 subdistricts. The jurisdictional boundaries of the preexisting
27 Southern Manatee Fire and Rescue District and Cedar Hammock
28 Fire Control District shall comprise the boundaries of the two
29 subdistricts. Commissioners for Seats 1 and 2 on the board
30 shall be elected from the subdistrict consisting of the former
31 Southern Manatee Fire and Rescue District boundaries.

1 Commissioners for Seats 3 and 4 on the board shall be elected
2 from the subdistrict consisting of the former Cedar Hammock
3 Fire Control District boundaries. Seat 5 on the board shall be
4 designated as an at-large seat.

5 (4) Upon the effective date of this act and until the
6 2002 general election, the business and affairs of the
7 district shall be conducted by a ten-member board consisting
8 of the existing board members of Cedar Hammock Fire Control
9 District and Southern Manatee Fire and Rescue District. For
10 the 2002 general election, Seats 1, 3, and 5 from each of the
11 previously existing districts shall be abolished and elections
12 shall be held for Seats 1, 3, and 5 of the South Manatee Fire
13 & Rescue District. Thence, a seven-member board will
14 administer the affairs of the district and shall exist until
15 the 2004 general election. For the 2004 general election,
16 Seats 2 and 4 of the previously existing districts shall be
17 abolished and elections shall be held for Seats 2 and 4 of the
18 South Manatee Fire & Rescue District. Thence, a five-member
19 board shall be established in accordance with chapter 191,
20 Florida Statutes, and shall govern in accordance with the
21 provisions of this section.

22 (5) Each commissioner shall be elected to serve for a
23 term of 4 years. The candidate receiving the most votes shall
24 be elected pursuant to chapter 191, Florida Statutes.
25 Elections for commissioner shall be held at the same time as
26 general elections and the procedures for conducting district
27 elections and for qualification of electors shall be pursuant
28 to chapters 189 and 191, Florida Statutes. Any commissioner
29 may succeed himself or herself.

30 (6) One commissioner, who must reside in the district,
31 shall be elected from the qualified electors of the district

1 to fill Seat 5 on the board. Two commissioners, who must
2 reside in the Cedar Hammock subdistrict, shall be elected by
3 the electors of the Cedar Hammock subdistrict; and two
4 commissioners, who must reside in the Southern Manatee
5 subdistrict, shall be elected by the electors of the Southern
6 Manatee subdistrict. If a commissioner ceases to reside in the
7 district or the subdistrict from which he or she was elected,
8 the office shall be declared vacant, the commissioner shall be
9 disqualified from further service, and the remaining
10 commissioners shall elect a successor in accordance with
11 subsection (11).

12 (7) Each commissioner shall hold office until his or
13 her successor is elected and qualified, unless that
14 commissioner ceases to be qualified, dies, resigns, or is
15 removed from office.

16 (8) All candidates must qualify for election in
17 accordance with chapters 189 and 191, Florida Statutes. In the
18 event a candidate seeks to qualify for election by obtaining
19 the signatures of at least 25 electors from the district in
20 accordance with section 191.005(1)(a), Florida Statutes, the
21 qualified electors shall be residents within the subdistrict
22 for which the candidate seeks election if he or she seeks
23 election to Seat 1, Seat 2, Seat 3, or Seat 4. The names of
24 all candidates qualifying for election as commissioners shall
25 be included on the ballot. Any additional expenses of holding
26 elections for commissioners at the regular county elections
27 shall be paid out of the funds of the district if required by
28 proper authority.

29 (9) Each elected member shall assume office 10 days
30 following the member's election. Annually, within 60 days
31 after the newly elected members have taken office, the board

1 shall organize by electing from its members a chair, a vice
2 chair, a secretary, and a treasurer. The positions of
3 secretary and treasurer may be held by one member.

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

7 (11) If a vacancy occurs on the board due to
8 resignation, death, or removal of a board member or the
9 failure of anyone to qualify for a board seat, the remaining
10 members may appoint a qualified person to fill the seat until
11 the next general election, at which time an election shall be
12 held to fill the vacancy for the remaining term, if any.

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

16 Section 5. Authority to levy non-ad valorem
17 assessments.--Said district shall have the right, power, and
18 authority to levy non-ad valorem assessments as defined in
19 section 197.3632, Florida Statutes, against the taxable real
20 estate lying within its territorial boundaries in order to
21 provide funds for the purpose of the district. The rate of
22 such assessments shall be fixed annually by a resolution of
23 the board of commissioners after a public hearing is
24 conducted. The district shall not increase assessment rates
25 more than 10 percent in any year. In accordance with section
26 191.009(2), Florida Statutes, once the maximum allowable rates
27 set forth in section 6 have been attained, the district may
28 exceed the maximum rates in an amount not to exceed the
29 average annual growth rate in Florida personal income over the
30 previous 5 years. Such non-ad valorem assessments may be

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1 imposed, collected, and enforced pursuant to the provisions of
2 sections 197.363-197.3635, Florida Statutes.

3 Section 6. Schedule of non-ad valorem
4 assessments.--The assessment procedures and amounts, as set
5 forth in this section, represent the procedure to be followed
6 and the maximum allowable rates that may be charged by the
7 district. For assessment purposes, all property within the
8 district shall be divided into three general classifications:
9 vacant parcels, residential parcels, and commercial/industrial
10 parcels.

11 (1) Vacant parcels shall include all parcels that are
12 essentially undeveloped and are usually classified by the
13 property appraiser as use code types 0000, 1000, 4000, 9900,
14 and 5000 through 6900. The maximum annual assessment for these
15 parcels shall be:

16 (a) Vacant platted lot (use code 0000), \$10.00 per
17 lot.

18 (b) Unsubdivided acreage (use code 5000 through 6900
19 and use code 9900), \$10.00 per acre or fraction thereof,
20 except that not more than \$2,500 shall be assessed against any
21 one parcel.

22 (c) Vacant commercial and industrial (use codes 1000
23 and 4000) shall be assessed as a platted lot or unsubdivided
24 acreage, as applicable.

25 (d) Whenever a residential unit is located on a parcel
26 defined in this section as vacant, the residential plot shall
27 be considered as one lot or one acre, with the balance of the
28 parcel being assessed as vacant land in accordance with the
29 schedule set forth in this section.

30 (e) Whenever an agricultural or commercial building or
31 structure is located on a parcel defined in this section as

1 vacant, the building or structure shall be assessed in
2 accordance with the schedule of commercial/industrial
3 assessments.
4 (2) Residential parcels shall include all parcels that
5 are developed for residential purposes and are usually
6 classified by the property appraiser as use code types 0100
7 through 0800 and use code 2800. All residential parcels shall
8 be assessed by the number and size of dwelling units per
9 parcel. The district may assign surcharges for dwelling units
10 located on the third floor or higher floors. The maximum
11 annual assessment for these parcels shall be:
12 (a) Single family residential (use code 0100) shall be
13 assessed on a square-footage basis for all dwelling units in
14 accordance with the following schedule: The base assessment
15 for all dwellings shall be \$100.00 for the first 1,000 square
16 feet in the dwelling unit. All square footage above 1,000
17 square feet shall be charged at a rate of \$0.05 per square
18 foot.
19 (b) Condominium residential (use code 0400) shall be
20 assessed as follows:
21 (i) Units located on the first, second, and third
22 floors, \$150.00 per dwelling unit.
23 (ii) Units located on the fourth and fifth floors,
24 \$200.00 per dwelling unit.
25 (iii) Units located on a floor above the fifth floor,
26 \$225.00 per dwelling unit.
27 (c) Mobile homes (use code 0200) shall be assessed
28 \$150.00 per dwelling unit.
29 (d) Multifamily residential (use codes 0300 and 0800),
30 cooperatives (use code 0500), retirement homes (use code
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1 0600), and miscellaneous residential uses (use code 0700)
2 shall be assessed as follows:
3 (i) Units located on the first, second, and third
4 floors, \$150.00 per dwelling unit.
5 (ii) Units located on the fourth and fifth floors,
6 \$200.00 per dwelling unit.
7 (iii) Units located on a floor above a fifth floor,
8 \$225.00 per dwelling unit.
9 (e) Any other residential unit, including, but not
10 limited to, the residential portions of mixed uses (use code
11 1200) and mobile home or travel trailer parks (use code 2800),
12 shall be assessed \$100.00 per dwelling unit or available
13 rental space, as applicable.
14 (3) Commercial/industrial parcels shall include all
15 other developed parcels that are not included in the
16 residential category as defined in subsection (2). All
17 commercial/industrial parcels shall be assessed on a
18 square-footage basis for all buildings and structures in
19 accordance with the schedule and hazard classification in
20 subsection (4). The district may or may not vary the
21 assessment by hazard classifications as set forth in
22 subsection (4).
23 (4) The base assessment for all
24 commercial/industrial/institutional buildings and structures
25 shall be \$300.00 for the first 1,000 square feet on a parcel.
26 The district may grant an improved hazard rating to all or
27 part of the buildings and structures if they are equipped with
28 complete internal fire suppression facilities. The schedule
29 for all square footage above 1,000 square feet is as follows:
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31 Category Use Codes Square Foot Assessment

| | | | |
|----|--------------------------|--------------------------|---------------------------|
| 1 | <u>Mercantile (M)</u> | <u>1100, 1200, 1300,</u> | |
| 2 | | <u>1400, 1500, 1600,</u> | |
| 3 | | <u>and 2900</u> | <u>\$0.10 per sq. ft.</u> |
| 4 | <u>Business (B)</u> | <u>1700, 1800, 1900,</u> | |
| 5 | | <u>2200, 2300, 2400,</u> | |
| 6 | | <u>2500, 2600, 3000,</u> | |
| 7 | | <u>and 3600</u> | <u>\$0.10 per sq. ft.</u> |
| 8 | <u>Assembly (A)</u> | <u>2100, 3100, 3200,</u> | |
| 9 | | <u>3300, 3400, 3500,</u> | |
| 10 | | <u>3700, 3800, 3900,</u> | |
| 11 | | <u>7200, 7600, 7700,</u> | |
| 12 | | <u>and 7900</u> | <u>\$0.10 per sq. ft.</u> |
| 13 | <u>Factory/</u> | | |
| 14 | <u>Industrial (F)</u> | <u>4100, 4400, 4500,</u> | |
| 15 | | <u>4600, 4700,</u> | |
| 16 | | <u>and 9100</u> | <u>\$0.10 per sq. ft.</u> |
| 17 | <u>Storage (S)</u> | <u>2000, 2700, 2800,</u> | |
| 18 | | <u>and 4900</u> | <u>\$0.10 per sq. ft.</u> |
| 19 | <u>Hazardous (H)</u> | <u>4200, 4300,</u> | |
| 20 | | <u>and 4800</u> | <u>\$0.15 per sq. ft.</u> |
| 21 | <u>Institutional (I)</u> | <u>7000, 7300, 7400,</u> | |
| 22 | | <u>7500, and 7800</u> | <u>\$0.10 per sq. ft.</u> |

23
24 (5) Whenever a parcel is used for multiple hazard
25 classifications, the district may vary the assessment in
26 accordance with actual categories. The board of commissioners
27 shall have the authority to further define these use code
28 numbers subject to information received from the property
29 appraiser's office.

30 (6) Whenever one industrial complex under single
31 ownership has more than 2.5 million square feet of structures

1 on a site of contiguous parcels or a site of parcels that
2 would be contiguous except that they are dissected by one or
3 more transportation rights-of-way, the maximum fire tax
4 assessment may not exceed one-half of the adopted fire tax
5 rate for that tax year for factory industrial use. Such rate
6 shall be applied to all structural square footage in the
7 complex regardless of actual use or use classification.

8 Section 7. Impact fees.--

9 (1)(a) It is hereby found and determined that the
10 district is located in one of the fastest growing areas of
11 Manatee County, which is itself experiencing one of the
12 highest growth rates in the nation. New construction and
13 resulting population growth have placed a strain upon the
14 capabilities of the district to continue providing the high
15 level of professional fire protection and emergency service
16 for which the residents of the district pay and which they
17 deserve.

18 (b) It is hereby declared that the cost of new
19 facilities for fire protection and emergency service should be
20 borne by new users of the district's services to the extent
21 that new construction requires new facilities, but only to
22 that extent. It is the legislative intent of this section to
23 transfer to the new user of the district's fire protection and
24 emergency services a fair share of the costs that new users
25 impose on the district for new facilities.

26 (c) It is hereby declared that the amounts of the
27 impact fees provided for in this section are just, reasonable,
28 and equitable.

29 (2) No person shall issue or obtain a building permit
30 for new residential dwelling units or new commercial or
31 industrial structures within the district, or issue or obtain

1 construction plan approval for new recreational or travel
2 trailer park developments located within the district, until
3 the developer thereof shall have paid the applicable impact
4 fee to the district as follows: each new residential dwelling
5 unit, \$200.00 per unit; new commercial or industrial
6 structures, \$310.00 for the first 5,000 square feet of gross
7 floor area and \$0.10 per square foot thereafter; new
8 recreational or travel trailer park developments, \$40.00 per
9 lot or permitted space.

10 (3) The impact fees collected by the district pursuant
11 to this section shall be kept as a separate fund from other
12 revenues of the district and shall be used exclusively for the
13 acquisition, purchase, or construction of new facilities or
14 portions thereof required to provide fire protection and
15 emergency service to new construction. "New facilities" means
16 land, buildings, and capital equipment, including, but not
17 limited to, fire and emergency vehicles and radio telemetry
18 equipment. The fees shall not be used for the acquisition,
19 purchase, or construction of facilities which must be obtained
20 in any event, regardless of growth within the district. The
21 board of fire commissioners shall maintain adequate records to
22 ensure that impact fees are expended only for permissible new
23 facilities.

24 Section 8. Other district powers, functions, and
25 duties.--In addition to any powers set forth in this act, the
26 district shall hold all powers, functions, and duties set
27 forth in chapters 189, 191, and 197, Florida Statutes, as they
28 may be amended from time to time, including, but not limited
29 to, ad valorem taxation, bond issuance, other revenue-raising
30 capabilities, budget preparation and approval, liens and
31 foreclosure of liens, use of tax deeds and tax certificates as

1 appropriate for non-ad valorem assessments, and contractual
2 agreements. The district may be financed by any method
3 established in this act, chapter 189, or chapter 191, Florida
4 Statutes, or any other applicable general or special law, as
5 they may be amended from time to time.

6 Section 9. Planning.--The district's planning
7 requirements shall be as set forth in this act, chapters 189,
8 and 191, Florida Statutes, and other applicable general or
9 special laws, as they may be amended from time to time.

10 Section 10. Boundaries.--The district's geographic
11 boundary limitations shall be as set forth in this act.

12 Section 11. Employees.--

13 (1) Upon the effective date of this act, all employees
14 of the Cedar Hammock Fire Control District and the Southern
15 Manatee Fire and Rescue District shall become employees of the
16 South Manatee Fire & Rescue District.

17 (2) All employees shall have the right to remain in
18 their current retirement plan, or transfer to another
19 retirement plan in accordance with law, if another retirement
20 plan is adopted by the board. However, after the effective
21 date of this act, an employee's employment shall not be
22 considered terminated for retirement purposes until the
23 employee separates from employment with the South Manatee Fire
24 & Rescue District, and no employee may receive benefits, other
25 than through a deferred retirement option program, from any
26 retirement plan adopted by the Cedar Hammock Fire Control
27 District or the Southern Manatee Fire and Rescue District
28 while actively employed by the South Manatee Fire & Rescue
29 District.

30 (3) Requirements for financial disclosure, meeting
31 notices, public records maintenance, and per diem expenses for

1 officers and employees shall be as set forth in chapters 112,
2 119, 189, 191, and 286, Florida Statutes, as they may be
3 amended from time to time.

4 Section 12. Bonds.--The procedures and requirements
5 governing the issuance of bonds, notes, and other evidence of
6 indebtedness by the district shall be as set forth in this
7 act, chapter 191, Florida Statutes, and any other applicable
8 general or special laws, as they may be amended from time to
9 time.

10 Section 13. Allocation of assets and liabilities.--All
11 assets, liabilities, property, and contractual or other
12 obligations of the Southern Manatee Fire and Rescue District
13 and the Cedar Hammock Fire Control District are transferred to
14 the South Manatee Fire & Rescue District on the effective date
15 of this act.

16 Section 14. Construction.--This act shall be construed
17 as remedial and shall be liberally construed to promote the
18 purpose for which it is intended.

19 Section 15. Effect.--In the event that any part of
20 this act should be held void for any reason, such holding
21 shall not affect any other part thereof.

22 Section 16. Repeal of prior special acts.--Chapters
23 2000-391 and 2000-402, Laws of Florida, are repealed.

24 Section 17. This act shall take effect upon becoming a
25 law.

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