

By Senator Miller

21-1703-02

See HB 979

1 A bill to be entitled
2 An act relating to Cedar Hammock Fire Control
3 District; providing legislative intent;
4 amending chapter 2000-391, Laws of Florida;
5 providing for incorporation as a special fire
6 control district; providing a district
7 boundary; providing for a governing board of
8 said district; providing for non-ad valorem
9 assessments and impact fees; providing a
10 schedule of non-ad valorem assessments;
11 providing for district powers, functions, and
12 duties; providing for construction and effect;
13 providing an effective date.

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

16
17 Section 1. Chapter 2000-391, Laws of Florida, is
18 amended to read:

19 (Substantial rewording of chapter. See
20 chapter 2000-391, Laws of Florida, for present text.)

21 Section 1. Incorporation.--All of the unincorporated
22 lands in Manatee County, as described in this act, shall be
23 incorporated into an independent special fire control
24 district. Said special fire control district shall be a public
25 municipal corporation under the name of Cedar Hammock Fire
26 Control District. The district is organized and exists for all
27 purposes set forth in this act and chapters 189 and 191,
28 Florida Statutes. The district was created by special act in
29 1957 and its charter may be amended only by special act of the
30 Legislature.

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1 Section 2. Jurisdiction.--The lands to be incorporated
2 within the Cedar Hammock Fire Control District are located in
3 Manatee County, Florida, and are described as follows:

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5 Begin at SE corner of Section 35, Township 34,
6 Range 17 East, thence South to the SE corner of
7 the center line of Bowlees Creek, that point
8 being located in Section 23, Township 34,
9 Range 17 East; thence Westerly along the center
10 line of said Bowlees Creek to the waters of
11 Sarasota Bay; Less and excepting all the lands
12 within Trailer Estates Subdivisions, as shown
13 in Plat Book 8, Pages 138, 139, 140, and 141,
14 and in Plat Book 9, Page 61, of the Public
15 Records of Manatee County, Florida. Thence
16 meander the shore line of Sarasota Bay in a
17 Westerly and Northwesterly direction to point
18 where said shore line intersects the West line
19 of Section 7, Township 35, Range 17 East,
20 thence North along said section line to
21 intersection of said section line with Cortez
22 Road (State Road 684), thence continue North to
23 the waters of Palma Sola Bay, meander the shore
24 of Palma Sola Bay in an easterly,
25 Northeasterly, Northwesterly, and Northerly
26 direction to point where shore line intersects
27 the South line of Section 31, Township 34,
28 Range 17 East, thence East along South line of
29 Section 31, 32, 33, 34, 35, Township 34, Range
30 17 East to Point of Beginning, less those lands
31 annexed by the City of Bradenton after the

1 adoption of Chapter 57-1546, Laws of Florida.
2 Together with Block B, Trailer Estates recorded
3 in Plat Book 8, Page 141 of the Public Records
4 of Manatee County, Florida.

5
6 Section 3. Governing board.--

7 (1) In accordance with chapter 191, Florida Statutes,
8 the business and affairs of the district shall be conducted
9 and administered by a five-member board of fire commissioners
10 elected pursuant to chapter 191, Florida Statutes, by the
11 electors of the district in a nonpartisan election held at the
12 time and in the manner prescribed for holding general
13 elections in section 189.405(2)(a), Florida Statutes. Each
14 member of the board shall be elected for a term of 4 years and
15 shall serve until his or her successor assumes office.

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

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

29 (4) 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 (5) Members of the board may each be paid a salary or
5 honorarium to be determined by at least a majority plus vote
6 of the board, pursuant to chapter 191, Florida Statutes.

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

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

19 Section 4. Authority to levy non-ad valorem
20 assessments.--Said district shall have the right, power, and
21 authority to levy non-ad valorem assessments as defined in
22 section 197.3632(1)(d), Florida Statutes, against the taxable
23 real estate lying within its territorial bounds in order to
24 provide funds for the purpose of the district. The rate of
25 such assessments shall be fixed annually by a resolution of
26 the board of commissioners after a public hearing is
27 conducted. The district shall not increase assessment rates
28 more than 10 percent in any year. In accordance with section
29 191.009(2), Florida Statutes, once the maximum allowable rates
30 set forth in section 5 have been attained, the district may
31 exceed the maximum rates in an amount not to exceed the

1 average annual growth rate in Florida personal income over the
2 previous 5 years. Such non-ad valorem assessments may be
3 imposed, collected, and enforced pursuant to the provisions of
4 sections 197.363-197.3635, Florida Statutes.

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

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

18 (a) Vacant platted lot (use code 0000), \$10 per lot.

19 (b) Unsubdivided acreage (use codes 5000 through 6900
20 and use code 9900), \$10 per acre or fraction thereof, except
21 that not more than \$2,500 shall be assessed against any one
22 parcel.

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

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

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1 (e) Whenever an agricultural or commercial building or
2 structure is located on a parcel defined in this section as
3 vacant, the building or structure shall be assessed in
4 accordance with the schedule of commercial/industrial
5 assessments.

6 (2) Residential parcels shall include all parcels that
7 are developed for residential purposes and are usually
8 classified by the property appraiser as use code types 0100
9 through 0800 and use code 2800. All residential parcels shall
10 be assessed by the number and size of dwelling units per
11 parcel. Surcharges may be assigned by the district for
12 dwelling units located on the third or higher floors. The
13 maximum annual assessment for these parcels shall be:

14 (a) Single family residential (use code 0100) shall be
15 assessed on a square-footage basis for all dwelling units in
16 accordance with the following schedule: The base assessment
17 for all dwellings shall be \$100 for the first 1,000 square
18 feet in the dwelling unit. All square footage above 1,000
19 square feet shall be charged at a rate of \$0.05 per square
20 foot.

21 (b) Condominium residential (use code 0400) shall be
22 assessed as follows:

23 (i) Units located on the first, second, and third
24 floors, \$150 per dwelling unit.

25 (ii) Units located on the fourth and fifth floors,
26 \$200 per dwelling unit.

27 (iii) Units located on a floor above a fifth floor,
28 \$225 per dwelling unit.

29 (c) Mobile homes (use code 0200) shall be assessed
30 \$150 per dwelling unit.

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1 (d) Multifamily residential (use codes 0300 and 0800),
2 cooperatives (use code 0500), retirement homes (use code
3 0600), and miscellaneous residential uses (use code 0700)
4 shall be assessed as follows:
5 (i) Units located on the first, second, and third
6 floors, \$150 per dwelling unit.
7 (ii) Units located on the fourth and fifth floors,
8 \$200 per dwelling unit.
9 (iii) Units located on a floor above a fifth floor,
10 \$225 per dwelling unit.
11 (e) Any other residential unit, including, but not
12 limited to, the residential portions of mixed uses (use code
13 1200) and mobile home or travel trailer parks (use code 2800),
14 shall be assessed \$100 per dwelling unit or available rental
15 space, as applicable.
16 (3) Commercial/industrial parcels shall include all
17 other developed parcels that are not included in the
18 residential category as defined in subsection (2). All
19 commercial/industrial parcels shall be assessed on a
20 square-footage basis for all buildings and structures in
21 accordance with the schedule and hazard classification in
22 subsection (4). The district may or may not vary the
23 assessment by hazard classifications as set forth in
24 subsection (4).
25 (4) The base assessment for all
26 commercial/industrial/institutional buildings and structures
27 shall be \$300 for the first 1,000 square feet on a parcel. The
28 district may grant an improved hazard rating to all or part of
29 the buildings and structures if they are equipped with
30 complete internal fire suppression facilities. The schedule
31 for all square footage above 1,000 square feet is as follows:

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
<u>Mercantile (M)</u>	<u>1100,1200,1300,</u> <u>1400,1500,1600,</u> <u>and 2900</u>	<u>\$0.10 per sq. ft.</u>
<u>Business (B)</u>	<u>1700,1800,1900,</u> <u>2200,2300,2400,</u> <u>2500,2600,3000,</u> <u>and 3600</u>	<u>\$0.10 per sq. ft.</u>
<u>Assembly (A)</u>	<u>2100,3100,3200,</u> <u>3300,3400,3500,</u> <u>3700,3800,3900,</u> <u>7200,7600,7700,</u> <u>and 7900</u>	<u>\$0.10 per sq. ft.</u>
<u>Factory/ Industrial (F)</u>	<u>4100,4400,4500,</u> <u>4600,4700, and</u> <u>9100</u>	<u>\$0.10 per sq. ft.</u>
<u>Storage (S)</u>	<u>2000,2700,2800,</u> <u>and 4900</u>	<u>\$0.10 per sq. ft.</u>
<u>Hazardous (H)</u>	<u>4200,4300, and</u> <u>4800</u>	<u>\$0.15 per sq. ft.</u>
<u>Institutional I</u>	<u>7000,7300,7400,</u> <u>7500, and 7800</u>	<u>\$0.10 per sq. ft.</u>

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

Section 6. Impact fees.--

1 (1)(a) It is hereby found and determined that the
2 district is located in one of the fastest growing areas of
3 Manatee County which is itself experiencing one of the highest
4 growth rates in the nation. New construction and resulting
5 population growth have placed a strain upon the capabilities
6 of the district to continue providing the high level of
7 professional fire protection and emergency service for which
8 the residents of the district pay and which they deserve.

9 (b) It is hereby declared that the cost of new
10 facilities upon fire protection and emergency service should
11 be 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 of this section to
14 transfer to the new users of the district's fire protection
15 and emergency services a fair share of the costs that new
16 users impose on the district for new facilities.

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

20 (2) No person shall issue or obtain a building permit
21 for new residential dwelling units or new commercial or
22 industrial structures within the district, or issue or obtain
23 construction plan approval for new recreational or travel
24 trailer park developments located within the district, until
25 the developer shall have paid the applicable impact fee to the
26 district, according to a schedule determined annually by the
27 board in accordance with chapter 191, Florida Statutes.

28 (3) The impact fees collected by the district pursuant
29 to this section shall be kept as a separate fund from other
30 revenues of the district and shall be used exclusively for the
31 acquisition, purchase, or construction of new facilities or

1 portions thereof required to provide fire protection and
2 emergency service to new construction. "New facilities" means
3 land, buildings, and capital equipment, including, but not
4 limited to, fire and emergency vehicles and radio telemetry
5 equipment. The fees shall not be used for the acquisition,
6 purchase, or construction of facilities which must be obtained
7 in any event, regardless of growth within the district. The
8 board of fire commissioners shall maintain adequate records to
9 ensure that impact fees are expended only for permissible new
10 facilities.

11 Section 7. Other district powers, functions, and
12 duties.--In addition to any powers set forth in this act, the
13 district shall hold all powers, functions, and duties set
14 forth in chapters 189, 191, and 197, Florida Statutes, as they
15 may be amended from time to time, including, but not limited
16 to, ad valorem taxation, bond issuance, other revenue-raising
17 capabilities, budget preparation and approval, liens and
18 foreclosure of liens, use of tax deeds and tax certificates as
19 appropriate for non-ad valorem assessments, and contractual
20 agreements. The district may be financed by any method
21 established in this act, chapter 189, Florida Statutes, or
22 chapter 191, Florida Statutes, or any other applicable general
23 or special law, as they may be amended from time to time.

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

28 Section 9. Boundaries.--The district's geographic
29 boundary limitations shall be as set forth in this act.

30 Section 10. Officers and employees.--Requirements for
31 financial disclosure, meeting notices, public records

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

4 Section 11. 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 2. Construction.--This act shall be construed
11 as remedial and shall be liberally construed to promote the
12 purpose for which it is intended.

13 Section 3. Effect.--In the event that any part of this
14 act should be held void for any reason, such holding shall not
15 affect any other part thereof.

16 Section 4. This act shall take effect upon becoming a
17 law.

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