

1 A bill to be entitled
2 An act relating to Cedar Hammock Fire Control
3 District; providing legislative intent;
4 amending, codifying, and reenacting all prior
5 special acts; providing for incorporation as a
6 special fire control district; providing a
7 district boundary; providing for a governing
8 board of said district; providing for non-ad
9 valorem assessments and impact fees; providing
10 a schedule of non-ad valorem assessments;
11 providing for district powers, functions and
12 duties; restating chapter 93-352, Laws of
13 Florida, as amended by chapter 94-373, Laws of
14 Florida, providing for the deletion of a
15 reference to the district; providing for
16 construction and effect; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Intent.--Pursuant to section 191.015,
22 Florida Statutes, it is the intent of the Legislature to
23 provide a single, comprehensive special act charter for the
24 Cedar Hammock Fire Control District, which includes all
25 current legislative authority granted to the district by its
26 several legislative enactments and any additional authority
27 granted by this act and chapters 189 and 191, Florida
28 Statutes, as they may be amended from time to time. The Cedar
29 Hammock Fire Control District's charter was codified in
30 chapter 2000-391, Laws of Florida. It is intended that this
31 act be the District's single comprehensive special act. It is

1 further the intent of this act to preserve all district
2 authority.

3 Section 2. Chapter 2000-391, Laws of Florida, is
4 reenacted, amended and repealed as herein provided.

5 Section 3. The Cedar Hammock Fire Control District is
6 re-created and the charter is re-created and reenacted to
7 read:

8 Section 1. Incorporation.--All of the unincorporated
9 lands in Manatee County, as described in this act, shall be
10 incorporated into an independent special fire control
11 district. Said special fire control district shall be a public
12 municipal corporation under the name of Cedar Hammock Fire
13 Control District. The district is organized and exists for all
14 purposes set forth in this act and chapters 189 and 191,
15 Florida Statutes. The district was created by special act in
16 1957 and its charter may be amended only by special act of the
17 Legislature.

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

21
22 Begin at SE corner of Section 35, Township 34,
23 Range 17 East, thence South to the SE corner of
24 the center line of Bowlees Creek, that point
25 being located in Section 23, Township 34,
26 Range 17 East; thence Westerly along the center
27 line of said Bowlees Creek to the waters of
28 Sarasota Bay; Less and excepting all the lands
29 within Trailer Estates Subdivisions, as shown
30 in Plat Book 8, Pages 138, 139, 140, and 141,
31 and in Plat Book 9, Page 61, of the Public

1 Records of Manatee County, Florida. Thence
2 meander the shore line of Sarasota Bay in a
3 Westerly and Northwesterly direction to point
4 where said shore line intersects the West line
5 of Section 7, Township 35, Range 17 East,
6 thence North along said section line to
7 intersection of said section line with Cortez
8 Road (State Road 684), thence continue North to
9 the waters of Palma Sola Bay, meander the shore
10 of Palma Sola Bay in an easterly,
11 Northeasterly, Northwesterly, and Northerly
12 direction to point where shore line intersects
13 the South line of Section 31, Township 34,
14 Range 17 East, thence East along South line of
15 Section 31, 32, 33, 34, 35, Township 34, Range
16 17 East to Point of Beginning, less those lands
17 annexed by the City of Bradenton after the
18 adoption of Chapter 57-1546, Laws of Florida.
19 Together with Block B, Trailer Estates recorded
20 in Plat Book 8, Page 141 of the Public Records
21 of Manatee County, Florida.

22
23 Section 3. Governing board.--

24 (1) In accordance with chapter 191, Florida Statutes,
25 the business and affairs of the district shall be conducted
26 and administered by a five-member board of fire commissioners
27 elected pursuant to chapter 191, Florida Statutes, by the
28 electors of the district in a nonpartisan election held at the
29 time and in the manner prescribed for holding general
30 elections in section 189.405(2)(a), Florida Statutes. Each
31

1 member of the board shall be elected for a term of 4 years and
2 shall serve until his or her successor assumes office.

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

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

16 (4) Each elected member shall assume office 10 days
17 following the member's election. Annually, within 60 days
18 after the newly elected members have taken office, the board
19 shall organize by electing from its members a chair, a vice
20 chair, a secretary, and a treasurer. The positions of
21 secretary and treasurer may be held by one member.

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

25 (6) If a vacancy occurs on the board due to
26 resignation, death, or removal of a board member or the
27 failure of anyone to qualify for a board seat, the remaining
28 members may appoint a qualified person to fill the seat until
29 the next general election, at which time an election shall be
30 held to fill the vacancy for the remaining term, if any.

31

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

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

7 Section 4. Authority to levy non-ad valorem
8 assessments.--Said district shall have the right, power, and
9 authority to levy non-ad valorem assessments as defined in
10 section 197.3632(1)(d), Florida Statutes, against the taxable
11 real estate lying within its territorial bounds in order to
12 provide funds for the purpose of the district. The rate of
13 such assessments shall be fixed annually by a resolution of
14 the board of commissioners after a public hearing is
15 conducted. The district shall not increase assessment rates
16 more than 10 percent in any year. In accordance with section
17 191.009(2), Florida Statutes, once the maximum allowable rates
18 set forth in section 5 have been attained, the district may
19 exceed the maximum rates in an amount not to exceed the
20 average annual growth rate in Florida personal income over the
21 previous 5 years. Such non-ad valorem assessments may be
22 imposed, collected, and enforced pursuant to the provisions of
23 sections 197.363-197.3635, Florida Statutes.

24 Section 5. Schedule of non-ad valorem
25 assessments.--The assessment procedures and amounts, as set
26 forth in this section, represent the procedure to be followed
27 and the maximum allowable rates that may be charged by the
28 district. For assessment purposes, all property within the
29 district shall be divided into three general classifications:
30 vacant parcels, residential parcels, and commercial/industrial
31 parcels.

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

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

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

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

14 (d) Whenever a residential unit is located on a parcel
15 defined in this section as vacant, the residential plot shall
16 be considered as one lot or one acre, with the balance of the
17 parcel being assessed as vacant land in accordance with the
18 schedule herein.

19 (e) Whenever an agricultural or commercial building or
20 structure is located on a parcel defined in this section as
21 vacant, the building or structure shall be assessed in
22 accordance with the schedule of commercial/industrial
23 assessments.

24 (2) Residential parcels shall include all parcels that
25 are developed for residential purposes and are usually
26 classified by the property appraiser as use code types 0100
27 through 0800 and use code 2800. All residential parcels shall
28 be assessed by the number and size of dwelling units per
29 parcel. Surcharges may be assigned by the district for
30 dwelling units located on the third or higher floors. The
31 maximum annual assessment for these parcels shall be:

1 (a) Single family residential (use code 0100) shall be
2 assessed on a square-footage basis for all dwelling units in
3 accordance with the following schedule: The base assessment
4 for all dwellings shall be \$100 for the first 1,000 square
5 feet in the dwelling unit. All square footage above 1,000
6 square feet shall be charged at a rate of \$0.05 per square
7 foot.

8 (b) Condominium residential (use code 0400) shall be
9 assessed as follows:

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

12 (ii) Units located on the fourth and fifth floors,
13 \$200 per dwelling unit.

14 (iii) Units located on a floor above a fifth floor,
15 \$225 per dwelling unit.

16 (c) Mobile homes (use code 0200) shall be assessed
17 \$150 per dwelling unit.

18 (d) Multifamily residential (use codes 0300 and 0800),
19 cooperatives (use code 0500), retirement homes (use code
20 0600), and miscellaneous residential uses (use code 0700)
21 shall be assessed as follows:

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

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

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

28 (e) Any other residential unit, including, but not
29 limited to, the residential portions of mixed uses (use code
30 1200) and mobile home or travel trailer parks (use code 2800),
31

1 shall be assessed \$100 per dwelling unit or available rental
2 space, as applicable.

3 (3) Commercial/industrial parcels shall include all
4 other developed parcels that are not included in the
5 residential category as defined in subsection (2). All
6 commercial/industrial parcels shall be assessed on a
7 square-footage basis for all buildings and structures in
8 accordance with the schedule and hazard classification in
9 subsection (4). The district may or may not vary the
10 assessment by hazard classifications as set forth in
11 subsection (4).

12 (4) The base assessment for all
13 commercial/industrial/institutional buildings and structures
14 shall be \$300 for the first 1,000 square feet on a parcel. The
15 district may grant an improved hazard rating to all or part of
16 the buildings and structures if they are equipped with
17 complete internal fire suppression facilities. The schedule
18 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>\$0.10 per sq. ft.</u>

1		<u>and 7900</u>	
2	<u>Factory/</u>	<u>4100,4400,4500,</u>	<u>\$0.10 per sq. ft.</u>
3	<u>Industrial (F)</u>	<u>4600,4700, and</u>	
4		<u>9100</u>	
5	<u>Storage (S)</u>	<u>2000,2700,2800,</u>	<u>\$0.10 per sq. ft.</u>
6		<u>and 4900</u>	
7	<u>Hazardous (H)</u>	<u>4200,4300, and</u>	<u>\$0.15 per sq. ft.</u>
8		<u>4800</u>	
9	<u>Institutional</u>	<u>7000,7300,7400,</u>	<u>\$0.10 per sq. ft.</u>
10	<u>I</u>	<u>7500, and 7800</u>	

11

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

18 Section 6. Impact fees.--

19 (1)(a) It is hereby found and determined that the
20 district is located in one of the fastest growing areas of
21 Manatee County which is itself experiencing one of the highest
22 growth rates in the nation. New construction and resulting
23 population growth have placed a strain upon the capabilities
24 of the district to continue providing the high level of
25 professional fire protection and emergency service for which
26 the residents of the district pay and which they deserve.

27 (b) It is hereby declared that the cost of new
28 facilities upon fire protection and emergency service should
29 be borne by new users of the district's services to the extent
30 new construction requires new facilities, but only to that
31 extent. It is the legislative intent of this section to

1 transfer to the new users of the district's fire protection
2 and emergency services a fair share of the costs that new
3 users impose on the district for new facilities.

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

7 (2) No person shall issue or obtain a building permit
8 for new residential dwelling units or new commercial or
9 industrial structures within the district, or issue or obtain
10 construction plan approval for new recreational or travel
11 trailer park developments located within the district, until
12 the developer shall have paid the applicable impact fee to the
13 district, according to a schedule determined annually by the
14 board in accordance with chapter 191, Florida Statutes.

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

29 Section 7. Other district powers, functions, and
30 duties.--In addition to any powers set forth in this act, the
31 district shall hold all powers, functions, and duties set

1 forth in chapters 189, 191, and 197, Florida Statutes, as they
2 may be amended from time to time, including, but not limited
3 to, ad valorem taxation, bond issuance, other revenue-raising
4 capabilities, budget preparation and approval, liens and
5 foreclosure of liens, use of tax deeds and tax certificates as
6 appropriate for non-ad valorem assessments, and contractual
7 agreements. The district may be financed by any method
8 established in this act, chapter 189, Florida Statutes, or
9 chapter 191, Florida Statutes, or any other applicable general
10 or special law, as they may be amended from time to time.

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

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

17 Section 10. Officers and employees.--Requirements for
18 financial disclosure, meeting notices, public records
19 maintenance, and per diem expenses for officers and employees
20 shall be as set forth in chapters 112, 119, 189, 191, and 286,
21 Florida Statutes, as they may be amended from time to time.

22 Section 11. Bonds.--The procedures and requirements
23 governing the issuance of bonds, notes, and other evidence of
24 indebtedness by the district shall be as set forth in this
25 act, chapter 191, Florida Statutes, and any other applicable
26 general or special laws, as they may be amended from time to
27 time.

28 Section 4. Construction.--This act shall be construed
29 as remedial and shall be liberally construed to promote the
30 purpose for which it is intended.

31

1 Section 5. Effect.--In the event that any part of this
2 act should be held void for any reason, such holding shall not
3 affect any other part thereof.

4 Section 6. Repeal of prior special acts.--Chapter
5 2000-391, Laws of Florida, is repealed.

6 Section 7. Paragraph (a) of subsection (1) of section
7 1 of chapter 93-352, Laws of Florida, as amended by chapter
8 94-373, Laws of Florida, is restated to read:

9
10 Section 1. Manatee County district boards of
11 fire commissioners; membership.

12
13 (1)(a) The business affairs of the ~~Cedar~~
14 ~~Hammock Fire Control District, Parrish Fire~~
15 ~~Control District, Southern Manatee Fire and~~
16 ~~Rescue District, Trailer Estates Fire Control~~
17 ~~District, Westside Fire Control District, and~~
18 ~~Whitfield Fire Control District in Manatee~~
19 ~~County shall each be conducted and administered~~
20 ~~by a five-member board of fire commissioners~~
21 ~~that is elected by the electors of the~~
22 ~~respective district in a nonpartisan election~~
23 ~~held at the time and in the manner prescribed~~
24 ~~for holding general elections in section~~
25 ~~189.405(2)(a), Florida Statutes. Each member~~
26 ~~of a district board shall be elected for a term~~
27 ~~of 4 years and shall serve until his successor~~
28 ~~is chosen and qualified, except that members~~
29 ~~elected to seats 2 and 4 in the first election~~
30 ~~held after the effective date of this act shall~~
31 ~~be elected for a term of 2 years.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Section 8. This act shall take effect upon becoming a
law.