

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Clarke offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. Section 3 of chapter 2000-402, Laws of Florida, is amended to read:

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

Section 1. Incorporation.--All of the unincorporated lands in Manatee County, as described in this act, shall be incorporated into an independent special fire control district. Said special fire control district shall be a public municipal corporation under the name of the Southern Manatee Fire and Rescue District. The district is organized and exists for all purposes set forth in this act and chapters 189 and 191, Florida Statutes. The district was created by the merger of the Oneco-

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28 Tallevast and Samoset Fire Control Districts in chapter 92-249,
29 Laws of Florida. This charter may be amended only by special
30 act of the Legislature.

31 Section ~~2.3~~. Jurisdiction.--The lands to be incorporated
32 within the Southern Manatee Fire and Rescue District are located
33 in Manatee County, Florida, and are described as follows:

34
35 Begin at the northwest corner of the southwest quarter
36 of the northwest quarter of Section 36, Township 34
37 South, Range 17 East, thence run generally east along
38 the south line of the city limits of the City of
39 Bradenton and an easterly extension thereof to the
40 center line of the Braden River at a point in Section
41 33, Township 34 South, Range 18 East; provided however
42 that those unincorporated enclaves located within the
43 corporate limits of the City of Bradenton within
44 Sections 29 and 32, Township 34 South, Range 18 East
45 are included; thence meandering the center line of the
46 Braden River in a southeasterly, southerly and
47 southwesterly direction to a point where the Braden
48 River intersects the westerly Right-of-Way line of I-
49 75, said point located in Section 25, Township 35
50 South, Range 18 East; thence southerly along said West
51 Right-of-Way line of I-75 and the extension thereof to
52 the line dividing Manatee County and Sarasota County,
53 said point being located in Section 36, Township 35
54 South, Range 18 East; then west to the Southeast
55 corner of Section 36, Township 35 South, Range 17
56 East; thence north to the Northeast corner of Section

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57 36, Township 35 South, Range 17 East; thence west to
58 the Southwest corner of Southeast corner of Section
59 25, Township 35 South, Range 17 East; thence north to
60 the north line of said Section 25, Township 35 South,
61 Range 17 East; thence West to the Southwest corner of
62 Section 24, Township 35 South, Range 17 East; thence
63 north to the point of beginning.
64

65 Section ~~3.4~~ Governing board.--

66 (1) In accordance with chapter 191, Florida Statutes, the
67 business and affairs of the district shall be conducted and
68 administered by a five-member board of fire commissioners
69 elected pursuant to chapter 191, Florida Statutes, by the
70 electors of the district in a nonpartisan election held at the
71 time and in the manner prescribed for holding general elections
72 in section 189.405(2)(a), Florida Statutes. Each member of the
73 board shall be elected for a term of 4 years and shall serve
74 until his or her successor assumes office.

75 (2) The office of each board member is designated as a
76 seat on the board, distinguished from each of the other seats by
77 a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at
78 the time he or she qualifies, the seat on the board for which he
79 or she is qualifying. The name of each candidate who qualifies
80 shall be included on the ballot in a way that clearly indicates
81 the seat for which he or she is a candidate. The candidate for
82 each seat who receives the most votes shall be elected to the
83 board.

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

87 (4) In accordance with chapter 191, Florida Statutes, each
88 elected member shall assume office 10 days following the
89 member's election. Annually, within 60 days after the newly
90 elected members have taken office, the board shall organize by
91 electing from its members a chair, a vice chair, a secretary,
92 and a treasurer. The positions of secretary and treasurer may
93 be held by one member.

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

97 (6) If a vacancy occurs on the board due to the
98 resignation, death, removal of a board member, or the failure of
99 anyone to qualify for a board seat, the remaining members may
100 appoint a qualified person to fill the seat until the next
101 general election, at which time an election shall be held to
102 fill the vacancy for the remaining term, if any.

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

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

109 Section 4.5. Authority to levy non-ad valorem
110 assessments.--Said district shall have the right, power, and
111 authority to levy non-ad valorem assessments as defined in
112 section 197.3632, Florida Statutes, against the taxable real

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113 estate lying within its territorial bounds in order to provide
114 funds for the purpose of the district. The rate of such
115 assessments shall be fixed annually by a resolution of the board
116 of commissioners after the conduct of a public hearing. Such
117 non-ad valorem assessments may be imposed, collected, and
118 enforced pursuant to the provisions of sections 197.363-
119 197.3635, Florida Statutes.

120 Section ~~5.6~~ Schedule of non-ad valorem assessments.--The
121 assessment procedures and amount, as set forth herein, represent
122 the manner to be followed and the maximum allowable rates that
123 may be charged by the district, if needed. For assessment
124 purposes, all property within the district shall be divided into
125 three general classifications: vacant parcels, residential
126 parcels, and commercial/industrial parcels.

127 (1) Vacant parcels shall include all parcels that are
128 essentially undeveloped and are usually classified by the
129 property appraiser as use code types "0000," "0004," "1000,"
130 "4000," "9800," "9900," and "5000" through "7000." The maximum
131 annual assessment for these parcels shall be:

132 (a) Vacant platted lots (use code 0000) or unbuilt
133 condominiums (use code 0004) \$4 per lot or condominium.

134 (b) Unsubdivided acreage (use codes 5000 through 7000 and
135 9800, 9900, and 9901) \$2 per acre or fraction thereof, except
136 that not more than \$250 may be assessed against any one parcel.

137 (c) Vacant commercial and industrial parcels, per lot or
138 parcel (use codes 1000 and 4000) \$4 per lot or parcel. Whenever
139 a residential unit is located on a parcel defined herein as
140 vacant, the residential plot shall be considered as one lot or
141 one acre, with the balance of the parcel being assessed as

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142 vacant land in accordance with the schedule herein. Whenever an
143 agricultural or commercial building or structure is located on a
144 parcel defined herein as vacant, the building or structure shall
145 be assessed in accordance with the schedule of
146 commercial/industrial assessments.

147 (2) Residential parcels include all parcels that are
148 developed for residential purposes and are usually classified by
149 the property appraiser as use code types "0100" through "0800,"
150 "0801," "0803," and "2802." All residential parcels shall be
151 assessed by the number and size of dwelling units per parcel.
152 Surcharges may be assigned by the district for dwelling units
153 located on the third or higher floors. The maximum annual
154 assessment for these parcels shall be:

155 (a) Single family residential (use code 0100) shall be
156 assessed per dwelling unit. The base assessment for all
157 dwellings may not exceed \$60 for the first 1,000 square feet.
158 Each square foot above 1,000 square feet shall be assessed at a
159 rate not to exceed \$0.04 per square foot.

160 (b) Condominia residential (use code 0400) shall be
161 assessed \$90 per dwelling unit.

162 (c) Mobile homes (use codes 0200 or 0204) shall be
163 assessed \$80 per dwelling unit.

164 (d) Multifamily residential (use codes 0300 and 0800),
165 cooperatives (use code 0500), retirement homes (use code 0600),
166 and miscellaneous residential uses (use code 0700) shall be
167 assessed \$90 per dwelling unit or, in the case of group
168 quarters, per bedroom.

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169 (e) Mobile home or travel trailer parks (use code 2802)
170 shall be assessed \$80 per dwelling unit or available rental
171 space as applicable.

172 (f) Any other residential unit, including, but not limited
173 to, the residential portions of mixed uses (use code 1200),
174 shall be assessed \$90 per dwelling unit.

175 (3)(a) Commercial/industrial parcels shall include all
176 other developed parcels that are not included in the residential
177 category as defined above. All commercial/industrial parcels
178 shall be assessed on a square footage basis for all buildings
179 and structures in accordance with the following schedule and
180 hazard classification. The district may or may not vary the
181 assessment by hazard classifications as set forth herein.

182 (b) The base assessment for all buildings and structures
183 shall be \$200 for the first 1,000 square feet on a parcel. The
184 schedule for all square footage above 1,000 square feet is as
185 follows. However, the district may grant an improved hazard
186 rating to all or part of the buildings and structures if they
187 are equipped with complete internal fire suppression facilities.

| 188 | 189 | 190 | 191 | 192 | 193 |
|-----|----------------|----------------------|-----|------------------------|-----|
| | Category | Use Codes | | Square Foot Assessment | |
| 191 | Mercantile (M) | 1100,1200,1300,1400, | | | |
| 192 | | 1500,1600,1604,2900 | | \$0.0525 per sq. ft. | |
| 194 | Business (B) | 1700,1704,1800,1900, | | | |
| 195 | | 1904,2200,2300,2400, | | | |
| 196 | | 2500,2600,3000,3600 | | \$0.0525 per sq. ft. | |

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|-----|----------------|----------------------|----------------------|
| 198 | Assembly (A) | 2100,3100,3200,3300, | |
| 199 | | 3400,3500,3700,3800, | |
| 200 | | 3900,7600,7700,7900 | \$0.0675 per sq. ft. |
| 201 | | | |
| 202 | Factory/ | 4100,4104,4400,4500, | |
| 203 | Industrial (F) | 4600,4700,9100 | \$0.0900 per sq. ft. |
| 204 | | | |
| 205 | Storage (S) | 2000,2700,2800,4900 | \$0.0900 per sq. ft. |
| 206 | | | |
| 207 | Hazardous (H) | 4200,4300,4800,4804 | \$0.1050 per sq. ft. |
| 208 | | | |
| 209 | Institutional | 7000,7100,7200,7300, | |
| 210 | (I) | 7400,7800,8400,8500, | |
| 211 | | 9200 | \$0.0600 per sq. ft. |
| 212 | | | |

213 (c) Whenever a parcel is used for multiple hazard
214 classifications, the district may vary the assessment in
215 accordance with actual categories.

216 (d) The board of commissioners shall have the authority to
217 further define these use code numbers subject to information
218 received from the property appraiser's office.

219 (e) Whenever one industrial complex under single ownership
220 has more than 2.5 million square feet of structures on a site of
221 contiguous parcels or a site of parcels that would be contiguous
222 except that they are dissected by one or more transportation
223 rights-of-way, the maximum fire tax assessment may not exceed
224 one-half of the adopted fire tax rate for that tax year for
225 factory industrial use. Such rate shall be applied to all

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226 structural square footage in the complex regardless of actual
227 use or use classification.

228 Section 6.7. Impact fees.--

229 (1)(a) It is hereby found and determined that the district
230 is located in one of the fastest growing areas of Manatee
231 County, which is itself experiencing one of the highest growth
232 rates in the nation. New construction and resulting population
233 growth have placed a strain upon the capabilities of the
234 district to continue providing the high level of professional
235 fire protection and emergency service for which the residents of
236 the district pay and which they deserve.

237 (b) It is hereby declared that the cost of new facilities
238 for fire protection and emergency service should be borne by new
239 users of the district services to the extent new construction
240 requires new facilities, but only to that extent. It is the
241 legislative intent of this section to transfer to the new users
242 of the district's fire protection and emergency services a fair
243 share of the costs that new users impose on the district for new
244 facilities.

245 (c) It is hereby declared that the amount of the impact
246 fees provided for in this section are just, reasonable, and
247 equitable.

248 (d) On September 10, 2002, the district's electors
249 approved a referendum authorizing the district to increase
250 impact fees on new construction.

251 (2) No person may issue or obtain a building permit for
252 new residential dwelling units or new commercial or industrial
253 structures within the district, or issue or obtain construction
254 plan approval for new mobile home or recreational or travel

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255 trailer park developments located within the district, until the
256 developer thereof has paid the applicable impact fee to the
257 district, according to a schedule determined annually by the
258 board in accordance with chapter 191, Florida Statutes, as
259 amended from time to time. The impact fee shall not exceed the
260 following as follows: each new residential dwelling unit, \$300
261 ~~\$150~~; new commercial or industrial structures, \$620 ~~\$310~~ up to
262 5,000 square feet, and \$620 ~~\$310~~ plus \$0.16 ~~\$0.08~~ per square
263 foot above 5,000 square feet for structures 5,000 square feet or
264 over; new recreational or travel trailer park developments, \$80
265 ~~\$40~~ per lot or permitted space. However, the district, following
266 a public hearing, may exceed such rates upon a determination by
267 the district board that the costs of new development will exceed
268 the maximum impact fee rate and such fees are necessary for the
269 district to provide an adequate level of service for new
270 development.

271 (3) The impact fees collected by the district pursuant to
272 this section shall be kept as a separate fund from other
273 revenues of the district and shall be used exclusively for the
274 acquisition, purchase, or construction of new facilities or
275 portions thereof required to provide fire protection and
276 emergency service to new construction. "New facilities" means
277 land, buildings, and capital equipment, including, but not
278 limited to, fire and emergency vehicles and radio-telemetry
279 equipment. The fees may not be used for the acquisition,
280 purchase, or construction of facilities which must be obtained
281 in any event, regardless of growth within the district. The
282 board of fire commissioners shall maintain adequate records to

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283 ensure that impact fees are expended only for permissible new
284 facilities.

285 Section 7.8. Other district powers, functions, and
286 duties.--In addition to any powers set forth in this act, the
287 district shall hold all powers, functions, and duties set forth
288 in chapters 189, 191, and 197, Florida Statutes, as they may be
289 amended from time to time, including, but not limited to, ad
290 valorem taxation, bond issuance, other revenue-raising
291 capabilities, budget preparation and approval, liens and
292 foreclosure of liens, use of tax deeds and tax certificates as
293 appropriate for non-ad valorem assessments, and contractual
294 agreements. The district may be financed by any method
295 established in this act, chapter 189, Florida Statutes, or
296 chapter 191, Florida Statutes, or any other applicable general
297 or special law, as they may be amended from time to time. The
298 district shall also have the authority to levy an ad valorem
299 millage not to exceed 3.75 mills per year pursuant to referendum
300 approval of the district's electors on September 10, 2002, as
301 authorized by section 191.009(1), Florida Statutes. The
302 district is authorized, following a public hearing, to levy up
303 to .7 mill in the first year of levying ad valorem taxes and may
304 increase such rate annually by up to .7 mill not to exceed a
305 total rate of 3.75 mills per year, following a public hearing at
306 the time of initial levy and at each increase thereafter.

307 Section 8.9. Planning.--The district's planning
308 requirements shall be as set forth in this act, chapters 189 and
309 191, Florida Statutes, and other applicable general or special
310 laws, as they may be amended from time to time.

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311 Section ~~9.10~~. Boundaries.--The district's geographic
312 boundary limitations shall be as set forth in this act.

313 Section ~~10.11~~. Officers and employees.--Requirements for
314 financial disclosure, meeting notices, public records
315 maintenance, and per diem expenses for officers and employees
316 shall be as set forth in chapters 112, 119, 189, 191, and 286,
317 Florida Statutes, as they may be amended from time to time.

318 Section ~~11.12~~. Bonds.--The procedures and requirements
319 governing the issuance of bonds, notes, and other evidence of
320 indebtedness by the district shall be as set forth in this act,
321 chapter 191, Florida Statutes, and any other applicable general
322 or special laws, as they may be amended from time to time.

323 Section 2. This act shall take effect upon becoming a law.
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327 ===== T I T L E A M E N D M E N T =====

328 Remove line(s) 14-20, and insert: Laws of Florida;
329 conforming the district's charter to section 191.009,
330 F.S., relating to impact fees; revising the district's
331 impact fee schedule; incorporating the district's
332 authority granted by referendum to levy ad valorem taxes;
333 limiting annual increases in millage rate; providing an
334 effective date.