

By Senator Bennett

21-2556-03

1                                   A bill to be entitled  
2           An act relating to the Southern Manatee Fire  
3           and Rescue District, in Manatee County;  
4           amending chapter 2000-402, Laws of Florida;  
5           conforming the district's charter to section  
6           191.009, F.S., relating to impact fees;  
7           revising the district's impact fee schedule;  
8           incorporating the district's authority granted  
9           by referendum to levy ad valorem taxes;  
10          limiting annual increases in millage rate;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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

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

20           Section 1. Incorporation.--All of the unincorporated  
21 lands in Manatee County, as described in this act, shall be  
22 incorporated into an independent special fire control  
23 district. Said special fire control district shall be a public  
24 municipal corporation under the name of the Southern Manatee  
25 Fire and Rescue District. The district is organized and exists  
26 for all purposes set forth in this act and chapters 189 and  
27 191, Florida Statutes. The district was created by the merger  
28 of the Oneco-Tallevast and Samoset Fire Control Districts in  
29 chapter 92-249, Laws of Florida. This charter may be amended  
30 only by special act of the Legislature.

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1           Section 2.3 Jurisdiction.--The lands to be  
2 incorporated within the Southern Manatee Fire and Rescue  
3 District are located in Manatee County, Florida, and are  
4 described as follows:

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6           Begin at the northwest corner of the southwest  
7 quarter of the northwest quarter of Section 36,  
8 Township 34 South, Range 17 East, thence run  
9 generally east along the south line of the city  
10 limits of the City of Bradenton and an easterly  
11 extension thereof to the center line of the  
12 Braden River at a point in Section 33, Township  
13 34 South, Range 18 East; provided however that  
14 those unincorporated enclaves located within  
15 the corporate limits of the City of Bradenton  
16 within Sections 29 and 32, Township 34 South,  
17 Range 18 East are included; thence meandering  
18 the center line of the Braden River in a  
19 southeasterly, southerly and southwesterly  
20 direction to a point where the Braden River  
21 intersects the westerly Right-of-Way line of  
22 I-75, said point located in Section 25,  
23 Township 35 South, Range 18 East; thence  
24 southerly along said West Right-of-Way line of  
25 I-75 and the extension thereof to the line  
26 dividing Manatee County and Sarasota County,  
27 said point being located in Section 36,  
28 Township 35 South, Range 18 East; then west to  
29 the Southeast corner of Section 36, Township 35  
30 South, Range 17 East; thence north to the  
31 Northeast corner of Section 36, Township 35

1 South, Range 17 East; thence west to the  
2 Southwest corner of Southeast corner of Section  
3 25, Township 35 South, Range 17 East; thence  
4 north to the north line of said Section 25,  
5 Township 35 South, Range 17 East; thence West  
6 to the Southwest corner of Section 24, Township  
7 35 South, Range 17 East; thence north to the  
8 point of beginning.  
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10 Section 3.4 Governing board.--

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

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

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

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

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

13 (6) If a vacancy occurs on the board due to the  
14 resignation, death, removal of a board member, or the failure  
15 of anyone to qualify for a board seat, the remaining members  
16 may appoint a qualified person to fill the seat until the next  
17 general election, at which time an election shall be held to  
18 fill the vacancy for the remaining term, if any.

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

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

25 Section 4.5. Authority to levy non-ad valorem  
26 assessments.--Said district shall have the right, power, and  
27 authority to levy non-ad valorem assessments as defined in  
28 section 197.3632, Florida Statutes, against the taxable real  
29 estate lying within its territorial bounds in order to provide  
30 funds for the purpose of the district. The rate of such  
31 assessments shall be fixed annually by a resolution of the

1 board of commissioners after the conduct of a public hearing.  
2 Such non-ad valorem assessments may be imposed, collected, and  
3 enforced pursuant to the provisions of sections  
4 197.363-197.3635, Florida Statutes.

5 Section 5.6 Schedule of non-ad valorem  
6 assessments.---The assessment procedures and amount, as set  
7 forth herein, represent the manner to be followed and the  
8 maximum allowable rates that may be charged by the district,  
9 if needed. For assessment purposes, all property within the  
10 district shall be divided into three general  
11 classifications: vacant parcels, residential parcels, and  
12 commercial/industrial 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," "0004," "1000,"  
16 "4000," "9800," "9900," and "5000" through "7000." The  
17 maximum annual assessment for these parcels shall be:

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

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

24 (c) Vacant commercial and industrial parcels, per lot  
25 or parcel (use codes 1000 and 4000) \$4 per lot or parcel.  
26 Whenever a residential unit is located on a parcel defined  
27 herein as vacant, the residential plot shall be considered as  
28 one lot or one acre, with the balance of the parcel being  
29 assessed as vacant land in accordance with the schedule  
30 herein. Whenever an agricultural or commercial building or  
31 structure is located on a parcel defined herein as vacant, the

1 building or structure shall be assessed in accordance with the  
2 schedule of commercial/industrial assessments.

3 (2) Residential parcels include all parcels that are  
4 developed for residential purposes and are usually classified  
5 by the property appraiser as use code types "0100" through  
6 "0800," "0801," "0803," and "2802." All residential parcels  
7 shall be assessed by the number and size of dwelling units per  
8 parcel. Surcharges may be assigned by the district for  
9 dwelling units located on the third or higher floors. The  
10 maximum annual assessment for these parcels shall be:

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

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

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

20 (d) Multifamily residential (use codes 0300 and 0800),  
21 cooperatives (use code 0500), retirement homes (use code  
22 0600), and miscellaneous residential uses (use code 0700)  
23 shall be assessed \$90 per dwelling unit or, in the case of  
24 group quarters, per bedroom.

25 (e) Mobile home or travel trailer parks (use code  
26 2802) shall be assessed \$80 per dwelling unit or available  
27 rental space as applicable.

28 (f) Any other residential unit, including, but not  
29 limited to, the residential portions of mixed uses (use code  
30 1200), shall be assessed \$90 per dwelling unit.

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

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

Category	Use Codes	Square Foot Assessment
Mercantile (M)	1100,1200,1300,1400, 1500,1600,1604,2900	\$0.0525 per sq. ft.
Business	1700,1704,1800,1900, 1904,2200,2300,2400, 2500,2600,3000,3600	\$0.0525 per sq. ft.
Assembly (A)	1700,1704,1800,1900, 1904,2200,2300,2400, 2500,2600,3000,3600	\$0.0525 per sq. ft.

1	Assembly (A)	2100,3100,3200,3300,	
2		3400,3500,3700,3800,	
3		3900,7600,7700,7900	\$0.0675 per sq. ft.
4			
5	Factory/	4100,4104,4400,4500,	
6	Industrial (F)	4600,4700,9100	\$0.0900 per sq. ft.
7			
8	Storage (S)	2000,2700,2800,4900	\$0.0900 per sq. ft.
9			
10	Hazardous (H)	4200,4300,4800,4804	\$0.1050 per sq. ft.
11			
12	Institutional	7000,7100,7200,7300,	
13	(I)	7400,7800,8400,8500,	
14		9200	\$0.0600 per sq. ft.
15			

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

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

22 (e) Whenever one industrial complex under single  
23 ownership has more than 2.5 million square feet of structures  
24 on a site of contiguous parcels or a site of parcels that  
25 would be contiguous except that they are dissected by one or  
26 more transportation rights-of-way, the maximum fire tax  
27 assessment may not exceed one-half of the adopted fire tax  
28 rate for that tax year for factory industrial use. Such rate  
29 shall be applied to all structural square footage in the  
30 complex regardless of actual use or use classification.

31 Section 6.7 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  
4 highest growth rates in the nation. New construction and  
5 resulting population growth have placed a strain upon the  
6 capabilities of the district to continue providing the high  
7 level of professional fire protection and emergency service  
8 for which the residents of the district pay and which they  
9 deserve.

10           (b) It is hereby declared that the cost of new  
11 facilities for fire protection and emergency service should be  
12 borne by new users of the district services to the extent new  
13 construction requires new facilities, but only to that extent.  
14 It is the legislative intent of this section to transfer to  
15 the new users of the district's fire protection and emergency  
16 services a fair share of the costs that new users impose on  
17 the district for new facilities.

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

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

24           (2) No person may issue or obtain a building permit  
25 for new residential dwelling units or new commercial or  
26 industrial structures within the district, or issue or obtain  
27 construction plan approval for new mobile home or recreational  
28 or travel trailer park developments located within the  
29 district, until the developer thereof has paid the applicable  
30 impact fee to the district, according to a schedule determined  
31 annually by the board in accordance with chapter 191, Florida

1 Statutes, as amended from time to time. The impact fee shall  
2 not exceed the following as follows: each new residential  
3 dwelling unit, \$300~~\$150~~; new commercial or industrial  
4 structures, \$620~~\$310~~ up to 5,000 square feet, and \$620~~\$310~~  
5 plus \$0.16~~\$0.08~~ per square foot above 5,000 square feet for  
6 structures 5,000 square feet or over; new recreational or  
7 travel trailer park developments, \$80~~\$40~~ per lot or permitted  
8 space. However, the district, following a public hearing, may  
9 exceed such rates upon a determination by the district board  
10 that the costs of new development will exceed the maximum  
11 impact fee rate and such fees are necessary for the district  
12 to provide an adequate level of service for new development.

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

27 Section 7.8. Other district powers, functions, and  
28 duties.--In addition to any powers set forth in this act, the  
29 district shall hold all powers, functions, and duties set  
30 forth in chapters 189, 191, and 197, Florida Statutes, as they  
31 may be amended from time to time, including, but not limited

1 to, ad valorem taxation, bond issuance, other revenue-raising  
2 capabilities, budget preparation and approval, liens and  
3 foreclosure of liens, use of tax deeds and tax certificates as  
4 appropriate for non-ad valorem assessments, and contractual  
5 agreements. The district may be financed by any method  
6 established in this act, chapter 189, Florida Statutes, or  
7 chapter 191, Florida Statutes, or any other applicable general  
8 or special law, as they may be amended from time to time. The  
9 district shall also have the authority to levy an ad valorem  
10 millage not to exceed 3.75 mills per year pursuant to  
11 referendum approval of the district's electors on September  
12 10, 2002, as authorized by section 191.009(1), Florida  
13 Statutes. The district is authorized, following a public  
14 hearing, to levy up to .7 mill in the first year of levying ad  
15 valorem taxes and may increase such rate annually by up to .7  
16 mill not to exceed a total rate of 3.75 mills per year,  
17 following a public hearing at the time of initial levy and at  
18 each increase thereafter.

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

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

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

30 Section ~~11.12~~. Bonds.--The procedures and requirements  
31 governing the issuance of bonds, notes, and other evidence of

1 indebtedness by the district shall be as set forth in this  
2 act, chapter 191, Florida Statutes, and any other applicable  
3 general or special laws, as they may be amended from time to  
4 time.

5       Section 2. This act shall take effect upon becoming a  
6 law.

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