



HB 0119A

2003

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

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

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

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



HB 0119A

2003

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32 Begin at the northwest corner of the southwest quarter of the
33 northwest quarter of Section 36, Township 34 South, Range 17
34 East, thence run generally east along the south line of the city
35 limits of the City of Bradenton and an easterly extension
36 thereof to the center line of the Braden River at a point in
37 Section 33, Township 34 South, Range 18 East; provided however
38 that those unincorporated enclaves located within the corporate
39 limits of the City of Bradenton within Sections 29 and 32,
40 Township 34 South, Range 18 East are included; thence meandering
41 the center line of the Braden River in a southeasterly,
42 southerly and southwesterly direction to a point where the
43 Braden River intersects the westerly Right-of-Way line of I-75,
44 said point located in Section 25, Township 35 South, Range 18
45 East; thence southerly along said West Right-of-Way line of I-75
46 and the extension thereof to the line dividing Manatee County
47 and Sarasota County, said point being located in Section 36,
48 Township 35 South, Range 18 East; then west to the Southeast
49 corner of Section 36, Township 35 South, Range 17 East; thence
50 north to the Northeast corner of Section 36, Township 35 South,
51 Range 17 East; thence west to the Southwest corner of Southeast
52 corner of Section 25, Township 35 South, Range 17 East; thence
53 north to the north line of said Section 25, Township 35 South,
54 Range 17 East; thence West to the Southwest corner of Section
55 24, Township 35 South, Range 17 East; thence north to the point
56 of beginning.

57 Section 3.4.- Governing board.--

58 (1) In accordance with chapter 191, Florida Statutes, the
59 business and affairs of the district shall be conducted and
60 administered by a five-member board of fire commissioners



HB 0119A

2003

61 elected pursuant to chapter 191, Florida Statutes, by the
62 electors of the district in a nonpartisan election held at the
63 time and in the manner prescribed for holding general elections
64 in section 189.405(2)(a), Florida Statutes. Each member of the
65 board shall be elected for a term of 4 years and shall serve
66 until his or her successor assumes office.

67 (2) The office of each board member is designated as a
68 seat on the board, distinguished from each of the other seats by
69 a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at
70 the time he or she qualifies, the seat on the board for which he
71 or she is qualifying. The name of each candidate who qualifies
72 shall be included on the ballot in a way that clearly indicates
73 the seat for which he or she is a candidate. The candidate for
74 each seat who receives the most votes shall be elected to the
75 board.

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

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

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

89 (6) If a vacancy occurs on the board due to the
90 resignation, death, removal of a board member, or the failure of



HB 0119A

2003

91 anyone to qualify for a board seat, the remaining members may
92 appoint a qualified person to fill the seat until the next
93 general election, at which time an election shall be held to
94 fill the vacancy for the remaining term, if any.

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

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

101 Section ~~4.5~~. Authority to levy non-ad valorem
102 assessments.--Said district shall have the right, power, and
103 authority to levy non-ad valorem assessments as defined in
104 section 197.3632, Florida Statutes, against the taxable real
105 estate lying within its territorial bounds in order to provide
106 funds for the purpose of the district. The rate of such
107 assessments shall be fixed annually by a resolution of the board
108 of commissioners after the conduct of a public hearing. Such
109 non-ad valorem assessments may be imposed, collected, and
110 enforced pursuant to the provisions of sections 197.363-
111 197.3635, Florida Statutes.

112 Section ~~5.6~~. Schedule of non-ad valorem assessments.--The
113 assessment procedures and amount, as set forth herein, represent
114 the manner to be followed and the maximum allowable rates that
115 may be charged by the district, if needed. For assessment
116 purposes, all property within the district shall be divided into
117 three general classifications: vacant parcels, residential
118 parcels, and commercial/industrial parcels.

119 (1) Vacant parcels shall include all parcels that are
120 essentially undeveloped and are usually classified by the



HB 0119A

2003

121 property appraiser as use code types "0000," "0004," "1000,"
 122 "4000," "9800," "9900," and "5000" through "7000." The maximum
 123 annual assessment for these parcels shall be:

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

126 (b) Unsubdivided acreage (use codes 5000 through 7000 and
 127 9800, 9900, and 9901) \$2 per acre or fraction thereof, except
 128 that not more than \$250 may be assessed against any one parcel.

129 (c) Vacant commercial and industrial parcels, per lot or
 130 parcel (use codes 1000 and 4000) \$4 per lot or parcel. Whenever
 131 a residential unit is located on a parcel defined herein as
 132 vacant, the residential plot shall be considered as one lot or
 133 one acre, with the balance of the parcel being assessed as
 134 vacant land in accordance with the schedule herein. Whenever an
 135 agricultural or commercial building or structure is located on a
 136 parcel defined herein as vacant, the building or structure shall
 137 be assessed in accordance with the schedule of
 138 commercial/industrial assessments.

139 (2) Residential parcels include all parcels that are
 140 developed for residential purposes and are usually classified by
 141 the property appraiser as use code types "0100" through "0800,"
 142 "0801," "0803," and "2802." All residential parcels shall be
 143 assessed by the number and size of dwelling units per parcel.
 144 Surcharges may be assigned by the district for dwelling units
 145 located on the third or higher floors. The maximum annual
 146 assessment for these parcels shall be:

147 (a) Single family residential (use code 0100) shall be
 148 assessed per dwelling unit. The base assessment for all
 149 dwellings may not exceed \$60 for the first 1,000 square feet.



HB 0119A

2003

150 Each square foot above 1,000 square feet shall be assessed at a
 151 rate not to exceed \$0.04 per square foot.

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

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

156 (d) Multifamily residential (use codes 0300 and 0800),
 157 cooperatives (use code 0500), retirement homes (use code 0600),
 158 and miscellaneous residential uses (use code 0700) shall be
 159 assessed \$90 per dwelling unit or, in the case of group
 160 quarters, per bedroom.

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

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

167 (3)(a) Commercial/industrial parcels shall include all
 168 other developed parcels that are not included in the residential
 169 category as defined above. All commercial/industrial parcels
 170 shall be assessed on a square footage basis for all buildings
 171 and structures in accordance with the following schedule and
 172 hazard classification. The district may or may not vary the
 173 assessment by hazard classifications as set forth herein.

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



HB 0119A

2003

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

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



HB 0119A

2003

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

196 (e) Whenever one industrial complex under single ownership
197 has more than 2.5 million square feet of structures on a site of
198 contiguous parcels or a site of parcels that would be contiguous
199 except that they are dissected by one or more transportation
200 rights-of-way, the maximum fire tax assessment may not exceed
201 one-half of the adopted fire tax rate for that tax year for
202 factory industrial use. Such rate shall be applied to all
203 structural square footage in the complex regardless of actual
204 use or use classification.

205 Section 6.7. Impact fees.--

206 (1)(a) It is hereby found and determined that the district
207 is located in one of the fastest growing areas of Manatee
208 County, which is itself experiencing one of the highest growth
209 rates in the nation. New construction and resulting population
210 growth have placed a strain upon the capabilities of the
211 district to continue providing the high level of professional
212 fire protection and emergency service for which the residents of
213 the district pay and which they deserve.

214 (b) It is hereby declared that the cost of new facilities
215 for fire protection and emergency service should be borne by new
216 users of the district services to the extent new construction
217 requires new facilities, but only to that extent. It is the
218 legislative intent of this section to transfer to the new users
219 of the district's fire protection and emergency services a fair
220 share of the costs that new users impose on the district for new
221 facilities.



HB 0119A

2003

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

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

228 (2) No person may issue or obtain a building permit for
229 new residential dwelling units or new commercial or industrial
230 structures within the district, or issue or obtain construction
231 plan approval for new mobile home or recreational or travel
232 trailer park developments located within the district, until the
233 developer thereof has paid the applicable impact fee to the
234 district, according to a schedule determined annually by the
235 board in accordance with chapter 191, Florida Statutes, as
236 amended from time to time. The impact fee shall not exceed the
237 following as follows: each new residential dwelling unit, \$300
238 \$150; new commercial or industrial structures, \$620 ~~\$310~~ up to
239 5,000 square feet, and \$620 ~~\$310~~ plus \$0.16 ~~\$0.08~~ per square
240 foot above 5,000 square feet for structures 5,000 square feet or
241 over; new recreational or travel trailer park developments, \$80
242 \$40 per lot or permitted space. However, the district, following
243 a public hearing, may exceed such rates upon a determination by
244 the district board that the costs of new development will exceed
245 the maximum impact fee rate and such fees are necessary for the
246 district to provide an adequate level of service for new
247 development.

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



HB 0119A

2003

252 portions thereof required to provide fire protection and
253 emergency service to new construction. "New facilities" means
254 land, buildings, and capital equipment, including, but not
255 limited to, fire and emergency vehicles and radio-telemetry
256 equipment. The fees may not be used for the acquisition,
257 purchase, or construction of facilities which must be obtained
258 in any event, regardless of growth within the district. The
259 board of fire commissioners shall maintain adequate records to
260 ensure that impact fees are expended only for permissible new
261 facilities.

262 Section ~~7.8~~. Other district powers, functions, and
263 duties.--In addition to any powers set forth in this act, the
264 district shall hold all powers, functions, and duties set forth
265 in chapters 189, 191, and 197, Florida Statutes, as they may be
266 amended from time to time, including, but not limited to, ad
267 valorem taxation, bond issuance, other revenue-raising
268 capabilities, budget preparation and approval, liens and
269 foreclosure of liens, use of tax deeds and tax certificates as
270 appropriate for non-ad valorem assessments, and contractual
271 agreements. The district may be financed by any method
272 established in this act, chapter 189, Florida Statutes, or
273 chapter 191, Florida Statutes, or any other applicable general
274 or special law, as they may be amended from time to time. The
275 district shall also have the authority to levy an ad valorem
276 millage not to exceed 3.75 mills per year pursuant to referendum
277 approval of the district's electors on September 10, 2002, as
278 authorized by section 191.009(1), Florida Statutes. The
279 district is authorized to levy up to .7 mill in the first year
280 of levying ad valorem taxes initial levy and may increase such
281 rate annually by up to .7 mill not to exceed a total rate of



HB 0119A

2003

282 3.75 mills per year, following a public hearing at the time of
 283 initial levy and at each increase thereafter.

284 Section ~~8.9~~. Planning.--The district's planning
 285 requirements shall be as set forth in this act, chapters 189 and
 286 191, Florida Statutes, and other applicable general or special
 287 laws, as they may be amended from time to time.

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

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

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

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