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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:



31
32 Begin at the northwest corner of the southwest quarter of
33 the northwest quarter of Section 36, Township 34 South,
34 Range 17 East, thence run generally east along the south
35 line of the city limits of the City of Bradenton and an
36 easterly extension thereof to the center line of the
37 Braden River at a point in Section 33, Township 34 South,
38 Range 18 East; provided however that those unincorporated
39 enclaves located within the corporate limits of the City
40 of Bradenton within Sections 29 and 32, Township 34 South,
41 Range 18 East are included; thence meandering the center
42 line of the Braden River in a southeasterly, southerly and
43 southwesterly direction to a point where the Braden River
44 intersects the westerly Right-of-Way line of I-75, said
45 point located in Section 25, Township 35 South, Range 18
46 East; thence southerly along said West Right-of-Way line
47 of I-75 and the extension thereof to the line dividing
48 Manatee County and Sarasota County, said point being
49 located in Section 36, Township 35 South, Range 18 East;
50 then west to the Southeast corner of Section 36, Township
51 35 South, Range 17 East; thence north to the Northeast
52 corner of Section 36, Township 35 South, Range 17 East;
53 thence west to the Southwest corner of Southeast corner of
54 Section 25, Township 35 South, Range 17 East; thence north
55 to the north line of said Section 25, Township 35 South,
56 Range 17 East; thence West to the Southwest corner of
57 Section 24, Township 35 South, Range 17 East; thence north
58 to the point of beginning.

59 Section 3.4- Governing board.--



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

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

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

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



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

91 (6) If a vacancy occurs on the board due to the
92 resignation, death, removal of a board member, or the failure of
93 anyone to qualify for a board seat, the remaining members may
94 appoint a qualified person to fill the seat until the next
95 general election, at which time an election shall be held to
96 fill the vacancy for the remaining term, if any.

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

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

103 Section ~~4.5-~~ Authority to levy non-ad valorem
104 assessments.--Said district shall have the right, power, and
105 authority to levy non-ad valorem assessments as defined in
106 section 197.3632, Florida Statutes, against the taxable real
107 estate lying within its territorial bounds in order to provide
108 funds for the purpose of the district. The rate of such
109 assessments shall be fixed annually by a resolution of the board
110 of commissioners after the conduct of a public hearing. Such
111 non-ad valorem assessments may be imposed, collected, and
112 enforced pursuant to the provisions of sections 197.363-
113 197.3635, Florida Statutes.

114 Section ~~5.6-~~ Schedule of non-ad valorem assessments.--The
115 assessment procedures and amount, as set forth herein, represent
116 the manner to be followed and the maximum allowable rates that
117 may be charged by the district, if needed. For assessment



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118 purposes, all property within the district shall be divided into
119 three general classifications: vacant parcels, residential
120 parcels, and commercial/industrial parcels.

121 (1) Vacant parcels shall include all parcels that are
122 essentially undeveloped and are usually classified by the
123 property appraiser as use code types "0000," "0004," "1000,"
124 "4000," "9800," "9900," and "5000" through "7000." The maximum
125 annual assessment for these parcels shall be:

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

128 (b) Unsubdivided acreage (use codes 5000 through 7000 and
129 9800, 9900, and 9901) \$2 per acre or fraction thereof, except
130 that not more than \$250 may be assessed against any one parcel.

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

141 (2) Residential parcels include all parcels that are
142 developed for residential purposes and are usually classified by
143 the property appraiser as use code types "0100" through "0800,"
144 "0801," "0803," and "2802." All residential parcels shall be
145 assessed by the number and size of dwelling units per parcel.
146 Surcharges may be assigned by the district for dwelling units



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147 located on the third or higher floors. The maximum annual
148 assessment for these parcels shall be:

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

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

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

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

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

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

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



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176 (b) The base assessment for all buildings and structures
 177 shall be \$200 for the first 1,000 square feet on a parcel. The
 178 schedule for all square footage above 1,000 square feet is as
 179 follows. However, the district may grant an improved hazard
 180 rating to all or part of the buildings and structures if they
 181 are equipped with complete internal fire suppression facilities.
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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,	\$0.0600 per sq. ft.



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7400,7800,8400,8500,
9200

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

(d) 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.

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

Section ~~6.7.~~ Impact fees.--

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

(b) It is hereby declared that the cost of new facilities for fire protection and emergency service should be borne by new users of the district services to the extent new construction



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219 requires new facilities, but only to that extent. It is the
 220 legislative intent of this section to transfer to the new users
 221 of the district's fire protection and emergency services a fair
 222 share of the costs that new users impose on the district for new
 223 facilities.

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

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

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



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248 district to provide an adequate level of service for new
249 development.

250 (3) The impact fees collected by the district pursuant to
251 this section shall be kept as a separate fund from other
252 revenues of the district and shall be used exclusively for the
253 acquisition, purchase, or construction of new facilities or
254 portions thereof required to provide fire protection and
255 emergency service to new construction. "New facilities" means
256 land, buildings, and capital equipment, including, but not
257 limited to, fire and emergency vehicles and radio-telemetry
258 equipment. The fees may not be used for the acquisition,
259 purchase, or construction of facilities which must be obtained
260 in any event, regardless of growth within the district. The
261 board of fire commissioners shall maintain adequate records to
262 ensure that impact fees are expended only for permissible new
263 facilities.

264 Section 7.8- Other district powers, functions, and
265 duties.--In addition to any powers set forth in this act, the
266 district shall hold all powers, functions, and duties set forth
267 in chapters 189, 191, and 197, Florida Statutes, as they may be
268 amended from time to time, including, but not limited to, ad
269 valorem taxation, bond issuance, other revenue-raising
270 capabilities, budget preparation and approval, liens and
271 foreclosure of liens, use of tax deeds and tax certificates as
272 appropriate for non-ad valorem assessments, and contractual
273 agreements. The district may be financed by any method
274 established in this act, chapter 189, Florida Statutes, or
275 chapter 191, Florida Statutes, or any other applicable general
276 or special law, as they may be amended from time to time. The
277 district shall also have the authority to levy an ad valorem



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278 millage not to exceed 3.75 mills per year pursuant to referendum
 279 approval of the district's electors on September 10, 2002, as
 280 authorized by section 191.009(1), Florida Statutes. The
 281 district is authorized to levy up to .7 mill in the first year
 282 of levying ad valorem taxes and may increase such rate annually
 283 by up to .7 mill not to exceed a total rate of 3.75 mills per
 284 year, following a public hearing at the time of initial levy and
 285 at each increase thereafter.

286 Section ~~8.9~~. Planning.--The district's planning
 287 requirements shall be as set forth in this act, chapters 189 and
 288 191, Florida Statutes, and other applicable general or special
 289 laws, as they may be amended from time to time.

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

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

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

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