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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:



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

Section 3.4. Governing board.--



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

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

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

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



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

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

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

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

104 Section ~~4.5-~~ Authority to levy non-ad valorem
105 assessments.--Said district shall have the right, power, and
106 authority to levy non-ad valorem assessments as defined in
107 section 197.3632, Florida Statutes, against the taxable real
108 estate lying within its territorial bounds in order to provide
109 funds for the purpose of the district. The rate of such
110 assessments shall be fixed annually by a resolution of the board
111 of commissioners after the conduct of a public hearing. Such
112 non-ad valorem assessments may be imposed, collected, and
113 enforced pursuant to the provisions of sections 197.363-
114 197.3635, Florida Statutes.

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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177 (b) The base assessment for all buildings and structures
 178 shall be \$200 for the first 1,000 square feet on a parcel. The
 179 schedule for all square footage above 1,000 square feet is as
 180 follows. However, the district may grant an improved hazard
 181 rating to all or part of the buildings and structures if they
 182 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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220 requires new facilities, but only to that extent. It is the
 221 legislative intent of this section to transfer to the new users
 222 of the district's fire protection and emergency services a fair
 223 share of the costs that new users impose on the district for new
 224 facilities.

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

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

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



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

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

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



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

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

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

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

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

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