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A bill to be entitled

An act relating to the Parrish Fire District, Manatee County; codifying the district's charter; providing boundaries; providing for a board of fire commissioners; providing for elections; providing for filling of vacancies; providing authority to levy non-ad valorem assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the board of fire commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of non-ad valorem assessments; providing severability; providing for liberal construction; repealing chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to the Parrish Fire District. It is the intent of this act to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and by any additional authority granted by this act and chapters 189 and 191,

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30 Florida Statutes, as they may be amended from time to time. It is
 31 further the intent of this act to preserve all district authority.

32 Section 2. Chapters 82-325, 85-451, 89-515, 90-458, 91-409,
 33 94-373, 95-501, and 02-335, Laws of Florida, are codified,
 34 amended, reenacted, and repealed as herein provided.

35 Section 3. The Parrish Fire District is re-created and the
 36 charter is re-created and reenacted to read:

37 Section 1. Incorporation.--Upon this act becoming a law, all
 38 of the unincorporated lands in Manatee County, as described in
 39 this act, shall become and be incorporated into an independent
 40 special fire district. Said special fire district shall become and
 41 be a public municipal corporation, having the powers and duties
 42 herein set forth under the name of Parrish Fire District.

43 Section 2. Jurisdiction.--The lands to be incorporated
 44 within the Parrish Fire District are located in Manatee County,
 45 and are described as follows:

46 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
 47 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30,
 48 31, 32, 33, 34, 35 and 36 all lying in Township 33
 49 South, Range 19 East; and Sections 1, 2, 3, 4, 5, 6, 7,
 50 8, 9, 10, 11, and 12, all lying in Township 34 South,
 51 Range 19 East; and all of Sections 13, 14, 15, 16, 17,
 52 and 18, lying north of Manatee River, all lying in
 53 Township 34 South, Range 19 East, and Sections 3, 4, 5,
 54 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28,
 55 29, 30, 31, 32, 33, and 34, all lying in Township 33
 56 South, Range 20 East, and Sections 3, 4, 5, 6, 7, 8, 9,
 57 10, 15, 16, 17, 18, 19, 20, 21, 22, and 28, all lying in
 58 Township 34 South, Range 20 East, and all of Sections

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59 29, 30, 32, and 33, lying North of Manatee River, all
 60 lying in Township 34 South, Range 20 East.

61
 62 Section 3. Board of fire commissioners.--The business and
 63 affairs of the district shall be conducted and administered by a
 64 board of five commissioners, who shall be elected as provided for
 65 in section 4. Upon their election annually in November, the
 66 commissioners shall organize by electing from their number a chair
 67 and vice chair. The commissioners shall appoint or employ a
 68 qualified person or persons for the positions of secretary or
 69 treasurer or the position of secretary/treasurer. The positions of
 70 secretary, treasurer, or secretary/treasurer may be held by one
 71 commissioner or the commission may, in lieu of electing a
 72 secretary and/or treasurer from its number, employ a qualified
 73 person or persons who are not commissioners to perform the duties
 74 of secretary, treasurer, or secretary/treasurer and may compensate
 75 such person or persons from funds of the district for the services
 76 rendered. If the commissioners do employ such qualified person or
 77 persons to perform the duties of secretary, treasurer, or
 78 secretary/treasurer, said performance shall be subject to the
 79 supervision of the board of fire commissioners. The commissioners
 80 may each be paid a salary or honorarium, to be determined by the
 81 board, that shall not exceed \$500 per month and may not be
 82 otherwise employed by the district on either a full-time or part-
 83 time basis and receive compensation for such employment, except as
 84 specifically provided for herein. The board of fire commissioners
 85 is authorized to pay the commissioner or commissioners who are
 86 elected secretary, treasurer, or secretary/treasurer a reasonable
 87 sum for their services as such. Each commissioner shall, before he

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88 or she enters upon his or her duties as commissioner, execute to
 89 the state, for the benefit of the district, a good and sufficient
 90 bond approved by a Circuit Judge of Manatee County in the sum of
 91 not less than \$5,000 with a qualified corporate surety,
 92 conditioned to faithfully perform the duties of the office of
 93 commissioner. All premiums for such surety on all such bonds shall
 94 be paid from the funds of said district. The board of fire
 95 commissioners shall have the authority and power to make and enter
 96 into contracts with firms, individuals, and municipal corporations
 97 relating to any and all of the purposes of the district.

98 Section 4. Election of commissioners.--

99 (1) The members of the board of fire commissioners of the
 100 district shall consist of five members who shall serve for 4-year
 101 terms and shall be elected by the electors of the respective
 102 district in a nonpartisan election, as hereinafter set forth. The
 103 five-member board of fire commissioners shall consist of one
 104 member elected by the entire fire district to represent each of
 105 five fire commissioner seats of the Parrish Fire District. The
 106 fire commissioner seats on the board shall be identified as
 107 district seats 1, 2, 3, 4, and 5. Each candidate must designate,
 108 at the time he or she qualifies, the district seat on the board
 109 for which he or she is qualifying and the name of each candidate
 110 who qualifies shall be included on the ballot in a way that
 111 clearly indicates the district seat for which he or she is a
 112 candidate. The candidate for each district seat who receives the
 113 most votes shall be elected to the board. In addition to
 114 requirements of candidates for election under general law, in
 115 order to qualify for such election or maintain such a position, a
 116 candidate or elected commissioner must be a qualified elector and

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117 must reside within the boundaries of the fire district at the time
 118 he or she qualifies and continually throughout the term.

119 (2) Two members of the board of fire commissioners (district
 120 seats 2 and 4) shall be elected at the general election during
 121 each United States presidential election year. The remaining three
 122 members of the board (district seats 1, 3, and 5) shall be elected
 123 at the general election during each Florida gubernatorial election
 124 year.

125 (3) Each elected commissioner shall hold office until his or
 126 her successor is elected and qualified, or until such commissioner
 127 ceases to qualify as a commissioner or is removed from office.

128 (4) Each elected member shall assume office on the fourth
 129 Tuesday following the election.

130 (5) If a vacancy occurs on the board, the remaining members
 131 may appoint a qualified person to fill the seat until the next
 132 general election that is held at least 3 months after the date the
 133 vacancy occurs, at which time an election shall be held to fill
 134 the vacancy.

135 Section 5. Authority to levy non-ad valorem assessments.--

136 (1) Said district shall have the right, power, and authority
 137 to levy non-ad valorem assessments against the taxable real estate
 138 lying within its territorial bounds, as well as assessing an
 139 additional charge for hazardous or emergency conditions, in order
 140 to provide funds for the purpose of the district. The rate of such
 141 assessments shall be fixed by a resolution of the board of fire
 142 commissioners, but shall in no event exceed the amounts set forth
 143 in section 15.

144 (2) The board of fire commissioners is hereby authorized to
 145 provide a reasonable schedule of charges for emergency services,

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146 including, but not limited to, firefighting occurring in or to
 147 motor vehicles, marine vessels including live-aboards, aircraft,
 148 or rail cars including engines, or as a result of the operation of
 149 such motor vehicles, marine vessels including live-aboards,
 150 aircraft, or rail cars including engines, to which the Parrish
 151 Fire District is called upon to render such emergency services,
 152 and to charge a fee for such services rendered in accordance with
 153 said schedule. The Parrish Fire District shall have a lien upon
 154 said motor vehicles, marine vessels including live-aboards,
 155 aircraft, or rail cars including engines for the charges so
 156 assessed. The board of fire commissioners is authorized to enter
 157 into contracts for firefighting duties which provide a reasonable
 158 remuneration to the district for such firefighting activities.

159 (3) The board of fire commissioners is authorized to provide
 160 a reasonable schedule of charges for the fighting of fires
 161 occurring in or at refuse dumps or as a result of an illegal burn,
 162 which fire, dump, or burn is not authorized by general or special
 163 law of the state, rule, regulation, order, or ordinance to which
 164 the district is called upon to fight and/or extinguish. The fee
 165 charged in accordance with said schedule shall constitute a lien
 166 upon the real property where said fire or burn is located.

167 (4) The district shall provide to the county property
 168 appraiser a notice of fire assessment rates as adopted by
 169 resolution no later than June 1 of each year. The county property
 170 appraiser shall then furnish to the commissioners of the district
 171 a tax roll covering all taxable properties with the assessment
 172 rate levy placed on each parcel of property by July 1, which tax
 173 roll is consistent with and set forth by section 193.1142, Florida
 174 Statutes. No later than 21 days after receipt of the tax roll from

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175 the county property appraiser, the district shall return the tax
 176 roll, having first checked and noted any corrections or
 177 adjustments to the fire assessment levy against each parcel of
 178 property.

179 (5) Prior to adopting a rate of assessment as required in
 180 subsection (4), the board of fire commissioners of the district
 181 shall properly advertise and hold a public hearing with respect to
 182 the proposed rate of assessment. At such hearing, any property
 183 owner in the district shall have the right to file written
 184 objection and/or testify at such hearing regarding the proposed
 185 rate of assessment. After due consideration of all comments or
 186 protests, the board of fire commissioners shall adopt a resolution
 187 specifying the rate of assessment on all taxable property.

188 (6) The board of fire commissioners of the district shall,
 189 no earlier than 30 days nor later than 45 days after the mailing
 190 of the notice of proposed property taxes as required by section
 191 194.011(1), Florida Statutes, hold a properly advertised public
 192 hearing to hear appeals from any property owner in the district
 193 with respect to the method of calculation and/or the amounts of
 194 fire assessment levied against a parcel of land. Within 20
 195 calendar days after the conclusion of the public hearing to hear
 196 appeals, the board of fire commissioners of the district shall
 197 notify all concerned parties and the county property appraiser in
 198 writing of its decision. The decision shall include reasons for
 199 granting or denying the appeal.

200 (7) The county property appraiser shall then include the
 201 assessments thus made by the board of fire commissioners of the
 202 district in the Manatee County tax roll and the same shall be
 203 collected in the manner and form as is provided for the collection

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204 of county taxes and paid over by the county tax collector to the
 205 board of fire commissioners.

206 (8) Such non-ad valorem assessments shall be a lien upon the
 207 land so assessed along with the county taxes assessed against the
 208 same until said assessments have been paid, and, if the same
 209 become delinquent, shall be considered a part of the county tax
 210 subject to the same penalties, fees, and remedies for enforcement
 211 and collections, and shall be enforced and collected as provided
 212 by the laws of the state for the collection of such taxes.

213 Section 6. Deposit of funds.--All proceeds of assessments
 214 and other funds of the district shall be deposited in the name of
 215 the district in a financial institution designated under the
 216 provisions of chapter 280, Florida Statutes, as a qualified public
 217 depository. The approved financial institution shall be designated
 218 by a resolution of the board of fire commissioners. No funds of
 219 the district shall be paid out or disbursed except by check.

220 Section 7. Use of funds.--No funds of the district shall be
 221 used for any purpose other than for the administration of the
 222 affairs and business of the district; the acquisition,
 223 construction, care, maintenance, upkeep, and operation of sites
 224 for fire stations; fire station, firefighting, and rescue
 225 equipment; the employment of qualified personnel as provided for
 226 herein and payment of the essential personnel benefits such as
 227 health, life, disability, and workers' compensation insurance;
 228 retirement programs and other associated costs designed to further
 229 the purpose of the district; and legal expenses incurred for the
 230 operation, enforcement, and furtherance of the district's affairs
 231 and business.

232 Section 8. Borrowing power.--The board of fire commissioners

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233 shall have the power and authority to borrow money for the purpose
234 of the district and to mortgage the real and personal property of
235 the district or to pledge future assessments and liens as security
236 for such loans. The limits of such authority shall be that the
237 amount borrowed shall not exceed three times the total assessments
238 in the fiscal year the loan is contracted; however, the district
239 commissioners shall not create any indebtedness or incur
240 obligations for any amount which it is unable to pay out of the
241 district's funds. Neither the district commissioners as a body nor
242 any one of them as an individual shall be personally or
243 individually liable for the repayment of such loan or loans. In
244 addition, the board of fire commissioners shall have the power and
245 authority to make purchases of equipment on an installment basis
246 as necessary, if funds are available for the payment of the
247 current year's installment on such equipment plus the amount due
248 in that year on any other installment or other indebtedness.

249 Section 9. Authority and power to acquire.--The Parrish Fire
250 District shall have all of the corporate powers of a Florida
251 municipal corporation as provided by statute, including, but not
252 limited to, the right to sue and to be sued; to lease, own,
253 possess, and convey real and personal property necessary to carry
254 out the purpose of this act; and to acquire such property by
255 grant, gift, purchase, devise, or eminent domain, or any means
256 whatsoever.

257 Section 10. Duties of officers and authority of
258 commissioners.--The officers of the board of fire commissioners
259 shall have the duties usually pertaining to, vested in, and
260 incumbent upon like officers. A record shall be kept of all
261 meetings of said board of fire commissioners and in such meetings

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262 concurrence of a majority of said commissioners at the meeting
 263 consisting of a quorum shall be necessary for any affirmative
 264 actions by said board. The board of fire commissioners of said
 265 district shall have the authority to adopt ordinances and rules
 266 and regulations for fire safety and protection, including, but not
 267 limited to, those standards set out in section 633.025, Florida
 268 Statutes.

269 Section 11. Authority to employ qualified personnel.--The
 270 board of fire commissioners of said district shall have the
 271 authority to employ personnel as required to carry out the purpose
 272 of the district. Such personnel may, in addition to others,
 273 include a Fire Chief, one or more firefighters or inspectors, and
 274 administrative or maintenance personnel as the board of fire
 275 commissioners deems necessary to carry out the purpose of the
 276 district, and shall have authority to provide all things necessary
 277 for the prevention, extinguishment, and control of fires in the
 278 district.

279 Section 12. Financial reporting.--The board of fire
 280 commissioners of the district shall comply with all appropriate
 281 reporting requirements for units of local government, including,
 282 but not limited to, sections 11.45, 189.416-189.418, 218.32, and
 283 218.38, Florida Statutes. These requirements as referenced herein
 284 include the filing on or before September 1 of each year of the
 285 district's estimated budget for the fiscal year beginning October
 286 1, the filing of financial statements and audits for the fiscal
 287 year ending each September 30 within the timeframes identified,
 288 and other reporting requirements specified.

289 Section 13. Existence.--The Parrish Fire District herein
 290 contemplated shall exist until dissolved by law.

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291 Section 14. Definitions.--The term "district" means the
 292 Parrish Fire District and the terms "board" and "board of fire
 293 commissioners" mean the board of fire commissioners of the Parrish
 294 Fire District, unless otherwise specified.

295 Section 15. Schedule of non-ad valorem assessments.--The
 296 assessment procedures and amounts, as set forth herein, represent
 297 the manner to be followed and the maximum allowable rates which
 298 shall be charged by the district, if needed. For assessment
 299 purposes, all property within the district shall be divided into
 300 three general classifications: vacant parcels, residential
 301 parcels, and commercial/industrial parcels.

302 (1) Vacant parcels shall include all parcels which are
 303 essentially undeveloped and are usually classified by the property
 304 appraiser as Use Code types "0000," "0004," "1000," "4000,"
 305 "9800," "9900," and "5000" through "7000." The maximum annual
 306 assessment for these parcels shall be:

307 (a) Vacant residential lots (Use Code 0000) \$10.00 per lot.

308 (b) Vacant condominium lots (Use Code 0004) \$10.00 per lot.

309 (c) Unsubdivided acreage (Use Code 5000 through 7000, 9800,
 310 9900, and 9901) \$3.50 per acre or fraction thereof, except that
 311 not more than \$850 shall be assessed against any one parcel.

312 (d) Vacant commercial and industrial parcels (Use Code 1000
 313 and 4000) shall be assessed as a platted lot or unsubdivided
 314 acreage as applicable. Whenever a residential unit is located on a
 315 parcel defined herein as vacant, the residential plot shall be
 316 considered as one lot or 1 acre with the balance of the parcel
 317 being assessed as vacant land in accordance with the schedule of
 318 commercial/industrial assessments. Whenever an agricultural or
 319 commercial building or structure is located on a parcel defined

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320 herein as vacant, the building or structure shall be assessed in
 321 accordance with the schedule of commercial/industrial assessments.

322 (2) Residential parcels shall include all parcels which are
 323 developed for residential purposes and are usually classified by
 324 the property appraiser as Use Code types "0100," "0104," "0200,"
 325 "0204," "0300," "0400," "0500," "0600," "0700," "0800," "0801,"
 326 "0803," "1200," "2800," and "2802." Surcharges may be assigned by
 327 the district for dwelling units located on the second, third,
 328 fourth, fifth, or higher floors. The maximum annual assessment for
 329 these parcels shall be:

330 (a) Use Codes "0100" and "0104" shall be \$150.00 per single
 331 family residence. If said residence is located on a parcel of land
 332 not in excess of one lot or 1 acre, no additional assessment shall
 333 be made for the land on which said residence is located. If the
 334 land upon which said residence is located exceeds one lot or 1
 335 acre, an additional assessment may be made in accordance with
 336 subsection (1).

337 (b) Use Codes "0300," "0800," "0801," and "0803," multi-
 338 family residences, shall be \$150 per unit. If said residence is
 339 located on a parcel of land not in excess of one lot or 1 acre, no
 340 additional assessment shall be made for the land on which said
 341 residence is located. If the land upon which said residence is
 342 located exceeds one lot or 1 acre, an additional assessment may be
 343 made in accordance with subsection (1).

344 (c) Use Code "0400," condominiums/apartments, residential,
 345 shall be \$150.00 per dwelling unit.

346 (d) Use Codes "0200," "0204," and "2802," mobile homes,
 347 mobile homes/condominiums, and mobile home parks, residential,
 348 shall be \$150 per dwelling unit.

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349 (e) Use Codes "0500," "0600," and "0700," cooperatives,
 350 retirement homes, miscellaneous, migrant camps, etc., shall be
 351 \$150 per dwelling unit.

352 (f) Any other residential units, including, but not limited
 353 to, the residential portion of mixed uses (Use Code "1200") shall
 354 be \$150 per dwelling unit.

355 (g) Travel trailer parks (Use Code "2800") shall be \$20 per
 356 dwelling unit or available rental space, as applicable.

357 (3) Commercial/industrial parcels shall include all other
 358 developed parcels which are not included in the residential
 359 category as defined above. All commercial/industrial parcels shall
 360 be assessed on a square footage basis for all buildings and
 361 structures in accordance with the following schedule and hazard
 362 classification. The district may or may not vary the assessment by
 363 hazard classifications as set forth herein, based on guidelines to
 364 be approved by the board of fire commissioners. The base
 365 assessment for all buildings and structures shall be \$150 for the
 366 first 1,000 square feet on a parcel. The schedule for all square
 367 footage in excess of 1,000 square feet shall be as follows;
 368 however, the district may grant an improved hazard rating to all
 369 or part of the buildings and/or structures if they are equipped
 370 with complete internal fire suppression facilities.

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
<u>Mercantile (M)</u>	<u>1100, 1200, 1300,</u> <u>1400, 1500, 1600,</u> <u>1604, 2900</u>	<u>\$0.25</u>

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378	<u>Business (B)</u>	<u>1700, 1704, 1800,</u>	
379		<u>1900, 1904, 2200,</u>	
380		<u>2300, 2400, 2500,</u>	
381		<u>2600, 3000, 3600</u>	<u>\$0.25</u>
382			
383	<u>Assembly (A)</u>	<u>2100, 3100, 3200,</u>	
384		<u>3300, 3400, 3500,</u>	
385		<u>3700, 3800, 3900,</u>	
386		<u>7600, 7700, 7900</u>	<u>\$0.25</u>
387			
388	<u>Factory/</u>	<u>4100, 4104, 4400,</u>	
389	<u>Industrial (F)</u>	<u>4500, 4600, 4700,</u>	
390		<u>9100</u>	<u>\$0.25</u>
391			
392	<u>Storage (S)</u>	<u>2000, 2700, 2800,</u>	
393		<u>4900</u>	<u>\$0.25</u>
394			
395	<u>Hazardous (H)</u>	<u>4200, 4300, 4800,</u>	
396		<u>4804</u>	<u>\$0.25</u>
397			
398	<u>Institutional (I)</u>	<u>7000, 7100, 7200,</u>	
399		<u>7300, 7400, 7800,</u>	
400		<u>8400, 8500, 9200</u>	<u>\$0.25</u>

402 Whenever a parcel is utilized for multiple hazard classifications,
 403 the district may vary the assessment in accordance with actual
 404 categories.

405 Section 16. Impact fees.--

406 (1)(a) It is hereby found and determined that the district

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407 is located in one of the fastest growing areas of Manatee County,
 408 which is itself experiencing one of the highest growth rates in
 409 the nation. New construction and resulting population growth have
 410 placed a strain upon the capabilities of the district to continue
 411 providing the high level of professional fire protection and
 412 emergency service for which the residents of the district pay and
 413 which they deserve.

414 (b) It is hereby declared that the cost of new facilities
 415 for fire protection and emergency service should be borne by new
 416 users of the district services to the extent new construction
 417 requires new facilities, but only to that extent. It is the
 418 legislative intent of this section to transfer to the new user of
 419 the district's fire protection and emergency services a fair share
 420 of the costs that new users impose on the district for new
 421 facilities.

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

424 (2) No person shall issue or obtain a building permit for
 425 new residential dwelling units or new commercial or industrial
 426 structures within the district, or issue or obtain construction
 427 plan approval for new mobile home or recreational or travel
 428 trailer park developments located within the district, until the
 429 developer thereof has paid the applicable impact fee to the
 430 district, according to a schedule determined annually by the
 431 board, as follows: For each new residential dwelling unit, a fee
 432 that shall not exceed \$500; for new commercial or industrial
 433 structures having a total floor area less than 5,000 square feet,
 434 a fee that shall not exceed \$500, and for structures 5,000 square
 435 feet and over, a base fee that shall not exceed \$500 plus \$0.25

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436 per square foot for such floor area in excess of 5,000 square
437 feet; for new recreational or travel trailer park developments, a
438 fee that shall not exceed \$25 per lot or permitted space.

439 (3) The impact fees collected by the district pursuant to
440 this section shall be kept as a separate fund from other revenues
441 of the district and shall be used exclusively for the acquisition,
442 purchase, or construction of new facilities or portions thereof
443 required to provide fire protection and emergency service to new
444 construction. The term "new facilities" means land, buildings, and
445 capital equipment, including, but not limited to, fire and
446 emergency vehicles and radio-telemetry equipment, and other
447 firefighting or rescue equipment. Said fees shall not be used for
448 the acquisition, purchase, or construction of facilities which
449 must be obtained in any event, regardless of growth within the
450 district. The board of fire commissioners shall maintain adequate
451 records to ensure that impact fees are expended only for
452 permissible new facilities or equipment.

453 Section 4. If any provision of this act or the application
454 thereof to any person or circumstance is held invalid, the
455 invalidity shall not affect other provisions or applications of
456 the act which can be given effect without the invalid provision or
457 application, and to this end the provisions of this act are
458 declared severable.

459 Section 5. The provisions of this act shall be liberally
460 construed in order to effectively carry out the purpose of this
461 act in the interest of the public and safety.

462 Section 6. Chapters 82-325, 85-451, 89-515, 90-458, 91-409,
463 94-373, 95-501, and 02-335, Laws of Florida, are repealed.

464 Section 7. This act shall take effect upon becoming a law.