

1 A bill to be entitled
 2 An act relating to the Cedar Hammock Fire Control District
 3 and Whitfield Fire Control District in Manatee County;
 4 amending chapter 2000-391, Laws of Florida; merging the
 5 Whitfield Fire Control District into the Cedar Hammock
 6 Fire Control District; amending the boundary of the Cedar
 7 Hammock Fire Control District to include all lands within
 8 the Whitfield Fire Control District; granting the Cedar
 9 Hammock Fire Control District authority to provide fire
 10 control and emergency medical services; granting the Cedar
 11 Hammock Fire Control District authority to levy taxes,
 12 assessments, and fees and administer fire rescue services
 13 within the district's amended boundary; repealing chapters
 14 67-914, 77-599, 84-474, 85-449, 88-547, 91-416, 95-460,
 15 and 96-453, Laws of Florida, relating to the Whitfield
 16 Fire Control District; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:
 19

20 Section 1. Sections 1 through 11 of section 3 of chapter
 21 2000-391, Laws of Florida, are amended, and a new section 3 is
 22 added to that section, to read:

23 Section 1. Incorporation.--All of the unincorporated lands
 24 in Manatee County, as described in this act, shall be
 25 incorporated into an independent special fire control district.
 26 Said special fire control district shall be a public municipal
 27 corporation under the name of Cedar Hammock Fire Control
 28 District. The district is organized and exists for all purposes

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29 set forth in this act and chapters 189 and 191, Florida
30 Statutes. The district was created by special act in 1957 and
31 its charter may be amended only by special act of the
32 Legislature.

33 Section 2. Jurisdiction.--The lands to be incorporated
34 within the Cedar Hammock Fire Control District are located in
35 Manatee County, Florida, and are described as follows:

36

37 Begin at SE corner of Section 35, Township 34, Range
38 17 East, thence South to the SE corner of the center
39 line of Bowlees Creek, that point being located in
40 Section 23, Township 34, Range 17 East; Thence
41 Westerly along the center line of said Bowlees Creek
42 to the waters of Sarasota Bay;

43

44 Less and excepting all the lands within Trailer
45 Estates Subdivisions, as shown in Plat Book 8, Pages
46 138, 139, 140, and 141, and in Plat Book 9, Page 61, of
47 the Public Records of Manatee County, Florida.

48

49 Thence meander the shore line of Sarasota Bay in a
50 Westerly and Northwesterly direction to point where
51 said shore line intersects the West line of Section
52 7, Township 35, Range 17 East, thence North along said
53 section line to intersection of said section line with
54 Cortez Road (State Road 684), thence continue North to
55 the waters of Palma Sola Bay, meander the shore of
56 Palma Sola Bay in an easterly, Northeasterly,

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57 | Northwesterly, and Northerly direction to point where
58 | shore line intersects the South line of Section 31,
59 | Township 34, Range 17 East, thence East along South
60 | line of Section 31, 32, 33, 34, 35, Township 34, Range
61 | 17 East to Point of Beginning, less those lands
62 | annexed by the City of Bradenton after the adoption of
63 | Chapter 57-1546, Laws of Florida.

64 |
65 | Together with Block B, Trailer Estates recorded in
66 | Plat Book 8, Page 141 of the Public Records of Manatee
67 | County, Florida.

68 |
69 | Together with all of Section 23 South of Bowles Creek,
70 | the West 1/2 of Section 25, Township 35 South, Range
71 | 17 East, all of Section 26 South of Bowles Creek, and
72 | all of Sections 35 and 36, Township 35 South, Range
73 | 17 East less any and all land owned by Sarasota-
74 | Manatee County Joint Airport Authority.

75 |
76 | Section 3. Merger; district authority.--The Whitfield Fire
77 | Control District, created pursuant to chapter 67-914, Laws of
78 | Florida, as amended, is merged into the Cedar Hammock Fire
79 | Control District. The Cedar Hammock Fire Control District is
80 | granted the authority to provide fire control and emergency
81 | medical services; levy and collect taxes, assessments, and fees;
82 | and administer fire rescue programs and services within the
83 | district's amended boundary pursuant to chapter 2000-319, Laws

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84 of Florida, chapter 191, Florida Statutes, and applicable laws
85 and as approved by district electors on September 5, 2006.

86 Section ~~4.3~~. Governing board.--

87 (1) Upon the effective date of this act, the business and
88 affairs of the district shall be conducted and administered by a
89 seven-member board of fire commissioners consisting of the five
90 elected fire commissioners of the Cedar Hammock Fire Control
91 District and the elected commissioners from seats 2 and 5 of the
92 Whitfield Fire Control District. The term of these seven seats
93 shall expire upon the election of the new board of fire
94 commissioners on November 4, 2008, pursuant to subsection (2).

95 (2) Effective November 4, 2008, in accordance with chapter
96 191, Florida Statutes, the business and affairs of the district
97 shall be conducted and administered by a five-member board of
98 fire commissioners elected pursuant to chapter 191, Florida
99 Statutes, by the electors of the district in a nonpartisan
100 election held at the time and in the manner prescribed for
101 holding general elections in section 189.405(2)(a), Florida
102 Statutes. Each member of the board shall be elected for a term
103 of 4 years and shall serve until his or her successor assumes
104 office, except that the initial term for seats 2 and 4 shall be
105 2 years, with all subsequent terms being 4 years.

106 ~~(3)(2)~~ The office of each board member is designated as a
107 seat on the board, distinguished from each of the other seats by
108 a numeral: 1, 2, 3, 4, or 5. Each candidate must designate, at
109 the time he or she qualifies, the seat on the board for which he
110 or she is qualifying. The name of each candidate who qualifies
111 shall be included on the ballot in a way that clearly indicates

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112 the seat for which he or she is a candidate. The candidate for
113 each seat who receives the most votes shall be elected to the
114 board.

115 (4)~~(3)~~ In accordance with chapter 191, Florida Statutes,
116 each member of the board must be a qualified elector at the time
117 he or she qualifies and continually throughout his or her term.

118 (5)~~(4)~~ Each elected member shall assume office 10 days
119 following the member's election. Annually, within 60 days after
120 the newly elected members have taken office, the board shall
121 organize by electing from its members a chair, a vice chair, a
122 secretary, and a treasurer. The positions of secretary and
123 treasurer may be held by one member.

124 (6)~~(5)~~ Members of the board may each be paid a salary or
125 honorarium to be determined by at least a majority plus one vote
126 of the board, pursuant to chapter 191, Florida Statutes.

127 (7)~~(6)~~ If a vacancy occurs on the board due to the
128 resignation, death, or removal of a board member or the failure
129 of anyone to qualify for a board seat, the remaining members may
130 appoint a qualified person to fill the seat until the next
131 general election, at which time an election shall be held to
132 fill the vacancy for the remaining term, if any.

133 (8)~~(7)~~ The procedures for conducting district elections or
134 referenda and for qualification of electors shall be pursuant to
135 chapters 189 and 191, Florida Statutes.

136 (9)~~(8)~~ The board shall have those administrative duties
137 set forth in this act and chapters 189 and 191, Florida
138 Statutes, as they may be amended from time to time.

139 Section 5.4~~5.4~~ Authority to levy non-ad valorem

140 assessments.--Said district shall have the right, power, and
141 authority to levy non-ad valorem assessments as defined in
142 section 197.3632, Florida Statutes, against the taxable real
143 estate lying within its territorial bounds in order to provide
144 funds for the purpose of the district. The rate of such
145 assessments shall be fixed annually by a resolution of the board
146 of commissioners after the conduct of a public hearing. Such
147 non-ad valorem assessments may be imposed, collected, and
148 enforced pursuant to the provisions of sections 197.363-
149 197.3635, Florida Statutes.

150 Section 6.5. Schedule of non-ad valorem assessments.--The
151 assessment procedures and amounts, as set forth herein,
152 represent the manner to be followed and the maximum allowable
153 rates that may be charged by the district. For assessment
154 purposes, all property within the district shall be divided into
155 three general classifications: vacant parcels, residential
156 parcels, and commercial/industrial parcels.

157 (1) Vacant parcels shall include all parcels that are
158 essentially undeveloped and are usually classified by the
159 property appraiser as use code types 0000, 1000, 4000, 9900, and
160 5000 through 6900. The maximum annual assessment for these
161 parcels shall be:

162 (a) Vacant platted lot (use code 0000), \$6 per lot.

163 (b) Unsubdivided acreage (use codes 5000 through 6900 and
164 9900), \$6 per acre or fraction thereof, except that not more
165 than \$2,000 shall be assessed against any one parcel.

166 (c) Vacant commercial and industrial (use codes 1000 and
167 4000) shall be assessed as a platted lot or unsubdivided

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168 acreage, as applicable.

169

170 Whenever a residential unit is located on a parcel defined
171 herein as vacant, the residential plot shall be considered as
172 one lot or one acre, with the balance of the parcel being
173 assessed as vacant land in accordance with the schedule herein.
174 Whenever an agricultural or commercial building or structure is
175 located on a parcel defined herein as vacant, the building or
176 structure shall be assessed in accordance with the schedule of
177 commercial/industrial assessments.

178 (2) Residential parcels shall include all parcels that are
179 developed for residential purposes and are usually classified by
180 the property appraiser as use code types 0100 through 0800 and
181 2800. All residential parcels shall be assessed by the number
182 and size of dwelling units per parcel. Surcharges may be
183 assigned by the district for dwelling units located on the third
184 or higher floors. The maximum annual assessment for these
185 parcels shall be:

186 (a) Single family residential (use code 0100) shall be
187 assessed on a square footage basis for all dwelling units in
188 accordance with the following. The base assessment for all
189 dwellings shall be \$85 for the first 1,000 square feet in the
190 dwelling unit. All square footage above 1,000 square feet shall
191 be charged at a rate of \$0.00 per square foot.

192 (b) Condominia residential (use code 0400) shall be
193 assessed as follows:

194 (i) Units located on the first, second, and third floors,
195 \$85 per dwelling unit;

196 (ii) Units located on the fourth and fifth floors, \$109
 197 per dwelling unit;

198 (iii) Units located on a floor above a fifth floor, \$117
 199 per dwelling unit.

200 (c) Mobile homes (use code 0200) shall be assessed \$85 per
 201 dwelling unit.

202 (d) Multifamily residential (use codes 0300 and 0800),
 203 cooperatives (use code 0500), retirement homes (use code 0600),
 204 and miscellaneous residential uses (use code 0700) shall be
 205 assessed as follows:

206 (i) Units located on the first, second, and third floors,
 207 \$85 per dwelling unit;

208 (ii) Units located on the fourth and fifth floors, \$109
 209 per dwelling unit;

210 (iii) Units located on a floor above a fifth floor, \$117
 211 per dwelling unit.

212 (e) Any other residential unit, including, but not limited
 213 to, the residential portions of mixed uses (use code 1200) and
 214 mobile home or travel trailer parks (use code 2800), shall be
 215 assessed \$85 per dwelling unit or available rental space, as
 216 applicable.

217 (3) Commercial/industrial parcels shall include all other
 218 developed parcels that are not included in the residential
 219 category as defined above. All commercial/industrial parcels
 220 shall be assessed on a square footage basis for all buildings
 221 and structures in accordance with the following schedule and
 222 hazard classification. The district may or may not vary the
 223 assessment by hazard classifications as set forth herein. The

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224 base assessment for all buildings and structures shall be \$150
 225 for the first 1,000 square feet on a parcel. The schedule for
 226 all square footage above 1,000 square feet is as follows. The
 227 district may grant an improved hazard rating to all or part of
 228 the buildings and structures if they are equipped with complete
 229 internal fire suppression facilities.

Category	Use Codes	Square Foot Assessment
Mercantile (M)	1100,1200,1300, 1400,1500,1600, and 2900	\$0.050 per sq. ft.
Business (B)	1700,1800,1900, 2200,2300,2400, 2500,2600,3000, and 3600	\$0.078 per sq. ft.
Assembly (A)	2100,3100,3200, 3300,3400,3500, 3700,3800,3900, 7200,7600,7700, and 7900	\$0.061 per sq. ft.
Factory/ Industrial (F)	4100,4400,4500, 4600,4700, and 9100	\$0.023 per sq. ft.
Storage (S)	2000,2700,2800,	\$0.076 per sq. ft.

and 4900

235 Hazardous (H) 4200,4300, and \$0.102 per sq. ft.
4800

236 Institutional (I) 7000,7300,7400, \$0.030 per sq. ft.
7500, and 7800

237 Whenever a parcel is used for multiple hazard classifications,
238 the district may vary the assessment in accordance with actual
239 categories. The board of commissioners shall have the authority
240 to further define these use code numbers subject to information
241 received from the property appraiser's office.

242 Section ~~7.6~~ Impact fees.--

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

251 (b) It is hereby declared that the cost of new facilities
252 upon fire protection and emergency service should be borne by
253 new users of the district's services to the extent new
254 construction requires new facilities, but only to that extent.
255 It is the legislative intent of this section to transfer to the
256 new users of the district's fire protection and emergency
257 services a fair share of the costs that new users impose on the

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258 district for new facilities.

259 (c) It is hereby declared that the amounts of the impact
260 fees provided for in this section are just, reasonable, and
261 equitable.

262 (2) No person shall issue or obtain a building permit for
263 new residential dwelling units or new commercial or industrial
264 structures within the district, or issue or obtain construction
265 plan approval for new recreational or travel trailer park
266 developments located within the district, until the developer
267 thereof shall have paid the applicable impact fee to the
268 district as follows: each new residential dwelling unit, \$100
269 per unit; new commercial or industrial structures, \$200 for the
270 first 5,000 square feet of gross floor area and \$0.05 per square
271 foot thereafter; new recreational or travel trailer park
272 developments, \$25 per lot or permitted space.

273 (3) The impact fees collected by the district pursuant to
274 this section shall be kept as a separate fund from other
275 revenues of the district and shall be used exclusively for the
276 acquisition, purchase, or construction of new facilities or
277 portions thereof required to provide fire protection and
278 emergency service to new construction. "New facilities" means
279 land, buildings, and capital equipment, including, but not
280 limited to, fire and emergency vehicles and radiotelemetry
281 equipment. The fees shall not be used for the acquisition,
282 purchase, or construction of facilities which must be obtained
283 in any event, regardless of growth within the district. The
284 board of fire commissioners shall maintain adequate records to
285 ensure that impact fees are expended only for permissible new

286 facilities.

287 Section 8.7. Other district powers, functions, and
 288 duties.--In addition to any powers set forth in this act, the
 289 district shall hold all powers, functions, and duties set forth
 290 in chapters 189, 191, and 197, Florida Statutes, as they may be
 291 amended from time to time, including, but not limited to, ad
 292 valorem taxation, bond issuance, other revenue-raising
 293 capabilities, budget preparation and approval, liens and
 294 foreclosure of liens, use of tax deeds and tax certificates as
 295 appropriate for non-ad valorem assessments, and contractual
 296 agreements. The district may be financed by any method
 297 established in this act, chapter 189, Florida Statutes, or
 298 chapter 191, Florida Statutes, or any other applicable general
 299 or special law, as they may be amended from time to time.

300 Section 9.8. Planning.--The district's planning
 301 requirements shall be as set forth in this act, chapters 189 and
 302 191, Florida Statutes, and other applicable general or special
 303 laws, as they may be amended from time to time.

304 Section 10.9. Boundaries.--The district's geographic
 305 boundary limitations shall be as set forth in this act.

306 Section 11.10. Officers and employees.--Requirements for
 307 financial disclosure, meeting notices, public records
 308 maintenance, and per diem expenses for officers and employees
 309 shall be as set forth in chapters 112, 119, 189, 191, and 286,
 310 Florida Statutes, as they may be amended from time to time.

311 Section 12.11. Bonds.--The procedures and requirements
 312 governing the issuance of bonds, notes, and other evidence of
 313 indebtedness by the district shall be as set forth in this act,

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314 | chapter 191, Florida Statutes, and any other applicable general
315 | or special laws, as they may be amended from time to time.

316 | Section 2. Chapters 67-914, 77-599, 84-474, 85-449, 88-
317 | 547, 91-416, 95-460, and 96-453, Laws of Florida, are repealed.

318 | Section 3. This act shall take effect October 1, 2007.