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CS/HB 983

2007 Legislature

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; providing for the
14 terms of office of the transitional governing board of the
15 combined district; repealing chapters 67-914, 77-599, 84-
16 474, 85-449, 88-547, 91-416, 95-460, and 96-453, Laws of
17 Florida, relating to the Whitfield Fire Control District;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Sections 1 through 11 of section 3 of chapter
23 2000-391, Laws of Florida, are amended, and a new section 3 is
24 added to that section, to read:

25 Section 1. Incorporation.--All of the unincorporated lands
26 in Manatee County, as described in this act, shall be
27 incorporated into an independent special fire control district.
28 Said special fire control district shall be a public municipal

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29 corporation under the name of Cedar Hammock Fire Control
30 District. The district is organized and exists for all purposes
31 set forth in this act and chapters 189 and 191, Florida
32 Statutes. The district was created by special act in 1957 and
33 its charter may be amended only by special act of the
34 Legislature.

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

38

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

45

46 Less and excepting all the lands within Trailer
47 Estates Subdivisions, as shown in Plat Book 8, Pages
48 138, 139, 140, and 141, and in Plat Book 9, Page 61, of
49 the Public Records of Manatee County, Florida.

50

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

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

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

70 |
71 | Together with all of Section 23 South of Bowles Creek,
72 | the West 1/2 of Section 25, Township 35 South, Range
73 | 17 East, all of Section 26 South of Bowles Creek, and
74 | all of Sections 35 and 36, Township 35 South, Range
75 | 17 East less any and all land owned by Sarasota-
76 | Manatee County Joint Airport Authority.

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

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85 district's amended boundary pursuant to chapter 2000-391, Laws
86 of Florida, chapter 191, Florida Statutes, and applicable laws
87 and as approved by district electors on September 5, 2006.

88 Section 4.3- Governing board.--

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

97 (2) Effective November 4, 2008, in accordance with chapter
98 191, Florida Statutes, the business and affairs of the district
99 shall be conducted and administered by a five-member board of
100 fire commissioners elected pursuant to chapter 191, Florida
101 Statutes, by the electors of the district in a nonpartisan
102 election held at the time and in the manner prescribed for
103 holding general elections in section 189.405(2) (a), Florida
104 Statutes. Each member of the board shall be elected for a term
105 of 4 years and shall serve until his or her successor assumes
106 office, except that the initial term for seats 2 and 4 shall be
107 2 years, with all subsequent terms being 4 years.

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

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113 shall be included on the ballot in a way that clearly indicates
114 the seat for which he or she is a candidate. The candidate for
115 each seat who receives the most votes shall be elected to the
116 board.

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

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

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

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

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

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

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141 Section ~~5.4~~. Authority to levy non-ad valorem
142 assessments.--Said district shall have the right, power, and
143 authority to levy non-ad valorem assessments as defined in
144 section 197.3632, Florida Statutes, against the taxable real
145 estate lying within its territorial bounds in order to provide
146 funds for the purpose of the district. The rate of such
147 assessments shall be fixed annually by a resolution of the board
148 of commissioners after the conduct of a public hearing. Such
149 non-ad valorem assessments may be imposed, collected, and
150 enforced pursuant to the provisions of sections 197.363-
151 197.3635, Florida Statutes.

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

159 (1) Vacant parcels shall include all parcels that are
160 essentially undeveloped and are usually classified by the
161 property appraiser as use code types 0000, 1000, 4000, 9900, and
162 5000 through 6900. The maximum annual assessment for these
163 parcels shall be:

- 164 (a) Vacant platted lot (use code 0000), \$6 per lot.
- 165 (b) Unsubdivided acreage (use codes 5000 through 6900 and
166 9900), \$6 per acre or fraction thereof, except that not more
167 than \$2,000 shall be assessed against any one parcel.
- 168 (c) Vacant commercial and industrial (use codes 1000 and

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169 4000) shall be assessed as a platted lot or unsubdivided
170 acreage, as applicable.

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

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

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

194 (b) Condominia residential (use code 0400) shall be
195 assessed as follows:

196 (i) Units located on the first, second, and third floors,

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197 \$85 per dwelling unit;
 198 (ii) Units located on the fourth and fifth floors, \$109
 199 per dwelling unit;
 200 (iii) Units located on a floor above a fifth floor, \$117
 201 per dwelling unit.
 202 (c) Mobile homes (use code 0200) shall be assessed \$85 per
 203 dwelling unit.
 204 (d) Multifamily residential (use codes 0300 and 0800),
 205 cooperatives (use code 0500), retirement homes (use code 0600),
 206 and miscellaneous residential uses (use code 0700) shall be
 207 assessed as follows:
 208 (i) Units located on the first, second, and third floors,
 209 \$85 per dwelling unit;
 210 (ii) Units located on the fourth and fifth floors, \$109
 211 per dwelling unit;
 212 (iii) Units located on a floor above a fifth floor, \$117
 213 per dwelling unit.
 214 (e) Any other residential unit, including, but not limited
 215 to, the residential portions of mixed uses (use code 1200) and
 216 mobile home or travel trailer parks (use code 2800), shall be
 217 assessed \$85 per dwelling unit or available rental space, as
 218 applicable.
 219 (3) Commercial/industrial parcels shall include all other
 220 developed parcels that are not included in the residential
 221 category as defined above. All commercial/industrial parcels
 222 shall be assessed on a square footage basis for all buildings
 223 and structures in accordance with the following schedule and
 224 hazard classification. The district may or may not vary the

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

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

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236		9100	
237	Storage (S)	2000,2700,2800, and 4900	\$0.076 per sq. ft.
238	Hazardous (H)	4200,4300, and 4800	\$0.102 per sq. ft.
239	Institutional (I)	7000,7300,7400, 7500, and 7800	\$0.030 per sq. ft.

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

244 Section 7.6 Impact fees.--

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

253 (b) It is hereby declared that the cost of new facilities
 254 upon fire protection and emergency service should be borne by
 255 new users of the district's services to the extent new
 256 construction requires new facilities, but only to that extent.

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257 It is the legislative intent of this section to transfer to the
258 new users of the district's fire protection and emergency
259 services a fair share of the costs that new users impose on the
260 district for new facilities.

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

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

275 (3) The impact fees collected by the district pursuant to
276 this section shall be kept as a separate fund from other
277 revenues of the district and shall be used exclusively for the
278 acquisition, purchase, or construction of new facilities or
279 portions thereof required to provide fire protection and
280 emergency service to new construction. "New facilities" means
281 land, buildings, and capital equipment, including, but not
282 limited to, fire and emergency vehicles and radiotelemetry
283 equipment. The fees shall not be used for the acquisition,
284 purchase, or construction of facilities which must be obtained

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285 | in any event, regardless of growth within the district. The
 286 | board of fire commissioners shall maintain adequate records to
 287 | ensure that impact fees are expended only for permissible new
 288 | facilities.

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

302 | Section 9.8. Planning.--The district's planning
 303 | requirements shall be as set forth in this act, chapters 189 and
 304 | 191, Florida Statutes, and other applicable general or special
 305 | laws, as they may be amended from time to time.

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

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

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313 Section ~~12.11~~. Bonds.--The procedures and requirements
314 governing the issuance of bonds, notes, and other evidence of
315 indebtedness by the district shall be as set forth in this act,
316 chapter 191, Florida Statutes, and any other applicable general
317 or special laws, as they may be amended from time to time.

318 Section 2. Chapters 67-914, 77-599, 84-474, 85-449, 88-
319 547, 91-416, 95-460, and 96-453, Laws of Florida, are repealed.

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