

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1047 Cedar Hammock Fire Control District, Manatee County

SPONSOR(S): Gregory

TIED BILLS: **IDEN./SIM. BILLS:** HB 813

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	14 Y, 0 N	Mwakyanjala	Miller
2) Ways & Means Committee	15 Y, 0 N	LaTorre	Aldridge
3) State Affairs Committee			

SUMMARY ANALYSIS

Cedar Hammock Fire Control District (CHFCD) was created by special act in 1957. Trailer Estates Fire Control District (TEFCD) was created by special act in 1963. CHFCD is located in southwest Manatee County, spans an area of over 26 square miles, and serves a population ranging from 75,000 to 100,000 depending on the season. TEFCD serves Trailer Estates, a deed restricted community located in Bradenton.

On November 2, 2021, the electors in TEFCD voted to abolish and dissolve TEFCD and transfer the real and personal property of TEFCD to the Trailer Estates Park and Recreation District.

The bill amends the charter of CHFCD to incorporate the former area of TEFCD into the district. The bill calls for CHFCD to call and conduct a referendum on the question of whether CHFCD is authorized to provide fire control and emergency services, levy and collect taxes, assessments, and fees, and administer fire rescue programs and services within the district's expanded boundaries.

The bill will take effect only if HB 1049 is enacted into law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Independent Special Fire Control Districts

An independent special fire control district is a type of independent special district¹ created by the Legislature for the purpose of providing fire suppression and related activities within the territorial jurisdiction of the district.² Chapter 191, F.S., the “Independent Special Fire Control District Act” (Act), provides standards, direction, and procedures for greater uniformity in the operation and governance of these districts, including financing authority, fiscally-responsible service delivery, and election of members to the governing boards for greater public accountability.³ The Act controls over more specific provisions in any special act or general law of local application creating an independent fire control district’s charter.⁴ The Act requires every independent fire control district be governed by a five-member board⁵ and provides for:

- General powers;⁶
- Special powers;⁷
- Authority and procedures for the assessment and collection of ad valorem taxes;⁸
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees;⁹ and
- Issuance of district bonds and evidences of debt.¹⁰

As a type of independent special district,¹¹ independent special fire control districts also are subject to ch. 189, F.S., the “Uniform Special District Accountability Act.”¹²

An independent special district only possesses the powers granted by the authorizing law.¹³ Therefore, any boundary expansion must be approved by the Legislature.¹⁴ A special district may not levy ad valorem taxes without approval by the affected voters.¹⁵

¹ A “special district” is a local government unit of “special purpose, as opposed to general purpose, operat[ed] within a limited boundary and created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” S. 189.012(6), F.S. An “independent special district” is any special district that is not a “dependent special district,” which is defined as a special district in which: the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the special district’s governing body are removable at will during their unexpired terms by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality. See S. 189.012(3), F.S.

² S. 191.003(5), F.S.

³ S. 191.002, F.S.

⁴ S. 191.004, F.S. Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section. *Id.*

⁵ S. 191.005(1)(a), F.S. A fire control district may continue to be governed by a three-member board if authorized by special act adopted in or after 1997.

⁶ S. 191.006, F.S. (such as the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

⁷ S. 191.008, F.S.

⁸ S. 191.006(14); 191.009(1), F.S.

⁹ Ss. 191.006(11), (15), 191.009(2)—(4), 191.011, F.S.

¹⁰ S. 191.012, F.S.

¹¹ S. 191.014(1), F.S., providing that new districts are created by the Legislature pursuant to s. 189.031, F.S.

¹² S. 189.031, F.S.

¹³ *Bd. of Comm’rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 531 (Fla. 4th DCA 2007). See also *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

¹⁴ S. 191.014(2), F.S. (“The territorial boundaries of [an independent special fire control] district may be modified, extended, or enlarged with the approval or ratification of the Legislature.”).

¹⁵ Art. VII, s. 9(b), Fla. Const.

Cedar Hammock Fire Control District

Cedar Hammock Fire Control District (CHFCD) was created by special act in 1957.¹⁶ CHFCD is located in southwest Manatee County spans an area of over 26 square miles, and serves a population ranging from 75,000 to 100,000 depending on the season.¹⁷ CHFCD is administered by a five-member board of fire commissioners elected by the voters of the district in nonpartisan elections to 4-year terms.¹⁸ CHFCD is authorized to levy ad valorem taxes against the taxable real estate within the district at a rate not to exceed 3.75 mills.¹⁹ CHFCD imposed a millage rate of 1.3 mills for the fiscal year ending September 30, 2021.²⁰ CHFCD also has the authority to levy non-ad valorem assessments, the rate of such assessments being fixed annually by a resolution of the board.²¹ CHFCD imposes a range of non-ad valorem final fire assessment rates for residential properties, commercial/industrial properties, and acreage/agricultural properties. According to the schedule adopted by the district, non-ad valorem assessment rates range from \$15.62 per acre for a vacant platted residential lot to \$221.78 per mobile home.²² CHFCD may also impose and collect impact fees,²³ issue bonds, and utilize other revenue-raising capabilities authorized in chapters 189, 191, and 197, F.S.²⁴

Trailer Estates Fire Control District

Trailer Estates Fire Control District (TEFCD) was created by special act in 1963²⁵ and serves the community of Trailer Estates, a deed restricted community.²⁶ TEFCD is administered by a board of five commissioners.²⁷ The charter of TEFCD does not provide ad valorem taxing authority separate from the general statutory authority provided to all fire control districts.²⁸ TEFCD is authorized to levy special assessments against taxable real estate lying within its territorial boundaries.²⁹ TEFCD had an assessment rate of \$78.60 for the fiscal year of 2021-2022.³⁰

November 2021 Vote to Abolish TEFCD

On November 2, 2021, the electors in Trailer Estates voted to abolish and dissolve TEFCD and transfer the real and personal property of TEFCD to the Trailer Estates Park and Recreation District, effective

¹⁶ Ch. 57-1546, Laws of Fla. Ch. 2000-391, Laws of Fla., codified all special acts relating to Cedar Hammock Fire Control District and provided a single, comprehensive charter for the district. Ch. 2007-283, Laws of Fla., merged the Whitfield Fire Control District into the Cedar Hammock Fire Control District. Ch. 2015-197, Laws of Fla., revised the boundaries of Cedar Hammock Fire Control District, reduced the board of fire commissioners from seven members to five, continued the boards power to levy ad valorem tax, and changed the non-ad valorem assessments procedures and rates.

¹⁷ Cedar Hammock Fire Control District, *Our History*, available at <https://www.chfr.org/our-history/> (last visited on January 27, 2022).

¹⁸ Ch. 2015-197, s. 4(1), Laws of Fla.

¹⁹ Ch. 2015-197, s. 5, Laws of Fla.

²⁰ Cedar Hammock Fire Control District, *Fiscal Year 2019-2020 Audited Financial Report*, pg. 7, available at <https://www.chfr.org/audit-information/> (last visited January 27, 2022).

²¹ Ch. 2015-197, s. 6, Laws of Fla.

²² Cedar Hammock Fire Control District, *Resolution 2021-4 Final 2021-2022 Non-Ad Valorem Fire Assessment Rate Schedule*, available at <https://www.chfr.org/budgetary-information/> under Resolution 2021-04 Final Fire Assessment Rates 2021-2022 (last visited on January 27, 2022).

²³ Ch. 2015-197, s. 8, Laws of Fla.

²⁴ Ch. 2015-197, s. 9, Laws of Fla.

²⁵ Ch. 63-1587, Laws of Fla. Ch. 2005-350, Laws of Fla., codified all special acts relating to Trailer Estates Fire Control District and provided a single, comprehensive charter for the district.

²⁶ Trailer Estates Park & Recreation District, *About Us*, available at <https://www.trailerestates.com/about-us/> (last visited on January 27, 2022).

²⁷ Ch. 2005-350, s. 3, Laws of Fla.

²⁸ Ch. 2005-350, Laws of Fla. No taxing power is explicitly stated in the charter other than the intent of TEFCD to be an independent special taxing district and its power to levy special assessments against taxable real property lying within its territorial bounds. Ch. 2005-350, ss. 1 and 7(1), Laws of Fla. See also s. 191.009(1), F.S.

²⁹ Ch. 2005-350, s. 7(1), Laws of Fla.

³⁰ Trailer Estates Fire Control District, *Fiscal Year Budget October 1, 2021 to 9/30/2022*, available at <https://www.tefiredpt.com/wp-content/uploads/2021/03/2021-2022Budget.pdf> (last visited on January 27, 2022).

September 30, 2022.³¹ Trailer Estates Park and Recreation District currently has no authority to provide fire protection and prevention services within the Trailer Estates community served by TEFCD.³² To include the area of TEFCD within a different fire control district requires a vote of the qualified electors within the area approving the imposition of the new district's ad valorem taxes.³³

Effect of the Bill

The bill amends ch. 2000-391, Laws of Florida,³⁴ to incorporate the area of TEFCD within CHFCD. The bill calls for the Manatee County Supervisor of Elections to call and conduct a referendum on the question of whether the CHFCD is authorized to provide fire control and emergency services, levy and collect taxes, assessments, and fees, and administer fire rescue programs and services within the districts expanded boundaries. The bill shall take effect only if House Bill 1049, which dissolves Trailer Estates Fire Control District, becomes law.

B. SECTION DIRECTORY:

- Section 1: Amends sections 2 and 3 of section 1 of ch. 2000-391, Laws of Fla., to incorporate the area of Trailer Estates Fire Control District into the Cedar Hammock Fire Control District.
- Section 2: Calls for a referendum on the question of whether the CHFCD is authorized to provide fire control and emergency services, levy and collect taxes, assessments, and fees, and administer fire rescue programs and services within the district's expanded boundaries
- Section 3: Provides the act will take effect only if House Bill 1049 becomes law. Provides the act shall take effect only if a majority of the qualified electors within Cedar Hammock Fire Control District and the area proposed to be annexed into Cedar Hammock Fire Control District voting in a referendum provided by section 2 approve the referendum question. Provides that sections 2 and 3 shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 21, 2021.

WHERE? *The Bradenton Herald*, a daily newspaper published in Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? On or before November 8, 2022.

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

³¹ Manatee County, *School Board/Municipal Elections, November 2, 2021 Sample Ballot*, available at <https://www.votemanatee.com/Portals/Manatee/Documents/2021%20Generic%20Sample%20Ballot%20Final.pdf?ver=9Dm1LEBI87EkZjbcGIUSQ%3d%3d> (last visited on January 27, 2022). See also Manatee County, Supervisor of Elections, *2021 School Board and Municipal Elections*. 410 voters voted "Yes" (93.82%) and 27 voters voted "No" (6.18%). Results available at <https://enr.electionsfl.org/MAN/3077/Summary/> (last visited on January 27, 2022).

³² Ch. 2002-361, Laws of Fla.

³³ Art. VII, s. 9(b), Fla. Const.

³⁴ As the law has been amended by chs. 2007-283 and 2015-197, Laws of Fla.

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2022, the Local Administration & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarifies that the voters in the area proposed to be annexed into the Cedar Hammock Fire Control District will vote in the referendum to authorize their incorporation into the district and specifies that the Manatee County Supervisor of Elections shall conduct the referendum. The amendment also clarifies that the bill goes into effect only if House Bill 1049, which dissolves the Trailer Estates Fire Control District, becomes law.

This analysis is drafted to the committee substitute adopted by the Local Administration & Veterans Affairs Subcommittee.