

## House Bill No. 965

An act relating to Southern Manatee Fire and Rescue District; providing for codification of special laws relating to Southern Manatee Fire and Rescue District pursuant to s. 191.015, F.S.; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing a district boundary; providing for a governing board of said district; providing for non-ad valorem assessments and impact fees; providing a schedule of non-ad valorem assessments; providing for district powers, functions, and duties; deleting a reference to the district from chapter 93-352, Laws of Florida, as amended by chapter 94-373, Laws of Florida; providing for construction and effect; providing for repeal of chapter 92-249, Laws of Florida; providing an effective date.

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

Section 1. Intent.—Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to Southern Manatee Fire and Rescue District. It is the intent of the Legislature 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 any additional authority granted by this act and chapters 189 and 191, Florida Statutes, as they may be amended from time to time. It is further the intent of this act to preserve all district authority.

Section 2. Codification.—Chapter 92-249, Laws of Florida, is codified, reenacted, amended, and repealed as herein provided.

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 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:

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 4. Governing board.—

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

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

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

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

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

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

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

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

Section 5. Authority to levy non-ad valorem assessments.—Said district shall have the right, power, and authority to levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, against the taxable real estate lying within its territorial bounds in order to provide funds for the purpose of the district. The rate of such assessments shall be fixed annually by a resolution of the board of commissioners after the conduct of a public hearing. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of sections 197.363-197.3635, Florida Statutes.

Section 6. Schedule of non-ad valorem assessments.—The assessment procedures and amount, as set forth herein, represent the manner to be followed and the maximum allowable rates that may be charged by the district, if needed. For assessment purposes, all property within the district shall be divided into three general classifications: vacant parcels, residential parcels, and commercial/industrial parcels.

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

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

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

(c) Vacant commercial and industrial parcels, per lot or parcel (use codes 1000 and 4000) \$4 per lot or parcel.

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

(2) Residential parcels include all parcels that are developed for residential purposes and are usually classified by the property appraiser as use code types "0100" through "0800," "0801," "0803," and "2802." All residential parcels shall be assessed by the number and size of dwelling units per parcel. Surcharges may be assigned by the district for dwelling units located on the third or higher floors. The maximum annual assessment for these parcels shall be:

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

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

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

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

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

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

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

(b) The base assessment for all buildings and structures shall be \$200 for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is as follows. However, the district may grant an improved hazard rating to all or part of the buildings and structures if they are equipped with complete internal fire suppression facilities.

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
<u>Mercantile (M)</u>	<u>1100,1200,1300,1400, 1500,1600,1604,2900</u>	<u>\$0.0525 per sq. ft.</u>
<u>Business (B)</u>	<u>1700,1704,1800,1900, 1904,2200,2300,2400, 2500,2600,3000,3600</u>	<u>\$0.0525 per sq. ft.</u>
<u>Assembly (A)</u>	<u>2100,3100,3200,3300, 3400,3500,3700,3800,</u>	

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
	<u>3900,7600,7700,7900</u>	<u>\$0.0675 per sq. ft.</u>
<u>Factory/</u>	<u>4100,4104,4400,4500,</u>	
<u>Industrial (F)</u>	<u>4600,4700,9100</u>	<u>\$0.0900 per sq. ft.</u>
<u>Storage (S)</u>	<u>2000,2700,2800,4900</u>	<u>\$0.0900 per sq. ft.</u>
<u>Hazardous (H)</u>	<u>4200,4300,4800,4804</u>	<u>\$0.1050 per sq. ft.</u>
<u>Institutional</u>	<u>7000,7100,7200,7300,</u>	
<u>(I)</u>	<u>7400,7800,8400,8500,</u>	
	<u>9200</u>	<u>\$0.0600 per sq. ft.</u>

(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 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 requires new facilities, but only to that extent. It is the legislative intent of this section to transfer to the new users of the district's fire protection and emergency services a fair share of the costs that new users impose on the district for new facilities.

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

(2) No person may issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction plan approval for new mobile home or recreational or travel trailer park developments located within the district, until the developer thereof has paid the applicable impact fee to the district as follows: each new residential dwelling unit, \$150; new commercial or

industrial structures, \$310 up to 5,000 square feet, and \$310 plus \$0.08 per square foot above 5,000 square feet for structures 5,000 square feet or over; new recreational or travel trailer park developments, \$40 per lot or permitted space.

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

Section 8. Other district powers, functions, and duties.—In addition to any powers set forth in this act, the district shall hold all powers, functions, and duties set forth in chapters 189, 191, and 197, Florida Statutes, as they may be amended from time to time, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements. The district may be financed by any method established in this act, chapter 189, Florida Statutes, or chapter 191, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

Section 9. Planning.—The district's planning requirements shall be as set forth in this act, chapters 189 and 191, Florida Statutes, and other applicable general or special laws, as they may be amended from time to time.

Section 10. Boundaries.—The district's geographic boundary limitations shall be as set forth in this act.

Section 11. Officers and employees.—Requirements for financial disclosure, meeting notices, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 191, and 286, Florida Statutes, as they may be amended from time to time.

Section 12. Bonds.—The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in this act, chapter 191, Florida Statutes, and any other applicable general or special laws, as they may be amended from time to time.

Section 4. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Repeal of prior special acts.—Chapter 92-249, Laws of Florida, shall be repealed upon the effective date of this act.

Section 7. Paragraph (1)(a) of section 1, chapter 93-352, Laws of Florida, as amended by chapter 94-373, Laws of Florida, is amended to read:

Section 1. Manatee County district boards of fire commissioners; membership.

(1)(a) The business affairs of the Cedar Hammock Fire Control District, Parrish Fire Control District, ~~Southern Manatee Fire and Rescue District~~, Trailer Estates Fire Control District, Westside Fire Control District, and Whitfield Fire Control District in Manatee County shall each be conducted and administered by a five-member board of fire commissioners that is elected by the electors of the respective district in a nonpartisan election held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes. Each member of a district board shall be elected for a term of 4 years and shall serve until his successor is chosen and qualified, except that members elected to seats 2 and 4 in the first election held after the effective date of this act shall be elected for a term of 2 years.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.