

## House Bill No. 413

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; amending chapter 93-352, Laws of Florida; removing a reference to the district; repealing chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida, relating to the district; 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, 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. Chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

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

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

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

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 all lying in Township 33 South, Range 19 East; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all lying in Township 34 South, Range 19 East; and all

of Sections 13, 14, 15, 16, 17, and 18, lying north of Manatee River, all lying in Township 34 South, Range 19 East, and Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, all lying in Township 33 South, Range 20 East, and Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, and 28, all lying in Township 34 South, Range 20 East, and all of Sections 29, 30, 32, and 33, lying North of Manatee River, all lying in Township 34 South, Range 20 East.

Section 3. Board of fire commissioners.—The business and affairs of the district shall be conducted and administered by a board of five commissioners, who shall be elected as provided for in section 4. Upon their election annually in November, the commissioners shall organize by electing from their number a chair and vice chair. The commissioners shall appoint or employ a qualified person or persons for the positions of secretary or treasurer or the position of secretary/treasurer. The positions of secretary, treasurer, or secretary/treasurer may be held by one commissioner or the commission may, in lieu of electing a secretary and/or treasurer from its number, employ a qualified person or persons who are not commissioners to perform the duties of secretary, treasurer, or secretary/treasurer and may compensate such person or persons from funds of the district for the services rendered. If the commissioners do employ such qualified person or persons to perform the duties of secretary, treasurer, or secretary/treasurer, said performance shall be subject to the supervision of the board of fire commissioners. The commissioners may each be paid a salary or honorarium, to be determined by the board, that shall not exceed \$500 per month and may not be otherwise employed by the district on either a full-time or part-time basis and receive compensation for such employment, except as specifically provided for herein. The board of fire commissioners is authorized to pay the commissioner or commissioners who are elected secretary, treasurer, or secretary/treasurer a reasonable sum for their services as such. Each commissioner shall, before he or she enters upon his or her duties as commissioner, execute to the state, for the benefit of the district, a good and sufficient bond approved by a Circuit Judge of Manatee County in the sum of not less than \$5,000 with a qualified corporate surety, conditioned to faithfully perform the duties of the office of commissioner. All premiums for such surety on all such bonds shall be paid from the funds of said district. The board of fire commissioners shall have the authority and power to make and enter into contracts with firms, individuals, and municipal corporations relating to any and all of the purposes of the district.

Section 4. Election of commissioners.—

(1) The members of the board of fire commissioners of the district shall consist of five members who shall serve for 4-year terms and shall be elected by the electors of the respective district in a nonpartisan election, as herein-after set forth. The five-member board of fire commissioners shall consist of one member elected by the entire fire district to represent each of five fire commissioner seats of the Parrish Fire District. The fire commissioner seats on the board shall be identified as district seats 1, 2, 3, 4, and 5. Each candidate must designate, at the time he or she qualifies, the district seat on the board for which he or she is qualifying and the name of each candidate who qualifies shall be included on the ballot in a way that clearly indicates

the district seat for which he or she is a candidate. The candidate for each district seat who receives the most votes shall be elected to the board. In addition to requirements of candidates for election under general law, in order to qualify for such election or maintain such a position, a candidate or elected commissioner must be a qualified elector and must reside within the boundaries of the fire district at the time he or she qualifies and continually throughout the term.

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

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

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

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

#### Section 5. Authority to levy non-ad valorem assessments.—

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

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

(3) The board of fire commissioners is authorized to provide a reasonable schedule of charges for the fighting of fires occurring in or at refuse dumps or as a result of an illegal burn, which fire, dump, or burn is not authorized

by general or special law of the state, rule, regulation, order, or ordinance to which the district is called upon to fight and/or extinguish. The fee charged in accordance with said schedule shall constitute a lien upon the real property where said fire or burn is located.

(4) The district shall provide to the county property appraiser a notice of fire assessment rates as adopted by resolution no later than June 1 of each year. The county property appraiser shall then furnish to the commissioners of the district a tax roll covering all taxable properties with the assessment rate levy placed on each parcel of property by July 1, which tax roll is consistent with and set forth by section 193.1142, Florida Statutes. No later than 21 days after receipt of the tax roll from the county property appraiser, the district shall return the tax roll, having first checked and noted any corrections or adjustments to the fire assessment levy against each parcel of property.

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

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

(7) The county property appraiser shall then include the assessments thus made by the board of fire commissioners of the district in the Manatee County tax roll and the same shall be collected in the manner and form as is provided for the collection of county taxes and paid over by the county tax collector to the board of fire commissioners.

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

Section 6. Deposit of funds.—All proceeds of assessments and other funds of the district shall be deposited in the name of the district in a financial institution designated under the provisions of chapter 280, Florida Statutes, as a qualified public depository. The approved financial institution

shall be designated by a resolution of the board of fire commissioners. No funds of the district shall be paid out or disbursed except by check.

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

Section 8. Borrowing power.—The board of fire commissioners shall have the power and authority to borrow money for the purpose of the district and to mortgage the real and personal property of the district or to pledge future assessments and liens as security for such loans. The limits of such authority shall be that the amount borrowed shall not exceed three times the total assessments in the fiscal year the loan is contracted; however, the district commissioners shall not create any indebtedness or incur obligations for any amount which it is unable to pay out of the district's funds. Neither the district commissioners as a body nor any one of them as an individual shall be personally or individually liable for the repayment of such loan or loans. In addition, the board of fire commissioners shall have the power and authority to make purchases of equipment on an installment basis as necessary, if funds are available for the payment of the current year's installment on such equipment plus the amount due in that year on any other installment or other indebtedness.

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

Section 10. Duties of officers and authority of commissioners.—The officers of the board of fire commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of said board of fire commissioners and in such meetings concurrence of a majority of said commissioners at the meeting consisting of a quorum shall be necessary for any affirmative actions by said board. The board of fire commissioners of said district shall have the authority to adopt ordinances and rules and regulations for fire safety and protection, including, but not limited to, those standards set out in section 633.025, Florida Statutes.

Section 11. Authority to employ qualified personnel.—The board of fire commissioners of said district shall have the authority to employ personnel as required to carry out the purpose of the district. Such personnel may, in addition to others, include a Fire Chief, one or more firefighters or inspec-

tors, and administrative or maintenance personnel as the board of fire commissioners deems necessary to carry out the purpose of the district, and shall have authority to provide all things necessary for the prevention, extinguishment, and control of fires in the district.

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

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

Section 14. Definitions.—The term “district” means the Parrish Fire District and the terms “board” and “board of fire commissioners” mean the board of fire commissioners of the Parrish Fire District, unless otherwise specified.

Section 15. Schedule of non-ad valorem assessments.—The assessment procedures and amounts, as set forth herein, represent the manner to be followed and the maximum allowable rates which shall 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 which 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 residential lots (Use Code 0000) \$10.00 per lot.

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

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

(d) Vacant commercial and industrial parcels (Use Code 1000 and 4000) shall be assessed as a platted lot or unsubdivided acreage as applicable. Whenever a residential unit is located on a parcel defined herein as vacant, the residential plot shall be considered as one lot or 1 acre with the balance of the parcel being assessed as vacant land in accordance with the schedule of commercial/industrial assessments. 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 shall include all parcels which are developed for residential purposes and are usually classified by the property appraiser as Use Code types “0100,” “0104,” “0200,” “0204,” “0300,” “0400,” “0500,” “0600,” “0700,” “0800,” “0801,” “0803,” “1200,” “2800,” and “2802.” Surcharges may be assigned by the district for dwelling units located on the second, third, fourth, fifth, or higher floors. The maximum annual assessment for these parcels shall be:

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

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

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

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

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

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

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

(3) Commercial/industrial parcels shall include all other developed parcels which 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, based on guidelines to be approved by the board of fire commissioners. The base assessment for all buildings and structures shall be \$150 for the first 1,000 square feet on a parcel. The schedule for all square footage in excess of 1,000 square feet shall be as follows; however, the district may grant an improved hazard rating to all or part of the buildings and/or 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>\$0.25</u>
<u>Business (B)</u>	<u>1700, 1704, 1800, 1900, 1904, 2200, 2300, 2400, 2500, 2600, 3000, 3600</u>	<u>\$0.25</u>
<u>Assembly (A)</u>	<u>2100, 3100, 3200, 3300, 3400, 3500, 3700, 3800, 3900, 7600, 7700, 7900</u>	<u>\$0.25</u>
<u>Factory/Industrial (F)</u>	<u>4100, 4104, 4400, 4500, 4600, 4700, 9100</u>	<u>\$0.25</u>
<u>Storage (S)</u>	<u>2000, 2700, 2800, 4900</u>	<u>\$0.25</u>
<u>Hazardous (H)</u>	<u>4200, 4300, 4800, 4804</u>	<u>\$0.25</u>
<u>Institutional (I)</u>	<u>7000, 7100, 7200, 7300, 7400, 7800, 8400, 8500, 9200</u>	<u>\$0.25</u>

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

#### Section 16. 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 user 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 shall 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, according to a schedule determined annually by the board, as follows: For each new residential dwelling unit, a fee that shall not exceed \$500; for new commercial or industrial structures having a total floor area less than 5,000 square feet, a fee that shall not exceed \$500, and for structures 5,000 square feet and over, a base fee that shall not exceed \$500 plus \$0.25 per square foot for such floor area in excess of 5,000 square feet; for new recreational or travel trailer park developments, a fee that shall not exceed \$25 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. The term "new facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radio-telemetry equipment, and other firefighting or rescue equipment. Said fees shall 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 or equipment.

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

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

Section 6. Paragraph (a) of subsection (1) of section 1 of chapter 93-352, 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 be conducted and administered by a five-member board that is elected by the electors of the respective districts in nonpartisan elections held at the time and in the manner prescribed for holding general elections in section 189.405(2)(a), Florida Statutes. Each member 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 7. Chapters 82-325, 85-451, 89-515, 90-458, 91-409, 94-373, 95-501, and 02-335, Laws of Florida, are repealed.

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

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.