

## House Bill No. 723

An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending chapter 2000-404, Laws of Florida; revising the district charter to rename the district, provide it with specified statutory powers and authority, and delete unnecessary or redundant provisions relating to the district board of commissioners, special powers of the district, and taxes, non-ad valorem assessments, impact fees, and user charges; providing an effective date.

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

Section 1. Sections 1, 2, 3, 4, and 6 through 13 of section 3 of chapter 2000-404, Laws of Florida, are amended to read:

Section 1. Incorporation.—Upon the effective date of this act, all of the unincorporated lands in Manatee County, Florida, as described in this act, shall become and be incorporated into and as an independent special fire control district. Said special fire control district shall become and be a public municipal corporation, having the powers and duties herein set forth under the name of East Manatee Fire ~~Braden River Fire Control and Rescue District~~.

Section 2. Jurisdiction.—The lands to be incorporated within the East Manatee Fire ~~Braden River Fire Control and Rescue District~~ are described as follows:

Begin at the intersection of the centerlines of the Manatee River and the Braden River; thence easterly along the centerline of the Manatee River to the intersection of the Rye Road bridge; thence northerly along the centerline of Rye Road to a point of intersection of the North section line of Section 24 Township 34 South, Range 19 East; thence easterly to the Northeast corner of Section 24; thence southerly along the east line of said Section 24 to the centerline of Lake Manatee; thence easterly to S.R. 64; thence westerly along the centerline of S.R. 64 to old S.R. 675; thence south along the centerline of S.R. 675 and its southerly extension to the line dividing Manatee County and Sarasota County which same point being the Southeast corner of Section 33, Township 35 South, Range 20 East; thence westerly along said dividing line to point being the intersection of the line dividing Manatee and Sarasota Counties and the Southerly extension of the West right-of-way line of Interstate I-75, said point being located in Section 36 Township 35 South Range 18 East; thence northerly along said west right-of-way line to the centerline of the Braden River; thence westerly and northerly along said centerline to the centerline of the Manatee River, also being the point of beginning; specifically excluding all lands lying and situate within the corporate limits of the City of Bradenton.

Section 3. District board of commissioners; memberships, officers, meetings.—

(1) The business affairs of the district shall be conducted and administered by a board of five commissioners who shall reside within said district and who shall be elected as provided for in accordance with section 191.005, Florida Statutes.

~~(2) Each elected member of the board shall assume office 10 days following the member's election. Annually, in January, and/or 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. Funds of the district may be disbursed only upon the order or pursuant to resolution of the board, by warrant or check signed by the treasurer or other person authorized by the board. However, a petty cash account may be authorized by the board. The board may give the treasurer additional powers and duties that it deems appropriate.~~

~~(3) 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, which salary or honorarium may not exceed \$500 per month for each member. Special notice of any meeting at which the board will consider a salary change for board members shall be published at least once, at least 14 days prior to the meeting, in a newspaper of general circulation in the county in which the district is located. Separate compensation for the board member serving as treasurer may be authorized by like vote so long as total compensation for the board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expenses as provided for in section 112.061, Florida Statutes.~~

~~(4) If a vacancy occurs on the board due to the resignation, death, or 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. The board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.~~

~~(5) Each member shall, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution and section 876.05, Florida Statutes. Each member, within 30 days after assuming office, must give the Governor a good and sufficient surety bond in the sum of \$5,000, the cost thereof being borne by the district, conditioned on the member's faithful performance of his or her duties of office.~~

~~(6) The board shall keep a permanent record book entitled "Record of Proceedings of (name of district)," in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes, and s. 24, Art. I of the State Constitution. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located.~~

~~(2)(7)~~ All meetings of the board shall be open to the public consistent with chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

Section 4. General powers.—The district shall have, and the board may exercise by majority vote, the following powers and authority set forth in chapters 189 and 191, Florida Statutes, as amended from time to time.:

~~(1) To sue and be sued in the name of the district, to adopt and use a seal and authorize the use of a facsimile thereof, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.~~

~~(2) To provide for a pension or retirement plan for its employees. Notwithstanding the prohibition against extra compensation as provided in section 215.425, Florida Statutes, the board may provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performances exceed standard, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.~~

~~(3) To contract for the services of consultants to perform planning, engineering, legal, or other professional services.~~

~~(4) To borrow money and accept gifts, to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes, and enter into agreements required in connection therewith, and to hold, use, sell, and dispose of such moneys or property for any district purpose in accordance with the terms of the gift, grant, loan, or agreement relating thereto.~~

~~(5) To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board may also adopt ordinances and resolutions that are necessary to conduct district business, if such ordinances do not conflict with any ordinances of a local general purpose government within whose jurisdiction the district is located. Any resolution or ordinance adopted by the board and approved by referendum vote of district electors may only be repealed by referendum vote of district electors.~~

~~(6) To maintain an office at places it designates within a county or municipality in which the district is located and appoint an agent of record.~~

~~(7) To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate therein for any purpose authorized by this act and to trade, sell, or otherwise dispose of surplus real or personal property. The board may purchase equipment by an installation sales contract if funds are available to pay the current year's installments on the equipment and to pay the amounts due that year on all other installments and indebtedness.~~

~~(8) To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by this act consistent with applicable adopted local government comprehensive plans and land development regulations.~~

~~(9) To lease to or from any person, firm, corporation, association, or body, public or private, any facility or property of any nature for the use of the district when necessary to carry out the district duties and authority under this act.~~

~~(10) To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes and assessments, warrants, notes, or other evidence of indebtedness, and mortgage real and personal property when necessary to carry out the district's duties and authority under this act.~~

~~(11) To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection in the manner prescribed by resolution and authorized by law. However, the imposition of impact fees may only be authorized as provided by section 191.009(4), Florida Statutes.~~

~~(12) To exercise the right and power of eminent domain, pursuant to chapter 73, Florida Statutes, or chapter 74, Florida Statutes, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose, for the uses and purposes of the district relating solely to the establishment and maintenance of fire stations and fire substations, specifically including the power to take easements that serve such facilities consistent with applicable adopted local government comprehensive plans and land development regulations.~~

~~(13) To cooperate or contract with other persons or entities, including other governmental agencies, as necessary, convenient, incidental, or proper in connection with providing effective mutual aid and furthering any power, duty, or purpose authorized by this act.~~

~~(14) To assess and impose upon real property in the district non-ad valorem assessments as authorized by this act.~~

~~(15) To impose and foreclose non-ad valorem assessment liens as provided by this act or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, Florida Statutes.~~

~~(16) To select as a depository for its funds any qualified public depository as defined in section 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes, and has been designated by the State Treasurer as a qualified public depository, upon such terms and conditions as to the payment of the interest upon the funds deposited as the board deems just and reasonable.~~

~~(17) To provide adequate insurance on all real and personal property, equipment, employees, volunteer firefighters, and other personnel.~~

~~(18) To organize, participate in, and contribute monetarily to organizations or associations relating to the delivery of or improvement of fire control, prevention, emergency rescue services, or district administration.~~

~~Section 6.—Special powers.—The district shall provide for fire suppression and prevention by establishing and maintaining fire stations and fire substations and acquiring and maintaining such firefighting and fire protection equipment deemed necessary to prevent or fight fires. All construction shall be in compliance with applicable state, regional, and local regulations, including adopted comprehensive plans and land development regulations. The board shall have and may exercise any or all of the following special powers relating to facilities and duties authorized by this act:~~

~~(1) Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, pursuant to the provisions of chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued thereunder.~~

~~(2) Employ, train, and equip such personnel, and train, coordinate, and equip such firefighters and volunteer firefighters as are necessary to accomplish the duties of the district. The board may employ and fix the compensation of a fire chief or chief administrator, who shall reside within the district. The board shall prescribe the duties of such person, which shall include supervision and management of the operations of the district and its employees and maintenance and operation of its facilities and equipment. The fire chief or chief administrator may employ or terminate the employment of such other persons including, without limitation, professional, supervisory, administrative, maintenance, and clerical employees, as are necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be provided by the board.~~

~~(3) Conduct public education to promote awareness of methods to prevent fires and reduce the loss of life and property from fires or other public safety concerns.~~

~~(4) Adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal consistent with the exercise of the duties authorized by chapter 553, Florida Statutes, or chapter 633, Florida Statutes, with respect to fire suppression, prevention, and firesafety code enforcement.~~

~~(5) Conduct arson investigations and cause-and-origin investigations.~~

~~(6) Adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency as provided for in chapter 252, Florida Statutes.~~

~~(7) Contract with general purpose local government for emergency management planning and services.~~

~~Section 7. Taxes, non-ad valorem assessments; impact fees; and user charges.—~~

~~(1) The district shall have the right, power, and authority to levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, to construct, operate, and maintain district facilities and services. The rate of such assessments must be fixed by resolution of the board pursuant to the procedures contained in section 191.011, Florida Statutes. Non-ad valorem assessment rates set by the board may exceed the maximum rates established by special act, the previous year's resolution, or referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years. Non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition. Proposed non-ad valorem assessment increases which exceed the rate set the previous fiscal year or the rate previously set by special act by more than the average annual growth rate in Florida personal income over the last 5 years must be approved by referendum of the electors of the district. Non-ad valorem assessments shall be imposed, collected, and enforced pursuant to section 191.011, Florida Statutes.~~

~~(2) The district shall provide to the county property appraiser a notice of fire tax rates as adopted by resolution not 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 tax rate levy placed on each parcel of property by July 1, which tax roll is consistent with and as set forth by section 193.1142, Florida Statutes. Not 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 tax levy against each parcel of property.~~

~~(3) Prior to adopting a rate of assessment, the board of 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 protest and/or testify at such hearing regarding the proposed rate of assessment. After due consideration of all comments or protests, the board of commissioners shall adopt a resolution specifying the rate of assessment on all taxable property.~~

~~(4) The board of commissioners of the district shall, not earlier than 30 days or 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 amount of fire tax levied against a parcel of land. Within 20 calendar days after the conclusion of the public hearing to hear appeals, the board of 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.~~

~~(5) The county property appraiser shall then include the assessments thus made by the board of 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 commissioners.~~

~~(6) Such special 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 collection, and shall be enforced and collected as provided by the laws of the state for the collection of such taxes.~~

Section 6 8. Schedule of special assessments.—The assessment procedures and amounts, as set forth herein, represent the manner to be followed and the maximum allowable rates the district may charge but shall not exceed, except as provided in section 191.009(2), Florida Statutes. 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 00, 10, 40, 99, and 50 through 69. The maximum annual assessment for these parcels shall be:

Vacant Platted Lot        \$6.50 per Lot

Unsubdivided Acreage    \$ .80 per Acre

Except that not more than \$1,500 shall be assessed against any one vacant parcel.

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 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 shall include all parcels which are developed for residential purposes and are usually classified by the property appraiser as use code types 01 through 08 and 28. All residential parcels shall be assessed by the number of square feet of structures located on the parcel. Mobile homes shall be assessed by the number of units located on the parcel. Surcharges may be assigned by the district for dwellings located on the third or higher floors. The maximum annual assessment for these parcels shall be:

(a) Single Family Residential: The base assessment for all buildings and structures shall be \$69 for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is \$.05 per square foot.

(b) Condominia Residential: The base assessment for all buildings and structures shall be \$69 for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is \$.05 per square foot.

Mobile Homes (Use Code 02)	\$65.70 per Unit/Space
Multifamily Residential (Use Codes 03 and 08)	
Cooperatives (Use Code 05), Retirement Homes (Use Code 06), And Miscellaneous Residential Uses (Use Code 07)	\$78.90 per Unit/Space
Any Other Residential Unit, Travel Trailer Parks	\$52.60 per Unit/Space
Mobile Home Parks (Use Code 28)	\$53.10 per Unit/Space

(3) Commercial/Industrial: The base assessment for all buildings and structures shall be \$348.60 for the first 1,000 square feet on a parcel. The schedule for all square footage above 1,000 square feet is as follows:

Category	Use Codes	Sq. Ft. Assessment
Mercantile (M)	11, 12, 13, 14, 15, 16, 29	\$.09
Business (B)	17, 18, 19, 22, 23, 24, 25, 26, 30, 36	\$.08
Assembly (A)	21, 31, 32, 33, 34, 35, 37, 38, 39, 76, 77, 79	\$.08
Factory/ Industrial (F)	41, 44, 45, 46, 47	\$.10
Storage (S)	20, 27, 28, 49	\$.10
Hazardous (H)	42, 43, 48	\$.13
Institutional (I)	70, 73, 74, 75, 78	\$.08

Agricultural storage building located on parcels that are bonafide commercial agriculture, as determined by the property appraiser's office, shall be fire tax assessed at \$.020 per square foot.

#### Section 9.— User charges.—

~~(1) The board may provide a reasonable schedule of charges for special emergency services, including firefighting, occurring in or to structures outside the district, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels, to which the district is called to render such emergency service, and may charge a fee for the services rendered in accordance with the schedule.~~

~~(2) The board may provide a reasonable schedule of charges for fighting 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, rule, regulation, order, or ordinance, and which the district is called upon to fight or extinguish.~~

~~(3) The board may provide a reasonable schedule of charges for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, to~~



which the district has been called, including a charge for responding to false alarms.

~~(4) The board may provide a reasonable schedule of charges for inspecting structures, plans, and equipment to determine compliance with fire safety codes and standards.~~

~~(5) The district shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or rail car for any charge assessed under this section.~~

Section 7 ~~10~~. Impact fees.—The board shall establish a schedule of impact fees in compliance with any standards set by general law for new construction to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the district under this section shall be kept separate from other revenues of the district and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. As used in this section, “new facilities” means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment. The board shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment. The board may enter into agreements with general purpose local governments to share in the revenues from fire protection impact fees imposed by such governments.

Section ~~8~~ 11. Borrowing power of the district.—The district may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or a part of any proposed improvements authorized to be undertaken under this act or under general or special law, provided the total annual payments for the principal and interest on such indebtedness do not exceed 50 percent of the total annual budgeted revenues of the district as provided in section 191.012, Florida Statutes.

Section 9 ~~12~~. Existence.—The district shall exist until dissolved by law. Should any part of the territory covered in the act be held not to be included herein, then this act shall continue in effect as to the balance of said territory.

Section 10 ~~13~~. Definitions.—

(1) “District” means the special fire control district.

(2) “Board” and “board of commissioners” mean the board of commissioners of the special fire control district, unless otherwise specified.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.