

Council Substitute for House Bill No. 845

An act relating to the North River Fire District, Manatee County; codifying, amending, and reenacting special acts relating to the district; 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; repealing chapters 89-502, 91-406, and 96-452, Laws of Florida, relating to the district; providing an effective date.

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

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to nor to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this act shall continue to apply.

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of the district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law in this act shall be construed to affect the ability of the district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 2. Chapters 89-502, 91-406, and 96-452, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

Section 3. The North River 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, and the City of Palmetto, 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 North River Fire District.

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

All of Sections 1, 12, 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35 and 36, all in Township 33 South, Range 17 East; all of Sections 1, 2, 3,

4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, all in Township 33 South, Range 18 East; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and that part of Sections 18, 22, 23 and 24 North of North bulkhead line of the Manatee River, all in Township 34 South, Range 17 East; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, and 19, and that part of Section 16 lying North of North bulkhead line of the Manatee River, all in Township 34 South, Range 18 East. Further including the full right of way of all abutting roads. Also, all islands and submerged lands within the limits of the established bulkhead line abutting the specified Sections, more particularly described as follows:

Begin at the intersection of the established or to be established bulkhead line along the North bank of the Manatee River with the West boundary of Section 7, Township 34 South, Range 17 East; thence Easterly along the established or to be established bulkhead line of the Manatee River to the East boundary of Section 12, Township 34 South, Range 18 East; thence Northerly along the East boundary of Township 34 South, Range 18 East to the Manatee County Hillsborough County boundary line; thence Westerly along the Manatee County Hillsborough County boundary line to the established or to be established bulkhead line of the East shore of Tampa Bay; thence Southerly and Westerly along the established or to be established bulkhead line of Tampa Bay and Terra Ceia Bay to the established or to be established bulkhead line on the North bank of the Manatee River to the West boundary of Section 7, Township 34 South, Range 17 East and the Point of Beginning.

Section 3. Board of fire commissioners.—The business and affairs of the district shall be conducted and administered by a board of seven commissioners, who shall be elected as provided for in section 4. Upon its election annually in January, 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. 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. 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 board of fire commissioners of the district shall consist of seven members who shall serve for 4-year terms and shall be elected in a nonpartisan election as hereinafter set forth. The seven-member board of fire commissioners shall consist of one member elected by the entire fire district to

represent each of five fire commissioner districts of the North River Fire District, plus two commissioners elected by the entire fire district to hold seats at large. The boundaries of the fire commissioner districts shall be established by the board and shall be numerically designated as fire commissioner districts 1, 2, 3, 4, and 5. The fire commissioner seats on the board shall be identified as seats 1, 2, 3, 4, and 5, corresponding to the numerical designation of each fire commissioner district, respectively, and the at-large seats shall be identified as seats 6 and 7. In addition to requirements of candidates for election under general law, in order to qualify for such election or for maintaining such a position, a candidate or elected commissioner shall reside within his or her respective district.

(2) Four members of the board of fire commissioners (district seats 2, 4, and 5 and at-large seat 6) shall be elected at the general election during each United States presidential election year. The remaining three members of the board (district seats 1 and 3 and at-large seat 7) 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 10 days after the member's 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) The 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 to assess 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 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 North River Fire District is called to render such emergency service, and to charge a fee for the services rendered in accordance with said schedule. The North River 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 that 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 to fight 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 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 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. 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 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 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 a written objection and 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 shall, not 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 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 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.—Funds of the district shall not 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 and 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 that 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 North River Fire District shall have all of the corporate powers of a Florida municipal corporation as provided by general law, 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 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, who shall reside in the district, one or more firefighters or inspectors, 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 shall comply with all appropriate reporting requirements for units of local government, including, but not limited to, sections 11.45, 189.416, 189.417, 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 North River Fire District shall exist until dissolved by law.

Section 14. Definitions.—The term “district” means the North River Fire District, and the terms “board” and “board of fire commissioners” mean the Board of Fire Commissioners of the North River 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 that 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 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 residential lots (Use Code 0000): \$8.90 per lot.

(b) Vacant condominium lots (Use Code 0004): \$8.90 per lot.

(c) Unsubdivided acreage (Use Codes 5000 through 7000, 9800, 9900, and 9901): \$4.85 per acre or fraction thereof, except that not more than \$890 shall be assessed against any one parcel.

(d) Vacant commercial and industrial parcels (Use Codes 1000 and 4000): assessed as a platted lot or unsubdivided acreage as applicable. Whenever a residential unit is located on a parcel classified 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 of commercial/industrial assessments. Whenever an agricultural or commercial building or structure is located on a parcel classified 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 that 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 \$98.00 per single-family residence. If said residence is located on a parcel of land not in excess of one lot or one 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 one acre, an additional assessment may be made in accordance with subsection (1).

(b) Use Codes “0300,” “0800,” “0801,” and “0803,” multifamily residences, shall be \$98 per unit. If said residence is located on a parcel of land not in excess of one lot or one 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 one acre, an additional assessment may be made in accordance with subsection (1).

(c) Use Code “0400,” condominium/apartments and residential, shall be \$98 per dwelling unit for any condominium or apartment units located on the first and second floors; \$147 per unit for any condominium or apartment units located on the third floor; \$196 per unit for any condominium or apartment units located on the fourth floor; \$245 per unit for any condominium or apartment units located on the fifth floor; and \$294 per unit for any condominium or apartment units located on a floor above the fifth floor.

(d) Use Codes “0200,” “0204,” and “2802,” mobile homes, mobile homes/condominiums and mobile home parks, residential, shall be \$98 per dwelling unit.

(e) Use Codes “0500,” “0600,” and “0700,” cooperatives, retirement homes, miscellaneous, migrant camps, etc., shall be assessed \$98 per dwelling unit.

(f) Any other residential units, including, but not limited to, the residential portion of mixed uses (Use Code 1200), shall be assessed \$98 per dwelling unit.

(g) Travel trailer parks (Use Code 2800) shall be assessed \$49 per dwelling unit or available rental space, as applicable.

(3) Commercial/industrial parcels shall include all other developed parcels that are not included in the residential category in subsection (2). 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 \$178 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 building or structures if they are equipped with complete internal fire suppression facilities:

Category	Use Codes	Square Foot Assessment
Mercantile (M)	<u>1100, 1200, 1300, 1400, 1500, 1600 1604, 2900</u>	<u>\$0.09 per square foot</u>
Business (B)	<u>1700, 1704, 1800, 1900, 1904, 2200, 2300, 2400, 2500, 2600, 3000, 3600</u>	<u>\$0.09 per square foot</u>
Assembly (A)	<u>2100, 3100, 3200, 3300, 3400, 3500, 3700, 3800, 3900, 7600, 7700, 7900</u>	<u>\$0.10 per square foot</u>
<u>Factory/Industrial (F)</u>	<u>4100, 4104, 4400, 4500, 4600, 4700, 9100</u>	<u>\$0.10 per square foot</u>
Storage (S)	<u>2000, 2700, 2800, 4900</u>	<u>\$0.09 per square foot</u>
Hazardous (H)	<u>4200, 4300, 4800, 4804</u>	<u>\$0.20 per square foot</u>
Institutional (I)	<u>7000, 7100, 7200, 7300, 7400, 7800, 8400, 8500, 9200</u>	<u>\$0.09 per square foot</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 services for which the residents of the district pay and that they deserve.

(b) It is hereby declared that the cost of new facilities for fire protection and emergency services 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 any impact fees authorized in this section will be 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 by the board pursuant to general law.

(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 services to new construction. "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 that 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.

(4) Any impact fees shall be authorized by resolution of the board of fire commissioners and shall comply with the requirements of sections 163.31801 and 191.009(4), Florida Statutes (2006), or any other applicable general law.

Section 17. 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, including, but not limited to, ad valorem taxation, bond issuance, other revenue-raising capabilities, impact fees, 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, chapter 191, Florida Statutes, or any other applicable general or special law.

Section 4. Severability.—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. Liberal interpretation.—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. Chapters 89-502, 91-406, and 96-452, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.