

## Council Substitute for House Bill No. 983

An act relating to the Cedar Hammock Fire Control District and Whitfield Fire Control District in Manatee County; amending chapter 2000-391, Laws of Florida; merging the Whitfield Fire Control District into the Cedar Hammock Fire Control District; amending the boundary of the Cedar Hammock Fire Control District to include all lands within the Whitfield Fire Control District; granting the Cedar Hammock Fire Control District authority to provide fire control and emergency medical services; granting the Cedar Hammock Fire Control District authority to levy taxes, assessments, and fees and administer fire rescue services within the district's amended boundary; providing for the terms of office of the transitional governing board of the combined district; repealing chapters 67-914, 77-599, 84-474, 85-449, 88-547, 91-416, 95-460, and 96-453, Laws of Florida, relating to the Whitfield Fire Control District; providing an effective date.

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

Section 1. Sections 1 through 11 of section 3 of chapter 2000-391, Laws of Florida, are amended, and a new section 3 is added to that section, 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 Cedar Hammock Fire Control 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 special act in 1957 and its charter may be amended only by special act of the Legislature.

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

Begin at SE corner of Section 35, Township 34, Range 17 East, thence South to the SE corner of the center line of Bowlees Creek, that point being located in Section 23, Township 34, Range 17 East; Thence West-erly along the center line of said Bowlees Creek to the waters of Sarasota Bay;

Less and excepting all the lands within Trailer Estates Subdivisions, as shown in Plat Book 8, Pages 138, 139,140, and 141, and in Plat Book 9, Page 61, of the Public Records of Manatee County, Florida.

Thence meander the shore line of Sarasota Bay in a Westerly and North-westerly direction to point where said shore line intersects the West line of Section 7, Township 35, Range 17 East, thence North along said section line to intersection of said section line with Cortez Road (State Road 684), thence continue North to the waters of Palma Sola Bay,

meander the shore of Palma Sola Bay in an easterly, Northeasterly, Northwesterly, and Northerly direction to point where shore line intersects the South line of Section 31, Township 34, Range 17 East, thence East along South line of Section 31, 32, 33, 34, 35, Township 34, Range 17 East to Point of Beginning, less those lands annexed by the City of Bradenton after the adoption of Chapter 57-1546, Laws of Florida.

Together with Block B, Trailer Estates recorded in Plat Book 8, Page 141 of the Public Records of Manatee County, Florida.

Together with all of Section 23 South of Bowles Creek, the West ½ of Section 25, Township 35 South, Range 17 East, all of Section 26 South of Bowles Creek, and all of Sections 35 and 36, Township 35 South, Range 17 East less any and all land owned by Sarasota-Manatee County Joint Airport Authority.

Section 3. Merger; district authority.—The Whitfield Fire Control District, created pursuant to chapter 67-914, Laws of Florida, as amended, is merged into the Cedar Hammock Fire Control District. The Cedar Hammock Fire Control District is granted the authority to provide fire control and emergency medical services; levy and collect taxes, assessments, and fees; and administer fire rescue programs and services within the district's amended boundary pursuant to chapter 2000-391, Laws of Florida, chapter 191, Florida Statutes, and applicable laws and as approved by district electors on September 5, 2006.

Section 4.3. Governing board.—

(1) Upon the effective date of this act, the business and affairs of the district shall be conducted and administered by a seven-member board of fire commissioners consisting of the five elected fire commissioners of the Cedar Hammock Fire Control District and the elected commissioners from seats 2 and 5 of the Whitfield Fire Control District. The term of these seven seats shall expire upon the election of the new board of fire commissioners on November 4, 2008, pursuant to subsection (2).

(2) Effective November 4, 2008, 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, except that the initial term for seats 2 and 4 shall be 2 years, with all subsequent terms being 4 years.

(3)(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.

(4)(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.

(5)(4) 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.

(6)(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.

(7)(6) 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.

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

(9)(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 5.4. 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 6.5. 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 may be charged by the district. 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, 1000, 4000, 9900, and 5000 through 6900. The maximum annual assessment for these parcels shall be:

(a) Vacant platted lot (use code 0000), \$6 per lot.

(b) Unsubdivided acreage (use codes 5000 through 6900 and 9900), \$6 per acre or fraction thereof, except that not more than \$2,000 shall be assessed against any one parcel.

(c) Vacant commercial and industrial (use codes 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 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 shall include all parcels that are developed for residential purposes and are usually classified by the property appraiser as use code types 0100 through 0800 and 2800. 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 on a square footage basis for all dwelling units in accordance with the following. The base assessment for all dwellings shall be \$85 for the first 1,000 square feet in the dwelling unit. All square footage above 1,000 square feet shall be charged at a rate of \$0.00 per square foot.

(b) Condominia residential (use code 0400) shall be assessed as follows:

(i) Units located on the first, second, and third floors, \$85 per dwelling unit;

(ii) Units located on the fourth and fifth floors, \$109 per dwelling unit;

(iii) Units located on a floor above a fifth floor, \$117 per dwelling unit.

(c) Mobile homes (use code 0200) shall be assessed \$85 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 as follows:

(i) Units located on the first, second, and third floors, \$85 per dwelling unit;

(ii) Units located on the fourth and fifth floors, \$109 per dwelling unit;

(iii) Units located on a floor above a fifth floor, \$117 per dwelling unit.

(e) Any other residential unit, including, but not limited to, the residential portions of mixed uses (use code 1200) and mobile home or travel trailer parks (use code 2800), shall be assessed \$85 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 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. 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 above 1,000 square feet is as follows. 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.

Category	Use Codes	Square Foot Assessment
Mercantile (M)	1100,1200,1300, 1400,1500,1600, and 2900	\$0.050 per sq. ft.
Business (B)	1700,1800,1900, 2200,2300,2400, 2500,2600,3000, and 3600	\$0.078 per sq. ft.
Assembly (A)	2100,3100,3200, 3300,3400,3500, 3700,3800,3900, 7200,7600,7700, and 7900	\$0.061 per sq. ft.
Factory/Industrial (F)	4100,4400,4500, 4600,4700, and 9100	\$0.023 per sq. ft.
Storage (S)	2000,2700,2800, and 4900	\$0.076 per sq. ft.
Hazardous (H)	4200,4300, and 4800	\$0.102 per sq. ft.
Institutional (I)	7000,7300,7400, 7500, and 7800	\$0.030 per sq. ft.

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

#### Section 7.6. 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 upon fire protection and emergency service should be borne by new users of the district's 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 amounts 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 recreational or travel trailer park developments located within the district, until the developer thereof shall have paid the applicable impact fee to the district as follows: each new residential dwelling unit, \$100 per unit; new commercial or industrial structures, \$200 for the first 5,000 square feet of gross floor area and \$0.05 per square foot thereafter; new recreational or travel trailer park developments, \$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. "New facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radiotelemetry equipment. The 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.

Section 8.7. 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 9.8. 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 ~~10.9~~. Boundaries.—The district's geographic boundary limitations shall be as set forth in this act.

Section ~~11.10~~. 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 ~~12.11~~. 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 2. Chapters 67-914, 77-599, 84-474, 85-449, 88-547, 91-416, 95-460, and 96-453, Laws of Florida, are repealed.

Section 3. This act shall take effect October 1, 2007.

Approved by the Governor June 28, 2007.

Filed in Office Secretary of State June 28, 2007.