

House Bill No. 963

An act relating to Manatee County; merging the Anna Maria Fire Control District and Westside Fire Control District to create a new district; creating and establishing an independent special fire control district to be known as the West Manatee Fire and Rescue District; establishing boundaries; providing purpose of the district; providing definitions; providing for the membership and organization of the governing body of the district; providing for maximum compensation of a governing board member; providing for district elections or referenda and the qualifications of an elector; providing administrative duties of the district; providing applicable financial disclosure, noticing, and reporting requirements of the district; providing powers, functions, and duties; provides for financing the district; provides authority to levy ad valorem taxes and maximum millage that is authorized therefor; providing for collecting non-ad valorem assessments, fees, or service charges; providing a schedule of special assessments; providing for impact fees; providing authority to issue, and the procedures for issuing, bonds by the district; provides exemption from taxation; providing for the establishment of the district; providing for amending the charter of the district; providing for district planning; providing for transfer of the assets and liabilities of the existing districts to the West Manatee Fire and Rescue District; providing for repeal of all acts relating to the Anna Maria Fire Control District and the Westside Fire Control District, including chapter 25994, Laws of Florida, 1949, chapter 27696, Laws of Florida, 1951, chapters 29263 and 29264, Laws of Florida, 1953, and chapters 59-1535, 59-1536, 61-2445, 65-1896, 65-1898, 72-610, 75-427, 75-433, 79-510, 81-427, 81-434, 82-324, 83-458, 84-476, 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414, and 94-373, Laws of Florida; providing for severability; providing for interpretation; providing an effective date.

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

Section 1. The Anna Maria Fire Control District and the Westside Fire Control District are hereby merged to create the West Manatee Fire and Rescue District.

Section 2. The West Manatee Fire and Rescue District and its' charter is created to read:

Section 1. Creation; boundaries.—Upon this act becoming a law, all of the following lands in Manatee County shall be incorporated as an independent special fire control district, which shall be a public municipal corporation for the public benefit, with perpetual existence, to be known as the West Manatee Fire and Rescue District in which name it may sue and be sued, leased, own, possess, and convey real and personal property, by purchase or gift or otherwise, in order to carry out the purposes of this act. The lands so incorporated shall include the following:

(1) All of Anna Maria Island in Manatee County, Florida, and the unincorporated village of Cortez, Florida, and the adjoining area bounded on the north by Palma Sola Bay, on the east by the range line between Ranges 16 East and 17 East, and on the south by Sarasota Bay; and

(2) All that part of Manatee County, Florida lying west of the City of Bradenton, Florida, as now constituted or hereinafter expanded, being presently 34th Street West, the section line dividing Sections 33 and 28 from Section 34 and 27, Township 34 South, Range 17 East; south of the Manatee River; north of Cedar Hammock Fire Control District being 26th Avenue West. The township line dividing township 34 South from 35 South: and being bounded on the west by Palma Sola Bay, Tampa Bay and the Manatee River, to include Perico Island.

Section 2. Purposes of the District.—The purposes of the West Manatee Fire and Rescue District is to provide for greater uniformity, communication and coordination in performing fire suppression and related activities within the jurisdictional boundaries of the District in order to benefit the public health, safety, and welfare; and to effectively achieve the purposes set forth for independent special fire control districts pursuant to Chapter 191, Florida Statutes, as same may be amended from time to time.

Section 3. Definitions.—

(1) “Board” means the governing board of the West Manatee Fire Control District.

(2) “District” means the West Manatee Fire Control District, an independent special fire control district as defined in s. 189.403, Florida Statutes.

(3) “Elector” means a person who is a resident of the West Manatee Fire Control District and is qualified to vote in a general election within Manatee County.

(4) “Emergency medical service” means basic and advanced life support service as defined in s. 401.23, Florida Statutes.

(5) “Rescue response service” means an initial response to an emergency or accident situation, including, but not limited to, a plane crash, a trench or building collapse, a swimming or boating accident, or a motor vehicle accident.

Section 4. District board of commissioners; membership, terms of office, officers, meetings.—The district board of commissioners shall conduct and administer the business affairs of the district through a five-member board which shall be elected in nonpartisan elections by the electors of the district for a term of four (4) years, and each member shall serve until the member’s successor assumes office. A member of the board shall be a resident of the district and a citizen of the United States. No district board member shall be a paid employee of the district, and each board member shall continue to meet all qualifications to hold office continually through his or her term. Members of the district board shall take office at the same time as do county

officers, being the second Tuesday following the general election in November. The board of commissioners shall be established and elected, and shall operate, organize and function in accordance with the provisions of section 191.005, Florida Statutes. The office of each member of the board is designated as being a seat, distinguished from each of the other seats of the board by a numeral; 1, 2, 3, 4 or 5. The numerical seat designation does not reflect a geographical subdistrict or area of the district, but each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat for which the candidate is qualifying. The election for each seat shall be at-large within the district. The initial board of commissioners, until successors are elected and assume office, shall consist of the officials who are then holding elected office as a district board member for seats 1, 4 and 5 on the West Side Fire Control District and seats 2 and 3 on the Anna Maria Fire Control District as of the date immediately preceding the effective day of this act. The commissioners holding seat 1 and 5 from West Side Fire Control District and the commissioner hold seat 2 from the Anna Maria Fire Control District shall have initial terms of four (4) years, with their terms expiring in November, 2004, as provided in this section. The commissioner holding seat 4 from the West Side Fire Control District and the commissioner holding seat 3 from the Anna Maria Fire Control District shall have initial terms of two (2) years, with their terms expiring in November, 2002, as provided in this section. The foregoing provisions establish an initial board having three (3) commissioners, each with a four (4) year term, and two (2) commissioners, each with a two (2) year term, thereby establishing staggered terms for the board on the effective date of this act.

Section 5. Board compensation.—The members of the district board shall receive a compensation not to exceed five hundred dollars (\$500) per month for each board member, as provided in section 191.005(4), Florida Statutes.

Section 6. Procedures for conducting elections.—The procedures for conducting any district election or referendum are as provided in section 191.005, Florida Statutes, and as otherwise provided by general law. To qualify as an elector of the district, a person must be a resident of the district and a citizen of the United States, and shall meet such other qualifications as provided in section 191.005, Florida Statutes, or as otherwise provided by general law.

Section 7. District Board, administrative duties.—The administrative duties of the governing board are as provided in section 191.005, Florida Statutes, as same may be amended.

Section 8. Financial disclosure, noticing and reporting requirements.—The district and the board shall have those financial disclosure, noticing, and reporting requirements as provided by general law and made applicable to said board members and independent fire control districts within the state.

Section 9. Powers, functions, and duties of the district.—The district shall have, and the district board of commissioners may exercise by a majority vote, all of the following powers, including, but not limited to, the powers to sue and be sued in the name of the district; make and execute contracts

and other instruments; provide pension and retirement plans; provide for extra compensation programs; contract for services; borrow money; adopt resolutions and procedures prescribing the powers, duties and functions of the officers of the district; acquire by all lawful means both real and personal property; purchase equipment by installment sales contracts, enter into leases; borrow money and issue bonds; charge user and impact fee; assess and impose on real property of the district both ad valorem taxes and non ad valorem assessments; prepare and implement budgets; establish liens and foreclose thereon, establish and maintain emergency medical and rescue response services, and any and all other general powers as provided for in section 191.006, Florida Statutes, and special powers as provided for in section 191.008, Florida Statutes, as same may be amended.

Section 10. Financing of the district.—The methods for financing the district shall be as provided in chapter 191, Florida Statutes, as same be amended, and as provided by other general law applicable to independent special districts.

Section 11. Levy of ad valorem taxes and millage rate authorized.—The district board may levy and assess ad valorem taxes on all taxable property in the district for any and all operating purposes, exclusive of debt service on bonds, in a millage amount not to exceed 3.75 mills, pursuant to the provisions of section 191.009, Florida Statutes, as same be be amended.

Section 12. Collection of non-ad valorem assessments, fees or services charges.—The district is hereby authorized to utilize any method or methods for collecting non-ad valorem assessments, fees, impact fees, or service charges as provided in chapter 191, Florida Statutes, as the same may be amended, or as otherwise provided by general law.

Section 13. Schedule of special assessments.—The provisions regarding assessment procedures as set forth above, represents the method to be followed by the district regarding any subsequent establishment or increase in special assessments for the district. Upon the effective date of this act, but in no way limiting the ability of the district board to increase special assessments as necessary in keeping with this charter, for assessment purposes, all property within the district is divided into three general classifications: vacant parcels, residential parcels, and commercial/industrial parcels.

(1) Vacant parcels shall include all parcels which are essentially undeveloped. The annual assessment for these parcels shall be as follows:

(a) A vacant platted lot, \$25 per lot.

(b) Unsubdivided acreage, \$25 per acre or fraction thereof; and,

(c) A vacant commercial and industrial parcel 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. When a agricultural or commercial building or structure is located on a parcel de-

fined herein as vacant, the building or structure shall be assessed in accordance with the schedule of commercial/industrial assessments.

(2) Residential parcels include all parcels which are developed for residential purposes. All residential parcels shall be assessed by the number and square-footage size of dwelling units per parcel. Surcharges may be assigned by the district for dwelling units located on the third or higher floors. The annual assessment for these parcels shall be as follows:

(a) A single family residential parcel shall be assessed on a square footage basis for each dwelling unit at \$125 for the first 1,000 square feet in the dwelling unit, and all square footage above 1,000 square feet shall be charged at a rate of \$0.075 per additional square foot.

(b) A parcel for residential condominium use shall be assessed on a square-footage basis for each dwelling unit \$125 for the first 1,000 square feet in the dwelling unit, and all square-footage above 1,000 square feet shall be charged at a rate of \$0.075 per additional square foot.

(c) A mobile home shall be assessed at \$125 per dwelling unit;

(d) A duplex, multi-family residential, cooperative, retirement home and any miscellaneous residential-use parcel shall be assessed on a square-footage basis for each dwelling unit at \$125 for the first 1,000 square feet in the dwelling unit, and all square-footage above 1,000 square feet shall be charged at a rate of \$0.075 per additional square foot.

(e) Any other residential unit, including, but not limited, to the residential portions of mixed-use parcels and travel trailer units or parks shall be assessed \$125 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 categories as defined in subsection (2). Each commercial/industrial parcel shall be assessed on a square footage basis for each building and structure in accordance with the following schedule:

(a) The base assessment for each building or structure shall be \$300 for the first 1,000 square feet and all square footage above 1,000 square feet, shall be charged at a rate of \$0.125 per additional square foot.

(b) Whenever a parcel is classified for multiple-hazard use, the district may vary the assessment in accordance with actual categories.

Section 14. Impact Fees.—

(1) It is hereby established and determined that the district is comprised of one of the fastest-growing areas of Manatee County, which is also experiencing one of the highest growth rates in the state. New construction and the resulting population growth will place a strain upon the capabilities of the district to provide the high level of professional fire protection and emergency service for which the residents of the district deserve and for which they pay.

(2) It is hereby declared that the cost of the new facilities for fire protection and emergency service shall 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 to transfer to the new user of the district's fire protection and emergency services a fare share of the cost that new users impose on the district for new facilities.

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

(4) No person or local governmental jurisdiction within the district shall issue or obtain a building permit for a new residential dwelling unit or a new non-residential structure within the district, or issue or obtain construction-plan approval for a new mobile home park development or a new recreational or travel trailer park development located within the district, until the applicant or developer thereof has paid his or her applicable impact fee to the district as follows: for each new residential dwelling unit, \$100; for each new non-residential structure, \$200 up to 5,000 square feet and \$200 plus \$0.05 per square foot for each square foot over 5,000 square feet for a structure 5,000 square feet or over; for a new mobile home park development or a new recreational or travel trailer park development, \$25 per lot or permitted space.

(5) 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" shall mean real property, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles and radio-telemetry equipment. Impact fees shall not be used for the acquisition, purchase, or construction of facilities which are or necessary to serve existing development, nor shall impact fees be used for maintenance of existing facilities. The district board shall maintain adequate records to ensure that impact fees are expended only for permissible purposes.

(6) Evidence of payment to the district of the impact fee for new development shall be presented to the applicable local governmental unit within the district before a certificate of occupancy is issued.

Section 15. Issuance of bonds and procedures.—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 pursuant to this act, or under general or other special law, provided that the total annual payments for the principal and interest of such indebtedness shall not exceed 50% of the total annual budgeted revenues of the district. The procedures and requirements for issuing bonds shall be provided in section 191.012, Florida Statutes, as may be amended, and as otherwise provided by applicable general law.

Section 16. Exemption from Taxation.—The assets and properties of the district are exempt from all taxes imposed by the state or any political subdivision, agency, or instrumentality of the state or any political subdivi-

sion, agency, or instrumentality of the state, pursuant to section 191.007, Florida Statutes.

Section 17. Establishing the district.—The district shall be established by the adoption of this charter by the Legislature and in adherence to the provisions set forth in section 189.404, Florida Statutes, and under the authority of chapter 191, Florida Statutes.

Section 18. Amending the charter.—The charter of the district shall be amended only by special act of the Legislature.

Section 19. District planning.—The district board shall provide for, coordinate with, and participate in short-range and long-range planning with Manatee County and other local governments in order to meet the demands for service delivery while maintaining the fiscal responsibility of the district. Additionally, the district shall have the authority, as provided in section 191.013, Florida Statutes, to participate in intergovernmental coordination activities as may be beneficial to the district and necessary for the protection of the public health, safety and welfare.

Section 3. Transfer of the assets and liabilities of the existing districts to the new created District.—The existing assets and liabilities of the Anna Maria Fire Control District and the West Side Fire Control District are, upon the effect date of this act, transferred to the West Manatee Fire and Rescue District.

Section 4. Repeal of special acts.—Upon the effective date of this act, chapter 25994, Laws of Florida, 1949, chapter 27696, Laws of Florida, 1951, chapter 29263, Laws of Florida, 1953, chapter 29264, Laws of Florida, 1953, and 59-1535, chapters 59-1536, 61-2445, 65-1896, 65-1898, 72-610, 75-427, 75-433, 79-510, 81-427, 81-434, 82-324, 83-458, 84-476, 84-479, 85-455, 85-460, 88-487, 90-456, 90-459, 91-414 and 94-373, Laws of Florida, are repealed.

Section 5. Severability.—If any clause, section or provision of this act is declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this act, and the remaining portion of said act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 6. Interpretation.—The provisions of this act shall be liberally construed in order to effectively carry out the public purpose of this act in the best interest of the public health, safety and welfare.

Section 7. Effective date.—This act and the charter for the West Manatee Fire and Rescue District shall take effect upon becoming a law.

Approved by the Governor May 30, 2000.

Filed in Office Secretary of State May 30, 2000.