

ORDINANCE 11-045

2011 NOV 28 PM 11:03
FALLAM'S STATE FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING CHAPTER 1-10 OF THE MANATEE COUNTY CODE RELATED TO THE FIRE MARSHAL APPEALS BOARD AND THE FIRE PREVENTION CODE ENFORCEMENT BOARD CREATED BY SPECIAL ACT 85-416; PROVIDING FOR REPEAL AND SUNSET OF THE BOARDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Special Act 85-461, Laws of Florida, was created by the Legislature on June 26, 1985 and codified at Chapter 1-10 of the Manatee County Code, and;

WHEREAS, Sections 1-10-1 and 1-10-2 of the Manatee County Code created the Fire Marshal Appeals Board and the Fire Prevention Code Enforcement Board, and;

WHEREAS, Chapters 86-387, 91-387, 96-446, and 2001-341, Laws of Florida, relating to the extension of the original repeal date have expired, and;

WHEREAS, Chapter 2006-341, Laws of Florida, extended the life of Special Act 85-461 to July 1, 2011, and;

WHEREAS, July 1, 2011 has passed and Special Act 84-461 has been repealed by Special Act 2006-341; and

WHEREAS, it is necessary to sunset the Fire Marshal Appeals Board and The Fire Prevention Code Enforcement Board as inactive and they are no longer needed to perform their original functions.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Chapter 1-10 of the Manatee County Code is hereby repealed in its entirety and the codifier shall reserve this section for future use.

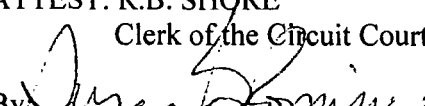
Section 2. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED in open session, with a quorum voting, this 21st day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: 
Carol Whitmore, Chairman

By: 
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 20 day of Nov, 2011

R.B. SHORE
Clerk of Circuit Court

By: 
D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

November 30, 2011

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 12, 2011 and certified copies of Manatee County Ordinance Nos. 11-43, 11-45 and 11-50, which were filed in this office on November 28, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6600 • Facsimile: 850.245.6282 • <http://info.florida.gov>
Commemorating 500 years of Florida history www.fl500.com



ORDINANCE 11-045

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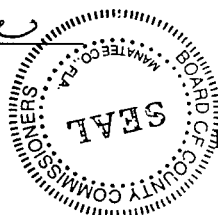
PASSED AND DULY ADOPTED in open session, with a quorum voting, this 21st day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: [Signature]
Deputy Clerk

By: [Signature]
Carol Whitmore, Chairman



BRADENTON HERALD


WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941-745-7076

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Yvonne Matthews, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being Legal Advertisement in the matter of Notice of Public Hearing Ordinance No 11-045 published in said newspaper in the issue 11/07/2011.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Sworn to and subscribed before me this
7 Day of Nov, 2011



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____



BRADENTON HERALD

CLASSIFIED ADVERTISING

Order:	042056927	Pubs:	1,9	Rate:	LE
Phone:	9417453750	Class:	4995	Charges:	\$ 0.00
Account:	11805	Start Date:	11/07/2011	List Price:	\$ 134.54
Name:	MANATEE,	Stop Date:	11/07/2011	Payments:	\$ 0.00
Firm:	MANATEE CO-CTY ATTY	Insertions:	2	Balance:	\$ 134.54

RECEIVED

NOV 10 2011

Board of County Commissioners
Manatee County

**Notice Of Public
Hearing**

11/07/2011

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on **November 21, 2011**, at 9:00 a.m., or as soon thereafter as possible, in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider the following:

ORDINANCE NO. 11-045

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING CHAPTER 1-10 OF THE MANATEE COUNTY CODE RELATED TO THE FIRE MARSHAL APPEALS BOARD AND THE FIRE PREVENTION CODE ENFORCEMENT BOARD CREATED BY SPECIAL ACT 85-416; PROVIDING FOR REPEAL AND SUNSET OF THE BOARDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Copies of **ORDINANCE 11-045** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above-referenced meeting or public hearing will need a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateesclerk.com

October 12, 2011

Florida Department of State
Attn: Liz Cloud, Chief
Administrative Code Unit
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies of Ordinances 11-45 adopted by the Board of County Commissioners, Manatee County, Florida, in open session on November 21, 2011. Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy for your file and return one copy to my office.

Sincerely,

R. B. Shore
By: Susan G. Romine

RBS: sgr
Enclosures

"Pride in Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	Proposed Ordinance No. 11-045 Repealing Fire Marshal Appeals Board and Fire Prevention Code Enforcement Board	TYPE AGENDA ITEM	Presentation upon request
DATE REQUESTED	November 21, 2011	DATE SUBMITTED/REVISED	November 1, 2011
BRIEFINGS? Who?		CONSEQUENCES IF DEFERRED	
DEPARTMENT/DIVISION	County Attorney	AUTHORIZED BY TITLE	Tedd N. Williams, Jr., Esq. County Attorney
CONTACT PERSON TELEPHONE/EXTENSION	Jo Ann C. Grace, Legal Assistant County Attorney's Office ext. 3750	PRESENTER/TITLE TELEPHONE/EXTENSION	James A. Minix, Esq., Chief Deputy County Attorney
ADMINISTRATIVE APPROVAL		<i>Jim 11/1</i>	

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
Motion to adopt Ordinance No. 11-045 terminating the Fire Marshal Appeals Board and the Fire Prevention Code Enforcement Board.

ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Section 125.66, Florida Statute.

BACKGROUND/DISCUSSION
<p>On October 25, 2011 the Board authorized a public hearing on proposed ordinance 11-045 which would sunset the Fire Marshal Appeals Board and the Fire Prevention Code Enforcement Board.</p> <p>The Manatee County Fire Chiefs' Association previously requested that the Fire Marshal Appeals Board and the Fire Prevention Code Enforcement Board be sunsetted (terminated). Said Boards were dissolved by the Legislature effective July 1, 2011. Accordingly, Chapter 1-10 of the Manatee County Code which incorporates Special Act 85-461 creating the Boards should be repealed. On October 12, 2011, the County Attorney's Office opined that Chapter 1-10 should be repealed by separate ordinance; Ordinance 11-045.</p> <p>The County Attorney's Office recommends that the Board adopt Ordinance 11-045 terminating both Boards.</p>

COUNTY ATTORNEY REVIEW	
Check appropriate box	APPROVED IN OPEN SESSION
<input checked="" type="checkbox"/>	<div style="display: flex; justify-content: space-between;"> <div> <p>REVIEWED</p> <p>Written Comments:</p> <p><input checked="" type="checkbox"/> Attached</p> <p><input type="checkbox"/> Available from Attorney (Attorney's initials:)</p> </div> <div style="text-align: right;"> <p>NOV 2 1 2011</p> <p>BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA</p> </div> </div>
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)

<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
1. Ordinance 11-045 2. RLS 11-259 response		Please provide a fully executed and stamped copy electronically to Jo Ann Grace at joann.grace@mymanatee.org <i>11/22/11</i> <i>2 cc Tyler/State</i>	
COST:		SOURCE (ACCT # & NAME):	
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

cc: Ed Hunzeker, County Administrator
 Barbara Tyler, Sr. Exec. Admin. Asst., BCC



Office of
**MANATEE COUNTY
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Deputy County Attorney
Maureen S. Sikora, Deputy County Attorney*
Robert M. Eschenfelder, Deputy County Attorney
Rodney C. Wade, Deputy County Attorney*
William E. Clague, Deputy County Attorney
James R. Cooney, Deputy County Attorney
Sarah A. Schenk, Deputy County Attorney*

MEMORANDUM

DATE: OCTOBER 12, 2011
TO: BOARD OF COUNTY COMMISSIONERS
THRU: TEDD N. WILLIAMS, Jr., County Attorney *JTW 10/12/11*
FROM: JAMES A. MINIX, Chief Deputy County Attorney
RE: SUNSETTING OF THE FIRE MARSHAL APPEALS BOARD
AND FIRE PREVENTION CODE ENFORCEMENT BOARDS
RLS 11-259; CAO File No. 1010-387

I. QUESTION PRESENTED

Barbara Tyler, acting on behalf of the Board of County Commissioners, has requested that the County Attorney's Office determine the legal status of the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board.

II. FACTUAL BACKGROUND

The Board of County Commissioners has requested legal guidance concerning the current viability of the Fire Prevention Code Enforcement Board and the Fire Marshal Appeals Board. These boards were originally authorized by a special act of the Florida legislature. See Chapter 85-461, Laws of Florida. The Special Act creating these boards was adopted into the Manatee County Code at Chapter 1-10 and has continued to be available for review through Municode. The Special Act was initially scheduled to be repealed on July 1, 1986; however, it was subsequently amended and ultimately was not repealed until July 1, 2011. See Chapters 86-387, 91-387, 96-446, 2001-341, and 2006-341, Laws of Florida. On July 1, 2011, the Board of County Commissioners received a letter from the Manatee County Fire Chiefs Association regarding the need to sunset both of these appeals boards. The Fire Chiefs Association formally requested

* Board Certified City, County & Local Government Law

that both of these boards be sunsetted as of July 1, 2011. The letter also stated that, "as these boards have in recent history been inactive, the Manatee County Fire Chiefs Association believes this would be an appropriate action at this time." (See letter attached)

III. DISCUSSION

The Florida Constitution provides that a local government cannot enact an ordinance that conflicts with state law. Art VIII, Sec. 1(f), Fla. Const. This applies to special acts of the legislature as well as to general law. Chapter 2006-341 extended the life of Special Act 85-461 until July 1, 2011, at which time that act "shall be repealed." While the Act itself has now been repealed by the Florida legislature, it still exists in the Manatee County Code at Chapter 1-10. It is our understanding that neither the Fire Chiefs Association nor the Board of County Commissioners desires to continue either of these boards. Accordingly, we recommend that Chapter 1-10 be formally repealed by the Board of County Commissioners and further, removed from the Manatee County Code of Laws.

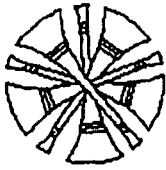
We have therefore prepared an ordinance for consideration by the Board which would formally repeal the Fire Prevention Code Enforcement Board and the Fire Marshal Appeals Boards. [A copy of that ordinance is attached herewith.] This ordinance will be presented to the Board for publication in the near future.

IV. CONCLUSION

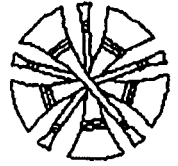
In response to this Request for Legal Services, the County Attorney's Office opines that the Fire Prevention Code Enforcement Board and the Fire Marshal Appeals Boards have been sunsetted (repealed) by the Florida legislature effective July 1, 2011. Chapter 1-10 of the Manatee County Code that incorporates the Special Act creating these Boards has no further force and effect and should be repealed by the Board of County Commissioners. An ordinance repealing Chapter 1-10 will be presented to the Board for its consideration. Unless the Board chooses to reauthorize these two Boards, we agree that they may be removed from all Manatee County Advisory Board lists.

JAM/jcg
Enclosure

cc: Ed Hunzeker, County Administrator
Barbara Tyler, Senior Executive Admin. Asst., BCC



Manatee County Fire Chiefs' Association



*John W. McInnis,
President*

*Randall R. Stulce,
Vice President*

*C. Lee Whitehurst,
Secretary/Treasurer*

* * * * *

*City of Bradenton
Fire Rescue*

*Cedar Hammock
Fire Control District*

*Duette Fire and
Rescue District*

*East Manatee
Fire Rescue District*

*Florida Division
of Forestry*

*Town of Longboat
Key Fire Rescue*

*Manatee County
Public Safety*

*Myakka City
Fire Control District*

*North River
Fire District*

*Parrish Fire
Control District*

*Sarasota-Manatee
Airport Fire Dept.*

*Southern Manatee
Fire Rescue District*

*Trailer Estates
Fire Control District*

*West Manatee
Fire Rescue District*

July 1, 2011

Manatee County Commissioners
c/o Ms. Barbara Tyler
Sr. Executive Administrative Assistant
Manatee County Commissioners Office
P.O. Box 1000
Bradenton FL 34206

RE: Fire Marshal Appeals Board and
Fire Prevention Code Enforcement Board


Dear County Commissioners:

It has come to my attention that you have requested a letter from the Manatee County Fire Chiefs' Association regarding the need to sunset the above-referenced Boards of Appeal.

Please accept this letter as a formal request to sunset these two Fire Boards as of July 1, 2011. As these Boards have in recent history been inactive, the Manatee County Fire Chiefs' Association believes this would be an appropriate action at this time.

I do hope that this request is adequate for your needs. Please let me know if you should require anything additional.

Very truly yours,


John W. McInnis
President

Manatee County Fire Chiefs' Association

JWM/jej



MANATEE COUNTY
OFFICE OF THE COUNTY ATTORNEY

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Deputy County Attorney
Maureen S. Sikora, Deputy County Attorney *
Robert M. Eschenfelder, Deputy County Attorney
Rodney C. Wade, Deputy County Attorney *
William E. Clague, Deputy County Attorney
James R. Cooney, Deputy County Attorney
Sarah A. Schenk, Deputy County Attorney *

November 2, 2011

VIA E-MAIL TRANSMITTAL ONLY
legalnotices@bradenton.com

Ms. Danica Sherrill
Legal Advertising
The Bradenton Herald
P.O. Box 921
Bradenton, Florida 34206

**RE: Notice of Publication of Proposed Ordinance 11-045
Repealing the Fire Marshal Appeals Board & Fire Prevention Code Enforcement Board
Account No. 0001180500**

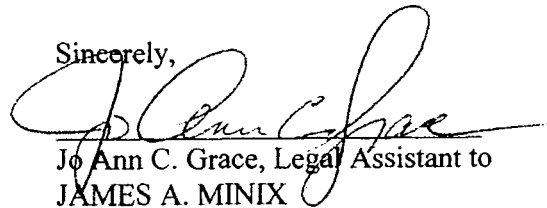
Dear Ms. Sherrill:

The attached Notice of Public Hearing should be published as a regular legal classified ad on **NOVEMBER 7, 2011.**

Please forward your original proof of publication affidavit and statement to me at your earliest opportunity.

Thank you for your assistance in this matter.

Sincerely,


Jo Ann C. Grace, Legal Assistant to
JAMES A. MINIX
Chief Deputy County Attorney

JAM/jcg

*Board Certified City, County & Local Government Law

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66(2)(a), Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on **NOVEMBER 21, 2011**, beginning at 9:00 a.m., or as soon thereafter as possible, in the Commission Chambers, located on the 1st Floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider the following:

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Copies of the proposed **ORDINANCE 11-045** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the above-referenced meeting or public hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Date to be published: **NOVEMBER 7, 2011.**

From: [Ords Admin](#)
To: [Vicki Tessmer](#)
Subject: RE: Orlando, FL Code of Ordinances - 1999(13349)
Date: Monday, August 18, 2014 4:41:53 PM

We have received your files. Thank you for your submission.

Respectfully,
Ords Administrator
ords@municode.com
1-800-262-2633
(850) 576-3172
Fax No. 850-575-8852
P.O. Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32317-2235

When available, please send all documents in WORD format to Ords@municode.com.
However, if WORD format is not available, we welcome any document format including PDF.

sha

Ask me about **OrdBank**



From: Vicki Tessmer [mailto:vicki.tessmer@ManateeClerk.com]
Sent: Monday, August 18, 2014 4:08 PM
To: Ords Admin
Cc: 'robert.eschenfelder@mymanatee.org'
Subject: Ordinance 11-045

Please find attached Ordinance 11-045 which was adopted by the Manatee County BCC on Nov 21, 2011. Please codify.

Thank you,

Vicki Tessmer
Supervisor, Board Records, Tax Deeds, and VAB
For R.B. "Chips" Shore
Manatee County Clerk of the Circuit Court and Comptroller
www.manateeclerk.com
vicki.tessmer@manateeclerk.com
941-741-4081



"Pride in Service, with a Vision to the Future"

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

From: ords@municode.com
To: robert.eschenfelder@mymanatee.org; [Quantana Acevedo](#); [Robin Liberty](#)
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 93
Date: Tuesday, October 07, 2014 11:48:27 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 93

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 11-045	11/21/2011	8/20/2014	PDF
Ordinance No. 14-031	6/3/2014	6/26/2014	PDF
Ordinance No. 14-08	10/2/2014	10/7/2014	PDF
Ordinance No. 14-14	6/17/2014	6/26/2014	PDF
Ordinance No. 14-26	9/9/2014	9/15/2014	PDF
Ordinance No. 14-28	6/3/2014	6/12/2014	PDF
Ordinance No. 14-32	9/23/2014	10/3/2014	PDF
Ordinance No. 14-33	10/2/2014	10/7/2014	PDF
Ordinance No. 14-38	8/12/2014	8/18/2014	PDF
Ordinance No. 14-42	9/23/2014	10/3/2014	PDF
Special Instructions of 6-6-14		6/6/2014	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.