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A bill to be entitled

An act relating to the St. Lucie County Fire District; providing for codification of special laws relating to the St. Lucie County Fire District; providing legislative intent; amending, codifying, and reenacting all prior special acts; providing for incorporation as a special fire control district; providing for a district boundary; providing for a governing board; providing for district books and audits; providing for district depositories and use of funds; providing for gifts, purchases, and loans; providing for records and adoption of rules; providing for annual reports; providing for rights under civil service; providing for millage and taxes; providing for non-ad valorem assessments and impact fees; providing for payment of expenses; providing for a fire chief; providing for a clerk-treasurer; providing for insurance for employees and retirees; providing for limitations to actions arising out of tort or negligence; providing for removal of fire hazards and enforcement of liens; providing for miscellaneous provisions; repealing chapters 96-532 and 97-356, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all special acts relating to St. Lucie County Fire District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative

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30 authority granted to the district by its several legislative
 31 enactments and any additional authority granted by this act and
 32 chapters 189 and 191, Florida Statutes, as they may be enacted
 33 from time to time. It is further the intent of this act to
 34 preserve all district authority.

35 Section 2. Chapters 96-532 and 97-356, Laws of Florida,
 36 are codified, reenacted, amended, and repealed as herein
 37 provided.

38 Section 3. The St. Lucie County Fire District is re-
 39 created and the charter is re-created and reenacted to read as
 40 follows:

41 Section 1. Upon this act becoming a law, all of the lands
 42 in the County of St. Lucie shall become and be incorporated into
 43 an independent special taxing district to be known as the St.
 44 Lucie County Fire District. The purpose of the district shall be
 45 for fire prevention, fire suppression, emergency medical
 46 services, rescue, and other duties and responsibilities in St.
 47 Lucie County, as may be directed by the St. Lucie County Fire
 48 District Board of Commissioners.

49 Section 2. The governing body of the St. Lucie County Fire
 50 District, hereinafter also termed "the district" or "said
 51 district," shall be known and designated as the Board of
 52 Commissioners of the St. Lucie County Fire District, hereinafter
 53 also termed "the board" or "said board," and shall be composed
 54 of seven members named and selected as provided by this act.
 55 Said board shall have all the powers of a body corporate,
 56 including the power to contract and to be contracted with under
 57 the name of St. Lucie County Fire District; to sue and to be
 58 sued; to adopt and use a common seal and to alter the same at

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59 its pleasure; to acquire, purchase, hold, lease, and convey such
 60 real estate and personal property, including equipment, as said
 61 board may deem proper or expedient to carry out the purposes of
 62 this act; to employ such attorneys, experts, agencies, and
 63 employees as said board may require or deem advisable; to borrow
 64 money and to issue negotiable promissory notes as hereinafter
 65 provided; and to generally exercise the powers of a public
 66 authority organized and existing for the purpose of fire
 67 prevention, fire suppression, emergency medical services,
 68 rescue, and other duties and responsibilities as may be directed
 69 by the St. Lucie County Fire District Board of Commissioners.

70 Section 3. Board composition; terms; elections.--

71 (1) The board of commissioners of said district shall at
 72 all times consist of seven members; two members to be elected by
 73 and from the Board of County Commissioners of St. Lucie County;
 74 two members to be elected by and from the City Commission of the
 75 City of Fort Pierce; two members to be elected by and from the
 76 City Council of the City of Port St. Lucie; and one member to be
 77 appointed by the Governor.

78 (2) The terms of office of the two members from the Board
 79 of County Commissioners of St. Lucie County, the two members
 80 from the City Commission of the City of Fort Pierce, and the two
 81 members from the City Council of the City of Port St. Lucie, and
 82 their respective successors, shall be for periods of 2 years.
 83 The term of office of the seventh member appointed by the
 84 Governor shall be for a period of 2 years, but said seventh
 85 member shall continue to serve until his or her successor is
 86 appointed.

87 (3) As to the two members from the Board of County

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88 Commissioners of St. Lucie County, the two members from the City
 89 Commission of the City of Fort Pierce, and the two members from
 90 the City Council of the City of Port St. Lucie, their
 91 continuance in such official capacities as members of the board
 92 of county commissioners, city commission, and city council shall
 93 be deemed an essential qualification as to their continuance as
 94 members of the board of commissioners of the district.

95 (4) The commissioners of the district shall elect from
 96 their board a chairperson and vice chairperson annually. Four
 97 members of the board shall constitute a quorum. A majority of a
 98 quorum shall be necessary for the transaction of business. The
 99 chairperson shall vote at all meetings of the board.

100 Section 4. Books; audits.--The board shall annually have
 101 the books audited by an independent certified public accountant
 102 duly registered in this state.

103 Section 5. Depositories; use of funds.--

104 (1) The funds of the district shall be deposited in the
 105 name of the district in a federal or Florida chartered bank or
 106 banks with a principal branch office located within St. Lucie
 107 County. Any such bank must be a member of the Federal Reserve
 108 System and a qualified public depository as defined in section
 109 280.02, Florida Statutes, and must be included on the authorized
 110 depository list published by the Bureau of Collateral
 111 Securities, Office of the State Treasurer. No funds of the
 112 district shall be paid out or disbursed except by check.

113 (2) No funds of the district shall be used for any purpose
 114 other than the administration of the affairs and business of
 115 said district, for the construction, care, maintenance, upkeep,
 116 operation, and purchase of firefighting and emergency equipment,

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117 and for the best interest of the district as the board may
 118 determine.

119 Section 6. Gifts; purchases; loans.--

120 (1) The board shall have the power and authority to hold,
 121 control, and acquire, by gift or purchase, for the use of the
 122 district, any real or personal property and to pay the purchase
 123 price in installments or deferred payments and to condemn any
 124 lands needed for the purpose of said district. Said board is
 125 authorized to exercise the right of eminent domain and institute
 126 and maintain condemnation proceedings in the same manner as St.
 127 Lucie County, as other public municipalities under the laws of
 128 the state, or both.

129 (2) The board is hereby authorized and empowered, in order
 130 to carry out the purposes of this act, to borrow money not to
 131 exceed \$1,500,000 in any one year unless the board shall issue a
 132 resolution that declares a district emergency as defined in this
 133 section, in which case the board is authorized and empowered to
 134 borrow money not to exceed the sum of \$4 million. In no event,
 135 however, shall the total of all amounts borrowed and unpaid
 136 exceed the sum of \$5 million. The board is further authorized
 137 and empowered to issue its promissory notes therefor upon such
 138 terms and at such rates of interest as said board may deem
 139 advisable, and said notes shall be a charge upon all revenues
 140 derived from taxes in that year.

141 (3) An emergency for the purposes of the St. Lucie County
 142 Fire District is defined as:

143 (a) A natural or man-made fire or medical disaster
 144 involving significant injury, death, or destruction of
 145 structures and requiring extensive and unforeseen use of

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146 overtime or additional personnel.

147 (b) A response to a declaration of a local emergency and
 148 request by St. Lucie County that the district provide emergency
 149 services, the cost of which exceeds the annual borrowing limit
 150 of the district.

151 (c) A need to replace or repair fire or emergency medical
 152 vehicles and equipment based on unanticipated and unforeseen
 153 circumstances, rather than on ordinary wear and tear, for losses
 154 not covered by insurance.

155 (4) The board of commissioners of the district shall have
 156 the power and authority to acquire by gift or purchase and to
 157 pay the purchase price for such firefighting and other equipment
 158 as deemed reasonably necessary for the protection of property,
 159 safety of lives, or reduction of fire hazards to the same, in
 160 the district; to hire firefighting, emergency medical, civilian,
 161 and other personnel as needed; and to inspect all property and
 162 investigate for fire hazards and prescribe rules and regulations
 163 pertaining thereto, including the enforcement of the Florida
 164 Fire Prevention Code as revised from time to time.

165 (5) The board of commissioners of the district may
 166 acquire, by gift or purchase, such emergency equipment and
 167 employ such personnel as may be determined reasonably necessary
 168 by the board for the operation and maintenance of emergency
 169 medical service within the district.

170 Section 7. Records; adoption of rules.--The officers of
 171 said board of commissioners shall have the duties usually
 172 pertaining to, vested in, and incumbent upon like officers. A
 173 record shall be kept of all meetings of the board of
 174 commissioners. The board of commissioners may adopt such rules

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175 and regulations as it may deem necessary in and about the
 176 transaction of its business and in carrying out the provisions
 177 of this act.

178 Section 8. Annual reports; fiscal year.--The board of
 179 commissioners shall, in a timely manner, make an annual report
 180 of its actions and accounting of its funds as of the end of the
 181 previous fiscal year and shall file said report in the office of
 182 the Clerk of the Circuit Court of St. Lucie County, whose duty
 183 it shall be to receive and file said report and hold and keep
 184 the same a public record. The fiscal year of said district is
 185 hereby fixed as commencing on October 1 and ending on September
 186 30.

187 Section 9. Rights under civil service; retirees.--All
 188 rights of firefighting personnel under the civil service and
 189 retirement laws of the City of Fort Pierce and all rules and
 190 regulations pertaining thereto are hereby respectively preserved
 191 unto such personnel.

192 Section 10. Millage; taxes.--

193 (1) The Board of Commissioners of the St. Lucie County
 194 Fire District, a special taxing district, is hereby authorized,
 195 empowered, and directed annually to levy upon all the real and
 196 personal taxable property, including homesteads, in said
 197 district a sufficient tax to pay the necessary costs for the
 198 maintenance, operation, and support of the district, but the
 199 said levy to pay for the costs of operation, maintenance, and
 200 support of said district shall not exceed 3 mills on the dollar,
 201 unless otherwise authorized under chapter 191, Florida Statutes.

202 (2) The levy by the board of the taxes authorized by any
 203 provision of this act or chapter 191, Florida Statutes, shall be

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204 by resolution of the board duly entered into the minutes of the
 205 board. Certified copies of such resolution executed in the name
 206 of the board by its chairperson, under the corporate seal, shall
 207 be made and delivered to the Board of County Commissioners of
 208 St. Lucie County and to the Comptroller of the state not later
 209 than July 31 of each year. Determination of millage and
 210 collection of taxes shall be in accordance with chapter 200,
 211 Florida Statutes, and other applicable laws. All such taxes
 212 shall be held by the board of commissioners and paid out by the
 213 board as provided in this act.

214 (3) It is herein and hereby determined and declared that
 215 the special assessment taxes herein provided for fire
 216 prevention, fire suppression, emergency medical services,
 217 rescue, and other duties and responsibilities as may be directed
 218 by the St. Lucie County Fire District Board of Commissioners are
 219 special assessments for special or peculiar benefits accruing to
 220 the properties within the special taxing district herein created
 221 against which properties said levies are directed to be made. It
 222 is also herein and hereby found, determined, and declared that
 223 fire prevention, fire suppression, emergency medical services,
 224 rescue, and other duties and responsibilities as may be directed
 225 by the St. Lucie County Fire District Board of Commissioners,
 226 within such special taxing district herein created, are public
 227 purposes and are also county, district, and municipal purposes.

228 Section 11. Payment of expenses.--

229 (1) The board is authorized to pay from the funds of the
 230 special taxing district all expenses of the organization of said
 231 board and all expenses necessarily incurred in the formation of
 232 said district and all other reasonable and necessary expenses,

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233 including the fees and expenses of an attorney in the
 234 transaction of the business of the special taxing district, and
 235 in carrying out and accomplishing the purposes of this act.

236 (2) The funds of the district shall be paid out only upon
 237 checks signed by the chairperson or vice chairperson and clerk-
 238 treasurer either manually or by facsimile signature. No check
 239 shall be drawn or issued against funds of the district except
 240 for a purpose authorized by this act. No check against funds of
 241 the district shall be drawn or issued until after the account or
 242 expenditure for which the same is to be given and payment has
 243 been ordered and approved by the board of commissioners.

244 Section 12. Fire chief.--The board shall appoint and
 245 employ a fire chief who shall serve at the will of the board as
 246 chief officer of the fire district; who shall maintain and
 247 operate all divisions of the district; and who shall enforce the
 248 laws and all rules prescribed by the State Fire Marshal in
 249 accordance with chapter 633, Florida Statutes.

250 Section 13. Clerk-treasurer.--The board shall appoint and
 251 employ a clerk-treasurer who shall serve at the will of the
 252 board. The clerk-treasurer of the district shall be the
 253 financial officer of the district and shall also maintain the
 254 records of the district. The clerk-treasurer shall be required
 255 to give to the board of commissioners of the district a good and
 256 sufficient surety bond in the sum of \$10,000 conditioned on his
 257 or her faithfully performing the duties of the office and well
 258 and truly accounting for all moneys of the district coming into
 259 his or her custody and/or control. The premium of the bond shall
 260 be paid out of the funds of the district and shall be approved
 261 by the board of commissioners.

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262 Section 14. Insurance for employees and dependents;
 263 retirees.--

264 (1) The St. Lucie County Fire District may, through its
 265 board of commissioners, pay out of any of its available funds
 266 all or part of the premiums or charges for life, health,
 267 accident, or hospitalization insurance provided for its
 268 employees and the families of such employees.

269 (2) The St. Lucie County Fire District, which provides for
 270 its officers, employees, and their dependents life, health,
 271 accident, hospitalization, or annuity insurance, or all of any
 272 kind of such insurance, upon a group insurance plan or self-
 273 insurance plan, may allow retired former personnel and their
 274 eligible dependents the option of continuing to participate in
 275 such group insurance plan or self-insurance plan. The cost of
 276 any such continued participation or any portion thereof for the
 277 retired employees only may be paid by the employer or by the
 278 retired employees. Any such coverage continued on behalf of the
 279 dependents of a retired employee shall be paid for entirely by
 280 the retiree. In addition, the St. Lucie County Fire District may
 281 commingle the claims experience of the retiree group with the
 282 claims experience of the active employees. Premiums resulting
 283 from the commingling, or any portion thereof, may be paid by the
 284 employer or retired employee. However, the St. Lucie County Fire
 285 District may pay all or a portion of the cost of any such
 286 continued participation if it so desires.

287 Section 15. Torts; negligence.--

288 (1) No action shall be brought against the St. Lucie
 289 County Fire District for any negligent or wrongful injury or
 290 damage to persons or property unless brought within 12 months

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291 from the time of the injury or damage.

292 (2) No suit arising out of any action in tort or sounding
 293 in tort shall be maintained against the St. Lucie County Fire
 294 District unless written notice of the claim, giving time, place,
 295 and circumstances of the injury or damage, is given to the
 296 chairperson or vice chairperson or the clerk-treasurer of the
 297 district within 30 days after the occurrence of the injury or
 298 damage.

299 Section 16. Removal of fire hazards; enforcement of
 300 liens.--

301 (1) For the purpose of promoting the safety and general
 302 welfare of the community, the Board of Commissioners of the St.
 303 Lucie County Fire District may, by resolution, require that
 304 lands in St. Lucie County be cleared of weeds, debris, and any
 305 materials which create a fire hazard.

306 (2) If any property owner in St. Lucie County fails to
 307 comply with the requirements of a resolution adopted under
 308 subsection (1), the board may serve written demand on such
 309 property owner that his or her land be cleared in accordance
 310 with the provisions of such resolution. Such demand shall be by
 311 registered mail, directed to the owner at his or her address as
 312 shown on the current taxroll of the county. It shall notify the
 313 owner that if said demand is not complied with within 30 days
 314 from the date thereof, the land described therein will be
 315 cleared or caused to be cleared by the St. Lucie County Fire
 316 District and the cost thereof, including a service charge to be
 317 established by the board, will constitute a lien against said
 318 land.

319 (3) If any property owner fails to comply with such

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320 written demand, the board may clear or cause to be cleared the
 321 land and by resolution assess a lien on behalf of the St. Lucie
 322 County Fire District against the land for the cost of clearing,
 323 including the service charge. A notice of lien in such form as
 324 the board may determine shall be recorded in the office of the
 325 Clerk of the Circuit Court of the county. The notice of lien
 326 shall be prima facie evidence of the debt to the St. Lucie
 327 County Fire District, bearing interest at the legal rate, and
 328 may be foreclosed as mortgages are foreclosed in the circuit
 329 court. The lien shall become void 20 years after the date of
 330 the execution of the notice of lien.

331 Section 17. Miscellaneous provisions.--

332 (1) When required by the laws of Florida, any obligation
 333 issued or incurred by the district shall be approved by the
 334 qualified freeholder electors.

335 (2) Whosoever shall willfully damage any of the property
 336 in the special taxing district created under this act shall be
 337 punished as provided in the general laws for punishments for
 338 misdemeanors or felonies, depending upon the value of the
 339 property damage.

340 (3) Any clause, sentence, paragraph, section, or part of a
 341 section of this act which for any reason may be declared invalid
 342 may be eliminated from this act, and the remaining portion
 343 thereof shall be in force and valid as if such invalid clause,
 344 section, or part of a section had not been incorporated herein.

345 (4) It is intended that the provisions of this act shall
 346 be liberally construed for accomplishing the purposes provided
 347 therefor, or intended to be provided for by this act, and where
 348 a strict construction will result in the defeat of the

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349 accomplishment of any of the purposes provided for by this act
 350 and a liberal construction would permit or assist in the
 351 accomplishment thereof, the liberal construction thereof shall
 352 prevail.

353 (5) All general, special, or local laws or parts thereof
 354 inconsistent herewith are declared to be inapplicable to the
 355 provisions of this act, including specifically the provisions of
 356 sections 200.071-200.141, Florida Statutes, which shall not
 357 apply and are superseded insofar as they affect the power and
 358 authority of the St. Lucie County Fire District to levy, assess,
 359 collect, and enforce ad valorem taxes.

360 Section 4. Chapters 96-532 and 97-356, Laws of Florida,
 361 are repealed.

362 Section 5. This act shall take effect upon becoming a law.