

1                                   A bill to be entitled  
 2           An act relating to the St. Lucie County Fire District;  
 3           providing for codification of special laws relating to the  
 4           St. Lucie County Fire District; providing legislative  
 5           intent; amending, codifying, and reenacting all prior  
 6           special acts; providing for incorporation as a special  
 7           fire control district; providing district boundaries;  
 8           providing for a governing board; providing for district  
 9           books and audits; providing for district depositories and  
 10          use of funds; providing for gifts, purchases, and loans;  
 11          providing for records and adoption of rules; providing for  
 12          annual reports; providing for rights under civil service  
 13          and retirement laws; providing for millage and taxes;  
 14          providing for non-ad valorem assessments and impact fees;  
 15          providing for payment of expenses; providing for a fire  
 16          chief; providing for a clerk-treasurer; providing for  
 17          insurance for employees and retirees; providing for  
 18          limitations to actions arising out of tort or negligence;  
 19          providing for removal of fire hazards and enforcement of  
 20          liens; providing for miscellaneous provisions; repealing  
 21          chapters 96-532 and 97-356, Laws of Florida; providing an  
 22          effective date.

23  
 24   Be It Enacted by the Legislature of the State of Florida:

25  
 26           Section 1. Pursuant to section 191.015, Florida Statutes,  
 27 this act constitutes the codification of all special acts  
 28 relating to St. Lucie County Fire District. It is the intent of

29 | the Legislature to provide a single, comprehensive special act  
 30 | charter for the district including all current legislative  
 31 | authority granted to the district by its several legislative  
 32 | enactments and any additional authority granted by this act and  
 33 | chapters 189 and 191, Florida Statutes, as they may be enacted  
 34 | from time to time. It is further the intent of this act to  
 35 | preserve all district authority.

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 37 | are codified, reenacted, amended, and repealed as herein  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

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

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

50 |       Section 2. The governing body of the St. Lucie County Fire  
 51 | District, hereinafter also termed "the district" or "said  
 52 | district," shall be known and designated as the Board of  
 53 | Commissioners of the St. Lucie County Fire District, hereinafter  
 54 | also termed "the board" or "said board," and shall be composed  
 55 | of seven members named and selected as provided by this act.  
 56 | Said board shall have all the powers of a body corporate,

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

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

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

79 (2) The terms of office of the two members from the Board  
80 of County Commissioners of St. Lucie County, the two members  
81 from the City Commission of the City of Fort Pierce, and the two  
82 members from the City Council of the City of Port St. Lucie, and  
83 their respective successors, shall be for periods of 2 years.  
84 The term of office of the seventh member appointed by the

85 Governor shall be for a period of 2 years, but said seventh  
 86 member shall continue to serve until his or her successor is  
 87 appointed.

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

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

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

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

105 (1) The funds of the district shall be deposited in the  
 106 name of the district in a federal or Florida chartered bank or  
 107 banks with a principal branch office located within St. Lucie  
 108 County. Any such bank must be a member of the Federal Reserve  
 109 System and a qualified public depository as defined in section  
 110 280.02, Florida Statutes, and must be included on the authorized  
 111 depository list published by the Bureau of Collateral

112 Securities, Office of the Chief Financial Officer. No funds of  
113 the district shall be paid out or disbursed except by check.

114 (2) No funds of the district shall be used for any purpose  
115 other than the administration of the affairs and business of  
116 said district, for the construction, care, maintenance, upkeep,  
117 operation, and purchase of firefighting and emergency equipment,  
118 and for the best interest of the district as the board may  
119 determine.

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

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

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

140 advisable, and said notes shall be a charge upon all revenues  
 141 derived from taxes in that year.

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

144 (a) A natural or manmade fire or medical disaster  
 145 involving significant injury, death, or destruction of  
 146 structures and requiring extensive and unforeseen use of  
 147 overtime or additional personnel.

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

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

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

166 (5) The board of commissioners of the district may  
 167 acquire, by gift or purchase, such emergency equipment and

168 employ such personnel as may be determined reasonably necessary  
 169 by the board for the operation and maintenance of emergency  
 170 medical service within the district.

171 Section 7. Records; adoption of rules.--The officers of  
 172 said board of commissioners shall have the duties usually  
 173 pertaining to, vested in, and incumbent upon like officers. A  
 174 record shall be kept of all meetings of the board of  
 175 commissioners. The board of commissioners may adopt such rules  
 176 and regulations as it may deem necessary in and about the  
 177 transaction of its business and in carrying out the provisions  
 178 of this act.

179 Section 8. Annual reports; fiscal year.--The board of  
 180 commissioners shall, in a timely manner, make an annual report  
 181 of its actions and accounting of its funds as of the end of the  
 182 previous fiscal year and shall file said report in the office of  
 183 the Clerk of the Circuit Court of St. Lucie County, whose duty  
 184 it shall be to receive and file said report and hold and keep  
 185 the same a public record. The fiscal year of said district is  
 186 hereby fixed as commencing on October 1 and ending on September  
 187 30.

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

193 Section 10. Millage; taxes.--

194 (1) The Board of Commissioners of the St. Lucie County  
 195 Fire District, a special taxing district, is hereby authorized,

196 empowered, and directed annually to levy upon all the real and  
197 personal taxable property, including homesteads, in said  
198 district a sufficient tax to pay the necessary costs for the  
199 maintenance, operation, and support of the district, but the  
200 said levy to pay for the costs of operation, maintenance, and  
201 support of said district shall not exceed 3 mills on the dollar,  
202 unless otherwise authorized under chapter 191, Florida Statutes.

203 (2) The levy by the board of the taxes authorized by any  
204 provision of this act or chapter 191, Florida Statutes, shall be  
205 by resolution of the board duly entered into the minutes of the  
206 board. Certified copies of such resolution executed in the name  
207 of the board by its chairperson, under the corporate seal, shall  
208 be made and delivered to the Board of County Commissioners of  
209 St. Lucie County and to the Chief Financial Officer of the state  
210 not later than July 31 of each year. Determination of millage  
211 and collection of taxes shall be in accordance with chapter 200,  
212 Florida Statutes, and other applicable laws. All such taxes  
213 shall be held by the board of commissioners and paid out by the  
214 board as provided in this act.

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



224 fire prevention, fire suppression, emergency medical services,  
 225 rescue, and other duties and responsibilities as may be directed  
 226 by the St. Lucie County Fire District Board of Commissioners,  
 227 within such special taxing district herein created, are public  
 228 purposes and are also county, district, and municipal purposes.

229 Section 11. Payment of expenses.--

230 (1) The board is authorized to pay from the funds of the  
 231 special taxing district all expenses of the organization of said  
 232 board and all expenses necessarily incurred in the formation of  
 233 said district and all other reasonable and necessary expenses,  
 234 including the fees and expenses of an attorney in the  
 235 transaction of the business of the special taxing district and  
 236 in carrying out and accomplishing the purposes of this act.

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

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

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

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

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

270        (2) The St. Lucie County Fire District, which provides for  
271 its officers, employees, and their dependents life, health,  
272 accident, hospitalization, or annuity insurance, or all of any  
273 kind of such insurance, upon a group insurance plan or self-  
274 insurance plan, may allow retired former personnel and their  
275 eligible dependents the option of continuing to participate in  
276 such group insurance plan or self-insurance plan. The cost of  
277 any such continued participation or any portion thereof for the  
278 retired employees may only be paid by the employer or by the

279 retired employees. Any such coverage continued on behalf of the  
 280 dependents of a retired employee shall be paid for entirely by  
 281 the retiree. In addition, the St. Lucie County Fire District may  
 282 commingle the claims experience of the retiree group with the  
 283 claims experience of the active employees. Premiums resulting  
 284 from the commingling, or any portion thereof, may be paid by the  
 285 employer or retired employee. However, the St. Lucie County Fire  
 286 District may pay all or a portion of the cost of any such  
 287 continued participation if it so desires.

288 Section 15. Torts; negligence.--

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

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

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

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

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

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

332        Section 17. Miscellaneous provisions.--

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

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

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

346       (4) It is intended that the provisions of this act shall  
 347 be liberally construed for accomplishing the purposes provided  
 348 therefor, or intended to be provided for by this act, and where  
 349 a strict construction will result in the defeat of the  
 350 accomplishment of any of the purposes provided for by this act  
 351 and a liberal construction would permit or assist in the  
 352 accomplishment thereof, the liberal construction thereof shall  
 353 prevail.

354       (5) The provisions of sections 200.071-200.141, Florida  
 355 Statutes, shall not apply and are superseded insofar as they  
 356 affect the power and authority of the St. Lucie County Fire  
 357 District to levy, assess, collect, and enforce ad valorem taxes.

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

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