

ENROLLED
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2004 Legislature

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 district boundaries; 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 and retirement laws; 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

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

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 Chapters 96-532 and 97-356, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

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

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

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

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

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

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

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

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

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

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

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

Section 5. Depositories; use of funds.--

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

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

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

Section 6. Gifts; purchases; loans.--

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Millage; taxes.--

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

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

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

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

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

Section 11. Payment of expenses.--

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

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

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

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

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

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

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

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

Section 15. Torts; negligence.--

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

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

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

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

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

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

Section 17. Miscellaneous provisions.--

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

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

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

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

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

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

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