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A bill to be entitled

An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to acquire land, enter into contracts, establish salaries, and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; requiring a referendum; providing an effective date.

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

31

32 Section 1.--Definitions.--As used in this act, unless
 33 otherwise specified:

34 (1) "Board" means the board of commissioners created
 35 pursuant to this act and chapter 191, Florida Statutes.

36 (2) "Commissioner" means a member of the board of
 37 commissioners of and for the district.

38 (3) "District" means the Key Largo Fire Rescue and
 39 Emergency Medical Services District.

40 Section 2. Creation; status; charter amendments;
 41 boundaries; district; purposes.--

42 (1) There is hereby created an independent special fire
 43 control district incorporating lands in Monroe County described
 44 in subsection (2), which shall be a public corporation having
 45 the powers, duties, obligations, and immunities herein set forth
 46 under the name of the Key Largo Fire Rescue and Emergency
 47 Medical Services District. The district is organized and exists
 48 for all purposes and shall hold all powers set forth in this act
 49 and chapters 189 and 191, Florida Statutes.

50 (2) The lands to be included within the district are the
 51 following described lands on the island of Key Largo, in Monroe
 52 County, to wit:

53 All of Cross Key and that part of Key Largo from South
 54 Bay Harbor Drive and Lobster Lane to the southern
 55 boundary of the right-of-way County Roads 905 and
 56 905A.

57 (3) The Key Largo Fire Rescue and Emergency Medical
 58 Services District is organized and exists for all purposes set

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59 forth in this act and chapter 191, Florida Statutes, including,
60 but not limited to, providing fire protection and firefighting
61 services, rescue services, and emergency medical services. Such
62 emergency medical services shall not be the primary function of
63 the district. The district shall have all other powers necessary
64 to carry out these purposes, including the authority to contract
65 with the Key Largo Volunteer Fire and Rescue Department, Inc.,
66 and the Key Largo Volunteer Ambulance Corps, Florida not-for-
67 profit corporations, which corporations currently provide fire,
68 rescue, and emergency medical services within the district
69 boundaries; to purchase all necessary real and personal
70 property; to purchase and carry standard insurance policies on
71 all such equipment; to employ such personnel as may be necessary
72 to carry out the purpose of said fire district; to provide
73 adequate insurance for said employees; to purchase and carry
74 appropriate insurance for the protection of all firefighters and
75 personnel as well as all equipment and personal property on loan
76 to the district; to sell surplus real and personal property in
77 the same manner and subject to the same restrictions as provided
78 for such sales by counties; and to enter into contracts with
79 qualified service providers to carry out the purposes of the
80 district.

81 (4) Nothing herein shall prevent the district from
82 cooperating with the state or other local governments to render
83 such services to communities adjacent to the land described in
84 this section as evidenced by an executed agreement between the
85 cooperating agencies as approved by the board.

86 (5) The district charter may be amended only by special
87 act of the Legislature.

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88 Section 3. Board of commissioners.--

89 (1) Pursuant to chapter 191, Florida Statutes, the
 90 business and affairs of the district shall be governed and
 91 administered by a board of five commissioners, who shall be
 92 qualified electors residing within the district and shall be
 93 elected by the qualified electors residing within the district,
 94 subject to the provisions of chapters 189 and 191, Florida
 95 Statutes, and this act. Each commissioner shall hold office
 96 until his or her successor is elected and qualified under the
 97 provisions of this act. The procedures for conducting district
 98 elections and for qualification of candidates and electors shall
 99 be pursuant to chapters 189 and 191, Florida Statutes. The
 100 members of the board shall serve on a nonpartisan basis for a
 101 term of 4 years each and shall be eligible for reelection.

102 (2) Notwithstanding section 191.005, Florida Statutes, the
 103 five members of the initial board shall be elected by the
 104 qualified electors residing within the district at a special
 105 election called by the Supervisor of Election of Monroe County
 106 to be held on or before November 2005. The three elected members
 107 for seats 1, 3, and 5 in the initial election under this act
 108 shall serve terms of 3 years each. The remaining two elected
 109 members for seats 2 and 4 in the initial election under this act
 110 shall serve terms of 1 year each.

111 (3) Subsequent elections of board members shall coincide
 112 with the general elections of this state.

113 (4) Vacancies in office shall be filled by election, said
 114 election to be held coincidental with the next countywide
 115 general election to fill the remaining term of the seat vacated.
 116 The board may appoint a qualified elector of the district to act

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117 as commissioner until the vacancy is filled by election. A
 118 commissioner may be removed from office as provided by chapter
 119 191, Florida Statutes, for any reason that a state or county
 120 officer may be removed.

121 (5) All elections shall be noticed, called, and held
 122 pursuant to the provisions of the general laws of the state. The
 123 board shall, to the extent possible, coordinate all elections
 124 with countywide general or special elections in order to
 125 minimize cost. Elections shall be called through the adoption of
 126 an appropriate resolution of the district directed to the Board
 127 of County Commissioners of Monroe County, the Supervisor of
 128 Elections of Monroe County, and other appropriate officers of
 129 the county. The district shall reimburse county government for
 130 the actual cost of district elections. No commissioner shall be
 131 a paid employee of the district while holding said position.

132 (6) The board may employ such personnel as deemed
 133 necessary for the proper function and operation of the district.

134 (7) The salaries of district personnel and any other wages
 135 shall be determined by the board.

136 Section 4. Officers; board compensation; bond.--

137 (1) In accordance with chapter 191, Florida Statutes, each
 138 elected member of the board shall assume office 10 days
 139 following the member's election. Within 60 days after election
 140 of new members of said board as herein provided, the newly
 141 elected members shall organize by electing from their number a
 142 chair, vice chair, secretary, and treasurer. However, the same
 143 member may be both secretary and treasurer, in accordance with
 144 chapter 191, Florida Statutes. Nothing shall prevent the

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145 commissioners from electing a chair, vice chair, secretary, and
 146 treasurer annually.

147 (2) Three members of the board shall constitute a quorum.
 148 A quorum shall be necessary for the transaction of business.

149 (3) The commissioners may receive reimbursement for actual
 150 expenses incurred while performing the duties of their offices
 151 in accordance with general law governing per diem for public
 152 officials. Each commissioner shall receive from the funds of the
 153 district compensation for his or her services in the amount of
 154 \$200 per month. Members may be reimbursed for travel and per
 155 diem expense as provided in section 112.061, Florida Statutes.
 156 Authorization for any additional compensation shall be pursuant
 157 to chapter 191, Florida Statutes.

158 (4) Each commissioner upon taking office shall take and
 159 subscribe to the oath of office prescribed by s. 5(b), Art. II,
 160 of the State Constitution and general law. Upon taking office
 161 and in accordance with chapters 189 and 191, Florida Statutes,
 162 each commissioner shall execute to the Governor, for the benefit
 163 of the district, a bond of \$5,000 with a qualified personal or
 164 corporate surety, conditioned upon the faithful performance of
 165 the duties of the commissioner's office and upon an accounting
 166 for all funds which come into his or her hands as commissioner.
 167 The premium for such bonds shall be paid from district funds.

168 Section 5. Powers; duties; responsibilities.--

169 (1) The district shall have and the board may exercise by
 170 majority vote all the powers and comply with the duties set
 171 forth in this act and chapters 189, 191, and 197, Florida
 172 Statutes, including, but not limited to, ad valorem taxation,
 173 bond issuance, and other revenue capabilities; budget

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174 preparation and approval; liens and foreclosure of liens;
175 contractual agreements; and the adoption of ordinances and
176 resolutions that are necessary to conduct district business if
177 such ordinances do not conflict with any ordinance of a local
178 general-purpose government within whose jurisdiction the
179 district is located.

180 (2) The board shall have the right, power, and authority
181 to levy annually ad valorem taxes against the taxable property
182 within the district to provide funds for the purposes of the
183 district in an amount not to exceed the limit provided in
184 chapter 191, Florida Statutes.

185 (3) The methods for assessing and collecting ad valorem
186 taxes, impact fees, or user charges shall be as set forth in
187 this act and chapter 170, chapter 189, chapter 191, chapter 197,
188 or chapter 200, Florida Statutes.

189 (4) The district's planning requirements shall be as set
190 forth in this act and chapters 189 and 191, Florida Statutes, as
191 amended from time to time.

192 (5) Requirements for financial disclosure, meeting
193 notices, reporting, public records maintenance, and per diem
194 expenses for officers and employees shall be as set forth in
195 this act and chapters 112, 119, 189, 191, and 286, Florida
196 Statutes.

197 Section 6. Ad valorem taxes.--

198 (1) The board shall have the authority to levy ad valorem
199 taxes annually against all taxable property within the district
200 to provide funds for the purposes of the district only upon the
201 approval by a majority vote of those qualified electors of the

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202 district voting in a referendum election authorizing the use of
 203 ad valorem taxation not to exceed 1.2 mills.

204 (2) A referendum election of the electors of the district
 205 to authorize the use of ad valorem taxation not to exceed 1.2
 206 mills shall be held by the supervisor of elections at the same
 207 time as the initial election of district commissioners in
 208 accordance with the provisions of general law relating to
 209 elections.

210 (3) Upon the approval of a majority of the electors voting
 211 at the initial election or at an election called by the board,
 212 the rate of taxation shall thereafter be fixed annually by
 213 resolution of the board without further approval by the
 214 electors, provided the rate of taxation shall not exceed 1.2
 215 mills. The board shall have the authority to increase the
 216 millage rate above 1.2 mills only if a majority of the electors
 217 voting in a referendum election approve the increased millage
 218 rate in an amount not to exceed the limit provided in chapter
 219 191, Florida Statutes.

220 (4) The levy and collection of ad valorem taxes shall
 221 proceed pursuant to general law.

222 Section 7. User charges.--

223 (1) The board shall have the authority to provide a
 224 reasonable schedule of charges for providing the following
 225 services:

226 (a) Special emergency services, including firefighting
 227 occurring in or to structures outside the district, motor
 228 vehicles, marine vessels, or aircraft or as a result of the
 229 operation of such motor vessels or marine vessels to which the
 230 district is called to render such emergency service.

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231 (b) Fighting fires occurring in or at refuse dumps or as a
 232 result of an illegal burn, which fire, dump, or burn is not
 233 authorized by general or special law, rule, regulation, order,
 234 or ordinance and which the district is called upon to fight or
 235 extinguish.

236 (c) Responding to or assisting or mitigating emergencies
 237 that either threaten or could threaten the health and safety of
 238 persons, property, or the environment to which the district has
 239 been called, including charge for responding to false alarms.

240 (d) Inspecting structures, plans, and equipment to
 241 determine compliance with fire safety codes.

242 Section 8. Impact fees.--

243 (1) Pursuant to section 191.009(4), Florida Statutes, it
 244 is hereby declared that the cost of new facilities upon fire
 245 protection and emergency services should be borne by new users
 246 of the district's services to the extent new construction
 247 requires new facilities, but only to that extent. It is the
 248 legislative intent of this section to transfer to the new users
 249 of the district's fire protection and emergency services a fair
 250 share of the costs that new users impose on the district for new
 251 facilities. This shall only apply in the event that the general-
 252 purpose local government in which the district is located has
 253 not adopted an impact fee for fire services which is distributed
 254 to the district for construction within its jurisdictional
 255 boundaries.

256 (2) The impact fees collected by the district pursuant to
 257 this section shall be kept as a separate fund from other
 258 revenues of the district and shall be used exclusively for the
 259 acquisition, purchase, or construction of new facilities or

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260 portions thereof required to provide fire protection and
 261 emergency services to new construction. "New facilities" means
 262 land, buildings, and capital equipment, including, but not
 263 limited to, fire and emergency vehicles and radio telemetry
 264 equipment. The fees shall not be used for the acquisition,
 265 purchase, or construction of facilities which must be obtained
 266 in any event, regardless of growth within the district. The
 267 board of fire commissioners shall maintain adequate records to
 268 ensure that impact fees are expended only for permissible new
 269 facilities.

270 Section 9. Authority to borrow money.--

271 (1) The board of commissioners shall have the power and
 272 authority to borrow money or issue other evidences of
 273 indebtedness for the purpose of the district in accordance with
 274 chapters 189 and 191, Florida Statutes, as amended from time to
 275 time, provided, however, that the total payments in any one
 276 year, including principal and interest, on any indebtedness
 277 incurred by the district shall not exceed 50 percent of the
 278 total annual budgeted revenues of the district.

279 (2) The board of commissioners as a body, or any of the
 280 members of the board as individuals, shall not be personally or
 281 individually liable for the repayment of such loan. Such
 282 repayment shall be made out of the receipts of the district,
 283 except as provided in this subsection. The commissioners shall
 284 not create any indebtedness or incur obligations for any sum or
 285 amount which they are unable to repay out of district funds
 286 available to them at that time, except as otherwise provided in
 287 this act, provided, however, that the commissioners may make
 288 purchases of equipment on an installment basis as necessary if

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289 funds are available for the payment of the current year's
 290 installment on such equipment plus the amount due in that year
 291 on any other installments and the repayment of any bank loan or
 292 other existing indebtedness which may be due that year.

293 Section 10. Use of district funds.--

294 (1) No funds of the district shall be used for any
 295 purposes other than the administration of the affairs and
 296 business of the district; the payment of salaries and expenses
 297 to commissioners; the construction, care, maintenance, upkeep,
 298 operation, and purchase of firefighting and rescue equipment or
 299 a fire station or emergency medical station; the payment of
 300 public utilities; the payment of salaries of district personnel;
 301 the payment of expenses of volunteers; the payment to the Key
 302 Largo Volunteer Fire and Rescue Department, Inc., and the Key
 303 Largo Volunteer Ambulance Corps; and such other payment and
 304 expenses as the board may from time to time determine to be
 305 necessary for the operations and effectiveness of the district.

306 Section 11. Record of board meetings; authority to adopt
 307 rules and regulations; annual reports; budget.--

308 (1) A record shall be kept of all meetings of the board,
 309 and in such meetings concurrence of a majority of the
 310 commissioners present shall be necessary to any affirmative
 311 action by the board.

312 (2) The board shall have the authority to adopt and amend
 313 policies and regulations for the administration of the affairs
 314 of the district under the terms of this act and chapters 189 and
 315 191, Florida Statutes, which shall include, but not be limited
 316 to, the authority to adopt the necessary rules and regulations
 317 for the administration and supervision of the property and

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318 personnel of the district; for the prevention of fires, fire
 319 control, fire hydrant placement, and flow testing in accordance
 320 with current NFPA rules; and for rescue work within the
 321 district.

322 (2) The board of commissioners shall have the authority to
 323 adopt uniform fire prevention ordinances. Such ordinances shall
 324 be signed, dated, and recorded with the Clerk of the Court of
 325 Monroe County and published as provided by state law. Ordinances
 326 shall be effective after publication, which constitutes legal
 327 notice of same.

328 (3) The board shall, on or before November 1, make an
 329 annual report of its actions and accounting of its funds as of
 330 September of that year and shall file said report in the office
 331 of the Clerk of the Circuit Court of Monroe County, whose duty
 332 it shall be to receive and file said report and hold and keep
 333 the same as a public record.

334 (4) For the purposes of carrying into effect this act, the
 335 board shall annually prepare, consider, and adopt a district
 336 budget pursuant to the applicable requirements of chapters 189
 337 and 191, Florida Statutes. The board shall, at the same time as
 338 it makes its annual report, file its estimated budget for the
 339 fiscal year beginning October 1, which budget shall show the
 340 estimated revenue to be received by the district and the
 341 estimated expenditures to be incurred by the district in
 342 carrying out its operations. The commissioners shall adopt a
 343 fiscal year for said fire district, which shall be October 1 to
 344 September 30.

345 Section 12. Authority to enact fire prevention ordinances,
 346 enter land, acquire land, enter contracts, and establish

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347 salaries; general and special powers; authority to provide fire,
 348 rescue, and emergency medical services.--

349 (1) The board of commissioners shall have the right and
 350 power to enact fire prevention ordinances as provided by general
 351 law. When the provisions of such fire prevention ordinances are
 352 determined by the board to be violated, the office of the state
 353 attorney, upon written notice of such violation issued by the
 354 board, is authorized to prosecute such person or persons held to
 355 be in violation thereof. Any person found guilty of a violation
 356 may be punished as provided in chapter 775, Florida Statutes, as
 357 a misdemeanor of the second degree. The cost of such prosecution
 358 shall be paid out of the district funds, unless otherwise
 359 provided by law. The district shall have the authority to
 360 appoint a fire marshal, who may be a member of the Key Largo
 361 Fire Rescue Department, to carry out the responsibilities of the
 362 district fire marshal.

363 (2) The fire marshal or duly authorized inspector shall be
 364 authorized to enter, at all reasonable hours, any building or
 365 premises for the purpose of making any inspection or
 366 investigation which the State Fire Marshal is authorized to make
 367 pursuant to state law and regulation. The owner, lessee,
 368 manager, or operator of any building or premises shall permit
 369 the district fire marshal or duly authorized inspector to enter
 370 and inspect the building or premises at all reasonable hours.
 371 The fire marshal or duly authorized inspector shall report any
 372 violations of state fire safety laws or regulations to the
 373 appropriate officials.

374 (3) The district is authorized to establish and maintain
 375 emergency medical and rescue response services and acquire and

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376 maintain rescue, medical, and other emergency equipment, subject
 377 to the provisions of chapter 401, Florida Statutes.

378 Section 13. Annexations.--If any municipality or other
 379 fire control district annexes any land included in the district,
 380 such annexation shall follow the procedures set forth in section
 381 171.093, Florida Statutes, as amended from time to time.

382 Section 14. Dissolution.--The district shall exist until
 383 dissolved in the same manner as it was created.

384 Section 15. Immunity from tort liability.--

385 (1) The district and its officers, agents, and employees
 386 shall have the same immunity from tort liability as other
 387 agencies and subdivisions of the state. The provisions of
 388 chapter 768, Florida Statutes, shall apply to all claims
 389 asserted against the district.

390 (2) The district commissioners and all officers, agents,
 391 and employees of the district shall have the same immunity and
 392 exemption from personal liability as is provided by chapter 768,
 393 Florida Statutes.

394 (3) In accordance with chapter 768, Florida Statutes, the
 395 district shall defend all claims against the commissioners,
 396 officers, agents, and employees which arise within the scope of
 397 employment or purposes of the district and shall pay all
 398 judgments against said persons, except where said persons acted
 399 in bad faith or with malicious purpose or in a manner exhibiting
 400 wanton and willful disregard of human rights, safety, or
 401 property.

402 Section 16. District expansion.--The corporate limits of
 403 the Key Largo Fire Rescue and Emergency Medical Services

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404 District may be extended and enlarged from time to time pursuant
 405 to the following procedure:

406 (1)(a) A definitely described tract of land lying
 407 contiguous to the boundaries of the district described in
 408 section 1, or as the same may from time to time exist, or one or
 409 more tracts of land lying contiguous to the boundaries, or one
 410 or more tracts of land lying contiguous to each other with one
 411 of the tracts lying contiguous to the boundaries of the
 412 district, may be included in the district when a written
 413 petition for inclusion signed by a majority of the owners of the
 414 real property within the tract or tracts to be included in the
 415 district has been presented to the board of commissioners and
 416 the proposal has been approved by the affirmative vote of no
 417 fewer than three members of the board of commissioners at a
 418 regular meeting.

419 (b) The petition must contain the legal description of the
 420 property sought to be added to the District and the names and
 421 addresses of the owners of the property.

422 (2) If a proposal to add an area to the district as
 423 defined in subsection (1) is approved by the affirmative vote of
 424 no fewer than three members of the board of commissioners at a
 425 regular meeting, the board of commissioners shall thereafter
 426 adopt a resolution describing the lands to be included within
 427 the district and shall cause such resolution to be duly enrolled
 428 in the record of the meeting and a certified copy of the
 429 resolution to be recorded in the office of the Clerk of the
 430 Circuit Court in Monroe County.

431 (3) Upon adoption of the resolution by the board, the
 432 district shall, pursuant to chapter 191, Florida Statutes,

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433 request its legislative delegation to approve said addition and
 434 sponsor legislation amending the district boundary. Upon
 435 approval by the Legislature, the boundary shall be amended.

436 (4) In lieu of a petition from the property owners, the
 437 Board of County Commissioners of Monroe County by affirmative
 438 resolution and the Board of Commissioners of the Key Largo Fire
 439 Rescue and Emergency Medical Services District by affirmative
 440 resolution may jointly request its legislative delegation to
 441 approve the addition of land lying contiguous to the boundaries
 442 of the district and sponsor legislation amending the district
 443 boundary. Upon approval by the Legislature, the boundary shall
 444 be amended.

445 Section 17. Construction.--This act shall be construed as
 446 remedial and shall be liberally construed to promote the purpose
 447 for which it is intended.

448 Section 18. Effect.--In the event that any part of this
 449 act should be held void for any reason, such holding shall not
 450 affect any other part thereof.

451 Section 19. This act shall take effect only upon its
 452 approval by a majority vote of those qualified electors of
 453 Monroe County voting in a referendum election to be called by
 454 the Board of County Commissioners of Monroe County and held on
 455 or before October 4, 2005, in accordance with the provisions of
 456 law relating to elections currently in force, except that this
 457 section shall take effect upon becoming a law.