

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Key Largo Fire Rescue and Emergency
7 Medical Services District, Monroe County; creating a
8 special district; providing definitions; providing for
9 creation, status, charter amendments, boundaries, and
10 purposes; providing for a board of commissioners;
11 providing for election and terms of commissioners;
12 providing for employment of district personnel; providing
13 for election of board officers; providing for
14 compensation, oath, and bonds of commissioners; providing
15 for powers, duties, and responsibilities of the board;
16 providing for ad valorem taxes; providing a cap on the
17 rate of taxation; providing for user charges; providing
18 for impact fees; providing for authority to disburse
19 funds; authorizing the board to borrow money; providing
20 for use of district funds; requiring a record of all board
21 meetings; authorizing the board to adopt policies and
22 regulations; providing for the board to make an annual
23 budget; requiring an annual report; authorizing the board

HB 1291

2005
CS

24 to enact fire prevention ordinances; authorizing the
 25 district to appoint a fire marshal; authorizing the
 26 district to conduct inspections, establish and operate
 27 fire, rescue, and emergency medical services; providing
 28 for district authority upon annexation of district lands;
 29 providing for dissolution; providing immunity from tort
 30 liability for officers, agents, and employees; providing
 31 for district expansion; providing for construction and
 32 effect; providing for an exclusive charter; requiring a
 33 referendum; providing an effective date.

34
 35 Be It Enacted by the Legislature of the State of Florida:

36
 37 Section 1. Definitions.--As used in this act, unless
 38 otherwise specified:

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

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

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

45 Section 2. Creation; status; charter amendments;
 46 boundaries; district purposes.--

47 (1) There is hereby created an independent special fire
 48 control district incorporating lands in Monroe County described
 49 in subsection (2), which shall be a public corporation having
 50 the powers, duties, obligations, and immunities herein set forth
 51 under the name of the Key Largo Fire Rescue and Emergency

HB 1291

2005
CS

52 Medical Services District. The district is organized and exists
 53 for all purposes and shall hold all powers set forth in this act
 54 and chapters 189 and 191, Florida Statutes.

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

58 All of Cross Key and that part of Key Largo from South
 59 Bay Harbor Drive and Lobster Lane to the southern
 60 boundary of the right-of-way County Roads 905 and
 61 905A.

62 (3) The Key Largo Fire Rescue and Emergency Medical
 63 Services District is organized and exists for all purposes set
 64 forth in this act and chapter 191, Florida Statutes, including,
 65 but not limited to, providing fire protection and firefighting
 66 services, rescue services, and emergency medical services. Such
 67 emergency medical services shall not be the primary function of
 68 the district. The district shall have all other powers necessary
 69 to carry out these purposes, including the authority to contract
 70 with the Key Largo Volunteer Fire and Rescue Department, Inc.,
 71 and the Key Largo Volunteer Ambulance Corps, Florida not-for-
 72 profit corporations, which corporations currently provide fire,
 73 rescue, and emergency medical services within the district
 74 boundaries; to purchase all necessary real and personal
 75 property; to purchase and carry standard insurance policies on
 76 all such equipment; to employ such personnel as may be necessary
 77 to carry out the purpose of said fire district; to provide
 78 adequate insurance for said employees; to purchase and carry
 79 appropriate insurance for the protection of all firefighters and

HB 1291

2005
CS

80 personnel as well as all equipment and personal property on loan
 81 to the district; to sell surplus real and personal property in
 82 the same manner and subject to the same restrictions as provided
 83 for such sales by counties; and to enter into contracts with
 84 qualified service providers to carry out the purposes of the
 85 district.

86 (4) Nothing herein shall prevent the district from
 87 cooperating with the state or other local governments to render
 88 such services to communities adjacent to the land described in
 89 this section as evidenced by an executed agreement between the
 90 cooperating agencies as approved by the board.

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

93 Section 3. Board of commissioners.--

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

HB 1291

2005
CS

107 (2) Notwithstanding section 191.005, Florida Statutes, the
 108 five members of the initial board shall be elected by the
 109 qualified electors residing within the district at a special
 110 election conducted by the Supervisor of Elections of Monroe
 111 County to be held on or before October 4, 2005. At the initial
 112 election of the governing board, the candidate receiving the
 113 highest number of votes shall hold seat 1, the candidate
 114 receiving the second highest number of votes shall hold seat 3,
 115 the candidate receiving the third highest number of votes shall
 116 hold seat 5, the candidate receiving the fourth highest number
 117 of votes shall hold seat 2, and the candidate receiving the
 118 fifth highest number of votes shall hold seat 4. The three
 119 elected members for seats 1, 3, and 5 in the initial election
 120 under this act shall serve terms of 3 years each. The remaining
 121 two elected members for seats 2 and 4 in the initial election
 122 shall serve terms of 1 year each.

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

125 (4) Vacancies in office shall be filled by election, said
 126 election to be held coincidental with the next countywide
 127 general election to fill the remaining term of the seat vacated.
 128 The board may appoint a qualified elector of the district to act
 129 as commissioner until the vacancy is filled by election. A
 130 commissioner may be removed from office as provided by chapter
 131 191, Florida Statutes, or for any reason that a state or county
 132 officer may be removed.

133 (5) All elections shall be noticed, called, and held
 134 pursuant to the provisions of the general laws of the state. The

135 board shall, to the extent possible, coordinate all elections
 136 with countywide general or special elections in order to
 137 minimize cost. Elections shall be called through the adoption of
 138 an appropriate resolution of the district directed to the Board
 139 of County Commissioners of Monroe County, the Supervisor of
 140 Elections of Monroe County, and other appropriate officers of
 141 the county. The district shall reimburse county government for
 142 the actual cost of district elections. No commissioner shall be
 143 a paid employee of the district while holding said position.

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

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

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

149 (1) In accordance with chapter 191, Florida Statutes, each
 150 elected member of the board shall assume office 10 days
 151 following the member's election. Within 60 days after election
 152 of new members of said board as herein provided, the newly
 153 elected members shall organize by electing from their number a
 154 chair, vice chair, secretary, and treasurer. However, the same
 155 member may be both secretary and treasurer, in accordance with
 156 chapter 191, Florida Statutes. Nothing shall prevent the
 157 commissioners from electing a chair, vice chair, secretary, and
 158 treasurer annually.

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

161 (3) The commissioners may receive reimbursement for actual
 162 expenses incurred while performing the duties of their offices

163 in accordance with general law governing per diem for public
 164 officials. Each commissioner shall receive from the funds of the
 165 district compensation for his or her services in the amount of
 166 \$200 per month. Members may be reimbursed for travel and per
 167 diem expense as provided in section 112.061, Florida Statutes.
 168 Authorization for any additional compensation shall be pursuant
 169 to chapter 191, Florida Statutes.

170 (4) Each commissioner upon taking office shall take and
 171 subscribe to the oath of office prescribed by s. 5(b), Art. II,
 172 of the State Constitution and general law. Upon taking office
 173 and in accordance with chapters 189 and 191, Florida Statutes,
 174 each commissioner shall execute to the Governor, for the benefit
 175 of the district, a bond of \$5,000 with a qualified personal or
 176 corporate surety, conditioned upon the faithful performance of
 177 the duties of the commissioner's office and upon an accounting
 178 for all funds which come into his or her hands as commissioner.
 179 The premium for such bonds shall be paid from district funds.

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

181 (1) The district shall have and the board may exercise by
 182 majority vote all the powers and comply with the duties set
 183 forth in this act and chapters 189, 191, and 197, Florida
 184 Statutes, including, but not limited to, ad valorem taxation,
 185 bond issuance, and other revenue capabilities; budget
 186 preparation and approval; liens and foreclosure of liens;
 187 contractual agreements; and the adoption of ordinances and
 188 resolutions that are necessary to conduct district business if
 189 such ordinances do not conflict with any ordinance of a local

190 general-purpose government within whose jurisdiction the
 191 district is located.

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

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

201 (4) The district's planning requirements shall be as set
 202 forth in this act and chapters 189 and 191, Florida Statutes.

203 (5) Requirements for financial disclosure, meeting
 204 notices, reporting, public records maintenance, and per diem
 205 expenses for officers and employees shall be as set forth in
 206 this act and chapters 112, 119, 189, 191, and 286, Florida
 207 Statutes.

208 Section 6. Ad valorem taxes.--

209 (1) The board shall have the authority to levy ad valorem
 210 taxes annually against all taxable property within the district
 211 to provide funds for the purposes of the district only upon the
 212 approval by a majority vote of those qualified electors of the
 213 district voting in a referendum election authorizing the use of
 214 ad valorem taxation not to exceed 1 mill.

215 (2) A referendum election of the electors of the district
 216 to authorize the use of ad valorem taxation not to exceed 1 mill
 217 shall be held by the supervisor of elections at the same time as

HB 1291

2005
CS

218 the initial election of district commissioners in accordance
 219 with the provisions of general law relating to elections.

220 (3) Upon the approval of a majority of the electors voting
 221 at the initial election or at an election called by the board,
 222 the rate of taxation shall thereafter be fixed annually by
 223 resolution of the board without further approval by the
 224 electors, provided the rate of taxation shall not exceed 1 mill.
 225 The board shall have the authority to increase the millage rate
 226 above 1 mill only if a majority of the electors voting in a
 227 referendum election approve the increased millage rate in an
 228 amount not to exceed the limit provided in chapter 191, Florida
 229 Statutes.

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

232 Section 7. User charges.--The board shall have the
 233 authority to provide a reasonable schedule of charges for
 234 providing the following services:

235 (1) Special emergency services, including firefighting
 236 occurring in or to structures outside the district, motor
 237 vehicles, marine vessels, or aircraft or as a result of the
 238 operation of such motor vessels or marine vessels to which the
 239 district is called to render such emergency service.

240 (2) Fighting fires occurring in or at refuse dumps or as a
 241 result of an illegal burn, which fire, dump, or burn is not
 242 authorized by general or special law, rule, regulation, order,
 243 or ordinance and which the district is called upon to fight or
 244 extinguish.

HB 1291

2005
CS

245 (3) Responding to or assisting or mitigating emergencies
 246 that either threaten or could threaten the health and safety of
 247 persons, property, or the environment to which the district has
 248 been called, including charge for responding to false alarms.

249 (4) Inspecting structures, plans, and equipment to
 250 determine compliance with fire safety codes.

251 Section 8. Impact fees.--

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

264 (2) The impact fees collected by the district pursuant to
 265 this section shall be kept as a separate fund from other
 266 revenues of the district and shall be used exclusively for the
 267 acquisition, purchase, or construction of new facilities or
 268 portions thereof required to provide fire protection and
 269 emergency services to new construction. "New facilities" means
 270 land, buildings, and capital equipment, including, but not
 271 limited to, fire and emergency vehicles and radio telemetry
 272 equipment. The fees shall not be used for the acquisition,

HB 1291

2005
CS

273 purchase, or construction of facilities which must be obtained
 274 in any event, regardless of growth within the district. The
 275 board of fire commissioners shall maintain adequate records to
 276 ensure that impact fees are expended only for permissible new
 277 facilities.

278 Section 9. Authority to borrow money.--

279 (1) The board of commissioners shall have the power and
 280 authority to borrow money or issue other evidences of
 281 indebtedness for the purpose of the district in accordance with
 282 chapters 189 and 191, Florida Statutes, provided, however, that
 283 the total payments in any one year, including principal and
 284 interest, on any indebtedness incurred by the district shall not
 285 exceed 50 percent of the total annual budgeted revenues of the
 286 district.

287 (2) The board of commissioners as a body, or any of the
 288 members of the board as individuals, shall not be personally or
 289 individually liable for the repayment of such loan. Such
 290 repayment shall be made out of the receipts of the district,
 291 except as provided in this subsection. The commissioners shall
 292 not create any indebtedness or incur obligations for any sum or
 293 amount which they are unable to repay out of district funds
 294 available to them at that time, except as otherwise provided in
 295 this act, provided, however, that the commissioners may make
 296 purchases of equipment on an installment basis as necessary if
 297 funds are available for the payment of the current year's
 298 installment on such equipment plus the amount due in that year
 299 on any other installments and the repayment of any bank loan or
 300 other existing indebtedness which may be due that year.

301 Section 10. Use of district funds.--No funds of the
 302 district shall be used for any purposes other than the
 303 administration of the affairs and business of the district; the
 304 payment of salaries and expenses to commissioners; the
 305 construction, care, maintenance, upkeep, operation, and purchase
 306 of firefighting and rescue equipment or a fire station or
 307 emergency medical station; the payment of public utilities; the
 308 payment of salaries of district personnel; the payment of
 309 expenses of volunteers; the payment to the Key Largo Volunteer
 310 Fire and Rescue Department, Inc., and the Key Largo Volunteer
 311 Ambulance Corps; and such other payment and expenses as the
 312 board may from time to time determine to be necessary for the
 313 operations and effectiveness of the district.

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

316 (1) A record shall be kept of all meetings of the board,
 317 and in such meetings concurrence of a majority of the
 318 commissioners present shall be necessary to any affirmative
 319 action by the board.

320 (2) The board shall have the authority to adopt and amend
 321 policies and regulations for the administration of the affairs
 322 of the district under the terms of this act and chapters 189 and
 323 191, Florida Statutes, which shall include, but not be limited
 324 to, the authority to adopt the necessary rules and regulations
 325 for the administration and supervision of the property and
 326 personnel of the district; for the prevention of fires, fire
 327 control, fire hydrant placement, and flow testing in accordance

HB 1291

2005
CS

328 with current NFPA rules; and for rescue work within the
 329 district.

330 (3) The board of commissioners shall have the authority to
 331 adopt uniform fire prevention ordinances. Such ordinances shall
 332 be signed, dated, and recorded with the Clerk of the Court of
 333 Monroe County and published as provided by state law. Ordinances
 334 shall be effective after publication, which constitutes legal
 335 notice of same.

336 (4) The board shall, on or before November 1, make an
 337 annual report of its actions and accounting of its funds as of
 338 September of that year and shall file said report in the office
 339 of the Clerk of the Circuit Court of Monroe County, whose duty
 340 it shall be to receive and file said report and hold and keep
 341 the same as a public record.

342 (5) For the purposes of carrying into effect this act, the
 343 board shall annually prepare, consider, and adopt a district
 344 budget pursuant to the applicable requirements of chapters 189
 345 and 191, Florida Statutes. The board shall, at the same time as
 346 it makes its annual report, file its estimated budget for the
 347 fiscal year beginning October 1, which budget shall show the
 348 estimated revenue to be received by the district and the
 349 estimated expenditures to be incurred by the district in
 350 carrying out its operations. The commissioners shall adopt a
 351 fiscal year for said fire district, which shall be October 1 to
 352 September 30.

353 Section 12. Authority to enact fire prevention ordinances
 354 and enter land; authority to provide fire, rescue, and emergency
 355 medical services.--

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

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

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

HB 1291

2005
CS

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

385 Section 13. Annexations.--If any municipality or other
386 fire control district annexes any land included in the district,
387 such annexation shall follow the procedures set forth in section
388 171.093, Florida Statutes.

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

391 Section 15. Immunity from tort liability.--

392 (1) The district and its officers, agents, and employees
393 shall have the same immunity from tort liability as other
394 agencies and subdivisions of the state. The provisions of
395 chapter 768, Florida Statutes, shall apply to all claims
396 asserted against the district.

397 (2) The district commissioners and all officers, agents,
398 and employees of the district shall have the same immunity and
399 exemption from personal liability as is provided by chapter 768,
400 Florida Statutes.

401 (3) In accordance with chapter 768, Florida Statutes, the
402 district shall defend all claims against the commissioners,
403 officers, agents, and employees which arise within the scope of
404 employment or purposes of the district and shall pay all
405 judgments against said persons, except where said persons acted
406 in bad faith or with malicious purpose or in a manner exhibiting
407 wanton and willful disregard of human rights, safety, or
408 property.

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

HB 1291

2005
CS

411 District may be extended and enlarged from time to time pursuant
 412 to the following procedure:

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

426 (b) The petition must contain the legal description of the
 427 property sought to be added to the District and the names and
 428 addresses of the owners of the property.

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

438 (3) Upon adoption of the resolution by the board, the
 439 district shall, pursuant to chapter 191, Florida Statutes,
 440 request its legislative delegation to approve said addition and
 441 sponsor legislation amending the district boundary. Upon
 442 approval by the Legislature, the boundary shall be amended.

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

452 Section 17. Construction.--This act shall be construed as
 453 remedial and shall be liberally construed to promote the purpose
 454 for which it is intended.

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

458 Section 19. Exclusive charter.--This act constitutes the
 459 exclusive charter of the Key Largo Fire Rescue and Emergency
 460 Medical Services District.

461 Section 20. On or before October 4, 2005, the Board of
 462 County Commissioners of Monroe County shall call and the
 463 Supervisor of Elections of Monroe County shall conduct a
 464 referendum, to be held in conjunction with a special election,
 465 of the qualified voters of the Key Largo Fire Rescue and

HB 1291

2005
CS

466 | Emergency Medical Services District on the question of whether
467 | the Key Largo Fire Rescue and Emergency Medical Services
468 | District may levy ad valorem taxation up to 1 mill pursuant to
469 | section 6 of this act.

470 | Section 21. This act shall take effect upon becoming a
471 | law, except that the provisions of section 6 which authorize the
472 | levy of ad valorem taxation shall take effect only upon express
473 | approval by a majority vote of those qualified electors of the
474 | Key Largo Fire Rescue and Emergency Medical Services District,
475 | as required by Section 9 of Article VII of the State
476 | Constitution, voting in the referendum held pursuant to section
477 | 20. Such election shall be held in accordance with the
478 | provisions of general law relating to elections.