

1 A bill to be entitled

2 An act relating to the Key Largo Fire Rescue and Emergency  
3 Medical Services District, Monroe County; creating a  
4 special district; providing definitions; providing for  
5 creation, status, charter amendments, boundaries, and  
6 purposes; providing for a board of commissioners;  
7 providing for election and terms of commissioners;  
8 providing for employment of district personnel; providing  
9 for election of board officers; providing for  
10 compensation, oath, and bonds of commissioners; providing  
11 for powers, duties, and responsibilities of the board;  
12 providing for ad valorem taxes; providing a cap on the  
13 rate of taxation; providing for user charges; providing  
14 for impact fees; providing for authority to disburse  
15 funds; authorizing the board to borrow money; providing  
16 for use of district funds; requiring a record of all board  
17 meetings; authorizing the board to adopt policies and  
18 regulations; providing for the board to make an annual  
19 budget; requiring an annual report; authorizing the board  
20 to enact fire prevention ordinances; authorizing the  
21 district to appoint a fire marshal; authorizing the  
22 district to conduct inspections, establish and operate  
23 fire, rescue, and emergency medical services; providing  
24 for district authority upon annexation of district lands;  
25 providing for dissolution; providing immunity from tort  
26 liability for officers, agents, and employees; providing  
27 for district expansion; providing for construction and

28 effect; providing for an exclusive charter; requiring a  
 29 referendum; providing an effective date.

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

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

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

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

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

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

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

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

54 All of Cross Key and that part of Key Largo from South  
 55 Bay Harbor Drive and Lobster Lane to the southern

56 boundary of the right-of-way County Roads 905 and  
57 905A.

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

82 (4) Nothing herein shall prevent the district from  
83 cooperating with the state or other local governments to render

84 such services to communities adjacent to the land described in  
85 this section as evidenced by an executed agreement between the  
86 cooperating agencies as approved by the board.

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

89 Section 3. Board of commissioners.--

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

103 (2) Notwithstanding section 191.005, Florida Statutes, the  
104 five members of the initial board shall be elected by the  
105 qualified electors residing within the district at a special  
106 election conducted by the Supervisor of Elections of Monroe  
107 County to be held on or before October 4, 2005. At the initial  
108 election of the governing board, the candidate receiving the  
109 highest number of votes shall hold seat 1, the candidate  
110 receiving the second highest number of votes shall hold seat 3,  
111 the candidate receiving the third highest number of votes shall

112 hold seat 5, the candidate receiving the fourth highest number  
113 of votes shall hold seat 2, and the candidate receiving the  
114 fifth highest number of votes shall hold seat 4. The three  
115 elected members for seats 1, 3, and 5 in the initial election  
116 under this act shall serve terms of 3 years each. The remaining  
117 two elected members for seats 2 and 4 in the initial election  
118 shall serve terms of 1 year each.

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

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

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

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

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

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

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

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

157       (3) The commissioners may receive reimbursement for actual  
158 expenses incurred while performing the duties of their offices  
159 in accordance with general law governing per diem for public  
160 officials. Each commissioner shall receive from the funds of the  
161 district compensation for his or her services in the amount of  
162 \$200 per month. Members may be reimbursed for travel and per  
163 diem expense as provided in section 112.061, Florida Statutes.  
164 Authorization for any additional compensation shall be pursuant  
165 to chapter 191, Florida Statutes.

166       (4) Each commissioner upon taking office shall take and  
167 subscribe to the oath of office prescribed by s. 5(b), Art. II,

168 of the State Constitution and general law. Upon taking office  
169 and in accordance with chapters 189 and 191, Florida Statutes,  
170 each commissioner shall execute to the Governor, for the benefit  
171 of the district, a bond of \$5,000 with a qualified personal or  
172 corporate surety, conditioned upon the faithful performance of  
173 the duties of the commissioner's office and upon an accounting  
174 for all funds which come into his or her hands as commissioner.  
175 The premium for such bonds shall be paid from district funds.

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

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

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

193 (3) The methods for assessing and collecting ad valorem  
194 taxes, impact fees, or user charges shall be as set forth in

195 this act and chapter 170, chapter 189, chapter 191, chapter 197,  
 196 or chapter 200, Florida Statutes.

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

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

204 Section 6. Ad valorem taxes.--

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

211 (2) A referendum election of the electors of the district  
 212 to authorize the use of ad valorem taxation not to exceed 1 mill  
 213 shall be held by the supervisor of elections at the same time as  
 214 the initial election of district commissioners in accordance  
 215 with the provisions of general law relating to elections.

216 (3) Upon the approval of a majority of the electors voting  
 217 at the initial election or at an election called by the board,  
 218 the rate of taxation shall thereafter be fixed annually by  
 219 resolution of the board without further approval by the  
 220 electors, provided the rate of taxation shall not exceed 1 mill.  
 221 The board shall have the authority to increase the millage rate  
 222 above 1 mill only if a majority of the electors voting in a



223 referendum election approve the increased millage rate in an  
 224 amount not to exceed the limit provided in chapter 191, Florida  
 225 Statutes.

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

228 Section 7. User charges.--The board shall have the  
 229 authority to provide a reasonable schedule of charges for  
 230 providing the following services:

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

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

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

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

247 Section 8. Impact fees.--

248 (1) Pursuant to section 191.009(4), Florida Statutes, it  
 249 is hereby declared that the cost of new facilities should be  
 250 borne by new users of the district's services to the extent new

251 construction requires new facilities, but only to that extent.  
252 It is the legislative intent of this section to transfer to the  
253 new users of the district's fire protection and emergency  
254 services a fair share of the costs that new users impose on the  
255 district for new facilities. This shall only apply in the event  
256 that the general-purpose local government in which the district  
257 is located has not adopted an impact fee for fire services which  
258 is distributed to the district for construction within its  
259 jurisdictional boundaries.

260 (2) The impact fees collected by the district pursuant to  
261 this section shall be kept as a separate fund from other  
262 revenues of the district and shall be used exclusively for the  
263 acquisition, purchase, or construction of new facilities or  
264 portions thereof required to provide fire protection and  
265 emergency services to new construction. "New facilities" means  
266 land, buildings, and capital equipment, including, but not  
267 limited to, fire and emergency vehicles and radio telemetry  
268 equipment. The fees shall not be used for the acquisition,  
269 purchase, or construction of facilities which must be obtained  
270 in any event, regardless of growth within the district. The  
271 board of fire commissioners shall maintain adequate records to  
272 ensure that impact fees are expended only for permissible new  
273 facilities.

274 Section 9. Authority to borrow money.--

275 (1) The board of commissioners shall have the power and  
276 authority to borrow money or issue other evidences of  
277 indebtedness for the purpose of the district in accordance with  
278 chapters 189 and 191, Florida Statutes, provided, however, that

279 the total payments in any one year, including principal and  
 280 interest, on any indebtedness incurred by the district shall not  
 281 exceed 50 percent of the total annual budgeted revenues of the  
 282 district.

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

297 Section 10. Use of district funds.--No funds of the  
 298 district shall be used for any purposes other than the  
 299 administration of the affairs and business of the district; the  
 300 payment of salaries and expenses to commissioners; the  
 301 construction, care, maintenance, upkeep, operation, and purchase  
 302 of firefighting and rescue equipment or a fire station or  
 303 emergency medical station; the payment of public utilities; the  
 304 payment of salaries of district personnel; the payment of  
 305 expenses of volunteers; the payment to the Key Largo Volunteer  
 306 Fire and Rescue Department, Inc., and the Key Largo Volunteer

307 Ambulance Corps; and such other payment and expenses as the  
 308 board may from time to time determine to be necessary for the  
 309 operations and effectiveness of the district.

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

312 (1) A record shall be kept of all meetings of the board,  
 313 and in such meetings concurrence of a majority of the  
 314 commissioners present shall be necessary to any affirmative  
 315 action by the board.

316 (2) The board shall have the authority to adopt and amend  
 317 policies and regulations for the administration of the affairs  
 318 of the district under the terms of this act and chapters 189 and  
 319 191, Florida Statutes, which shall include, but not be limited  
 320 to, the authority to adopt the necessary rules and regulations  
 321 for the administration and supervision of the property and  
 322 personnel of the district; for the prevention of fires, fire  
 323 control, fire hydrant placement, and flow testing in accordance  
 324 with current NFPA rules; and for rescue work within the  
 325 district.

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

332 (4) The board shall, on or before November 1, make an  
 333 annual report of its actions and accounting of its funds as of  
 334 September of that year and shall file said report in the office

335 of the Clerk of the Circuit Court of Monroe County, whose duty  
336 it shall be to receive and file said report and hold and keep  
337 the same as a public record.

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

349 Section 12. Authority to enact fire prevention ordinances  
350 and enter land; authority to provide fire, rescue, and emergency  
351 medical services.--

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

363 appoint a fire marshal, who may be a member of the Key Largo  
364 Fire Rescue Department, to carry out the responsibilities of the  
365 district fire marshal.

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

377 (3) The district is authorized to establish and maintain  
378 emergency medical and rescue response services and acquire and  
379 maintain rescue, medical, and other emergency equipment, subject  
380 to the provisions of chapter 401, Florida Statutes.

381 Section 13. Annexations.--If any municipality or other  
382 fire control district annexes any land included in the district,  
383 such annexation shall follow the procedures set forth in section  
384 171.093, Florida Statutes.

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

387 Section 15. Immunity from tort liability.--

388 (1) The district and its officers, agents, and employees  
389 shall have the same immunity from tort liability as other  
390 agencies and subdivisions of the state. The provisions of

391 chapter 768, Florida Statutes, shall apply to all claims  
 392 asserted against the district.

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

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

405 Section 16. District expansion.--The corporate limits of  
 406 the Key Largo Fire Rescue and Emergency Medical Services  
 407 District may be extended and enlarged from time to time pursuant  
 408 to the following procedure:

409 (1) (a) A definitely described tract of land lying  
 410 contiguous to the boundaries of the district described in  
 411 section 1, or as the same may from time to time exist, or one or  
 412 more tracts of land lying contiguous to the boundaries, or one  
 413 or more tracts of land lying contiguous to each other with one  
 414 of the tracts lying contiguous to the boundaries of the  
 415 district, may be included in the district when a written  
 416 petition for inclusion signed by a majority of the owners of the  
 417 real property within the tract or tracts to be included in the  
 418 district has been presented to the board of commissioners and

419 the proposal has been approved by the affirmative vote of no  
 420 fewer than three members of the board of commissioners at a  
 421 regular meeting.

422 (b) The petition must contain the legal description of the  
 423 property sought to be added to the District and the names and  
 424 addresses of the owners of the property.

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

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

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



446 boundary. Upon approval by the Legislature, the boundary shall  
447 be amended.

448 Section 17. Construction.--This act shall be construed as  
449 remedial and shall be liberally construed to promote the purpose  
450 for which it is intended.

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

454 Section 19. Exclusive charter.--This act constitutes the  
455 exclusive charter of the Key Largo Fire Rescue and Emergency  
456 Medical Services District.

457 Section 20. On or before October 4, 2005, the Board of  
458 County Commissioners of Monroe County shall call and the  
459 Supervisor of Elections of Monroe County shall conduct a  
460 referendum, to be held in conjunction with a special election,  
461 of the qualified voters of the Key Largo Fire Rescue and  
462 Emergency Medical Services District on the question of whether  
463 the Key Largo Fire Rescue and Emergency Medical Services  
464 District may levy ad valorem taxation up to 1 mill pursuant to  
465 section 6 of this act.

466 Section 21. This act shall take effect upon becoming a  
467 law, except that the provisions of section 6 which authorize the  
468 levy of ad valorem taxation shall take effect only upon express  
469 approval by a majority vote of those qualified electors of the  
470 Key Largo Fire Rescue and Emergency Medical Services District,  
471 as required by Section 9 of Article VII of the State  
472 Constitution, voting in the referendum held pursuant to section

473 | 20. Such election shall be held in accordance with the  
474 | provisions of general law relating to elections.