

By Senator Bullard

39-1622-05

See HB

1 A bill to be entitled

2 An act relating to the Key Largo Fire Rescue

3 and Emergency Medical Services District, Monroe

4 County; creating a special district; providing

5 definitions; providing for creation, status,

6 charter amendments, boundaries, and purposes;

7 providing for a board of commissioners;

8 providing for election and terms of

9 commissioners; providing for employment of

10 district personnel; providing for election of

11 board officers; providing for compensation and

12 bonds of commissioners; providing for powers,

13 duties, and responsibilities of the board;

14 providing for ad valorem taxes; providing a cap

15 on the rate of taxation; providing for impact

16 fees; providing for authority to disburse

17 funds; authorizing the board to borrow money;

18 providing for use of district funds; requiring

19 a record of all board meetings; authorizing the

20 board to adopt policies and regulations;

21 providing for the board to make an annual

22 budget; requiring an annual report; authorizing

23 the board to enact fire prevention ordinances;

24 authorizing the district to acquire land, enter

25 into contracts, establish salaries, and

26 establish and operate fire, rescue, and

27 emergency medical services; providing for

28 district authority upon annexation of district

29 lands; providing for dissolution; providing

30 immunity from tort liability for officers,

31 agents, and employees; providing for district

1 expansion; providing for construction and
2 effect; requiring a referendum; providing an
3 effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Definitions.--As used in this act, the
8 term:

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

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

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

15 Section 2. Creation; status; charter amendments;
16 boundaries; district; purposes.--

17 (1) There is created an independent special fire
18 control district incorporating lands in Monroe County
19 described in subsection (2), which shall be a public
20 corporation having the powers, duties, obligations, and
21 immunities set forth in this act under the name of the Key
22 Largo Fire Rescue and Emergency Medical Services District. The
23 district is organized and exists for all purposes and shall
24 hold all powers set forth in this act and chapters 189 and
25 191, Florida Statutes.

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

29
30 All of Cross Key and that part of Key Largo
31 from South Bay Harbor Drive and Lobster Lane to

1 the southern boundary of the right-of-way of
2 County Roads 905 and 905A.

3 (3) The Key Largo Fire Rescue and Emergency Medical
4 Services District is organized and exists for all purposes set
5 forth in this act and chapter 191, Florida Statutes,
6 including, but not limited to, providing fire protection and
7 firefighting services, rescue services, and emergency medical
8 services. Such emergency medical services shall not be the
9 primary function of the district. The district shall have all
10 other powers necessary to carry out these purposes, including
11 the authority to contract with the Key Largo Volunteer Fire
12 and Rescue Department, Inc., and the Key Largo Volunteer
13 Ambulance Corps, Florida not-for-profit corporations, which
14 corporations currently provide fire, rescue, and emergency
15 medical services within the district boundaries; to purchase
16 all necessary real and personal property; to purchase and
17 carry standard insurance policies on all such equipment; to
18 employ such personnel as are necessary to carry out the
19 purpose of the fire district; to provide adequate insurance
20 for its employees; to purchase and carry appropriate insurance
21 for the protection of all firefighters and personnel as well
22 as all equipment and personal property on loan to the
23 district; to sell surplus real and personal property in the
24 same manner and subject to the same restrictions as provided
25 for such sales by counties; and to enter into contracts with
26 qualified service providers to carry out the purposes of the
27 district.

28 (4) Nothing in this act shall prevent the district
29 from cooperating with the state or other local governments to
30 render such services to communities adjacent to the land
31 described in this section as evidenced by an executed

1 agreement between the cooperating agencies as approved by the
2 board.

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

5 Section 3. Board of commissioners.--

6 (1) Pursuant to chapter 191, Florida Statutes, the
7 business and affairs of the district shall be governed and
8 administered by a board of five commissioners, who must be
9 qualified electors residing within the district and shall be
10 elected by the qualified electors residing within the
11 district, subject to the provisions of chapters 189 and 191,
12 Florida Statutes, and this act. Each commissioner shall hold
13 office until his or her successor is elected and qualified
14 under the provisions of this act. The procedures for
15 conducting district elections and for qualification of
16 candidates and electors shall be pursuant to chapters 189 and
17 191, Florida Statutes. The members of the board shall serve on
18 a nonpartisan basis for a term of 4 years each and shall be
19 eligible for reelection.

20 (2) Notwithstanding section 191.005, Florida Statutes,
21 the five members of the initial board shall be elected by the
22 qualified electors residing within the district at a special
23 election called by the Supervisor of Election of Monroe County
24 to be held on or before November 2005. The three elected
25 members for seats 1, 3, and 5 in the initial election under
26 this act shall be elected to serve terms of 3 years each. The
27 remaining two elected members for seats 2 and 4 in the initial
28 election under this act shall be elected to serve terms of 1
29 year each.

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

1 (4) Vacancies in office shall be filled, at an
2 election to be held to coincide with the next countywide
3 general election, for the remaining term of the seat vacated.
4 The board may appoint a qualified elector of the district to
5 act as commissioner until the vacancy is filled by election. A
6 commissioner may be removed from office as provided by chapter
7 191, Florida Statutes, for any reason that a state or county
8 officer may be removed.

9 (5) All elections shall be noticed, called, and held
10 pursuant to the provisions of the general laws of the state.
11 The board shall, to the extent possible, coordinate all
12 elections with countywide general or special elections in
13 order to minimize cost. Elections shall be called through the
14 adoption of an appropriate resolution of the district directed
15 to the Board of County Commissioners of Monroe County, the
16 Supervisor of Elections of Monroe County, and other
17 appropriate officers of the county. The district shall
18 reimburse county government for the actual cost of district
19 elections. A commissioner may not be a paid employee of the
20 district while holding that office.

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

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

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

27 (1) In accordance with chapter 191, Florida Statutes,
28 each elected member of the board shall assume office 10 days
29 following the member's election. Within 60 days after election
30 of new members of the board, the newly elected members shall
31 organize by electing from their number a chair, vice chair,

1 secretary, and treasurer. However, the same member may be both
2 secretary and treasurer, in accordance with chapter 191,
3 Florida Statutes. Nothing shall prevent the commissioners from
4 electing a chair, vice chair, secretary, and treasurer
5 annually.

6 (2) Three members of the board shall constitute a
7 quorum. A quorum shall be necessary for the transaction of
8 business.

9 (3) The commissioners may receive reimbursement for
10 actual expenses incurred while performing the duties of their
11 offices in accordance with general law governing per diem for
12 public officials. Each commissioner shall receive from the
13 funds of the district compensation for his or her services in
14 the amount of \$200 per month. Members may be reimbursed for
15 travel and per diem expense as provided in section 112.061,
16 Florida Statutes. Authorization for any additional
17 compensation shall be pursuant to chapter 191, Florida
18 Statutes.

19 (4) Each commissioner upon taking office shall take
20 and subscribe to the oath of office prescribed by Section
21 5(b), Article II, of the State Constitution and general law.
22 Upon taking office and in accordance with chapters 189 and
23 191, Florida Statutes, each commissioner shall execute to the
24 Governor, for the benefit of the district, a bond of \$5,000
25 with a qualified personal or corporate surety, conditioned
26 upon the faithful performance of the duties of the
27 commissioner's office and upon an accounting for all funds
28 that come into his or her hands as commissioner. The premium
29 for such bonds shall be paid from district funds.

30 Section 5. Powers; duties; responsibilities.--
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1 (1) The district shall have and the board may exercise
2 by majority vote all the powers and comply with the duties set
3 forth in this act and chapters 189, 191, and 197, Florida
4 Statutes, including, but not limited to, those relating to ad
5 valorem taxation, bond issuance, and other revenue
6 capabilities; budget preparation and approval; liens and
7 foreclosure of liens; contractual agreements; and the adoption
8 of ordinances and resolutions that are necessary to conduct
9 district business and do not conflict with any ordinance of a
10 local general-purpose government within whose jurisdiction the
11 district is located.

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

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

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

24 (5) Requirements for financial disclosure, meeting
25 notices, reporting, public-records maintenance, and per diem
26 expenses for officers and employees shall be as set forth in
27 this act and chapters 112, 119, 189, 191, and 286, Florida
28 Statutes.

29 Section 6. Ad valorem taxes.--

30 (1) The board shall have the authority to levy ad
31 valorem taxes annually against all taxable property within the

1 district to provide funds for the purposes of the district
2 only upon the approval by a majority vote of those qualified
3 electors of the district voting in a referendum election
4 authorizing the use of ad valorem taxation not to exceed 1.2
5 mills.

6 (2) A referendum election of the electors of the
7 district to authorize the use of ad valorem taxation not to
8 exceed 1.2 mills shall be held by the supervisor of elections
9 at the same time as the initial election of district
10 commissioners in accordance with the provisions of general law
11 relating to elections.

12 (3) Upon the approval of a majority of the electors
13 voting at the initial election or at an election called by the
14 board, the rate of taxation shall thereafter be fixed annually
15 by resolution of the board without further approval by the
16 electors, provided the rate of taxation does not exceed 1.2
17 mills. The board shall have the authority to increase the
18 millage rate above 1.2 mills only if a majority of the
19 electors of the district voting in a referendum election
20 approve the increased millage rate in an amount not to exceed
21 the limit provided in chapter 191, Florida Statutes.

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

24 Section 7. User charges.--

25 (1) The board shall have the authority to provide a
26 reasonable schedule of charges for providing the following
27 services:

28 (a) Special emergency services, including firefighting
29 occurring in or to structures outside the district, motor
30 vehicles, marine vessels, or aircraft or as a result of the
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1 operation of such motor vessels or marine vessels to which the
2 district is called to render such emergency service.

3 (b) Fighting fires occurring in or at refuse dumps or
4 as a result of an illegal burn, which fire, dump, or burn is
5 not authorized under general or special law, rule, regulation,
6 order, or ordinance and which the district is called upon to
7 fight or extinguish.

8 (c) Responding to or assisting or mitigating
9 emergences that either threaten or could threaten the health
10 and safety of persons, property, or the environment to which
11 the district has been called, including charge for responding
12 to false alarms.

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

15 Section 8. Impact fees.--

16 (1) Pursuant to section 191.009(4), Florida Statutes,
17 it is hereby declared that the cost of new facilities upon
18 fire protection and emergency services should be borne by new
19 users of the district's services to the extent new
20 construction requires new facilities, but only to that extent.
21 It is the legislative intent of this section to transfer to
22 the new users of the district's fire protection and emergency
23 services a fair share of the costs that new users impose on
24 the district for new facilities. This shall apply only if the
25 general-purpose local government in which the district is
26 located has not adopted an impact fee for fire services which
27 is distributed to the district for construction within its
28 jurisdictional boundaries.

29 (2) The impact fees collected by the district pursuant
30 to this section shall be kept as a separate fund from other
31 revenues of the district and shall be used exclusively for the

1 acquisition, purchase, or construction of new facilities or
2 portions thereof required to provide fire protection and
3 emergency services to new construction. "New facilities" means
4 land, buildings, and capital equipment, including, but not
5 limited to, fire and emergency vehicles and radio telemetry
6 equipment. The fees shall not be used for the acquisition,
7 purchase, or construction of facilities that must be obtained
8 in any event, regardless of growth within the district. The
9 board of fire commissioners shall maintain adequate records to
10 ensure that impact fees are expended only for permissible new
11 facilities.

12 Section 9. Authority to borrow money.--

13 (1) The board of commissioners shall have the power
14 and authority to borrow money or issue other evidences of
15 indebtedness for the purpose of the district in accordance
16 with chapters 189 and 191, Florida Statutes, as amended from
17 time to time, provided, however, that the total payments in
18 any one year, including principal and interest, on any
19 indebtedness incurred by the district may not exceed 50
20 percent of the total annual budgeted revenues of the district.

21 (2) The board of commissioners as a body, or any of
22 the members of the board as individuals, shall not be
23 personally or individually liable for the repayment of such
24 loan. Such repayment shall be made out of the receipts of the
25 district, except as provided in this subsection. The
26 commissioners shall not create any indebtedness or incur
27 obligations for any sum or amount which they are unable to
28 repay out of district funds available to them at that time,
29 except as otherwise provided in this act; however, the
30 commissioners may make purchases of equipment on an
31 installment basis as necessary if funds are available for the

1 payment of the current year's installment on such equipment
2 plus the amount due in that year on any other installments and
3 the repayment of any bank loan or other existing indebtedness
4 that may be due that year.

5 Section 10. Use of district funds.--

6 (1) No funds of the district shall be used for any
7 purposes other than the administration of the affairs and
8 business of the district; the payment of salaries and expenses
9 to commissioners; the construction, care, maintenance, upkeep,
10 operation, and purchase of firefighting and rescue equipment
11 or a fire station or emergency medical station; the payment of
12 public utilities; the payment of salaries of district
13 personnel; the payment of expenses of volunteers; the payment
14 to the Key Largo Volunteer Fire and Rescue Department, Inc.,
15 and the Key Largo Volunteer Ambulance Corps; and such other
16 payment and expenses as the board may from time to time
17 determine to be necessary for the operations and effectiveness
18 of the district.

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

21 (1) A record shall be kept of all meetings of the
22 board, and in such meetings concurrence of a majority of the
23 commissioners present shall be necessary to any affirmative
24 action by the board.

25 (2) The board shall have the authority to adopt and
26 amend policies and regulations for the administration of the
27 affairs of the district under the terms of this act and
28 chapters 189 and 191, Florida Statutes, which shall include,
29 but is not limited to, the authority to adopt the necessary
30 rules and regulations for the administration and supervision
31 of the property and personnel of the district; for the

1 prevention of fires, fire control, fire hydrant placement, and
2 flow testing in accordance with current NFPA rules; and for
3 rescue work within the district.

4 (2) The board of commissioners shall have the
5 authority to adopt uniform fire prevention ordinances. Such
6 ordinances shall be signed, dated, and recorded with the Clerk
7 of the Court of Monroe County and published as provided by
8 state law. Ordinances shall be effective after publication,
9 which constitutes legal notice of same.

10 (3) The board shall, on or before November 1, make an
11 annual report of its actions and accounting of its funds as of
12 September of that year and shall file the report in the office
13 of the Clerk of the Circuit Court of Monroe County, whose duty
14 it shall be to receive and file the report and hold and keep
15 the same as a public record.

16 (4) For the purposes of administering this act, the
17 board shall annually prepare, consider, and adopt a district
18 budget pursuant to the applicable requirements of chapters 189
19 and 191, Florida Statutes. The board shall, at the same time
20 as it makes its annual report, file its estimated budget for
21 the fiscal year beginning October 1, which budget shall show
22 the estimated revenue to be received by the district and the
23 estimated expenditures to be incurred by the district in
24 carrying out its operations. The fiscal year for the fire
25 district shall be October 1 to September 30.

26 Section 12. Authority to enact fire prevention
27 ordinances, enter land, acquire land, enter contracts, and
28 establish salaries; general and special powers; authority to
29 provide fire, rescue, and emergency medical services.--

30 (1) The board of commissioners shall have the right
31 and power to enact fire prevention ordinances as provided by

1 general law. When the provisions of such fire prevention
2 ordinances are determined by the board to be violated, the
3 office of the state attorney, upon written notice of such
4 violation issued by the board, is authorized to prosecute such
5 person or persons held to be in violation thereof. Any person
6 found guilty of a violation may be punished as provided in
7 chapter 775, Florida Statutes, as a misdemeanor of the second
8 degree. The cost of such prosecution shall be paid out of the
9 district funds, unless otherwise provided by law. The district
10 shall have the authority to appoint a fire marshal, who may be
11 a member of the Key Largo Fire Rescue Department, to carry out
12 the responsibilities of the district fire marshal.

13 (2) The fire marshal or duly authorized inspector
14 shall be authorized to enter, at all reasonable hours, any
15 building or premises for the purpose of making any inspection
16 or investigation that the State Fire Marshal is authorized to
17 make pursuant to state law and regulation. The owner, lessee,
18 manager, or operator of any building or premises shall permit
19 the district fire marshal or duly authorized inspector to
20 enter and inspect the building or premises at all reasonable
21 hours. The fire marshal or duly authorized inspector shall
22 report any violations of state fire safety laws or regulations
23 to the appropriate officials.

24 (3) The district is authorized to establish and
25 maintain emergency medical and rescue response services and
26 acquire and maintain rescue, medical, and other emergency
27 equipment, subject to the provisions of chapter 401, Florida
28 Statutes.

29 Section 13. Annexations.--If any municipality or other
30 fire control district annexes any land included in the
31 district, such annexation shall follow the procedures set

1 forth in section 171.093, Florida Statutes, as amended from
2 time to time.

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

5 Section 15. Immunity from tort liability.--

6 (1) The district and its officers, agents, and
7 employees shall have the same immunity from tort liability as
8 other agencies and subdivisions of the state. The provisions
9 of chapter 768, Florida Statutes, shall apply to all claims
10 asserted against the district.

11 (2) The district commissioners and all officers,
12 agents, and employees of the district shall have the same
13 immunity and exemption from personal liability as is provided
14 by chapter 768, Florida Statutes.

15 (3) In accordance with chapter 768, Florida Statutes,
16 the district shall defend all claims against the
17 commissioners, officers, agents, and employees which arise
18 within the scope of employment or purposes of the district and
19 shall pay all judgments against those persons, except where
20 they acted in bad faith or with malicious purpose or in a
21 manner exhibiting wanton and willful disregard of human
22 rights, safety, or property.

23 Section 16. District expansion.--The corporate limits
24 of the Key Largo Fire Rescue and Emergency Medical Services
25 District may be extended and enlarged from time to time
26 pursuant to the following procedure:

27 (1)(a) A definitely described tract of land lying
28 contiguous to the boundaries of the district described in
29 section 1, or as the same may from time to time exist, or one
30 or more tracts of land lying contiguous to the boundaries, or
31 one or more tracts of land lying contiguous to each other with

1 one of the tracts lying contiguous to the boundaries of the
2 district, may be included in the district when a written
3 petition for inclusion signed by a majority of the owners of
4 the real property within the tract or tracts to be included in
5 the district has been presented to the board of commissioners
6 and the proposal has been approved by the affirmative vote of
7 no fewer than three members of the board of commissioners at a
8 regular meeting.

9 (b) The petition must contain the legal description of
10 the property sought to be added to the district and the names
11 and addresses of the owners of the property.

12 (2) If a proposal to add an area to the district as
13 defined in subsection (1) is approved by the affirmative vote
14 of no fewer than three members of the board of commissioners
15 at a regular meeting, the board of commissioners shall
16 thereafter adopt a resolution describing the lands to be
17 included within the district and shall cause such resolution
18 to be duly enrolled in the record of the meeting and a
19 certified copy of the resolution to be recorded in the office
20 of the Clerk of the Circuit Court in Monroe County.

21 (3) Upon adoption of the resolution by the board, the
22 district shall, pursuant to chapter 191, Florida Statutes,
23 request its legislative delegation to approve the addition and
24 sponsor legislation amending the district boundary. Upon
25 approval by the Legislature, the boundary shall be amended.

26 (4) In lieu of a petition from the property owners,
27 the Board of County Commissioners of Monroe County by
28 affirmative resolution and the Board of Commissioners of the
29 Key Largo Fire Rescue and Emergency Medical Services District
30 by affirmative resolution may jointly request its legislative
31 delegation to approve the addition of land lying contiguous to

1 the boundaries of the district and sponsor legislation
2 amending the district boundary. Upon approval by the
3 Legislature, the boundary shall be amended.

4 Section 17. Construction.--This act shall be construed
5 as remedial and shall be liberally construed to promote the
6 purpose for which it is intended.

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

10 Section 19. This act shall take effect only upon its
11 approval by a majority vote of those qualified electors of
12 Monroe County voting in a referendum election to be called by
13 the Board of County Commissioners of Monroe County and held on
14 or before October 4, 2005, in accordance with the provisions
15 of law relating to elections currently in force, except that
16 this section shall take effect upon becoming a law.

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