

1 A bill to be entitled
 2 An act relating to Broward County; providing legislative
 3 findings; providing for creation of the Broward Urban
 4 Independent Fire District; providing for boundaries and
 5 jurisdiction; providing for composition and rules and
 6 regulations of the board; providing for powers and duties
 7 of the district; providing for financial powers and
 8 procedures of the district; providing for the power to
 9 impose impact fees, special assessments, user fees, and ad
 10 valorem taxes; providing for a referendum; providing a
 11 ballot statement; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Legislative findings.--Broward County is the
 16 second most populous county in the state with 31 municipalities
 17 within the county and little unincorporated area within the
 18 developed portion of the county. Eighteen governmental entities
 19 provide fire and emergency medical services and 14 governmental
 20 entities provide emergency communications within Broward County.
 21 Many fire and emergency medical services providers within
 22 Broward County do not have common radio equipment or channels,
 23 and fire and emergency medical services response within Broward
 24 County is often not by the closest available unit because of the
 25 territory of separate providers. The Legislature has attempted
 26 and continues to attempt to foster services on the local level
 27 by the best and most cost-effective means; thus, the Legislature
 28 intends to create an urban fire district that will be a vehicle

HB 1257

2008

29 for the provision of urban fire and emergency medical services
30 to ensure that the highest level of services to Broward County
31 is provided, upon voluntary request by present providers of fire
32 and emergency medical services throughout Broward County.
33 Therefore, the Legislature intends to provide an independent
34 entity for coordinated fire and emergency medical services
35 throughout Broward County that has uniform countywide standards,
36 and the Legislature intends the district to be independent of
37 Broward County or any one municipality such that any local
38 government may have fire and emergency medical services provided
39 to it by voluntary approval of the local government.

40 Section 2. Creation.--There is hereby created within the
41 confines of Broward County the "Broward Independent Urban Fire
42 District," an independent special district hereinafter referred
43 to as the "district."

44 Section 3. Boundaries.--All lands within Broward County
45 shall be within the district.

46 Section 4. Jurisdiction.--The jurisdiction of the district
47 to provide fire and emergency medical services shall be those
48 lands within the district where there has been a resolution of a
49 governing body of a municipality where lands are situated
50 approving of services by the district for such lands. A
51 resolution shall be approved by Broward County for any
52 unincorporated lands. The assent of the fire and emergency
53 medical services must also be obtained when fire or emergency
54 medical services are provided to lands by a provider other than
55 the government providing municipal services. A municipality or
56 Broward County may not withdraw from the jurisdiction of the

HB 1257

2008

57 district within 3 years after joining the district. After 3
58 years, a municipality or Broward County may withdraw from the
59 district by passing a resolution and giving notice to the
60 district by June 1st of the preceding calendar year in order to
61 withdraw by September of the next calendar year.

62 Section 5. Governing body.--

63 (1) The governing body of the Broward Independent Urban
64 Fire District shall be the Broward Fire Board.

65 (2) All members of the Broward Fire Board shall be chosen
66 from elected officials of the general-purpose government in
67 which lands are served by the district and which provide for
68 municipal services. Broward County shall be deemed the provider
69 of municipal services for any unincorporated lands.

70 (3) The Broward Fire Board shall be composed as follows:

71 (a) If lands within only one local government are served
72 by the district, the Broward Fire Board shall be composed of
73 three members appointed by the local government from among the
74 members of its governing body.

75 (b) If lands within two local governments are served by
76 the district, each local government shall appoint one member
77 from its governing body. The third member shall be the Chair of
78 the Broward County Fire-Rescue Council, who may only vote in the
79 event of a tie vote.

80 (c) If lands within three local governments are served by
81 the district, each local government shall appoint one member
82 from its governing body.

83 (d) If lands within four or more local governments are
84 served by the district, each local government shall appoint one

85 member to the Broward Fire Board from its governing body. If the
86 resulting number of board members is an even number, the Chair
87 of the Broward County Fire-Rescue Council may only vote in the
88 event of a tie vote.

89 (e) In those instances when the Broward Fire Board is
90 composed of an odd number of local government elected officials,
91 the Chair of the Broward County Fire-Rescue Council shall be a
92 member of the Broward Fire Board and be entitled to participate
93 in all discussion and deliberations, but shall not vote.

94 (f) If lands served by the district are situated in more
95 than nine local governments, the Broward Fire Board may create
96 an executive committee of not fewer than five or more than nine
97 members. The Executive Committee of the Broward Fire Board is
98 authorized to make such decisions and perform all functions of
99 the full Broward Fire Board, except that only a majority of a
100 quorum of the full fire board may approve user charges, impact
101 fees, or special assessments or levy any tax.

102 (g) A quorum of the Broward Fire Board shall be a majority
103 of its members, except that should the membership of the Broward
104 Fire Board reach twelve members, a quorum may be set by
105 resolution of the Broward Fire Board but in no instance may the
106 quorum be fewer than seven.

107 (h) The Broward Fire Board shall elect one of its members
108 as chair and one as vice chair to serve for 1 year each in those
109 capacities or until their successors are elected.

110 (i) Members of the Broward Fire Board shall be appointed
111 for 2-year terms and shall not be subject to term limits.

112 (j) The Broward Fire Board shall appoint such officers
 113 from among its members as it deems necessary.

114 (k) The Broward Fire Board shall operate the district in
 115 accordance with this act and chapters 189 and 191, Florida
 116 Statutes, and with any other applicable general or special law,
 117 except as provided herein.

118 (l) The Broward Fire Board shall have the power to create
 119 subdistricts composed of not less than all of the lands within
 120 one local government that are served by the district. For
 121 purposes of Article VII, Section 2 of the State Constitution,
 122 each subdistrict shall be a separate taxing unit.

123 (m) Members of the Broward Fire Board shall receive no
 124 compensation but shall be reimbursed for travel and per diem
 125 expenses as provided in section 112.061, Florida Statutes.

126 Section 6. Powers of the district.--

127 (1) The district through the Broward Fire Board shall
 128 promulgate by resolution the following:

129 (a) One standard for all levels of service for
 130 firefighting and delivery of emergency medical services within
 131 the jurisdictional portion of the district.

132 (b) One integrated communications system throughout the
 133 jurisdictional portion of the district for all fire and
 134 emergency medical services.

135 (c) Closest response for delivery of all fire and
 136 emergency medical services within the jurisdictional portion of
 137 the district.

138 (2) The district shall create a 5-year plan for the
 139 provision of fire and emergency medical services for all of the
 140 district and Broward County.

141 (3) The district shall have the authority to establish,
 142 equip, operate, and maintain a fire department and emergency
 143 medical services squad within the jurisdictional portion of the
 144 district and may buy, lease, sell, exchange, or otherwise
 145 acquire and dispose of firefighting and emergency medical
 146 equipment and other real, personal, or mixed property that it
 147 may from time to time deem necessary to prevent and extinguish
 148 fires or provide emergency medical services. This shall include,
 149 but is not limited to, the authority to hire and fire necessary
 150 firefighters and other personnel; to provide water, water
 151 supply, water stations, and other necessary buildings; to accept
 152 gifts or donations of equipment or money for the use of the
 153 district; and to do all things necessary to provide adequate
 154 water supply, fire prevention, and proper fire protection for
 155 the jurisdictional portion of the district.

156 (4) The fire board shall have the authority to enter into
 157 interlocal agreements for any purpose related to providing fire
 158 or emergency medical services within Broward County pursuant to
 159 part I of chapter 163, Florida Statutes.

160 (5) The district may establish and maintain emergency
 161 medical and rescue response services within the jurisdictional
 162 portion of the district consistent with section 191.008(1),
 163 Florida Statutes, provisions of chapter 401, Florida Statutes,
 164 and any certificates of public convenience and necessity or its
 165 equivalent issued thereunder.

HB 1257

2008

166 (6) The district may contract with any governmental agency
167 within Broward County to provide fire suppression and emergency
168 medical services within the jurisdictional portion of the
169 district.

170 (7) In addition to any other power to borrow money as may
171 be provided by this act or by general law, the district may
172 borrow sufficient funds to provide for 3 months' operating
173 expenses, with such loan to be repaid from anticipated revenues.

174 (8) Within the jurisdictional portion of the district, the
175 district shall have authority to inspect and investigate all
176 property for fire hazards. The Broward Fire Board, by resolution
177 duly adopted, may assess fees for fire inspection and
178 maintenance and replacement of hydrants in an amount reasonably
179 related to the cost thereof and may adopt provisions creating a
180 lien or providing for civil enforcement of such assessments.

181 (9) All fire inspectors engaged by the district shall be
182 certified by the Broward County Board of Rules and Appeals and
183 be certified firefighters.

184 (10) All certified firefighters employed by a
185 municipality, the Broward County Sheriff's Office, or Broward
186 County who were members of a bargaining unit certified by the
187 Public Employees Relations Commission shall, upon transfer of
188 services by a municipality, the Broward County Sheriff's Office,
189 or Broward County, be employed by the district without loss of
190 rank or equivalent position of command, pay, benefits, accrued
191 leave, or seniority or pension.

192 (11) Wages, hours, and conditions of employment of
193 certified firefighters upon transfer of services from a

194 municipality, the Broward County Sheriff's Office, or Broward
 195 County to the district who were members of a bargaining unit
 196 certified by the Public Employee Relations Commission shall be
 197 no less than those enjoyed while employed by their former
 198 municipality, the Broward County Sheriff's Office, or Broward
 199 County.

200 (12) Within the jurisdictional portion of the district,
 201 the district is authorized to promulgate rules and regulations
 202 for the prevention of fire and for fire control in the district,
 203 which shall have the same force and effect as law 10 days after
 204 copies thereof executed by the chair and secretary of the
 205 Broward Fire Board have been posted in at least three places.

206 (13) The duties and powers of the Broward Fire Board shall
 207 be set forth in this act and chapter 191, Florida Statutes,
 208 except as provided herein.

209 Section 7. Finances.--

210 (1) The powers, functions, and duties of the district
 211 within the jurisdictional portion of the district regarding ad
 212 valorem taxation, bond issuance, other revenue-raising
 213 capabilities, budget preparation and approval, liens and
 214 foreclosure of liens, use of tax deeds and tax certificates as
 215 appropriate for non-ad valorem assessments, and contractual
 216 agreements, and the methods for financing the district and for
 217 collecting non-ad valorem assessments, fees, or service charges,
 218 shall be as set forth in this act, in chapters 170, 189, 191,
 219 and 197, Florida Statutes, and in any applicable general or
 220 special law.

221 (2) The Broward Fire Board shall annually, during the
222 month of June, make an itemized estimate of the amount of moneys
223 required to carry out the provisions of this act for the next
224 fiscal year of the board, which fiscal year shall be from
225 October 1 to and including the next succeeding September 30,
226 which estimate shall state the purpose for which the moneys are
227 required and the amount necessary to be raised by taxation
228 within the jurisdictional portion of the district, which budget
229 and proposed millage rate shall be noticed, heard, and adopted
230 in accordance with chapters 192 through 200, Florida Statutes.

231 (3) Within the jurisdictional portion of the district, the
232 total millage for the district shall not exceed 3.75 mills in
233 any one fiscal year. However, the total millage may be increased
234 pursuant to section 191.009, Florida Statutes, after such
235 increase has been approved by referendum.

236 (4) Taxes provided for herein shall be assessed and
237 collected, and subject to the same commission and fees for
238 assessing and collecting, in the same manner and form as
239 provided for the assessment and collection of county taxes,
240 except as otherwise provided herein.

241 (5) When the tax collector has collected the taxes
242 provided for by this act, he or she shall, on or before the 10th
243 day of each month, report to the secretary-treasurer of the
244 Broward Fire Board the collection made for the preceding month
245 and remit the same to the secretary-treasurer of the Broward
246 Fire Board.

247 (6) All warrants for the payment of labor, equipment,
248 materials, and other allowable expenses incurred by the Broward

249 Fire Board in carrying out the provisions of this act shall be
 250 payable by the secretary-treasurer of the Broward Fire Board on
 251 accounts and vouchers approved by the Broward Fire Board.

252 (7) The district shall have the power to issue general
 253 obligation bonds, assessment bonds, bond anticipations notes,
 254 notes, or certificates or other evidences of indebtedness,
 255 hereinafter referred to as "bonds," pledging the full faith,
 256 credit, and taxing power of the district for capital projects
 257 consistent with the purposes of the district in accordance with
 258 the requirements of section 191.012, Florida Statutes, and other
 259 applicable general law.

260 (a) Except for refunding bonds, no bonds shall be issued
 261 unless the issuance thereof has been approved at a referendum
 262 held in accordance with the requirements for such referendum as
 263 prescribed by general law. A referendum shall be called by the
 264 board of county commissioners upon the request of the Broward
 265 Fire Board. The expenses of calling and holding the referendum
 266 shall be borne by the district and the district shall reimburse
 267 the county for any expenses incurred in calling or holding such
 268 referendum.

269 (b) The district may pledge its full faith and credit for
 270 the payment of the principal and interest on such general
 271 obligation bonds and for any reserve funds provided therefor and
 272 may unconditionally and irrevocably pledge itself to levy a
 273 special tax on all taxable property in the district, to the
 274 extent necessary for the payment thereof, over and above all
 275 other taxes authorized or permitted by this act.

276 (c) If the Broward Fire Board determines to issue bonds
 277 for more than one purpose, the approval of the issuance of the
 278 bonds for each and all such purposes may be submitted to the
 279 electors on one and the same ballot. The failure of the electors
 280 to approve the issuance of bonds for any one or more purposes
 281 shall not defeat the approval of bonds for any purposes that are
 282 approved by electors.

283 (d) Notwithstanding any provision of law to the contrary,
 284 all bonds issued under the provisions of this act shall
 285 constitute legal investments for savings banks, banks, trust
 286 companies, insurance companies, executors, administrators,
 287 trustees, guardians, and other fiduciaries and for any board,
 288 body, agency, instrumentality, county, municipality, or other
 289 political subdivision of the state and shall constitute security
 290 which may be deposited by banks or trust companies as security
 291 for deposits of state, county, municipal, or other public funds
 292 or by insurance companies, as required, or voluntary statutory
 293 deposits.

294 (e) Any bonds issued by the district shall be
 295 incontestable in the hands of bona fide purchasers or holders
 296 for value and shall not be invalid because of any irregularity
 297 or defect in the proceedings for the issue and sale thereof.

298 (f) The state pledges to the holders of any bonds issued
 299 under this act that it will not limit or alter the rights of the
 300 district to levy and collect the taxes provided for herein and
 301 to fulfill the terms of any agreement made with the holders of
 302 such bonds and that it will not in any way impair the rights or
 303 remedies of such holders.

HB 1257

2008

304 (g) A default on the bonds of the district shall not
305 constitute a debt or obligation of a local general-purpose
306 government or the state.

307 Section 8. Impact fees.--

308 (1) The Broward Fire Board may allow for the assessment
309 and collection of impact fees for capital improvement on new
310 construction within the jurisdictional portion of the district.

311 (a) It is found and determined that Broward County is
312 located in one of the fastest growing areas in the nation.

313 (b) It is readily apparent that additional equipment and
314 facilities will be needed to meet the expanding commercial and
315 residential growth within the district.

316 (c) It is declared that the cost of new facilities and
317 equipment for fire protection and related emergency medical
318 services shall be borne by new users of the district's services,
319 to the extent that new construction requires new facilities and
320 equipment, but only to that extent.

321 (d) It is therefore the legislative intent to transfer to
322 the new users of the district's fire protection and related
323 emergency medical services a fair share of the costs of new
324 facilities imposed on the district by new users.

325 (e) It is declared that the amounts of impact fees for
326 capital improvement provided for in this section are just,
327 reasonable, and equitable.

328 (2) No person shall issue or obtain a building permit for
329 new residential dwelling units or new commercial or industrial
330 structures within the jurisdictional portion of the district, or
331 issue or obtain construction-plan approval for new mobile home

HB 1257

2008

332 developments located within the jurisdictional portion of the
333 district, until the developers thereof have paid to the district
334 the applicable impact fees for capital improvements hereinafter
335 set forth. Impact fees for capital improvements to be assessed
336 and collected hereunder shall not exceed the following, unless
337 revised pursuant to the provisions of section 191.009(4),

338 Florida Statutes:

339 (a) Each new residential dwelling unit: \$.15 per square
340 foot of living area.

341 (b) Each new commercial or industrial structure: \$.30 per
342 square foot of usable area.

343 (c) Each new mobile home development: \$.15 per square foot
344 of permitted living area.

345
346 "Living area" means that area of any structure that is covered
347 by a roof. "Permitted living area" means 25 percent of the area
348 covered by the individual lots.

349 (3) For the purposes of this section, each unit of any
350 multifamily structure, whether it be a duplex, triplex,
351 cooperative apartment, or condominium or similar type of
352 structure, shall be considered a residential dwelling unit.

353 (4) For the purposes of this section, any motel, hotel,
354 shopping center, church, nursing home, hospital, congregate
355 living facility not part of an actual residence, school,
356 fraternal lodge, veteran's lodge, or similar structure shall be
357 considered a commercial structure.

358 (5) Impact fees for capital improvement collected by the
359 district pursuant to this section shall be kept and maintained

HB 1257

2008

360 as a separate fund from other revenues of the district and shall
361 be used exclusively for the acquisition, purchase, or
362 construction of new facilities and equipment, or portions
363 thereof, required to provide fire protection and related
364 emergency medical services to new construction. "New facilities
365 and equipment" means buildings and capital equipment, including,
366 but not limited to, such fire and emergency vehicles and
367 communications equipment as may from time to time be deemed
368 necessary by the district to provide fire protection and related
369 emergency medical services to the areas of new construction.

370 (6) The impact fees for capital improvement collected
371 hereunder shall not be used for the acquisition, purchase, or
372 construction of facilities or equipment that must be obtained in
373 any event to meet the needs of the district, regardless of
374 growth within the district.

375 (7) The Broward Fire Board shall maintain adequate records
376 to ensure that impact fees for capital improvement collected
377 hereunder are expended only for permissible new facilities or
378 equipment.

379 (8) The Broward Fire Board shall determine the maximum
380 amount of impact fees to be assessed in any one fiscal year.
381 This determination shall be made prior to the immediately
382 succeeding fiscal year. However, should the Broward Fire Board
383 authorize the collection of impact fees in an amount less than
384 the maximum specified in this act, then these fees shall be
385 uniform in each type of new construction subject to the fee. The
386 Broward Fire Board's determination of the amount of the impact

387 fee to be assessed in any one fiscal year shall be based on the
 388 requirements set forth in this section.

389 (9) The impact fee for capital improvement called for in
 390 this section may be reduced by 50 percent if the owner of the
 391 permitted structure will install fire sprinklers in accordance
 392 with NFPA Pamphlets 13 and 13D. Only full sprinkler coverage is
 393 acceptable for this reduction.

394 Section 9. Elections.--

395 (1) When a referendum or special election is required
 396 under the provisions of this act, the district shall reimburse
 397 the county for the costs of such election.

398 (2) The procedures for conducting any district elections
 399 or referendum required and the qualifications of any elector of
 400 the district shall be as set forth in chapters 189 and 191,
 401 Florida Statutes, except as provided herein.

402 Section 10. Eminent domain.--Within the jurisdictional
 403 portion of the district, the district shall have the authority
 404 to exercise the power of eminent domain, pursuant to chapters
 405 73, 74, and 191, Florida Statutes, over any property located
 406 within the jurisdictional portion of the district, except
 407 municipal, county, state, or federal property, for the purposes
 408 of acquiring property for the location of a fire station. The
 409 location and construction of fire stations shall comply with
 410 applicable Broward County and municipal ordinances.

411 Section 11. Miscellaneous.--

412 (1) All contracts, obligations, rules, resolutions, or
 413 policies of any nature existing on the date of enactment of this
 414 act shall remain in full force and effect, and this act shall in

HB 1257

2008

415 no way affect the validity of such contracts, obligations,
416 rules, resolutions, or policies.

417 (2) Requirements for financial disclosure, meeting
418 notices, reporting, public records maintenance, and planning
419 shall be as set in chapters 189, 191, and 286, Florida Statutes,
420 as they may be amended from time to time.

421 (3) The Charter of the Broward Urban Independent Fire
422 District may be amended by special act of the Legislature.

423 (4) In the event any section or provision of this act is
424 determined to be invalid or unenforceable, such determination
425 shall not affect the validity and enforceability of each other
426 section and provision of this act.

427 Section 12. The Broward Independent Urban Fire District
428 shall begin operations and provision of services upon lands
429 within a local government complying with the procedures in
430 section 4 of this act.

431 Section 13. This act shall terminate and be of no force
432 and effect if neither Broward County nor any municipality within
433 Broward County passes a resolution, within 5 years after the
434 effective date of this act, as provided in section 4 of this
435 act.

436 Section 14. This act, except for this section and section
437 15, which shall take effect upon becoming a law, shall take
438 effect only if it is approved by a majority vote of those
439 qualified electors of Broward County voting in a referendum to
440 be called by the Supervisor of Elections of Broward County on
441 November 8, 2008, in accordance with the provisions of law
442 relating to elections currently enforced in Broward County. In

HB 1257

2008

443 this election, procedures prescribed in sections 101.6101-
 444 101.6107, Florida Statutes, may not be used. The ballot language
 445 of the title and question shall be as follows:

446
 447 SHALL LANDS WITHIN BROWARD COUNTY BE SERVED BY THE BROWARD
 448 INDEPENDENT FIRE DISTRICT

449
 450 Shall there be created the Broward Independent Fire District to
 451 provide fire and rescue services to certain lands and residents
 452 within those lands, where the municipal government for the lands
 453 has agreed to join the district?

454
 455 The district may charge user fees, impact fees, special
 456 assessments, and levy property taxes up to 3.75 mills on
 457 jurisdictional lands, and shall provide one standard for fire
 458 and rescue services to be provided by the closest responder,
 459 regardless of municipal boundaries within its jurisdiction.

460
 461 Yes _____

462 No _____

463 Section 15. This act shall take effect upon approval by a
 464 majority vote of those qualified electors of Broward County
 465 voting in a referendum to be called by the Supervisor of
 466 Elections of Broward County on November 8, 2008, except that
 467 this section and section 14 shall take effect upon becoming a
 468 law.