

By Senator Ring

32-06714A-08

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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 Broward  
22 County do not have common radio equipment or channels, and fire  
23 and emergency medical services response within Broward County is  
24 often not by the closest available unit because of the territory  
25 of separate providers. The Legislature has attempted and  
26 continues to attempt to foster services on the local level by the  
27 best and most cost-effective means; thus, the Legislature intends  
28 to create an urban fire district that will be a vehicle for the  
29 provision of urban fire and emergency medical services to ensure

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30 that the highest level of services to Broward County is provided,  
31 upon voluntary request by present providers of fire and emergency  
32 medical services throughout Broward County. Therefore, the  
33 Legislature intends to provide an independent entity for  
34 coordinated fire and emergency medical services throughout  
35 Broward County that has uniform countywide standards, and the  
36 Legislature intends the district to be independent of Broward  
37 County or any one municipality such that any local government may  
38 have fire and emergency medical services provided to it by  
39 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  
57 district within 3 years after joining the district. After 3  
58 years, a municipality or Broward County may withdraw from the

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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 which  
67 lands are served by the district and which provide for municipal  
68 services. Broward County shall be deemed the provider of  
69 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 by  
72 the district, the Broward Fire Board shall be composed of three  
73 members appointed by the local government from among the members  
74 of its governing body.

75 (b) If lands within two local governments are served by the  
76 district, each local government shall appoint one member from its  
77 governing body. The third member shall be the Chair of the  
78 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 from  
82 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 of

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87 the Broward County Fire-Rescue Council may only vote in the event  
88 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 an  
96 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 from  
113 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

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116 Statutes, and with any other applicable general or special law,  
117 except as provided herein.

118 (1) 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 firefighting  
130 and delivery of emergency medical services within the  
131 jurisdictional portion of the district.

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

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

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145 and dispose of firefighting and emergency medical equipment and  
146 other real, personal, or mixed property that it may from time to  
147 time deem necessary to prevent and extinguish fires or provide  
148 emergency medical services. This shall include, but is not  
149 limited to, the authority to hire and fire necessary firefighters  
150 and other personnel; to provide water, water supply, water  
151 stations, and other necessary buildings; to accept gifts or  
152 donations of equipment or money for the use of the district; and  
153 to do all things necessary to provide adequate water supply, fire  
154 prevention, and proper fire protection for the jurisdictional  
155 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.

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.

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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 maintenance  
178 and replacement of hydrants in an amount reasonably related to  
179 the cost thereof and may adopt provisions creating a lien or  
180 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 be  
183 certified firefighters.

184       (10) All certified firefighters employed by a municipality,  
185 the Broward County Sheriff's Office, or Broward County who were  
186 members of a bargaining unit certified by the Public Employees  
187 Relations Commission shall, upon transfer of services by a  
188 municipality, the Broward County Sheriff's Office, or Broward  
189 County, be employed by the district without loss of rank or  
190 equivalent position of command, pay, benefits, accrued leave, or  
191 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 no  
197 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, the  
201 district is authorized to promulgate rules and regulations for  
202 the prevention of fire and for fire control in the district,

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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 Broward  
205 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, and  
219 197, Florida Statutes, and in any applicable general or special  
220 law.

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



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231       (3) Within the jurisdictional portion of the district, the  
232 total millage for the district shall not exceed 3.75 mills in any  
233 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 provided  
239 for the assessment and collection of county taxes, except as  
240 otherwise provided herein.

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

246       (6) All warrants for the payment of labor, equipment,  
247 materials, and other allowable expenses incurred by the Broward  
248 Fire Board in carrying out the provisions of this act shall be  
249 payable by the secretary-treasurer of the Broward Fire Board on  
250 accounts and vouchers approved by the Broward Fire Board.

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

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

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

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

282 (d) Notwithstanding any provision of law to the contrary,  
283 all bonds issued under the provisions of this act shall  
284 constitute legal investments for savings banks, banks, trust  
285 companies, insurance companies, executors, administrators,  
286 trustees, guardians, and other fiduciaries and for any board,  
287 body, agency, instrumentality, county, municipality, or other

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288 political subdivision of the state and shall constitute security  
289 which may be deposited by banks or trust companies as security  
290 for deposits of state, county, municipal, or other public funds  
291 or by insurance companies, as required, or voluntary statutory  
292 deposits.

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

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

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

306 Section 8. Impact fees.--

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

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

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

315 (c) It is declared that the cost of new facilities and  
316 equipment for fire protection and related emergency medical

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317 services shall be borne by new users of the district's services,  
318 to the extent that new construction requires new facilities and  
319 equipment, but only to that extent.

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

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

327 (2) No person shall issue or obtain a building permit for  
328 new residential dwelling units or new commercial or industrial  
329 structures within the jurisdictional portion of the district, or  
330 issue or obtain construction-plan approval for new mobile home  
331 developments located within the jurisdictional portion of the  
332 district, until the developers thereof have paid to the district  
333 the applicable impact fees for capital improvements hereinafter  
334 set forth. Impact fees for capital improvements to be assessed  
335 and collected hereunder shall not exceed the following, unless  
336 revised pursuant to the provisions of section 191.009(4), Florida  
337 Statutes:

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

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

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

344  
345 "Living area" means that area of any structure that is covered by

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346 a roof. "Permitted living area" means 25 percent of the area  
347 covered by the individual lots.

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

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

357 (5) Impact fees for capital improvement collected by the  
358 district pursuant to this section shall be kept and maintained as  
359 a separate fund from other revenues of the district and shall be  
360 used exclusively for the acquisition, purchase, or construction  
361 of new facilities and equipment, or portions thereof, required to  
362 provide fire protection and related emergency medical services to  
363 new construction. "New facilities and equipment" means buildings  
364 and capital equipment, including, but not limited to, such fire  
365 and emergency vehicles and communications equipment as may from  
366 time to time be deemed necessary by the district to provide fire  
367 protection and related emergency medical services to the areas of  
368 new construction.

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

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

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

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

393 Section 9. Elections.--

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

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

401 Section 10. Eminent domain.--Within the jurisdictional  
402 portion of the district, the district shall have the authority to

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

410 Section 11. Miscellaneous.--

411 (1) All contracts, obligations, rules, resolutions, or  
412 policies of any nature existing on the date of enactment of this  
413 act shall remain in full force and effect, and this act shall in  
414 no way affect the validity of such contracts, obligations, rules,  
415 resolutions, or policies.

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

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

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

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

430 Section 13. This act shall terminate and be of no force and  
431 effect if neither Broward County nor any municipality within

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432 Broward County passes a resolution, within 5 years after the  
433 effective date of this act, as provided in section 4 of this act.

434 Section 14. This act, except for this section and section  
435 15, which shall take effect upon becoming a law, shall take  
436 effect only if it is approved by a majority vote of those  
437 qualified electors of Broward County voting in a referendum to be  
438 called by the Supervisor of Elections of Broward County on  
439 November 4, 2008, in accordance with the provisions of law  
440 relating to elections currently enforced in Broward County. In  
441 this election, procedures prescribed in sections 101.6101-  
442 101.6107, Florida Statutes, may not be used. The ballot language  
443 of the title and question shall be as follows:

444  
445 Shall lands within Broward County be served by the Broward  
446 Independent Fire District?

447  
448 Shall there be created the Broward Independent Fire District to  
449 provide fire and rescue services to certain lands and residents  
450 within those lands, where the municipal government for the lands  
451 has agreed to join the district?

452  
453 The district may charge user fees, impact fees, special  
454 assessments, and levy property taxes up to 3.75 mills on  
455 jurisdictional lands, and shall provide one standard for fire and  
456 rescue services to be provided by the closest responder,  
457 regardless of municipal boundaries within its jurisdiction.

458  
459 Yes

460 No



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461 |       Section 15. This act shall take effect upon approval by a  
462 | majority vote of those qualified electors of Broward County  
463 | voting in a referendum to be called by the Supervisor of  
464 | Elections of Broward County on November 4, 2008, except that this  
465 | section and section 14 shall take effect upon becoming a law.