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1 A bill to be entitled
2 An act relating to Broward County; providing legislative
3 findings; providing for the creation of the Broward
4 Independent Fire District; providing boundaries and
5 jurisdiction; providing for composition and rules and
6 regulations of the board; providing powers and duties of
7 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 a ballot statement; requiring a
11 referendum; 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, and is one of the fastest
19 growing areas in the nation. Twenty governmental entities
20 provide fire and emergency medical services within Broward
21 County, and 14 governmental entities provide emergency
22 communications within Broward County. Many fire and emergency
23 medical services providers within Broward County do not have
24 common radio equipment or channels, and fire and emergency
25 medical services response within Broward County is often not by
26 the closest available unit because of the territory of separate
27 providers. The Legislature has attempted and continues to
28 attempt to foster services on the local level by the best and

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

42 Section 2. Creation.—There is created within the confines
43 of Broward County the "Broward Independent Fire District," an
44 independent special district hereinafter referred to as the
45 "district."

46 Section 3. Boundaries.—All lands within Broward County
47 shall be within the district.

48 Section 4. Jurisdiction.—The jurisdiction of the district
49 to provide fire and emergency medical services shall be those
50 lands within the district where there has been a resolution of a
51 governing body of a municipality where lands are situated
52 approving of services by the district for such lands. A
53 resolution shall be approved by Broward County for any
54 unincorporated lands. The assent for the fire and emergency
55 medical services must also be obtained where fire or emergency
56 medical services are provided to lands by a provider other than

57 the government providing municipal services. A municipality or
 58 Broward County may not withdraw from the jurisdiction of the
 59 district within 5 years after joining the district. After 5
 60 years, a municipality or Broward County may withdraw from the
 61 district by passing a resolution and giving notice to the
 62 district by June 1st of the preceding calendar year in order to
 63 withdraw by September of the next calendar year.

64 Section 5. Governing body.—

65 (1) The governing body of the Broward Independent Fire
 66 District shall be the Broward Fire Board.

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

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

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

77 (b) If lands within two local governments are served by
 78 the district, each local government shall appoint one member
 79 from its governing body.

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.

86 (4) All matters brought before the Broward Fire Board must
 87 receive a majority vote by the members of the board before the
 88 matter is adopted or approved.

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

97 (6) A quorum of the Broward Fire Board shall be a majority
 98 of its members, except that if the membership of the Broward
 99 Fire Board reach 12 members, a quorum may be set by resolution
 100 of the Broward Fire Board but in no instance may the quorum be
 101 fewer than seven members.

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

105 (8) Members of the Broward Fire Board shall be appointed
 106 for 2-year terms and shall not be subject to term limits.

107 (9) The Broward Fire Board shall appoint such officers
 108 from among its members as it deems necessary.

109 (10) The Broward Fire Board shall operate the district in
 110 accordance with this act and chapters 189 and 191, Florida

111 Statutes, and with any other applicable general or special law,
 112 except as provided in this act.

113 (11) The Broward Fire Board shall have the power to create
 114 subdistricts composed of not less than all of the lands within
 115 one local government that are served by the district. For
 116 purposes of Article VII, section 2 of the State Constitution,
 117 each subdistrict shall be a separate taxing unit.

118 (12) Members of the Broward Fire Board shall receive no
 119 compensation but shall be reimbursed for travel and per diem
 120 expenses as provided in section 112.061, Florida Statutes.

121 Section 6. Powers of the district.-

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

124 (a) One standard for all levels of service for
 125 firefighting and for delivery of emergency medical services
 126 within the jurisdictional portion of the district.

127 (b) One integrated communications system throughout the
 128 jurisdictional portion of the district for all fire and
 129 emergency medical services.

130 (c) Closest response for delivery of all fire and
 131 emergency medical services within the jurisdictional portion of
 132 the district.

133 (d) The district shall create a 5-year plan for the
 134 provision of fire and emergency medical services for all of the
 135 district and Broward County.

136 (e) The district shall have the authority to establish,
 137 equip, operate, and maintain a fire department and emergency
 138 medical services squad within the jurisdictional portion of the

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139 district and may buy, lease, sell, exchange, or otherwise
140 acquire and dispose of firefighting and emergency medical
141 equipment and other real, personal, or mixed property that it
142 may from time to time deem necessary to prevent and extinguish
143 fires or provide emergency medical services. This shall include,
144 but is not limited to, the authority to hire and fire a fire
145 administrator, firefighters, and other personnel; to accept
146 gifts or donations of equipment or money for the use of the
147 district; and to do all things necessary to provide adequate
148 water supply, fire prevention, and proper fire protection for
149 the jurisdictional portion of the district.

150 (f) The fire board shall have the authority to enter into
151 interlocal agreements for any purpose related to providing fire
152 or emergency medical services within Broward County pursuant to
153 part 1 of chapter 163, Florida Statutes.

154 (g) The district may establish and maintain emergency
155 medical and rescue response services within the jurisdictional
156 portion of the district consistent with section 191.008(1),
157 Florida Statutes, provisions of chapter 401, Florida Statutes,
158 and any certificates of public convenience and necessity or its
159 equivalent issued there under.

160 (h) The district may contract with any governmental agency
161 within Broward County to provide for services other than fire
162 suppression, fire prevention, and emergency medical services
163 within the jurisdictional portion of the district.

164 (i) In addition to any other power to borrow money as may
165 be provided by this act or by law, the district may borrow

166 sufficient funds to provide for 3 months' operating expenses,
 167 with such loan to be repaid from anticipated revenues.

168 (2) Within the jurisdictional portion of the district, the
 169 district shall have authority to inspect and investigate all
 170 property for fire hazards. The fire board, by resolution duly
 171 adopted, may assess fees for fire inspection and maintenance and
 172 replacement of hydrants in an amount reasonably related to the
 173 cost thereof and may adopt provisions creating a lien or
 174 providing for civil enforcement of such assessments.

175 (3) All fire inspectors engaged by the district shall be
 176 certified by the Broward County Board of Rules and Appeals and
 177 be certified firefighters.

178 (4) All certified firefighters, certified emergency
 179 medical technicians, and licensed paramedics employed by a
 180 municipality, the Broward Sheriff's Office, or Broward County
 181 who were members of a bargaining unit certified by the Public
 182 Employees Relations Commission shall, upon transfer of services
 183 by a municipality, the Broward Sheriff's Office, or Broward
 184 County, be employed by the district without loss of rank or
 185 equivalent position of command, pay, benefits, accrued leave,
 186 seniority, or pension.

187 (5) Wages, hours, and conditions of employment of
 188 certified firefighters, certified emergency medical technicians,
 189 and licensed paramedics, upon transfer of services from a
 190 municipality, the Broward Sheriff's Office, or Broward County to
 191 the district who were members of a bargaining unit certified by
 192 the Public Employees Relations Commission shall be no less than

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193 while employed by their former municipality, the Broward
194 Sheriff's Office, or Broward County.

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

201 (7) The duties and powers of the Broward Fire Board shall
202 be set forth in this act and chapter 191, Florida Statutes,
203 except as provided in this act.

204 Section 7. Finances.—The powers, functions, and duties of
205 the district within the jurisdictional portion of the district
206 regarding ad valorem taxation, bond issuance, other revenue-
207 raising capabilities, budget preparation and approval, liens and
208 foreclosure of liens, use of tax deeds and tax certificates as
209 appropriate for non-ad valorem assessments, and contractual
210 agreements, and the methods for financing the district and for
211 collecting non-ad valorem assessments, fees, or service charges,
212 shall be as set forth in this act, in chapters 170, 189, 191,
213 and 197, Florida Statutes, and in any applicable general or
214 special law.

215 (1) The fire board shall annually, during the month of
216 June, make an itemized estimate of the amount of moneys required
217 to carry out the provisions of this act for the next fiscal year
218 of the board, which fiscal year shall be from October 1 to and
219 including the next succeeding September 30, which estimate shall
220 state the purpose for which the moneys are required and the

221 amount necessary to be raised by taxation within the
 222 jurisdictional portion of the district, which budget and
 223 proposed millage rate shall be noticed, heard, and adopted in
 224 accordance with chapters 192 through 200, Florida Statutes.

225 (2) Within the jurisdictional portion of the district, the
 226 total millage for the district shall not exceed 3.75 mills in
 227 any one fiscal year. However, the total millage may be increased
 228 pursuant to section 191.009, Florida Statutes, after such
 229 increase has been approved by referendum.

230 (3) Taxes provided for in this act shall be assessed and
 231 collected, and subject to the same commission and fees for
 232 assessing and collecting, in the same manner and form as
 233 provided for the assessment and collection of county taxes,
 234 except as otherwise provided in this act.

235 (4) When the tax collector has collected the taxes
 236 provided for by this act, he or she shall, on or before the 10th
 237 day of each month, report to the secretary-treasurer of the fire
 238 board the collection made for the preceding month and remit the
 239 taxes collected to the secretary-treasurer of the fire board.

240 (5) All warrants for the payment of labor, equipment,
 241 materials, and other allowable expenses incurred by the fire
 242 board in carrying out the provisions of this act shall be
 243 payable by the secretary-treasurer of the fire board on accounts
 244 and vouchers approved by the fire board.

245 (6) The district shall have the power to issue general
 246 obligation bonds, assessment bonds, bond anticipations notes,
 247 notes, or certificates or other evidences of indebtedness,
 248 hereinafter referred to as "bonds," pledging the full faith,

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249 credit, and taxing power of the district for capital projects
250 consistent with the purposes of the district in accordance with
251 the requirements of section 191.012, Florida Statutes, and other
252 applicable general law.

253 (a) Except for refunding bonds, no bonds shall be issued
254 unless the issuance thereof has been approved at a referendum
255 held in accordance with the requirements for such referendum as
256 proscribed by general law. A referendum shall be called by the
257 board of county commissioners upon the request of the fire
258 board. The expenses of calling and holding the referendum shall
259 be borne by the district and the district shall reimburse the
260 county for any expenses incurred in calling or holding such
261 referendum.

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

269 (c) If the fire board determines to issue bonds for more
270 than one purpose, the approval of the issuance of the bonds for
271 each and all such purposes may be submitted to the electors on
272 one and the same ballot. The failure of the electors to approve
273 the issuance of bonds for any one or more purposes shall not
274 defeat the approval of bonds for any purposes that are approved
275 by the electors.

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

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

291 (f) The state pledges to the holders of any bonds issued
 292 under this act that it will not limit or alter the rights of the
 293 district to levy and collect the taxes provided for in this act
 294 and to fulfill the terms of any agreement made with the holders
 295 of such bonds and that it will not in any way impair the rights
 296 or remedies of such holders.

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

300 Section 8. Impact fees.—

301 (1) The fire board may allow for the assessment and
 302 collection of impact fees for capital improvement on new
 303 construction within the jurisdictional portion of the district.

304 (a) It is readily apparent that additional equipment and
 305 facilities will be needed to meet the expanding commercial and
 306 residential growth within the district.

307 (b) It is declared that the cost of new facilities and
 308 equipment for fire protection and related emergency medical
 309 services, shall be borne by new users of the district's
 310 services, to the extent that new construction requires new
 311 facilities and equipment, but only to that extent.

312 (c) It is therefore the legislative intent to transfer to
 313 the new users of the district's fire protection and related
 314 emergency medical services a fair share of the costs of new
 315 facilities imposed on the district by new users.

316 (d) It is hereby declared that the amounts of impact fees
 317 for capital improvement provided for in this section are just,
 318 reasonable, and equitable.

319 (2) No person shall issue or obtain a building permit for
 320 new residential dwelling units or new commercial or industrial
 321 structures within the jurisdictional portion of the district, or
 322 issue or obtain construction plan approval for new mobile home
 323 developments located within the jurisdictional portion of the
 324 district, until the developers thereof have paid to the district
 325 the applicable impact fees for capital improvements hereinafter
 326 set forth. Impact fees for capital improvements to be assessed
 327 and collected under this section shall not exceed the following,
 328 unless revised pursuant to the provisions of section 191.009(4),
 329 Florida Statutes:

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

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

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

336
 337 "Living area" means that area of any structure that is covered
 338 by a roof. "Permitted living area" means 25 percent of the area
 339 covered by the individual lots.

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

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

349 (5) Impact fees for capital improvement collected by the
 350 district pursuant to this section shall be kept and maintained
 351 as a separate fund from other revenues of the district and shall
 352 be used exclusively for the acquisition, purchase, or
 353 construction of new facilities and equipment, or portions
 354 thereof, required to provide fire protection and related
 355 emergency medical services to new construction. "New facilities
 356 and equipment" means buildings and capital equipment, including,
 357 but not limited to, such fire and emergency vehicles and
 358 communications equipment as may from time to time be deemed

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359 necessary by the district to provide fire protection and related
360 emergency medical services to the areas of new construction.

361 (6) The impact fees for capital improvement collected
362 under this section shall not be used for the acquisition,
363 purchase, or construction of facilities or equipment that must
364 be obtained in any event to meet the needs of the district,
365 regardless of growth within the district.

366 (7) The fire board shall maintain adequate records to
367 ensure that impact fees for capital improvement collected under
368 this section are expanded only for permissible new facilities or
369 equipment.

370 (8) The fire board shall determine the maximum amount of
371 impact fees to be assessed in any one fiscal year. This
372 determination shall be made prior to the immediately succeeding
373 fiscal year. However, if the fire board authorizes the
374 collection of impact fees in an amount less than the maximum
375 specified in this act, then these fees shall be uniform in each
376 type of new construction subject to the fee. The fire board's
377 determination of the amount of the impact fee to be assessed in
378 any one fiscal year shall be based on the requirements set forth
379 in this section.

380 (9) The impact fee for capital improvement called for in
381 this section may be reduced by 50 percent if the owner of the
382 permitted structure installs fire sprinklers in accordance with
383 NFPA pamphlets 13 and 13D. Only full sprinkler coverage is
384 acceptable for this reduction.

385 Section 9. Elections.-

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

389 (2) The procedures for conducting any district elections
 390 or referendum required and the qualifications of any elector of
 391 the district shall be as set forth in chapters 189 and 191,
 392 Florida Statutes, except as provided in this act.

393 Section 10. Eminent domain.—Within the jurisdictional
 394 portion of the district, the district shall have the authority
 395 to exercise the power of eminent domain, pursuant to chapters
 396 73, 74, and 191, Florida Statutes, over any property located
 397 within the jurisdictional portion of the district, except
 398 municipal, county, state, or federal property, for the purposes
 399 of acquiring property for the location of a fire station,
 400 training facility, maintenance facility, and administration
 401 building. The location and construction of fire stations shall
 402 comply with applicable Broward County and municipal ordinances.

403 Section 11. Miscellaneous.—

404 (1) All contracts, obligations, rules, resolutions, or
 405 policies of any nature existing on the date of enactment of this
 406 act shall remain in full force and effect, and this act shall in
 407 no way affect the validity of such contracts, obligations,
 408 rules, resolutions, or policies.

409 (2) Requirements for financial disclosure, meeting
 410 notices, reporting, public records maintenance, and planning
 411 shall be as set forth in chapters 189, 191, and 286, Florida
 412 Statutes.

413 (3) The Charter of the Broward Independent Fire District
414 may be amended by special act of the Legislature.

415 (4) In the event any section or provision of this act is
416 determined to be invalid or unenforceable, such determination
417 shall not affect the validity and enforceability of each other
418 section and provision of this act.

419 Section 12. The Broward Independent Fire District shall
420 begin operations and provision of services upon lands within a
421 local government complying with the procedures in section 4.

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

426 Section 14. (1) This act, except for this section and
427 section 15, which shall take effect upon this act becoming a
428 law, shall take effect only if it is approved by a majority vote
429 of those qualified electors of Broward County voting in a
430 referendum to be called by the Supervisor of Elections of
431 Broward County on November 2, 2010, in accordance with the
432 provisions of law relating to elections currently enforced in
433 Broward County. In this election, procedures prescribed in
434 sections 101.6101-101.6107, Florida Statutes, may not be used.

435 (2) The ballot language of the title and question shall be
436 as follows:

437
438 Shall there be created the Broward Independent Fire District to
439 provide fire and rescue services to certain lands and residents
440 within those lands, where the municipal government for the lands

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441 has agreed to join the district?

442

443 The district may charge user fees, impact fees, special
 444 assessments, and levy property taxes up to 3.75 mills on
 445 jurisdictional lands, and shall provide one standard for fire
 446 and rescue services to be provided by the closest responder,
 447 regardless of municipal boundaries within its jurisdiction.

448

449 Yes

450 No

451 Section 15. This act shall take effect upon approval by a
 452 majority vote of those qualified electors of Broward County
 453 voting in a referendum to be called by the Broward County
 454 Supervisor of Elections on November 2, 2010, except that this
 455 section and section 14 shall take effect upon this act becoming
 456 a law.