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1 A bill to be entitled  
2 An act relating to Broward County; providing  
3 legislative findings; creating the Northwest Broward  
4 Independent Fire District; providing for boundaries  
5 and jurisdiction; providing for composition, rules,  
6 and regulations of the Northwest Broward Fire Board;  
7 providing for financial powers and procedures of the  
8 district; providing for the power to issue bonds and  
9 related instruments and impose impact fees, special  
10 assessments, user fees, and ad valorem taxes;  
11 providing eminent domain authority; providing for  
12 transition, including effect on existing contracts,  
13 obligations, rules, regulations, and policies;  
14 providing for public records and meetings and  
15 financial disclosure; precluding amendment except by  
16 special act; providing severability; providing for  
17 future termination of the district under certain  
18 circumstances; providing a ballot statement; requiring  
19 a referendum; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Legislative findings.—Broward County is the  
24 second most populous county in the state with 31 municipalities  
25 within the county and little unincorporated area within the  
26 developed portion of the county. Eighteen governmental entities  
27 provide fire and emergency medical services and 13 governmental  
28 entities provide emergency communications within Broward County.

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29 Many fire and emergency medical services providers within  
30 Broward County do not have common radio equipment or channels,  
31 and fire and emergency medical services response within Broward  
32 County is often not by the closest available unit because of the  
33 territory of separate providers. The Legislature has attempted  
34 and continues to attempt to foster services on the local level  
35 by the best and most cost-effective means; thus, the Legislature  
36 wishes to create an urban fire district that will be a vehicle  
37 for the provision of urban fire and emergency medical services  
38 to ensure that the highest level of services to the Cities of  
39 Coconut Creek, Coral Springs, Margate, and Parkland is provided,  
40 upon voluntary request by present providers of fire and  
41 emergency medical services in the Cities of Coconut Creek, Coral  
42 Springs, Margate, and Parkland. Therefore, the Legislature  
43 intends to provide an independent entity for coordinated fire  
44 and emergency medical services in the Cities of Coconut Creek,  
45 Coral Springs, Margate, and Parkland that has uniform standards,  
46 and the Legislature intends the district to be independent of  
47 Broward County or any one municipality such that any local  
48 government may have fire and emergency medical services provided  
49 to it by voluntary approval of the local government.

50 Section 2. Creation.—There is created within the confines  
51 of Broward County the Northwest Broward Independent Fire  
52 District, an independent special district hereinafter referred  
53 to as the "district."

54 Section 3. Boundaries.—All lands within the Cities of  
55 Coconut Creek, Coral Springs, Margate, and Parkland shall be  
56 within the district.

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57           Section 4. Jurisdiction.—The jurisdiction of the district  
58 to provide fire and emergency medical services shall be those  
59 lands within the district where there has been a resolution of a  
60 governing body of a municipality where lands are situated  
61 approving of services by the district for such lands. The assent  
62 of the fire and emergency medical services must also be obtained  
63 where fire or emergency medical services are provided to lands  
64 by a provider other than the government providing municipal  
65 services. A municipality may not withdraw from the jurisdiction  
66 of the district within 5 years after joining the district. After  
67 5 years, a municipality may withdraw from the district by  
68 passing a resolution and giving notice to the district by June 1  
69 in order to withdraw by September of the next calendar year.

70           Section 5. Governing body.—

71           (1) The governing body of the Northwest Broward  
72 Independent Fire District shall be the Northwest Broward Fire  
73 Board.

74           (2) All members of the Northwest Broward Fire Board shall  
75 be chosen from elected officials of the general-purpose  
76 government in which lands are served by the district and which  
77 provide for municipal services, except that in the event there  
78 is an even number of members on the board, those members may  
79 select a member from the public to serve as a tie-breaking vote.  
80 Such other member must reside within the boundaries of the  
81 district.

82           (3) (a) The Northwest Broward Fire Board shall be composed  
83 as follows:

84           1. If lands within two local governments are served by the

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85 district, each local government shall appoint one member from  
86 its governing body.

87 2. If lands within three local governments are served by  
88 the district, each local government shall appoint one member  
89 from its governing body.

90 3. If lands within four or more local governments are  
91 served by the district, each local government shall appoint one  
92 member from its governing body.

93 (b) All matters brought before the Northwest Broward Fire  
94 Board must receive a majority vote by the members of the board  
95 before the matter is adopted or approved.

96 (c) A quorum of the Northwest Broward Fire Board shall be  
97 a majority of its members.

98 (d) The Northwest Broward Fire Board shall elect one of  
99 its members as chair and one as vice chair to serve for 1 year  
100 each in those capacities or until their successors are elected.

101 (e) Members of the Northwest Broward Fire Board shall be  
102 appointed for 2-year terms and shall not be subject to term  
103 limits, except where the local municipality has term limits. A  
104 member who is term limited in his or her municipality will not  
105 be able to serve on the board once the term in his or her  
106 municipality has expired.

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

109 (g) The Northwest Broward Fire Board shall operate the  
110 district in accordance with this act and chapters 189 and 191,  
111 Florida Statutes, and with any other applicable general or  
112 special law, except as provided herein.

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113       (4) Members of the Northwest Broward Fire Board shall  
114 receive no compensation but shall be entitled to reimbursement  
115 for travel and per diem expenses as provided in section 112.061,  
116 Florida Statutes.

117       Section 6. Powers of the district.—

118       (1) The district, through the Northwest Broward Fire  
119 Board, shall promulgate by resolution the following:

120       (a) One standard for all levels of service for  
121 firefighting and delivery of emergency medical services and  
122 emergency services within the jurisdictional portion of the  
123 district.

124       (b) One integrated communications system throughout the  
125 jurisdictional portion of the district for all fire, emergency  
126 medical services, and emergency services controlled by the  
127 district.

128       (c) The closest response for delivery of all fire,  
129 emergency medical services, and emergency services within the  
130 jurisdictional portion of the district.

131       (2) The district shall create a 5-year plan for the  
132 provision of fire, emergency medical services, and emergency  
133 services for all of the district.

134       (3) The district shall have the authority to establish,  
135 equip, operate, and maintain a fire department and emergency  
136 medical services units within the jurisdictional portion of the  
137 district and may buy, lease, sell, exchange, or otherwise  
138 acquire and dispose of firefighting and emergency medical  
139 equipment and other real, personal, or mixed property that it  
140 may from time to time deem necessary to prevent and extinguish

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141 fires or provide emergency medical services. This shall include,  
142 but is not limited to, the authority to hire and fire a fire  
143 administrator, firefighters, and other personnel; to accept  
144 gifts or donations of equipment or money for the use of the  
145 district; and to do all things necessary to provide adequate  
146 water supply, fire prevention, and proper fire protection for  
147 the jurisdictional portion of the district.

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

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

158 (6) The district shall contract with another governmental  
159 agency or agencies within the district to provide for services  
160 other than fire suppression, fire prevention, emergency medical  
161 services, or emergency services within the jurisdictional  
162 portion of the district, such as human resources and payroll.

163 (7) In addition to any other power to borrow money as may  
164 be provided by this act or by law, the district may borrow  
165 sufficient funds to provide for 3 months of operating expenses,  
166 with such loan to be repaid from anticipated revenues.

167 (8) Within the jurisdictional portion of the district, the  
168 district shall have authority to inspect and investigate all

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169 property for fire hazards. The Northwest Broward Fire Board, by  
170 resolution duly adopted, may assess fees for fire inspection and  
171 maintenance and replacement of hydrants in an amount reasonably  
172 related to the cost thereof and may adopt provisions creating a  
173 lien or providing for civil enforcement of such assessments.

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

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

184 (11) Wages, hours, and conditions of employment of  
185 certified firefighters, certified emergency medical technicians,  
186 and licensed paramedics who were members of a bargaining unit  
187 certified by the Public Employees Relations Commission, upon  
188 transfer of services from a municipality to the district, shall  
189 be no less than enjoyed while employed by their former  
190 municipality.

191 (12) Within the jurisdictional portion of the district,  
192 the district is authorized to promulgate rules and regulations  
193 for the prevention of fire and for fire control in the district,  
194 which shall have the same force and effect as law 10 days after  
195 copies thereof executed by the chair and secretary of the  
196 Northwest Broward Fire Board have been posted in at least three

197 public places within the district.

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

201 Section 7. Finances.—

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

213 (2) The Northwest Broward Fire Board shall annually,  
 214 during the month of June, make an itemized estimate of the  
 215 amount of moneys required to carry out the provisions of this  
 216 act for the next fiscal year of the board, which fiscal year  
 217 shall be from October 1 to and including the next September 30,  
 218 which estimate shall state the purpose for which the moneys are  
 219 required and the amount necessary to be raised by taxation  
 220 within the jurisdictional portion of the district, which budget  
 221 and proposed millage rate shall be noticed, heard, and adopted  
 222 in accordance with chapters 192-200, Florida Statutes. In the  
 223 initial year of implementation, a municipality must reduce its  
 224 total ad valorem tax revenue and eliminate its fire assessment



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225 fee as projected for the upcoming fiscal year and calculated as  
226 if there were no Northwest Broward Independent Fire District, by  
227 an amount equal to the amount budget for fire protection,  
228 emergency medical services, fire inspections, and fire  
229 prevention, including all costs associated with such services.

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

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

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

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

252 (7) The district shall have the power to issue general

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253 obligation bonds; assessment bonds; bond anticipation notes; and  
254 notes, 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 Northwest  
265 Broward Fire Board. The expenses of calling and holding the  
266 referendum shall be borne by the district, and the district  
267 shall reimburse the county for any expenses incurred in calling  
268 or holding such 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 Northwest Broward Fire Board determines to  
277 issue bonds for more than one purpose, the approval of the  
278 issuance of the bonds for each and all such purposes may be  
279 submitted to the electors on one and the same ballot. The  
280 failure of the electors to approve the issuance of bonds for any

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281 one or more purposes shall not defeat the approval of bonds for  
282 any purposes that are 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 that 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 issuance 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.

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 Northwest Broward Fire Board may allow for the

309 assessment and collection of impact fees for capital improvement  
 310 on new construction within the jurisdictional portion of the  
 311 district.

312 (2) It is found and determined that Northwest Broward  
 313 County is located in one of the fastest-growing areas in the  
 314 nation.

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

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

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

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

330 (7) No person shall issue or obtain a building permit for  
 331 new residential dwelling units or new commercial or industrial  
 332 structures within the jurisdictional portion of the district, or  
 333 issue or obtain construction-plan approval for new mobile home  
 334 developments located within the jurisdictional portion of the  
 335 district, until the developers thereof have paid to the district  
 336 the applicable impact fees for capital improvements hereinafter

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337 set forth.

338 (a) Impact fees for capital improvements to be assessed  
339 and collected hereunder shall not exceed the following, unless  
340 revised pursuant to section 191.009(4), Florida Statutes:

341 1. Each new residential dwelling unit: \$0.15 per square  
342 foot of living area.

343 2. Each new commercial or industrial structure: \$0.30 per  
344 square foot of usable area.

345 3. Each new mobile home development: \$0.15 per square foot  
346 of permitted living area.

347 (b) As used in this subsection, the term:

348 1. "Living area" means that area of any structure that is  
349 covered by a roof.

350 2. "Permitted living area" means 25 percent of the area  
351 covered by the individual lots.

352 (8) For the purposes of this section:

353 (a) Each unit of any multifamily structure, whether a  
354 duplex, triplex, cooperative apartment, condominium, or similar  
355 type of structure, shall be considered a residential dwelling  
356 unit.

357 (b) Any motel, hotel, shopping center, church, nursing  
358 home, hospital, congregate living facility not part of an actual  
359 residence, school, fraternal lodge, veterans' lodge, or similar  
360 structure shall be considered a commercial structure.

361 (9) Impact fees for capital improvement collected by the  
362 district pursuant to this section shall be kept and maintained  
363 as a fund separate from other revenues of the district and shall  
364 be used exclusively for the acquisition, purchase, or

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365 construction of new facilities and equipment, or portions  
366 thereof, required to provide fire protection and related  
367 emergency medical services to new construction. As used in this  
368 section, the term "new facilities and equipment" means buildings  
369 and capital equipment, including, but not limited to, such fire  
370 and emergency vehicles and communications equipment as may from  
371 time to time be deemed necessary by the district to provide fire  
372 protection and related emergency medical services to the areas  
373 of new construction.

374 (10) The impact fees for capital improvement collected  
375 hereunder shall not be used for the acquisition, purchase, or  
376 construction of facilities or equipment that must be obtained in  
377 any event to meet the needs of the district, regardless of  
378 growth within the district.

379 (11) The Northwest Broward Fire Board shall maintain  
380 adequate records to ensure that impact fees for capital  
381 improvement collected hereunder are expended only for  
382 permissible new facilities or equipment.

383 (12) The Northwest Broward Fire Board shall determine the  
384 maximum amount of impact fees to be assessed in any one fiscal  
385 year. This determination shall be made before the next fiscal  
386 year. However, should the Northwest Broward Fire Board authorize  
387 the collection of impact fees in an amount less than the maximum  
388 specified in this act, these fees shall be uniform in each type  
389 of new construction subject to the fee. The Northwest Broward  
390 Fire Board's determination of the amount of the impact fee to be  
391 assessed in any one fiscal year shall be based on the  
392 requirements set forth in this section.

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393        (13) The impact fee for capital improvement called for in  
394 this section may be reduced by 50 percent if the owner of the  
395 permitted structure installs fire sprinklers in accordance with  
396 NFPA Pamphlets 13 and 13D. Only full sprinkler coverage is  
397 acceptable for this reduction.

398        Section 9. Elections.—

399        (1) When a referendum or special election is required  
400 under this act, the district shall reimburse the county for the  
401 costs of such election.

402        (2) The procedures for conducting any district election or  
403 referendum required and the qualifications of any elector of the  
404 district shall be as set forth in chapters 189 and 191, Florida  
405 Statutes, except as provided herein.

406        Section 10. Eminent domain.—Within the jurisdictional  
407 portion of the district, the district shall have the authority  
408 to exercise the power of eminent domain, pursuant to chapters  
409 73, 74, and 191, Florida Statutes, over any property located  
410 within the jurisdictional portion of the district, except  
411 municipal, county, state, or federal property, for the purposes  
412 of acquiring property for the location of a fire station,  
413 training facility, maintenance facility, and administration  
414 building. The location and construction of fire stations shall  
415 comply with applicable Broward County and municipal ordinances.

416        Section 11. Miscellaneous.—

417        (1) All contracts, obligations, rules, resolutions, or  
418 policies of any nature existing on the effective date of this  
419 act shall remain in full force and effect, and this act shall in  
420 no way affect the validity of such contracts, obligations,

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421 rules, resolutions, or policies.

422 (2) Requirements for financial disclosure, meeting  
423 notices, reporting, public records maintenance, and planning  
424 shall be as set forth in chapters 189, 191, and 286, Florida  
425 Statutes.

426 (3) This charter may be amended by special act of the  
427 Legislature.

428 (4) In the event any section or provision of this act is  
429 determined to be invalid or unenforceable, such determination  
430 shall not affect the validity and enforceability of each other  
431 section and provision of this act.

432 Section 12. The Northwest Broward Independent Fire  
433 District shall begin operations and provision of services upon  
434 lands within a local government complying with the procedures in  
435 section 4 of this act.

436 Section 13. This act shall terminate and be of no force or  
437 effect if no municipality within Northwest Broward County passes  
438 a resolution within 5 years after the effective date of this  
439 act, as provided in section 4 of this act.

440 Section 14. Except for this section and section 15, which  
441 shall take effect upon becoming a law, this act shall take  
442 effect only if approved by a majority vote of those qualified  
443 electors of the Cities of Coconut Creek, Coral Springs, Margate,  
444 and Parkland voting in a referendum to be called by the  
445 Supervisor of Elections of Broward County on November 6, 2012,  
446 in accordance with the provisions of law relating to elections  
447 currently in force in Broward County. In this election,  
448 procedures prescribed in sections 101.6101-101.6107, Florida



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449 Statues, may not be used.

450

451 The ballot language of the title and question shall be as  
 452 follows:

453

454 The Cities of Coconut Creek, Coral Springs, Margate, and  
 455 Parkland to create independent fire district.

456

457 Shall there be created the Northwest Independent Fire District  
 458 to provide fire and rescue services among the Cities of Coconut  
 459 Creek, Coral Springs, Margate, and Parkland where the  
 460 municipality has agreed to join the district?

461

462 The Northwest Broward Independent District may charge user fees,  
 463 impact fees, assessments, and levy property taxes up to 3.75  
 464 mills and provide one standard for fire and rescue services  
 465 provided by the closest responder, regardless of municipal  
 466 boundaries.

467

468 Yes \_\_\_\_\_

469 No \_\_\_\_\_

470 Section 15. This act shall take effect upon approval by a  
 471 majority vote of those qualified electors of the Cities of  
 472 Coconut Creek, Coral Springs, Margate, and Parkland voting in a  
 473 referendum to be called by the Supervisor of Elections of  
 474 Broward County on November 6, 2012, except that this section and  
 475 section 14 shall take effect upon becoming a law.