

By the Committee on Community Affairs and Representatives
Gay, Turnbull, Constantine, Kosmas, Andrews, Arnold, Thrasher,
Arnall, Bitner, Fuller and Rojas

1 A bill to be entitled
2 An act relating to firesafety; creating the
3 Independent Special Fire Control District Act;
4 prescribing uniform criteria for operation of
5 independent special fire control districts;
6 preempting certain special acts and general
7 acts of local application; providing for the
8 election of district boards of commissioners;
9 providing for conformance by existing
10 districts; authorizing certain exceptions;
11 providing for officers of such boards;
12 providing for commissioners' compensation and
13 expenses; requiring a bond; providing general
14 and special powers of districts; exempting
15 district assets and property from taxation;
16 providing requirements and procedures for the
17 levy of ad valorem taxes, non-ad valorem
18 assessments, user charges, and impact fees;
19 providing for referenda; providing for
20 enforcement; providing requirements and
21 procedures for issuance of bonds; providing for
22 referenda; providing for organization of county
23 fire chiefs; providing requirements for
24 creation, expansion, and merger of such
25 districts; amending s. 316.072, F.S.; providing
26 penalties for failure to obey orders or
27 directions of fire department members at the
28 scene of rescue operations or other
29 emergencies; requiring existing fire control
30 districts to submit draft codified charters to
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1 the Legislature for codification; providing an
2 effective date.

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

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6 Section 1. Short title.--Sections 1-13 may be cited as
7 the "Independent Special Fire Control District Act."

8 Section 2. Legislative intent.--The purposes of this
9 act are to:

10 (1) Provide standards, direction, and procedures
11 concerning the operations and governance of independent
12 special fire control districts.

13 (2) Provide greater uniformity in independent special
14 fire control district operations and authority.

15 (3) Provide greater uniformity in the financing
16 authority of independent special fire control districts
17 without hampering the efficiency and effectiveness of
18 currently authorized and implemented methods and procedures of
19 raising revenue.

20 (4) Improve communication and coordination between
21 special fire control districts and other local governments
22 with respect to short-range and long-range planning to meet
23 the demands for service delivery while maintaining fiscal
24 responsibility.

25 (5) Provide uniform procedures for electing members of
26 the governing boards of independent special fire control
27 districts to ensure greater accountability to the public.

28 Section 3. Definitions.--As used in this act:

29 (1) "Board" means the governing board of a district.

30 (2) "District" means an independent special fire
31 control district as provided in this act.

1 (3) "Elector" means a person who is a resident of the
2 district and is qualified to vote in a general election within
3 the local general-purpose government jurisdiction in which the
4 district is located.

5 (4) "Emergency medical service" means basic and
6 advanced life support service as defined in s. 401.23, Florida
7 Statutes.

8 (5) "Independent special fire control district" means
9 an independent special district as defined in s. 189.403,
10 Florida Statutes, created by special law or general law of
11 local application, providing fire suppression and related
12 activities within the jurisdictional boundaries of the
13 district. The term does not include a municipality, a county,
14 a dependent special district as defined in s. 189.403, Florida
15 Statutes, a district providing primarily emergency medical
16 services, a community development district established under
17 chapter 190, Florida Statutes, or any other multiple-power
18 district performing fire suppression and related services in
19 addition to other services.

20 (6) "Rescue response service" means an initial
21 response to an emergency or accident situation, including, but
22 not limited to, a plane crash, a trench or building collapse,
23 a swimming or boating accident, or a motor vehicle accident.

24 Section 4. Preemption of special acts and general acts
25 of local application.--Each district, regardless of any other,
26 more specific provision of any special act or general law of
27 local application creating the charter of the district, shall
28 comply with this act. It is the intent of the Legislature
29 that the provisions of this act supersede all special act or
30 general law of local application provisions which contain the
31 charter of an independent special fire control district and

1 which address the same subjects as this act, except as such
2 acts or laws address district boundaries and geographical
3 subdistricts for the election of members of the governing
4 board. However, this act does not require any modification to
5 district financing or operations which would impair existing
6 contracts, including collective bargaining agreements, debt
7 obligations, or covenants and agreements relating to bonds
8 validated or issued by the district. Further, this act does
9 not repeal any authorization within a special act or general
10 law of local application providing for the levy and assessment
11 of ad valorem taxes, special assessments, non-ad valorem
12 assessments, impact fees, or other fees or charges by a
13 district.

14 Section 5. District boards of commissioners;
15 membership, officers, meetings.--

16 (1)(a) With the exception of districts whose governing
17 boards are appointed collectively by the Governor, the county
18 commission, and any cooperating city within the county, the
19 business affairs of each district shall be conducted and
20 administered by a five-member board. All three-member boards
21 existing on the effective date of this act shall be converted
22 to five-member boards, except those permitted to continue as a
23 three-member board by special act adopted in 1997 or
24 thereafter. The board shall be elected in nonpartisan
25 elections by the electors of the district. Except as provided
26 in this act, such elections shall be held at the time and in
27 the manner prescribed by law for holding general elections in
28 accordance with s. 189.405(2)(a) and (3), Florida Statutes,
29 and each member shall be elected for a term of 4 years and
30 serve until the member's successor assumes office. Candidates
31 for the board of a district shall qualify with the county

1 supervisor of elections in whose jurisdiction the district is
2 located. If the district is a multicounty district,
3 candidates shall qualify with the Department of State. All
4 candidates may qualify by paying a filing fee of \$25 or by
5 obtaining the signatures of at least 25 registered electors of
6 the district on petition forms provided by the supervisor of
7 elections which petitions shall be submitted and checked in
8 the same manner as petitions filed by nonpartisan judicial
9 candidates pursuant to s. 105.035, Florida Statutes.

10 (b)1. At the next general election following the
11 effective date of this act, or on or after the effective date
12 of a special act or general act of local application creating
13 a new district, the members of the board shall be elected by
14 the electors of the district in the manner provided in this
15 section. The office of each member of the board is designated
16 as being a seat on the board, distinguished from each of the
17 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical
18 seat designation does not designate a geographical subdistrict
19 unless such subdistrict exists on the effective date of this
20 act, in which case the candidates must reside in the
21 subdistrict, and only electors of the subdistrict may vote in
22 the election for the member from that subdistrict. Each
23 candidate for a seat on the board shall designate, at the time
24 the candidate qualifies, the seat on the board for which the
25 candidate is qualifying. The name of each candidate who
26 qualifies for election to a seat on the board shall be
27 included on the ballot in a way that clearly indicates the
28 seat for which the candidate is a candidate. The candidate
29 for each seat who receives the most votes cast for a candidate
30 for the seat shall be elected to the board.

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1 2. If, on the effective date of this act, a district
2 presently in existence elects members of its board, the next
3 election shall be conducted in accordance with this section,
4 but this section does not require the early expiration of any
5 member's term of office by more than 60 days.

6 3. If, on the effective date of this act, a district
7 does not elect the members of its board, the entire board
8 shall be elected in accordance with this section. However, in
9 the first election following the effective date of this act,
10 seats 1, 3, and 5 shall be designated for 4-year terms and
11 seats 2 and 4 shall be designated for 2-year terms.

12 4. If, on the effective date of this act, the district
13 has an elected three-member board, one of the two seats added
14 by this act shall, for the first election following the
15 effective date of this act, be designated for a 4-year term
16 and the other for a 2-year term, unless the terms of the three
17 existing seats all expire within 6 months of the first
18 election following the effective date of this act, in which
19 case seats 1, 3, and 5 shall be designated for 4-year terms
20 and seats 2 and 4 shall be designated for 2-year terms.

21 5. If the district has an elected three-member board
22 designated to remain three members by special act adopted in
23 1997 or thereafter, the terms of the board members shall be
24 staggered. In the first election following the effective date
25 of this act, seats 1 and 3 shall be designated for 4-year
26 terms, and seat 2 for a 2-year term.

27 (c) The board of any district may request the local
28 legislative delegation that represents the area within the
29 district to create by special law geographical subdistricts
30 for board seats. Any board of five members or larger elected
31 on a subdistrict basis as of the effective date of this act

1 shall continue to elect board members from such previously
2 designated subdistricts, and this act shall not require the
3 elimination of board seats from such boards.

4 (2) Each member of the board must be a qualified
5 elector at the time he or she qualifies and continually
6 throughout his or her term.

7 (3) Each elected member of the board shall assume
8 office 10 days following the member's election. Annually,
9 within 60 days after the newly elected members have taken
10 office, the board shall organize by electing from its members
11 a chair, a vice chair, a secretary, and a treasurer. The
12 positions of secretary and treasurer may be held by one
13 member. Funds of the district may be disbursed only upon the
14 order or pursuant to resolution of the board, by warrant or
15 check signed by the treasurer or other person authorized by
16 the board. However, a petty cash account may be authorized by
17 the board. The board may give the treasurer additional powers
18 and duties that it deems appropriate.

19 (4) Members of the board may each be paid a salary or
20 honorarium to be determined by at least a majority-plus-one
21 vote of the board, which salary or honorarium may not exceed
22 \$500 per month for each member. Special notice of any meeting
23 at which the board will consider a salary change for a board
24 member shall be published at least once, at least 14 days
25 prior to the meeting, in a newspaper of general circulation in
26 the county in which the district is located. Separate
27 compensation for the board member serving as treasurer may be
28 authorized by like vote so long as total compensation for the
29 board member does not exceed \$500 per month. Members may be
30 reimbursed for travel and per diem expenses as provided in s.
31 112.061, Florida Statutes.

1 (5) If a vacancy occurs on the board due to the
2 resignation, death, or removal of a board member or the
3 failure of anyone to qualify for a board seat, the remaining
4 members may appoint a qualified person to fill the seat until
5 the next general election, at which time an election shall be
6 held to fill the vacancy for the remaining term, if any. The
7 board shall remove any member who has three consecutive,
8 unexcused absences from regularly scheduled meetings. The
9 board shall adopt policies by resolution defining excused and
10 unexcused absences.

11 (6) Each member shall, upon assuming office, take and
12 subscribe to the oath of office prescribed by s. 5(b), Art. II
13 of the State Constitution and s. 876.05, Florida Statutes.
14 Each member, within 30 days of assuming office, must give the
15 Governor a good and sufficient surety bond in the sum of
16 \$5,000, the cost thereof being borne by the district,
17 conditioned on the member's faithful performance of his or her
18 duties of office.

19 (7) The board shall keep a permanent record book
20 entitled "Record of Proceedings of (name of district)," in
21 which the minutes of all meetings, resolutions, proceedings,
22 certificates, bonds given by commissioners, and corporate acts
23 shall be recorded. The record book shall be open to
24 inspection in the same manner as state, county, and municipal
25 records are open under chapter 119, Florida Statutes, and s.
26 24, Art. I of the State Constitution. The record book shall
27 be kept at the office or other regular place of business
28 maintained by the board in the county or municipality in which
29 the district is located.

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1 (8) All meetings of the board shall be open to the
2 public consistent with chapter 286, Florida Statutes, s.
3 189.417, Florida Statutes, and other applicable general laws.

4 Section 6. General powers.--The district shall have,
5 and the board may exercise by majority vote, the following
6 powers:

7 (1) To sue and be sued in the name of the district, to
8 adopt and use a seal and authorize the use of a facsimile
9 thereof, and to make and execute contracts and other
10 instruments necessary or convenient to the exercise of its
11 powers.

12 (2) To provide for a pension or retirement plan for
13 its employees. Notwithstanding the prohibition against extra
14 compensation as provided in s. 215.425, Florida Statutes, the
15 board may provide for an extra compensation program, including
16 a lump-sum bonus payment program, to reward outstanding
17 employees whose performance exceeds standards, if the program
18 provides that a bonus payment may not be included in an
19 employee's regular base rate of pay and may not be carried
20 forward in subsequent years.

21 (3) To contract for the services of consultants to
22 perform planning, engineering, legal, or other professional
23 services.

24 (4) To borrow money and accept gifts, to apply for and
25 use grants or loans of money or other property from the United
26 States, the state, a unit of local government, or any person
27 for any district purposes and enter into agreements required
28 in connection therewith, and to hold, use, sell, and dispose
29 of such moneys or property for any district purpose in
30 accordance with the terms of the gift, grant, loan, or
31 agreement relating thereto.

1 (5) To adopt resolutions and procedures prescribing
2 the powers, duties, and functions of the officers of the
3 district, the conduct of the business of the district, the
4 maintenance of records, and the form of other documents and
5 records of the district. The board may also adopt ordinances
6 and resolutions that are necessary to conduct district
7 business, if such ordinances do not conflict with any
8 ordinances of a local general purpose government within whose
9 jurisdiction the district is located. Any resolution or
10 ordinance adopted by the board and approved by referendum vote
11 of district electors may only be repealed by referendum vote
12 of district electors.

13 (6) To maintain an office at places it designates
14 within a county or municipality in which the district is
15 located and appoint an agent of record.

16 (7) To acquire, by purchase, lease, gift, dedication,
17 devise, or otherwise, real and personal property or any estate
18 therein for any purpose authorized by this act and to trade,
19 sell, or otherwise dispose of surplus real or personal
20 property. The board may purchase equipment by an installment
21 sales contract if funds are available to pay the current
22 year's installments on the equipment and to pay the amounts
23 due that year on all other installments and indebtedness.

24 (8) To hold, control, and acquire by donation or
25 purchase any public easement, dedication to public use,
26 platted reservation for public purposes, or reservation for
27 those purposes authorized by this act and to use such
28 easement, dedication, or reservation for any purpose
29 authorized by this act consistent with applicable adopted
30 local government comprehensive plans and land development
31 regulations.

1 (9) To lease as lessor or lessee to or from any
2 person, firm, corporation, association, or body, public or
3 private, any facility or property of any nature for the use of
4 the district when necessary to carry out the district's duties
5 and authority under this act.

6 (10) To borrow money and issue bonds, revenue
7 anticipation notes, or certificates payable from and secured
8 by a pledge of funds, revenues, taxes and assessments,
9 warrants, notes, or other evidence of indebtedness, and
10 mortgage real and personal property when necessary to carry
11 out the district's duties and authority under this act.

12 (11) To charge user and impact fees authorized by
13 resolution of the board, in amounts necessary to conduct
14 district activities and services, and to enforce their receipt
15 and collection in the manner prescribed by resolution and
16 authorized by law. However, the imposition of impact fees may
17 only be authorized as provided by section 9(4).

18 (12) To exercise the right and power of eminent
19 domain, pursuant to chapter 73 or chapter 74, Florida
20 Statutes, over any property within the district, except
21 municipal, county, state, special district, or federal
22 property used for a public purpose, for the uses and purposes
23 of the district relating solely to the establishment and
24 maintenance of fire stations and fire substations,
25 specifically including the power to take easements that serve
26 such facilities consistent with applicable adopted local
27 government comprehensive plans and land development
28 regulations.

29 (13) To cooperate or contract with other persons or
30 entities, including other governmental agencies, as necessary,
31 convenient, incidental, or proper in connection with providing

1 effective mutual aid and furthering any power, duty, or
2 purpose authorized by this act.

3 (14) To assess and impose upon real property in the
4 district ad valorem taxes and non-ad valorem assessments as
5 authorized by this act.

6 (15) To impose and foreclose non-ad valorem assessment
7 liens as provided by this act or to impose, collect, and
8 enforce non-ad valorem assessments pursuant to chapter 197,
9 Florida Statutes.

10 (16) To select as a depository for its funds any
11 qualified public depository as defined in s. 280.02, Florida
12 Statutes, which meets all the requirements of chapter 280,
13 Florida Statutes, and has been designated by the State
14 Treasurer as a qualified public depository, upon such terms
15 and conditions as to the payment of interest upon the funds
16 deposited as the board deems just and reasonable.

17 (17) To provide adequate insurance on all real and
18 personal property, equipment, employees, volunteer
19 firefighters, and other personnel.

20 (18) To organize, participate in, and contribute
21 monetarily to organizations or associations relating to the
22 delivery of or improvement of fire control, prevention,
23 emergency rescue services, or district administration.

24 Section 7. Exemption from taxation.--Since the
25 exercise of the powers conferred by this act constitutes
26 action by a political subdivision performing essential public
27 functions and since the property of each district constitutes
28 public property used for public purposes, all assets and
29 properties of each district, including property acquired
30 through the foreclosure of any tax or assessment lien, are
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1 exempt from all taxes imposed by the state or any political
2 subdivision, agency, or instrumentality of the state.

3 Section 8. Special powers.--Independent special fire
4 control districts shall provide for fire suppression and
5 prevention by establishing and maintaining fire stations and
6 fire substations and acquiring and maintaining such
7 firefighting and fire protection equipment deemed necessary to
8 prevent or fight fires. All construction shall be in
9 compliance with applicable state, regional, and local
10 regulations, including adopted comprehensive plans and land
11 development regulations. The board shall have and may
12 exercise any or all of the following special powers relating
13 to facilities and duties authorized by this act:

14 (1) Establish and maintain emergency medical and
15 rescue response services and acquire and maintain rescue,
16 medical, and other emergency equipment, pursuant to the
17 provisions of chapter 401, Florida Statutes, and any
18 certificate of public convenience and necessity or its
19 equivalent issued thereunder.

20 (2) Employ, train, and equip such personnel, and
21 train, coordinate, and equip such volunteer firefighters, as
22 are necessary to accomplish the duties of the district. The
23 board may employ and fix the compensation of a fire chief or
24 chief administrator. The board shall prescribe the duties of
25 such person, which shall include supervision and management of
26 the operations of the district and its employees and
27 maintenance and operation of its facilities and equipment.
28 The fire chief or chief administrator may employ or terminate
29 the employment of such other persons, including, without
30 limitation, professional, supervisory, administrative,
31 maintenance, and clerical employees, as are necessary and

1 authorized by the board. The compensation and other
2 conditions of employment of the officers and employees of the
3 district shall be provided by the board.

4 (3) Conduct public education to promote awareness of
5 methods to prevent fires and reduce the loss of life and
6 property from fires or other public safety concerns.

7 (4) Adopt and enforce firesafety standards and codes
8 and enforce the rules of the State Fire Marshal consistent
9 with the exercise of the duties authorized by chapter 553 or
10 chapter 633, Florida Statutes, with respect to fire
11 suppression, prevention, and firesafety code enforcement.

12 (5) Conduct arson investigations and cause-and-origin
13 investigations.

14 (6) Adopt hazardous material safety plans and
15 emergency response plans in coordination with the county
16 emergency management agency as provided in chapter 252,
17 Florida Statutes.

18 (7) Contract with general purpose local government for
19 emergency management planning and services.

20 Section 9. Taxes; non-ad valorem assessments; impact
21 fees and user charges.--

22 (1) AD VALOREM TAXES.--An elected board may levy and
23 assess ad valorem taxes on all taxable property in the
24 district to construct, operate, and maintain district
25 facilities and services, to pay the principal of, and interest
26 on, general obligation bonds of the district, and to provide
27 for any sinking or other funds established in connection with
28 such bonds. An ad valorem tax levied by the board for
29 operating purposes, exclusive of debt service on bonds, may
30 not exceed 3.75 mills unless a higher amount has been
31 previously authorized by law, subject to a referendum as

1 required by the State Constitution and this act. The ballot
2 question on such referendum shall state the currently
3 authorized millage rate and the year of its approval by
4 referendum. The levy of ad valorem taxes pursuant to this
5 section must be approved by referendum called by the board
6 when the proposed levy of ad valorem taxes exceeds the amount
7 authorized by prior special act, general law of local
8 application, or county ordinance approved by referendum.
9 Nothing in this act shall require a referendum on the levy of
10 ad valorem taxes in an amount previously authorized by special
11 act, general law of local application, or county ordinance
12 approved by referendum. Such tax shall be assessed, levied,
13 and collected in the same manner as county taxes. The levy of
14 ad valorem taxes approved by referendum shall be reported
15 within 60 days after the vote to the Department of Community
16 Affairs.

17 (2) NON-AD VALOREM ASSESSMENTS.--A district may levy
18 non-ad valorem assessments as defined in s. 197.3632, Florida
19 Statutes, to construct, operate, and maintain district
20 facilities and services. The rate of such assessments must be
21 fixed by resolution of the board pursuant to the procedures
22 contained in section 10. Non-ad valorem assessment rates set
23 by the board may exceed the maximum rates established by
24 special act, county ordinance, the previous year's resolution,
25 or referendum in an amount not to exceed the average annual
26 growth rate in Florida personal income over the previous 5
27 years. Non-ad valorem assessment rate increases within the
28 personal income threshold are deemed to be within the maximum
29 rate authorized by law at the time of initial imposition.
30 Proposed non-ad valorem assessment increases which exceed the
31 rate set the previous fiscal year or the rate previously set

1 by special act or county ordinance, whichever is more recent,
2 by more than the average annual growth rate in Florida
3 personal income over the last 5 years, or the first-time levy
4 of non-ad valorem assessments in a district, must be approved
5 by referendum of the electors of the district. The referendum
6 on the first-time levy of a assessment shall include a notice
7 of the future non-ad valorem assessment rate increases
8 permitted by this act without a referendum. Non-ad valorem
9 assessments shall be imposed, collected, and enforced pursuant
10 to section 10.

11 (3) USER CHARGES.--

12 (a) The board may provide a reasonable schedule of
13 charges for special emergency services, including firefighting
14 occurring in or to structures outside the district, motor
15 vehicles, marine vessels, aircraft, or rail cars, or as a
16 result of the operation of such motor vehicles or marine
17 vessels, to which the district is called to render such
18 emergency service, and may charge a fee for the services
19 rendered in accordance with the schedule.

20 (b) The board may provide a reasonable schedule of
21 charges for fighting fires occurring in or at refuse dumps or
22 as a result of an illegal burn, which fire, dump, or burn is
23 not authorized by general or special law, rule, regulation,
24 order, or ordinance and which the district is called upon to
25 fight or extinguish.

26 (c) The board may provide a reasonable schedule of
27 charges for responding to or assisting or mitigating
28 emergencies that either threaten or could threaten the health
29 and safety of persons, property, or the environment, to which
30 the district has been called, including a charge for
31 responding to false alarms.

1 (d) The board may provide a reasonable schedule of
2 charges for inspecting structures, plans, and equipment to
3 determine compliance with firesafety codes and standards.

4 (e) The district shall have a lien upon any real
5 property, motor vehicle, marine vessel, aircraft, or rail car
6 for any charge assessed under this subsection.

7 (4) IMPACT FEES.--If the general purpose local
8 government has not adopted an impact fee for fire services
9 which is distributed to the district for construction within
10 its jurisdictional boundaries, and the Legislature has
11 authorized independent special fire control districts to
12 impose impact fees by special act or general law other than
13 this act, the board may establish a schedule of impact fees in
14 compliance with any standards set by general law for new
15 construction to pay for the cost of new facilities and
16 equipment, the need for which is in whole or in part the
17 result of new construction. The impact fees collected by the
18 district under this subsection shall be kept separate from
19 other revenues of the district and must be used exclusively to
20 acquire, purchase, or construct new facilities or portions
21 thereof needed to provide fire protection and emergency
22 services to new construction. As used in this subsection,
23 "new facilities" means land, buildings, and capital equipment,
24 including, but not limited to, fire and emergency vehicles,
25 radiotelemetry equipment, and other firefighting or rescue
26 equipment. The board shall maintain adequate records to
27 ensure that impact fees are expended only for permissible new
28 facilities or equipment. The board may enter into agreements
29 with general purpose local governments to share in the
30 revenues from fire protection impact fees imposed by such
31 governments.

1 Section 10. Procedures for the levy and collection of
2 non-ad valorem assessments.--

3 (1) A district may provide for the levy of non-ad
4 valorem assessments under this act on the lands and real
5 estate benefited by the exercise of the powers authorized by
6 this act, or any part thereof, for all or any part of the cost
7 thereof. Non-ad valorem assessments may be levied only on
8 benefited real property at a rate of assessment based on the
9 special benefit accruing to such property from such services
10 or improvements. The district may use any assessment
11 apportionment methodology that meets fair apportionment
12 standards.

13 (2) The board may determine to exercise any power
14 authorized by this act and defray the whole or any part of the
15 expense thereof by non-ad valorem assessments. A district
16 shall adopt a non-ad valorem assessment roll pursuant to the
17 procedures contained in this section or in s. 197.3632,
18 Florida Statutes, if:

19 (a) The non-ad valorem assessment is levied for the
20 first time;

21 (b) The non-ad valorem assessment is increased beyond
22 the maximum rate authorized by general law or special act at
23 the time of initial imposition as defined in section 9;

24 (c) The district's boundaries have changed, unless all
25 newly affected property owners have provided written consent
26 for such assessment to the board; or

27 (d) There is a change in the purpose for such
28 assessment or in the use of the revenue generated by such
29 assessment.

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1 The board shall so declare by resolution stating the nature of
2 the proposed service, the location of any capital facilities,
3 personnel, and equipment needed to provide the service, and
4 any other projected expense of providing the service or
5 improvement, and the part or portion of the expense thereof to
6 be paid by non-ad valorem assessments, the manner in which the
7 assessments shall be made, when the assessments are to be
8 paid, and what part, if any, shall be apportioned to be paid
9 from other revenues or funds of the district. The resolution
10 shall also designate the lands upon which the non-ad valorem
11 assessments shall be levied. Such lands may be designated by
12 an assessment plat. The resolution shall also state the total
13 estimated costs of the service or improvement. The estimated
14 cost may include the cost of operations, including personnel,
15 equipment, construction or reconstruction, the cost of all
16 labor and materials, the cost of all lands, property, rights,
17 easements, and franchises acquired, financing charges,
18 interest prior to and during construction and for 1 year after
19 completion of construction, discount on the sale of assessment
20 bonds, cost of plans and specifications, surveys of estimates
21 of costs and of revenues, cost of engineering and legal
22 services, and all other expenses necessary or incident to
23 determining the feasibility or practicability of the
24 construction or reconstruction, administrative expense, and
25 such other expense as may be necessary or incident to the
26 financing authorized by this act.

27 (3) At the time of the adoption of the resolution
28 provided for in subsection (2), there shall be on file at the
29 district's offices an assessment plat showing the area to be
30 assessed, with construction and operational plans and
31 specifications, and an estimate of the cost of the proposed

1 service or improvement, which assessment plat, plans, and
2 specifications and estimate shall be open to the inspection of
3 the public.

4 (4) Upon adoption of the resolution provided for in
5 subsection (2) or completion of the preliminary assessment
6 roll provided for in subsection (5), whichever is later, the
7 board shall publish notice of the resolution once in a
8 newspaper of general circulation in each county in which the
9 district is located. The notice shall state in brief and
10 general terms a description of the proposed service or
11 improvements and that the plans, specifications, and estimates
12 are available to the public at the district's offices. The
13 notice shall also state the date and time of the hearing to
14 hear objections provided for in subsection (7), which hearing
15 shall be no earlier than 15 days after publication of the
16 notice. The publication shall be verified by the affidavit of
17 the publisher and filed with the secretary to the board.

18 (5) Upon the adoption of the resolution provided for
19 in subsection (2), the board shall cause to be made a
20 preliminary assessment roll in accordance with the method of
21 assessment provided for in the resolution. The assessment
22 roll shall show the lots and lands assessed and the amount of
23 the benefit to and the assessment against each lot or parcel
24 of land, and, if the assessment is to be paid in installments,
25 the number of annual installments in which the assessment is
26 divided shall also be entered and shown upon the assessment
27 roll.

28 (6) Upon the completion of the preliminary assessment
29 roll, the board shall by resolution fix a time and place at
30 which the owners of the property to be assessed or any other
31 persons interested therein may appear before the board and be

1 heard as to the advisability of providing the service or
2 making the improvements, as to the cost thereof, as to the
3 manner of payment therefor, and as to the amount thereof to be
4 assessed against each property so improved. Ten days' notice
5 in writing of the time and place shall be given to the
6 property owners. The notice shall include the amount of the
7 assessment and shall be served by mailing a copy to each of
8 the property owners at his or her last known address, the
9 names and addresses of the property owners to be obtained from
10 the records of the property appraiser, and proof of such
11 mailing to be made by the affidavit of the secretary.

12 (7) At the time and place named in the notice provided
13 for in subsection (4), the board shall meet and hear testimony
14 from affected property owners as to the advisability of
15 providing the service or making the improvements and funding
16 them with non-ad valorem assessments on property. Following
17 the testimony, the board shall make a final decision on
18 whether to levy the non-ad valorem assessments, adjusting
19 assessments as may be warranted by information received at or
20 prior to the hearing. If any property which may be chargeable
21 under this section has been omitted from the preliminary roll
22 or if the prima facie assessment has not been made against it,
23 the board may place on the roll an apportionment to that
24 property. The owners of any property so added to the
25 assessment roll shall be mailed a copy of the notice provided
26 for in subsection (6), and granted 15 days from the date of
27 mailing to file any objections with the board. When so
28 approved by resolution of the board, a final assessment roll
29 shall be filed with the vice chair of the board, and the
30 assessments shall stand confirmed and remain legal, valid, and
31 binding first liens upon the property against which the

1 assessments are made until paid. The assessment so made shall
2 be final and conclusive as to each lot or parcel assessed
3 unless proper steps are taken within 30 days after the filing
4 of the final assessment roll in a court of competent
5 jurisdiction to secure relief. If the assessment against any
6 property is sustained or reduced or abated by the court, the
7 vice chair shall note that fact on the assessment roll
8 opposite the description of the property affected and notify
9 the county property appraiser and the tax collector in
10 writing. The amount of the non-ad valorem assessment against
11 any lot or parcel which may be abated by the court, unless the
12 assessment upon the entire district is abated, or the amount
13 by which the assessment is so reduced, may by resolution of
14 the board be made chargeable against the district at large,
15 or, at the discretion of the board, a new assessment roll may
16 be prepared and confirmed in the manner provided in this
17 section for the preparation and confirmation of the original
18 assessment roll. The board may by resolution grant a discount
19 equal to all or a part of the payee's proportionate share of
20 the cost of a capital project consisting of bond financing
21 costs, such as capitalized interest, funded reserves, and bond
22 discount included in the estimated cost of the project, upon
23 payment in full of any assessment during the period prior to
24 the time the financing costs are incurred as may be specified
25 by the board.

26 (8) The non-ad valorem assessments:

27 (a) Shall be payable at the time and in the manner
28 stipulated in the resolution providing for the improvement or
29 services.

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1 (b) Shall remain liens, co-equal with the lien of all
2 state, county, district, and municipal taxes, superior in
3 dignity to all other liens, titles, and claims, until paid.

4 (c) Shall bear interest as provided by s. 170.09 or,
5 if bonds have been issued, at a rate not to exceed 1 percent
6 above the rate of interest at which the bonds authorized
7 pursuant to this act and used for a capital improvement are
8 sold, from the date of the acceptance of the improvement.

9 (d) May, by resolution and only for capital outlay
10 projects, be made payable in equal installments over a period
11 not to exceed 20 years, to which, if not paid when due, there
12 shall be added a penalty at the rate of 1 percent per month,
13 until paid.

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15 However, the assessments may be paid without interest at any
16 time within 30 days after the improvement is completed and a
17 resolution accepting the same has been adopted by the board.

18 (9) The non-ad valorem assessments approved by the
19 board may be levied, assessed, and collected pursuant to ss.
20 197.363-197.3635, Florida Statutes. The collection and
21 enforcement of the non-ad valorem assessment levied by the
22 district shall be at the same time and in like manner as
23 county taxes.

24 (10) All assessments shall constitute a lien upon the
25 property so assessed from the date of confirmation of the
26 resolution ordering the improvement of the same nature and to
27 the same extent as the lien for general county, municipal, or
28 district taxes falling due in the same year or years in which
29 such assessments or installments thereof fall due, and any
30 assessment or installment not paid when due shall be collected
31 with such interest and with a reasonable attorney's fee and

1 costs, but without penalties, by the district by proceedings
2 in a court of equity to foreclose the lien of assessment as a
3 lien for mortgages is or may be foreclosed under the laws of
4 the state, provided any such proceedings to foreclose shall
5 embrace all installments of principal remaining unpaid with
6 accrued interest thereon, which installments shall, by virtue
7 of the institution of such proceedings immediately become due
8 and payable. If, prior to any sale of the property under
9 decree of foreclosure in such proceedings, payment is made of
10 the installment or installments which are shown to be due
11 under the provisions of the resolution passed pursuant to
12 subsection (9) and this subsection, and all costs including
13 attorney's fees, the payment shall have the effect of
14 restoring the remaining installments to their original
15 maturities and the proceedings shall be dismissed. The
16 district shall enforce the prompt collection of assessments by
17 the means provided in this section and this duty may be
18 enforced at the suit of any holder of bonds issued under this
19 act in a court of competent jurisdiction by mandamus or other
20 appropriate proceedings or action. Not later than 30 days
21 after annual installments are due and payable, the board shall
22 direct the attorney or attorneys whom the board shall
23 designate to institute actions within 3 months after such
24 direction to enforce the collection of all non-ad valorem
25 assessments remaining due and unpaid at the time of such
26 direction. Such action shall be prosecuted in the manner and
27 under the conditions in and under which mortgages are
28 foreclosed under the laws of the state. It is lawful to join
29 in one action the collection of assessments against any or all
30 property assessed by virtue of the same assessment roll unless
31 the court deems such joinder prejudicial to the interest of any

1 defendant. The court shall allow a reasonable attorney's fee
2 for the attorney or attorneys of the district, and the fee
3 shall be collectible as a part of or in addition to the costs
4 of the action. At the sale pursuant to decree in any such
5 action, the district may be a purchaser to the same extent as
6 an individual person or corporation, except that the part of
7 the purchase price represented by the assessments sued upon
8 and the interest thereon need not be paid in cash. Property
9 so acquired by the district may be sold or otherwise disposed
10 of, the proceeds of such disposition to be placed in the fund
11 provided for by subsection (11), provided no sale or other
12 disposition thereof shall be made unless the notice calling
13 for bids therefor to be received at a stated time and place
14 was published in a newspaper of general circulation in the
15 district once in each of 4 successive weeks prior to such
16 disposition.

17 (11) All assessments and charges made under the
18 provisions of this section for the payment of all or any part
19 of the cost of any improvements for which assessment bonds
20 have been issued under the provisions of this act are hereby
21 pledged to the payment of the principal of and the interest on
22 the assessment bonds and shall, when collected, be placed in a
23 separate fund, properly designated, which fund shall be used
24 for no other purpose than the payment of such principal and
25 interest.

26 Section 11. District issuance of bonds, notes, bond
27 anticipation notes, or other evidences of indebtedness.--

28 (1) A district may issue general obligation bonds,
29 assessment bonds, revenue bonds, notes, bond anticipation
30 notes, or other evidences of indebtedness to finance all or a
31 part of any proposed improvements authorized to be undertaken

1 under this act or under general or special law, provided the
2 total annual payments for the principal and interest on such
3 indebtedness shall not exceed 50 percent of the total annual
4 budgeted revenues of the district. The bonds shall be issued
5 in such denominations, mature on such dates and in such
6 amounts, and may be subject to optional and mandatory
7 redemption as determined by resolutions adopted by the board.
8 Bonds of the district may bear interest at a fixed or floating
9 or adjustable rate and may be issued as interest bearing,
10 interest accruing bonds, or zero coupon bonds at such rate or
11 rates, not exceeding the maximum rate permitted by general
12 law, as determined by resolutions of the board. Principal and
13 interest shall be payable in the manner determined by the
14 board. The bonds shall be signed by manual or facsimile
15 signature of the chair or vice chair of the board, attested
16 with the seal of the district and by the manual or facsimile
17 signature of the secretary or assistant secretary of the
18 board.

19 (2) The bonds shall be payable from the non-ad valorem
20 assessments or other non-ad valorem revenues, including,
21 without limitation, user fees or charges or rental income
22 authorized to be levied or collected or received pursuant to
23 this act or general law. General obligation bonds payable
24 from ad valorem taxes may also be issued by the district, but
25 only after compliance with s. 12, Art. VII of the State
26 Constitution. Subject to referendum approval, a district may
27 pledge its full faith and credit for the payment of principal
28 and interest on such general obligation bonds and for any
29 reserve funds provided therefor and may unconditionally and
30 irrevocably pledge itself to levy ad valorem taxes on all
31 property in the district to the extent necessary for the

1 payment thereof. A district is authorized, after notice and
2 opportunity to be heard has been afforded to those affected,
3 to impose, charge, and collect non-ad valorem revenues in
4 connection with any of the improvements authorized under this
5 act and to pledge the same for the payment of bonds.

6 (3) In connection with the sale and issuance of bonds,
7 the district may enter into any contracts which the board
8 determines to be necessary or appropriate to achieve a
9 desirable effective interest rate in connection with the bonds
10 by means of, but not limited to, contracts commonly known as
11 investment contracts, funding agreements, interest rate swap
12 agreements, currency swap agreements, forward payment
13 conversion agreements, futures, or contracts providing for
14 payments based on levels of or changes in interest rates, or
15 contracts to exchange cash flows or a series of payments, or
16 contracts, including, without limitation, options, puts, or
17 calls to hedge payment, rate, spread, or similar exposure.
18 Such contracts or arrangements may also be entered into by the
19 district in connection with, or incidental to, entering into
20 any agreement which secures bonds or provides liquidity
21 therefor. Such contracts and arrangements shall be made upon
22 the terms and conditions established by the board, after
23 giving due consideration for the credit worthiness of the
24 counterparties, where applicable, including any rating by a
25 nationally recognized rating service or any other criteria as
26 may be appropriate.

27 (4) In connection with the sale and issuance of the
28 bonds, or entering into any of the contracts or arrangements
29 referred to in subsection (3), the district may enter into
30 such credit enhancement or liquidity agreements, with such
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1 payment, interest rate, security, default, remedy, and any
2 other terms and conditions as the board shall determine.

3 (5) Notwithstanding any provisions of law relating to
4 the investment or reinvestment of surplus funds of any
5 governmental unit, proceeds of the bonds and any money set
6 aside or pledged to secure payment of the principal of,
7 premium, if any, and interest on the bonds, or any of the
8 contracts entered into pursuant to subsection (3), may be
9 invested in securities or obligations described in the
10 resolution providing for the issuance of bonds.

11 (6) The bonds shall be sold in any manner not
12 inconsistent with general law, shall show the purpose for
13 which they are issued, and shall be payable out of the money
14 pledged therefor. The funds derived from the sale of said
15 bonds or any of them shall be used for the purpose of paying
16 the cost of the services or improvements and such costs,
17 expenses, fees, and salaries as may be authorized by law.

18 (7) Non-ad valorem assessments or any portion thereof
19 levied to pay principal on bonds issued pursuant to this act
20 with respect to improvements financed therewith shall not
21 exceed the benefits assessed regarding such works or
22 improvements. If the bonds are sold at a discount, the amount
23 of the discount shall be treated as interest, not as
24 principal. Premiums payable upon the redemption of bonds
25 shall also be treated as interest. Interest to accrue on
26 account of issuing bonds shall not be construed as a part of
27 the costs of the works or improvements in determining whether
28 or not the costs of making such improvements are equal to or
29 in excess of the benefits assessed. If the property appraiser
30 and tax collector deduct their fees and charges from the
31 amount of non-ad valorem assessments levied and collected, and

1 if the landowners receive the statutorily permitted discount
2 for early payment of such non-ad valorem assessments, the
3 amount of such fees, charges, and discount shall not be
4 included in the amount of non-ad valorem assessments levied by
5 the district in determining whether such assessments are equal
6 to or in excess of the benefits assessed.

7 (8) Any district created or organized under any
8 general or special law may, whenever in the judgment of the
9 board it is advisable and in the best interests of the
10 landowners in the district, issue bonds to refund any or all
11 of the then outstanding bonded indebtedness of the district.

12 (9) The principal amount of refunding bonds may be in
13 any amount not in excess of the benefits assessed against the
14 lands with respect to which the refunded bonds were issued
15 less the principal amount of the refunded bonds previously
16 paid from non-ad valorem assessments. The proceeds of such
17 refunding bonds shall be used only to pay the principal,
18 premium, if any, and interest on the bonds to be refunded, any
19 discount or expense of the sale of the refunding bonds, and to
20 provide a debt service reserve fund for the refunding bonds.
21 The district may also use other available revenues to pay
22 costs associated with the issuance or administration of the
23 refunding bonds.

24 (10) Assessments shall be levied for the payment of
25 the refunding bonds in the same manner as the assessments
26 levied for the refunded bonds and the refunding bonds shall be
27 secured by the same lien as the refunded bonds, and any
28 additional interest which accrues on account of the refunding
29 bonds shall be included and added to the original assessment
30 and shall be secured by the same lien, provided any interest
31 accrued shall not be considered as a part of the cost of

1 construction in determining whether the assessment exceeds the
2 benefits assessed.

3 (11) No proceedings shall be required for the issuance
4 of bonds or refunding bonds other than those provided by this
5 section and by general law.

6 Section 12. Intergovernmental coordination.--

7 (1) The fire chiefs of each county are urged to
8 organize and meet as a county fire chiefs' association to
9 coordinate the planning and activities of all entities that
10 provide fire protection and suppression services. The
11 association may elect officers and meet at least biannually.

12 (2) Each independent special fire control district
13 shall adopt a 5-year plan to identify the facilities,
14 equipment, personnel, and revenue needed by the district
15 during that 5-year period. The plan shall be updated in
16 accordance with s. 189.415, Florida Statutes, and shall
17 satisfy the requirement for a public facilities report
18 required by s. 189.415(2), Florida Statutes.

19 Section 13. District creation, expansion, and
20 merger.--

21 (1) New districts may be created only by the
22 Legislature under s. 189.404, Florida Statutes.

23 (2) The boundaries of a district may be modified,
24 extended, or enlarged upon approval or ratification by the
25 Legislature.

26 (3) The merger of a district with all or a portion of
27 another independent special district or a dependent fire
28 control district is effective only upon ratification by the
29 Legislature. A district may not, solely by reason of a merger
30 with another governmental entity, increase ad valorem taxes on
31 property within the original limits of the district beyond the

1 maximum established by the district's enabling legislation,
2 unless approved by the electors of the district by referendum.

3 Section 14. Subsection (3) of section 316.072, Florida
4 Statutes, is amended to read:

5 316.072 Obedience to and effect of traffic laws.--

6 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT

7 OFFICIALS.--It is unlawful and a misdemeanor of the second
8 degree, punishable as provided in s. 775.082 or s. 775.083,
9 for any person willfully to fail or refuse to comply with any
10 lawful order or direction of any law enforcement officer,
11 traffic accident investigation officer as described in s.
12 316.640, traffic infraction enforcement officer as described
13 in s. 318.141, or member of the fire department at the scene
14 of a fire, rescue operation, or other emergency.

15 Section 15. Codification.--Each fire control district
16 existing on the effective date of this section, by December 1,
17 2001, or when any act relating to such district is introduced
18 to the Legislature, whichever is first, shall submit to the
19 Legislature a draft codified charter, at its expense, so that
20 its special acts may be codified into a single act for
21 reenactment by the Legislature, if there is more than one
22 special act for the district. Any codified act relating to a
23 district, which act is submitted to the Legislature for
24 reenactment, shall provide for the repeal of all prior special
25 acts of the Legislature relating to the district. The codified
26 act shall be filed with the Department of Community Affairs
27 pursuant to s. 189.418(2), Florida Statutes.

28 Section 16. This act shall take effect upon becoming a
29 law.

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171-571B-97

HOUSE SUMMARY

Creates the Independent Special Fire Control District Act. Prescribes uniform criteria for operation of such districts and preempts any special acts or general acts of local application on the same subject. Provides for the election of governing boards of districts and provides for conformance by existing districts, with certain exceptions. Provides for officers of such boards and for members' compensation and expenses. Requires a bond. Specifies the general and special powers of such districts. Exempts district assets and property from taxation. Provides requirements and procedures for levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees, and for issuance of bonds. Provides for referenda. Specifies the method for creation, expansion, or merger of such districts. Urges the organization of county fire chiefs.

Provides penalties for failure to obey orders of fire department members at the scene of rescue operations or other emergencies.

Requires existing fire control districts to submit draft codified charters to the Legislature for codification.

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