

HB 1459

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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.

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

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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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obligation bonds; assessment bonds; bond anticipation notes; and
notes, certificates, or other evidences of indebtedness,
hereinafter referred to as "bonds," pledging the full faith,
credit, and taxing power of the district for capital projects
consistent with the purposes of the district in accordance with
the requirements of section 191.012, Florida Statutes, and other
applicable general law.

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

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

(c) If the Northwest Broward Fire Board determines to
issue bonds for more than one purpose, the approval of the
issuance of the bonds for each and all such purposes may be
submitted to the electors on one and the same ballot. The
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

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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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set forth.

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

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

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

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

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

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

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

(8) For the purposes of this section:

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

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

(9) Impact fees for capital improvement collected by the district pursuant to this section shall be kept and maintained as a fund separate from other revenues of the district and shall 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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rules, resolutions, or policies.

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

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

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

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

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

Section 14. Except for this section and section 15, which shall take effect upon becoming a law, this act shall take effect only if approved by a majority vote of those qualified electors of the Cities of Coconut Creek, Coral Springs, Margate, and Parkland voting in a referendum to be called by the Supervisor of Elections of Broward County on November 6, 2012, in accordance with the provisions of law relating to elections currently in force in Broward County. In this election, 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.