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1                                   A bill to be entitled  
2           An act relating to Volusia County; creating the Volusia  
3           County Emergency Services District; providing a charter;  
4           describing the district status, boundaries, and purposes;  
5           providing for a governing body; providing for elections,  
6           terms of office, and filling of vacancies; providing for  
7           officers, compensation, and bond; providing the  
8           administrative duties and financial disclosure, noticing,  
9           and reporting requirements of the board; prescribing the  
10          powers of the board; authorizing the board to establish  
11          and maintain emergency medical, rescue, and transport  
12          services and equipment; authorizing the board to make  
13          interlocal agreements with other public agencies;  
14          authorizing the board to make policies, rules,  
15          regulations, and a fire code; providing for the assessment  
16          and collection of ad valorem taxes, non-ad valorem  
17          assessments, user charges, and impact fees; prohibiting  
18          the board from levying taxes on municipal property for  
19          services rendered exclusively to unincorporated areas of  
20          the district; authorizing the board to create, merge, and  
21          abolish special emergency service taxing units or  
22          subdistricts within the district; authorizing the district  
23          to levy ad valorem taxes for emergency services within a  
24          municipality when approved by the governing body of the  
25          municipality; providing for bonds; providing exemption  
26          from taxation; providing for charter amendment by special  
27          act of the Legislature; specifying district planning  
28          requirements; providing immunity from tort liability and

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29 personal liability; providing for dissolution of the  
 30 district; providing for construction of the act; requiring  
 31 a referendum; providing an effective date.

32

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

34

35 Section 1. Creation; status; boundaries.--There is hereby  
 36 created the Volusia County Emergency Services District, an  
 37 independent special district under chapter 191, Florida  
 38 Statutes, which shall include the following lands:

39

40 All of Volusia County, Florida, as described in  
 41 section 7.64, Florida Statutes (2008), and more  
 42 particularly described as follows:

43

44 Beginning at a point where the southerly boundary of  
 45 the Domingo Acosta Grant, also known as section  
 46 thirty-eight, township thirteen south, range twenty-  
 47 seven east (said Acosta Grant lying and being in  
 48 Putnam County) intersects the easterly shore of Lake  
 49 George, said point being south sixty-five degrees west  
 50 a distance of thirty-two chains from the southeasterly  
 51 corner of said Acosta Grant, according to United  
 52 States Government survey of township thirteen south,  
 53 range twenty-seven east; run thence north seventy-five  
 54 degrees fifteen minutes east to a point in the shore  
 55 of Crescent Lake (see map of boundary line dividing  
 56 Putnam and Volusia Counties recorded in map book 5,

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57 page 87, Volusia County, Florida); thence along the  
 58 southeasterly shore of said Crescent Lake to the north  
 59 bank of Haw Creek; thence easterly along the north  
 60 bank of said Haw Creek to the range line between range  
 61 twenty-eight east and range twenty-nine east; thence  
 62 south along said range line to the southwest corner of  
 63 section nineteen, township fourteen south, range  
 64 twenty-nine east; thence east along the south boundary  
 65 of said section nineteen and other sections to the  
 66 southeast corner of section twenty-two, township  
 67 fourteen south, range thirty-one east; thence north on  
 68 the east boundary of said section twenty-two and other  
 69 sections to the township line between township twelve  
 70 south and township thirteen south; thence east on said  
 71 township line to the point where said township line is  
 72 intersected by Old King's Road; thence northerly along  
 73 said Old King's Road to its point of intersection with  
 74 the line dividing the Bulow and Ormond Grants; thence  
 75 northeasterly along said line between Bulow and Ormond  
 76 Grants to the easterly shore of Bulow Creek; thence  
 77 following a continuance of said line between Bulow and  
 78 Ormond Grants, which line now becomes the line  
 79 dividing lots 7 and 8 as shown on map of partition of  
 80 the Bulow Tract (Filed in office--September 20, 1867,  
 81 L. M. Richardson, clerk, Volusia County) according to  
 82 map recorded in St. Augustine, to the intersection  
 83 with Haulover or Smith Creek; thence northerly, along  
 84 said Haulover or Smith Creek, to the intersection with

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85 the section line running between sections twenty-nine  
 86 and thirty and thirty-one and thirty-two, township  
 87 twelve south, range thirty-two east; thence east along  
 88 said township line to the Atlantic Ocean; thence  
 89 southerly along line of the Atlantic Ocean, including  
 90 the waters of the Atlantic Ocean within the  
 91 jurisdiction of the State of Florida to the township  
 92 line between township nineteen south and township  
 93 twenty south; thence west on said township line to the  
 94 range line between range thirty-three east and range  
 95 thirty-four east; thence south on said range line to  
 96 the township line between township twenty-one south  
 97 and township twenty-two south; thence west on said  
 98 township line to the thread of the St. Johns River;  
 99 thence north along the thread of said St. Johns River,  
 100 what is known as "Old River," and running on the south  
 101 and west sides of what is known on the maps of public  
 102 surveys as "Huntoon's Island" and on the south and  
 103 west shores of Lake George to the mouth of Sulphur  
 104 Springs (now Salt Springs run); thence northeasterly,  
 105 in a direct line, across Lake George to the place of  
 106 beginning.

107 Section 2. Purposes and intent.--

108 (1) As used in this act, the term "emergency services"  
 109 means basic and advanced life support as defined in section  
 110 401.23, Florida Statutes, rescue response service as defined in  
 111 section 191.003(6), Florida Statutes, prehospital or  
 112 interfacility advanced life support and basic life support

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113 transport services as defined in section 401.25, Florida  
 114 Statutes, fire protection services as authorized by chapter 191,  
 115 Florida Statutes, and telecommunications services.

116 (2) The purposes of the district are to promote economy  
 117 and efficiency in the delivery of emergency services in Volusia  
 118 County; to provide for greater uniformity, communication,  
 119 coordination, and interlocal cooperation among local governments  
 120 in Volusia County in the provision of emergency services; to  
 121 establish and maintain emergency medical, rescue response, and  
 122 transport services; to acquire and maintain emergency medical,  
 123 rescue response, and transport services and other emergency  
 124 equipment and facilities; to employ and train necessary  
 125 emergency personnel; to provide fire protection services,  
 126 facilities, and firefighting equipment; to establish and  
 127 maintain fire stations and fire substations; to acquire and  
 128 maintain all firefighting and protection equipment necessary for  
 129 the prevention of fires or fighting of fires; and to employ and  
 130 train such personnel as may be necessary to accomplish fire  
 131 prevention and firefighting. This act benefits the public  
 132 health, safety, and welfare.

133 Section 3. Governing body; elections; vacancies in office;  
 134 officers; board compensation; bond.--

135 (1) Pursuant to chapter 191, Florida Statutes, the  
 136 business and affairs of the district shall be governed and  
 137 administered by a board of five commissioners who shall be  
 138 elected in nonpartisan elections. The commissioners shall serve  
 139 for 4-year terms, except as otherwise provided herein. No person

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140 shall be elected to a 4-year term as commissioner more than  
 141 twice.

142 (2) The office of each commissioner is designated as a  
 143 seat on the board, distinguished from each of the other seats by  
 144 a numeral: 1, 2, 3, 4, and 5. The district shall be divided into  
 145 five separate geographic areas with each area represented by a  
 146 seat on the district board. The boundaries of the five  
 147 commissioner seats shall be the same as the like-numbered  
 148 Volusia County Council districts. The commissioner district  
 149 boundaries may be changed by the board based upon geographic and  
 150 population criteria. In addition to requirements of candidates  
 151 for election under general law, in order to qualify for such  
 152 election or maintaining such a position, a candidate or elected  
 153 commissioner shall reside within his or her respective district  
 154 and be a qualified elector. Except as otherwise provided herein,  
 155 the procedures for conducting district elections or referenda  
 156 shall be as provided in section 191.005, Florida Statutes, and  
 157 as otherwise provided by general law.

158 (3) The three elected commissioners for seats 1, 3, and 5  
 159 in the initial election under this act shall serve terms of 2  
 160 years each. Subsequent elections under this act shall coincide  
 161 with the general elections of the state.

162 (4) Each commissioner shall assume office 10 days after  
 163 his or her election. Each commissioner shall hold office until  
 164 his or her successor is elected and takes office. No  
 165 commissioner shall be a paid employee of the district while  
 166 holding such position. This shall not prevent volunteers

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167 receiving reimbursement for expenses from serving as  
 168 commissioners. Three members shall constitute a quorum.

169 (5) Vacancies in office shall be filled by special  
 170 election, to be held concurrently with the next countywide  
 171 general or special election. The board may appoint a qualified  
 172 elector of the district to act as commissioner until the vacancy  
 173 is filled by election. A commissioner must be a qualified  
 174 elector residing within the district. A commissioner may be  
 175 removed from office for any reason that a state or county  
 176 officer may be removed.

177 (6) Annually, within 60 days after election of new  
 178 commissioners, the board members shall organize by electing from  
 179 their number a chair, vice chair, secretary, and treasurer.  
 180 However, the same member may be both secretary and treasurer, in  
 181 accordance with chapter 191, Florida Statutes.

182 (7) The commissioners may receive reimbursement for actual  
 183 expenses incurred while performing the duties of their offices  
 184 in accordance with general law governing per diem for public  
 185 officials. Commissioners may receive compensation for their  
 186 services in accordance with chapter 191, Florida Statutes.

187 (8) Each commissioner shall, upon assuming office, take  
 188 and subscribe to the oath of office prescribed by s. 5(b), Art.  
 189 II of the State Constitution and section 876.05, Florida  
 190 Statutes. Each commissioner, within 30 days after assuming  
 191 office, must give the Governor a good and sufficient surety bond  
 192 in the sum of \$5,000, the cost thereof being borne by the  
 193 district, conditioned on the member's faithful performance of  
 194 his or her duties of office.

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195           Section 4. District board; administrative duties.--The  
 196 administrative duties of the board are as provided in section  
 197 191.005, Florida Statutes.

198           Section 5. Financial disclosure, noticing, and reporting  
 199 requirements.--The district and the board shall be subject to  
 200 those financial disclosure, noticing, and reporting requirements  
 201 as provided by general law and made applicable to such board  
 202 members and independent fire control districts within the state.

203           Section 6. District powers.--The district may provide  
 204 emergency services in the district or any unit thereof. In order  
 205 to achieve the purposes set forth in section 2, the district  
 206 shall have and the board may exercise those general and special  
 207 powers prescribed by chapter 191, Florida Statutes. The district  
 208 may exercise such powers separately or jointly with any other  
 209 public agency of the state pursuant to chapter 163, Florida  
 210 Statutes.

211           Section 7. Policies, rules, regulations, and fire  
 212 code.--The board may make and adopt policies, rules,  
 213 regulations, and a fire code for the prevention of fires, fire  
 214 control, and the provision of rescue services within the  
 215 district. Such policies, rules, regulations, and fire code shall  
 216 be adopted in accordance with applicable general and special  
 217 law.

218           Section 8. Financing of the district.--The methods for  
 219 financing the district shall be as provided in chapter 191,  
 220 Florida Statutes, and as provided by other general law  
 221 applicable to independent special districts.

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222           Section 9. Ad valorem taxes, non-ad valorem assessments,  
 223 user charges, and impact fees.--The board may fix and cause to  
 224 be levied on all property of the district, or any unit thereof,  
 225 a millage sufficient to meet the requirements of the adopted  
 226 budget, not to exceed 3.75 mills, pursuant to section  
 227 191.009(1), Florida Statutes. However, property situated within  
 228 a municipality shall not be subject to taxation for services  
 229 rendered by the district exclusively for the benefit of property  
 230 or residents in unincorporated areas of the district. The  
 231 district may establish, and subsequently merge or abolish those  
 232 created hereunder, emergency services taxing or benefit units  
 233 for any part or all of the district within which may be provided  
 234 emergency services from funds derived from service charges,  
 235 special assessments, or taxes within such unit only. Subject to  
 236 the consent by ordinance of the governing body of the affected  
 237 municipality given either annually or for a term of years, the  
 238 boundaries of an emergency services taxing or benefit unit may  
 239 include all or part of the boundaries of a municipality. In  
 240 addition, the district may levy non-ad valorem assessments and  
 241 charge impact fees and user charges as prescribed in chapter  
 242 191, Florida Statutes. Ad valorem taxes, non-ad valorem  
 243 assessments, user charges, and impact fees shall be assessed and  
 244 collected in the manner prescribed by applicable general or  
 245 special law.

246           Section 10. Bonds.--The district may issue bonds and notes  
 247 pursuant to section 191.012, Florida Statutes.

248           Section 11. Exemption from taxation.--The assets and  
 249 properties of the district are exempt from all taxes imposed by

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250 the state or any political subdivision, agency, or  
 251 instrumentality of the state, pursuant to section 191.007,  
 252 Florida Statutes.

253 Section 12. Amending the charter.--The district charter  
 254 may be amended only by special act of the Legislature.

255 Section 13. District planning.--The district's planning  
 256 requirements shall be as set forth in this act and chapters 189  
 257 and 191, Florida Statutes.

258 Section 14. Immunity from tort liability.--

259 (1) The district and its officers, agents, and employees  
 260 shall have the same immunity from tort liability as other  
 261 agencies and subdivisions of the state. Chapter 768, Florida  
 262 Statutes, shall apply to all claims asserted against the  
 263 district.

264 (2) The district commissioners and all officers, agents,  
 265 and employees of the district shall have the same immunity and  
 266 exemption from personal liability as is provided by general law  
 267 for state, county, and municipal officers.

268 Section 15. Dissolution.--The district shall exist until  
 269 dissolved in the same manner as it was created.

270 Section 16. Construction.--This act shall be construed as  
 271 remedial and shall be liberally construed to promote the purpose  
 272 for which it is intended.

273 Section 17. This act shall take effect only when approved  
 274 by a majority of qualified electors of Volusia County voting in  
 275 a referendum to be held by the Volusia County Council in  
 276 conjunction with the next primary, general, special, or other

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277 | election to be held in Volusia County, except that this section  
278 | shall take effect upon this act becoming a law.