

The following priorities and issues were developed by the FASD Legislative Committee and approved by the FASD Board of Directors at their August 16, 2023, meeting.

Priorities:

Liability

SUPPORT efforts to expand the use of independent special district lands and water areas for outdoor recreational purposes by limiting an independent special district’s liability related to such use, similar to other protections provided to water management districts and private property owners by Florida law. There are independent special districts that allow outdoor recreational use on their properties as a benefit to the public. However, due to increasing potential liability issues, these special districts must decide to stop allowing such use to avoid liability or to allow outdoor recreational use and risk the liability associated with such use. Districts would still be liable for any gross negligence or a deliberate, willful, or malicious injury to a person or property.

Fingerprinting

SUPPORT efforts to authorize independent special districts to allow for FBI/FDLE fingerprinting and background checks in order to meet the requirements of the Federal Public Law 92-544. Separate authority is necessary as the FBI has advised the FDLE that many fire districts are no longer allowed to submit applicants under s. 633.412, F.S., and should either submit under s. 125.5801, F.S. (counties authority), or s. 166.0442, F.S. (municipalities authority). Unfortunately, special districts do not have the authority to adopt ordinances under such sections.

Piggybacking

SUPPORT efforts to expand independent special districts current authority to “piggyback” on certain local governments contracts to include contracts from the State of Florida, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, and the federal government. This expanded authority will have a positive fiscal impact on independent special districts due to reduced costs associated with the procurement process. In addition, public revenues will be saved due to the ability to use purchasing contracts from larger entities such as the State of Florida in regard to IT commodities and the Florida Sheriff Association’s Cooperative Purchasing Program in regard to vehicles. This authority to “piggyback” does not apply to certain professional services (CCNA).

Policy Positions:

Fuel Tax Exemption

SUPPORT efforts to allow independent special districts to be exempt from fuel taxes they pay on gasoline and diesel used for official purposes, similar to cities, counties, and school districts. Currently, independent special districts must use taxpayer dollars to pay the fuel taxes on fuel used for official district purposes. These savings can be used to address rising inflation or be passed back to district residents through lower taxes and assessments.

Annexation

SUPPORT efforts to revise the annexation statute to allow fire districts to continue to provide services within an annexed area. With new development and increasing property values in Florida, many municipalities have begun to aggressively annex properties within independent special districts, even if the annexing municipality does not have sufficient infrastructure. In addition to losing revenues, the impact may be more detrimental to fire districts as many fire districts participate in closest unit response. By participating in this life saving activity, fire districts continue to provide fire and emergency medical services to an annexed area in which it no longer receives revenues (this continuation of service occurs even after the 171.093, F.S., 4 year transition). Municipalities have no incentive to provide their own fire services to the annexed areas as they can have the fire districts provide such services for free, while the fire districts' taxpayers are covering such costs. This may eventually lead to a fire district no longer having the capacity to adequately fund fire and emergency medical services for its citizens.

Unfunded Mandates

OPPOSE state and federal sponsored unfunded mandates on independent special districts which cause increases to local taxes and assessments for the benefit of general-purpose governments without benefit to the local taxpayers. FASD wants to strengthen the prohibition on unfunded mandates and a requirement for full funding of new state mandates to special districts.

Washington D.C.

Work to provide a federal definition of special districts for purposes of storm recovery, federal grants, programs related to health care testing, protection from PFAS liability, etc.