

# County of Monroe

## The Florida Keys



### BOARD OF COUNTY COMMISSIONERS

Mayor George Neugent, District 2  
Mayor Pro Tem David Rice, District 4  
Danny L. Kolhage, District 1  
Heather Carruthers, District 3  
Sylvia J. Murphy, District 5

#### **Robert B. Shillinger, County Attorney\*\***

Pedro J. Mercado, Assistant County Attorney \*\*  
Cynthia L. Hall, Assistant County Attorney \*\*  
Christine Limbert-Barrows, Assistant County Attorney \*\*  
Derek V. Howard, Assistant County Attorney\*\*  
Steven T. Williams, Assistant County Attorney\*\*  
Peter H. Morris, Assistant County Attorney  
Rene Rogers, Assistant County Attorney  
Patricia Eables, Assistant County Attorney  
Chris Ambrosio, Assistant County Attorney

#### **Office of the County Attorney**

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Key West, FL 33040  
(305) 292-3470 – Phone  
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\*\* Board Certified in City, County & Local Govt. Law

February 21, 2017

Mr. Tony Allen, Chairman  
Key Largo Fire and Emergency Medical Services District  
P.O. Box 371023  
Key Largo, FL 33037-1023

#### **Re: Funds, Dissolution of Upper Keys Health Care Taxing District**

Dear Mr. Allen,

On December 14, 2016, Monroe County Board of County Commissioners adopted Ordinance No. 031-2016, a copy of which is attached. The Ordinance dissolved the Upper Keys Health Care Taxing District ("Trauma District") and specified that 37.5% of funds on account for the Trauma District should be distributed to Key Largo Fire & EMS District, of which 31.25% to go to Key Largo Volunteer Ambulance Corps. and 6.25% would go to Key Largo Volunteer Fire Department, Inc. The distribution is contingent on receipt of an affidavit from your organization stating that the funds would be used only for trauma or emergency medical service-related equipment or apparatus. As of February 13, 2017, funds held for the Trauma District totaled approximately \$852,000.

Attached is a draft affidavit containing the representations required by the Ordinance. If the affidavit meets with your approval, please have an authorized individual sign with a notarized signature and return the original of the affidavit to my attention. Upon receipt, I will have our Clerk's office issue the checks.

Please feel free to contact me should you have any questions. Thank you in advance for your assistance.

Very truly yours,

A handwritten signature in blue ink that reads "Cynthia L. Hall".

Cynthia L. Hall  
Assistant County Attorney

Cc: Monroe County Fire Rescue Deputy Chief Gary Boswell

Encl.

# AFFIDAVIT

(Key Largo Fire & EMS District)

1. In accordance with Monroe County Board of County Commissioners Ordinance 031-2016, the undersigned person states as follows:
  - a. I am authorized on behalf of Key Largo Fire and Emergency Medical Services District to execute this Affidavit on behalf of Ocean Reef.
  - b. I understand that the Funds will be distributed in accordance with the formula set forth in the Ordinance.
  - c. The funds received by Ocean Reef:
    - i. Will be used only for trauma or emergency medical service-related equipment or apparatus;
    - ii. The equipment or apparatus purchased with the funds will only be used in the geographic area in which the Upper Keys Health Care Taxing District funds were collected; and
    - iii. Any equipment or apparatus purchased with the funds will remain within the geographic area for as long as the useful life of the equipment.
2. The undersigned person understands that for a breach or violation of the provisions contained herein or the provisions contained in Ordinance 031-2016, Monroe County reserves the right to institute any and all legal action to recoup the funds, including but not limited to an action for injunctive relief. In addition, the County may have other legal recourse, including an action under the County's False Claims Ordinance, sections 2-721 through 2-731 of the Monroe County Code.

Signed and dated this \_\_\_\_ day of February 2017.

\_\_\_\_\_  
Print Name:

Title:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Before me personally appeared \_\_\_\_\_ who is \_\_\_\_ personally known to me or \_\_\_\_\_ produced valid, government issued identification (DL No.: \_\_\_\_\_), and, who upon being placed under oath, swore or affirmed that the statements set forth above are true.

\_\_\_\_\_  
Signature of Notary Public

ORDINANCE NO. 031 -2016

**AN ORDINANCE OF MONROE COUNTY, FLORIDA,  
ABOLISHING THE UPPER KEYS HEALTH CARE  
TAXING DISTRICT; PROVIDING FOR THE REPEAL  
OF ALL ORDINANCES INCONSISTENT HEREWITH;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Monroe County (“BOCC”), Florida, is authorized by Article VIII of the Florida Constitution and Chapter 125, Florida Statutes, to adopt ordinances not inconsistent with general law; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, grants to counties the authority to establish and abolish municipal service taxing units for the provision of numerous municipal services; and

**WHEREAS**, the Upper Keys Health Care Taxing District (“Trauma District”) was created by the BOCC via Ordinance No. 008-1988, as adopted by the BOCC in January 1988; and

**WHEREAS**, the purpose for the Trauma District was to provide revenues to ensure access to critical trauma care at appropriate trauma centers within time frames established by the American College of Surgeons on Trauma, for residents within the geographical area covered by the Trauma District; and

**WHEREAS**, Ordinance No. 008-1988 stated that the BOCC was the governing board of the Trauma District, and created an Advisory Board to make budgetary and procedural recommendation to the BOCC; and

**WHEREAS**, Ordinance No. 008-1988 conferred upon the Trauma District the authority to levy taxes, and after two referenda, ad valorem taxes were collected from properties located within the District; and

**WHEREAS**, in 1997, the BOCC adopted Ordinance No. 050-1997, terminating the taxing authority of the district; and

**WHEREAS**, the ad valorem taxes collected under the Trauma District’s taxing authority now stand at approximately \$800,000; and

**WHEREAS**, on or about September 9, 2016, the Advisory Board of the Trauma District passed a motion, recognizing that the Trauma District is no longer necessary in light of various improvements in health care coverage laws, and recommending that the Trauma District should be abolished and its funds disbursed to other entities within the geographic area covered by the Trauma District provided those funds are used to pay for trauma or emergency medical service-related equipment or apparatus in the geographic area in which the funds were collected, only.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Monroe County, Florida, as follows:

**SECTION 1.** Ordinance Nos. 008-1988 creating the Upper Keys Health Care Taxing District, and any other ordinances revising Ordinance No. 008-1988, including but not limited to Ordinance Nos. 041-1988, 052-1988, and 007-1991, are hereby repealed, as are any other ordinances inconsistent with this ordinance.

**SECTION 2.** The Advisory Board created by Ordinance No. 008-1988, as amended subsequently by other ordinances, is hereby dissolved.

**SECTION 3.** Any funds still held on account for the Trauma District shall be disbursed by no later than January 15, 2017, to the following recipients, in the percentages listed:

Ocean Reef Public Safety, a department of Ocean Reef Community Assoc.	37.50%
Key Largo Fire & EMS District.	37.50%
The funds for the District must be allocated and used as follows:	
- Of this amount, 31.25% must be given Key Largo Volunteer Ambulance Corps.; and	
- The remainder, or 6.25%, must be given to Key Largo Volunteer Fire Department, Inc.	
Tavernier*	18.75%
Layton*	6.25%
	<hr/>
	100.00%

\*These funds will go to Monroe County, for the trauma related expenses in this geographic area.

Each of the recipients must sign an affidavit, certifying that the funds will be used only for trauma or emergency medical service-related equipment or apparatus, and that the equipment or apparatus will be used in the geographic area in which the Trauma District funds were collected, only, and that any equipment or apparatus purchased with the funds will remain within the geographic area for as long as the useful life of the equipment or apparatus.

For a breach or violation of this provision, Monroe County reserves the right to institute any and all legal action to recoup the funds, including but not limited to an action for injunctive relief.

**SECTION 4. SEVERABILITY.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as whole, or any part thereof, other than the part declared to be invalid. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION 5. CONFLICT WITH OTHER ORDINANCES.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect upon filing with the Department of State as provided in Section 125.66(2), Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 14<sup>th</sup> day of December, 2016.

Mayor <u>George Neugent</u>	<u>Yes</u>
Mayor Pro Tem <u>David Rice</u>	<u>Yes</u>
Commissioner <u>Danny Kolhage</u>	<u>Yes</u>
Commissioner <u>Heather Carruthers</u>	<u>Yes</u>
Commissioner <u>Sylvia Murphy</u>	<u>Yes</u>



HEAVILIN, Clerk

J. Robertson  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By George L. Neugent  
Mayor/Chairperson

FILED FOR RECORD  
2016 DEC 21 PM 1:45  
CLERK'S OFFICE  
MONROE COUNTY, FLORIDA

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
Cynthia L. Hall  
CYNTHIA L. HALL  
ASSISTANT COUNTY ATTORNEY  
Date 11-4-2016