

Committee Substitute for House Bill No. 979

An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

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

Section 1. Pursuant to section 191.015, Florida Statutes, this act constitutes the codification of all ordinances relating to the North Okaloosa Fire District. It is the intent of the Legislature in enacting this act to provide a single comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.

Section 2. The North Okaloosa Fire District is created as follows:

Section 1. Creation; boundaries.—Upon this act becoming a law, all of the following lands lying in Okaloosa County shall be incorporated as an independent special fire control district, which shall be a public municipal corporation for the public benefit, with perpetual existence, to be known as the North Okaloosa Fire District, in which case it may sue and be sued, lease, own, possess, and convey real and personal property, by purchase or gift or otherwise, in order to carry out the purposes of this act. The lands so incorporated shall include the following:

Beginning at the Northeast corner of Section 12, Township North, Range 23 West, thence West along Section lines to the Northwest corner of Section 7, Township 4 North, Range 23 West, and the channel of the Yellow River, thence Southerly along the channel of the Yellow River to the North Section line of Section 2, Township 3 North, Range 24 West, thence run West along Section lines to the intersection of Old River Road, thence run South along Old River Road to the intersection of Griffith Cemetery Road, thence southwesterly along Griffith Cemetery Road for 1 mile to intersection of the North branch of Three Mile Branch, thence Southerly along Three Mile Branch to Mill Creek, thence southerly along South branch of Mill Creek to Garrett Mill Road, thence West along Garrett Mill Road for approximately $\frac{3}{8}$ miles to the intersection of Highway 4, continue North along Highway 4 for approximately $\frac{3}{8}$ miles to the intersection of Keyser Mill Road, thence Southwest along Keyser Mill

Road to Baggett Creek and the Northwest corner of Section 20, Township North, Range 24 West, thence South along Section lines to the Southwest corner of Section 29, Township 3 North, Range 24 West, thence East along Section lines to the channel of the Yellow River, thence Southerly along the channel of the Yellow River to the intersection of the boundary with Eglin Air Force Base, thence run 14 East along Eglin Air Force Base boundary, to the Southwest corner of Section 11, Township 2 North, Range 24 West, thence run North along Section line to the channel of the Shoal River, thence Easterly along the channel of the Shoal River to the intersection of the North Section line of Section 12, Township 2 North, Range 24 West, thence run East along Section line to the channel of the Shoal River, thence Southerly and Easterly along the channel of the Shoal River to the intersection of the boundary of Eglin Air Force Base, thence run Easterly along the boundary line of Eglin Air Force Base to the Southeast corner of Section 1, Township 2 North, Range 23 West, thence run North along Section lines to the North right-of-way boundary of Interstate 10, thence run West along said North right-of-way boundary of Interstate 10 to the channel of the Shoal River, thence Easterly and Northerly along channel of Shoal River to the East Section line of Section 1, Township 3 North, Range 23 West, thence along Section lines to the Point of Beginning, less and except the City Limits of the Town of Crestview, Okaloosa County, Florida. Also described as all of the following property less and except the City Limits of the Town of Crestview, Okaloosa County, Florida, All of Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township 4 North, Range 23 West; All of Sections 12, 13, 24, 25, 35, 36, in Township 4 North, Range 24 West; All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 18, 19, 20, 21, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and that portion of Sections 1, 12, 13, 14, 23 West of the Shoal River and that portion of section 26 that is both West of the Shoal River and South of Interstate 10, in Township 3 North, Range 23 West; All of Sections 1, 2, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35, 36, all of Section 3 except that portion that is both West of Old River Road and North of Griffith Cemetery Road, that portion of Section 4 both East of Griffith Cemetery Road, and South of Buck Ward Road, that portion of Section 5 South of Buck Ward Road and East of North branch of Three Mile Branch, that portion of Section 9 East of Three Mile Branch and South of Mill Creek, and that portion of Section 17 both East of Keyser Mill Road and South of Garrett Mill Road, that portion of Section 33 East of the Yellow River, in Township 3 North, Range 24 West; all of Sections 1, 2, 3, 4, 5, 6, and that portion of section 7 North of the Shoal River, in Township 2 North, Range 23 West; All of Sections 1, 2, 3, 10, and those portions of Sections 4 and 9 East of the Yellow River, and that portion of Section 11 North of the Shoal River, in Township 2 North, Range 24 West.

Any federal lands or lands located within the described boundaries of the City of Crestview are excluded from the district. If any portion of the district is annexed into a municipality or becomes part of another fire district, the North Okaloosa Fire District shall be entitled to receive all revenues, including non-ad valorem assessments and impact fees generated from that prop-

erty in the calendar year of annexation, i.e., January 1 through December 31.

Section 2. District; powers.—The district is an independent special fire control district under chapter 191, Florida Statutes. The provisions of that chapter, specifically including sections 191.006 and 191.008, Florida Statutes, prescribing general and special powers, apply to the district, but if any provision of that chapter conflicts with this act, the provisions of this act control.

Section 3. Board of Fire Commissioners.—The business and affairs of the district shall be conducted and administered by a board of five commissioners. Each member of the board must, at the time of qualifying for and during the term of office, be an elector of Okaloosa County, a resident of the district, and, if elected from a geographic area, a resident of that geographic area. The board shall elect from its number a chair, vice chair, and secretary-treasurer annually in October. Such officers shall have the duties usually pertaining to like officers. Members of the board shall receive a stipend of \$250 a month, and are entitled to reimbursement for expenses incurred in the conduct of their official duties. Each member of the board, before entering upon the duties of that office, shall execute to the Governor for the benefit of the district a good and sufficient bond in the sum of \$1,000, conditioned to faithfully perform the duties of that office and to account for all funds of the district which come into his or her hands. The premium of the bond shall be paid from funds of the district. Special notice of any meeting at which the board will consider a salary change for a board member shall be published at least once, at least 14 days prior to the meeting, in a newspaper of general circulation in Okaloosa County. Separate compensation for the board member serving as treasurer may be authorized by like vote, so long as total compensation for the board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expense as provided in section 112.061, Florida Statutes.

Section 4. Fire commissioners; terms of office; vacancies.—Each fire commissioner shall serve a term of 4 years and shall be eligible for reelection. Each commissioner shall continue to hold office until the expiration of the term to which he or she was elected. The North Okaloosa Fire District shall be divided into four separate geographic areas. One commissioner, who must reside in the geographic area, shall be elected from each geographic area by a vote of all electors residing in the North Okaloosa Fire District and voting in the general election. One commissioner, who must reside in the North Okaloosa Fire District geographic area and may reside in any geographic area within the district, shall be elected by a vote of all electors residing in the North Okaloosa Fire District and voting in the general election. The boundaries of the four separate geographic areas shall be set by the fire commissioners based on geographic and population criteria, with due consideration given to the location of the district fire stations and precinct lines. If an office becomes vacant, the vacancy shall be filled by appointment by the remaining members of the board for the unexpired portion of the term. A person appointed to fill a vacancy must meet the same qualifications as candidates for election. The Board of Fire Commissioners shall be the sole,

exclusive, and final arbitrator of the right of an individual to serve as fire commissioner.

Section 5. Meetings; minutes.—A record shall be kept of all meetings of the board. In any meeting, the concurrence of a majority of the members of the board is necessary for any action by the board. Meetings of the board and minutes of meetings are open to the public in conformance with section 286.011, Florida Statutes, or its successors.

Section 6. Financial matters.—The board may levy a non-ad valorem assessment on taxable property within the district. The initial schedule shall be as follows: \$10 for 5 or less acres of vacant land; an additional \$2 per acre for each acre or portion thereof up to a maximum of \$70 for 35 acres or more; \$75 for a single-family residence; \$94 for special commercial property; \$188 for all other commercial property; and \$250 for trailer parks from 2 to 9 units and an additional \$200 for each 10 trailers or portion thereof. These amounts may be increased as provided by statute or by 3 percent per annum, whichever provides greater revenue to the district. If the rate increase is to be greater than the amount provided in the statute, the increase must be approved by a unanimous vote of the board. The non-ad valorem assessment authorized by this section shall become a lien on the property so assessed until paid. If the assessment lien becomes delinquent, it shall be subject to the same penalties, charges, and fees for enforcement and collection as county non-ad valorem assessments and shall be enforced and collected as provided by law, including attorney fees. The district's non-ad valorem assessments shall be a first lien superior in dignity to all other liens except liens for county ad valorem taxes. The board may accept gifts and donations and may carry on community projects for fundraising purposes. The fiscal year of the district shall run from October 1 until September 30 of the following year.

Section 7. Taxes; collection.—The Board of Fire Commissioners shall notify the Okaloosa County Property Appraiser annually of assessments that the board has imposed on each parcel of property within the district, and the property appraiser shall include these taxes in the notice of proposed property taxes and adopted non-ad valorem assessments for the properties within the district.

Section 8. Indebtedness.—The Board of Fire Commissioners may borrow money for the purposes of the district. The total principal and interest that may be outstanding may not exceed 50 percent of the total assessment roll. The board may pledge collections on such roll and may give tax anticipation notes, which shall be the sole security for such loans. Neither the district nor any commissioner shall be personally liable for such a loan or any part thereof. If there is a pledge of collections on the district assessment roll, it is the duty of the board, upon collection of the roll so pledged, to apply the first proceeds thereof to the payment of principal and interest on the loan for which the assessment was pledged. Except as provided herein, the board may not create indebtedness or incur obligations for any sum that it is unable to pay out of district funds then in its possession.

Section 9. Use of funds.—Funds of the district may not be used for any purpose other than for the administration of the affairs and business of the

district; for the construction, care, maintenance, upkeep, operations, and purchase of standard firefighting equipment, which must meet the requirements of the underwriters' association; for construction and maintenance of fire stations, installation of fire hydrants, and payment of public utilities, such as electricity and water; for the salary of one or more firefighters; and for such other expenses as the board determines to be in the best interest of the district.

Section 10. Penalty.—Any person who violates any provision of this act or any rule adopted pursuant to this act commits a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 11. Ratification of prior acts.—All acts of the Board of Fire Commissioners of the North Okaloosa Fire District which were taken before the effective date of this act are ratified and confirmed.

Section 12. District expansion and merger.—

(1) The boundaries of the district may be modified, extended, or enlarged upon approval or ratification by the Legislature, except that any tract of land, regardless of size or number of parcels, may be annexed by contract or agreement between the district and all property owners thereof. Such property owners shall first file a petition with the Board of Fire Commissioners of the district stating their intention that such land be annexed, describing the boundaries thereof, and requesting a public hearing. It shall be the duty of the board to set a date for a hearing of such petition and to publish a notice of hearing once a week for 2 consecutive weeks in some newspaper published or circulated in the district and in the area proposed to be annexed, the first notice of which shall appear at least 14 days prior to the hearing. The notice shall state in general terms the matters contained in the petition but must specifically state the lands to be annexed. On the date set for the hearing, the board may hear any evidence from the property owners who filed such petition and shall hear from all persons in opposition thereto. Upon a finding that the annexation of such property is in the best interest of the development of the district, the board may, by resolution duly passed, declare its intention to annex such tract of land to the district according to the terms and conditions of the petition. Thirty days after the approval of the resolution by the board and the petitioners, the tract of land shall be annexed to the district.

(2) The merger of the district with all or portions of other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. The district may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless approved by the electors of the district by referendum.

Section 3. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 4. In the event of a conflict of the provisions of this act with the provisions of any other act the provisions of this act shall control to the extent of such conflict.

Section 5. This act shall take effect only upon its approval by a majority vote of those qualified electors of the district voting in a referendum election to be called by the Board of Fire Commissioners of the North Okaloosa Fire District and to be held within 2 years after the date this section becomes a law, in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

Approved by the Governor June 13, 2001.

Filed in Office Secretary of State June 13, 2001.