

By Representatives Kilmer and Peadar

1 A bill to be entitled
 2 An act relating to South Walton Fire District,
 3 Walton County; creating and describing the
 4 district; prescribing its powers; providing for
 5 a board of fire commissioners; providing for
 6 terms of office and for filling vacancies in
 7 office; providing for meetings, minutes of
 8 meetings, and public access; providing for
 9 financial matters; authorizing ad valorem
 10 taxes; authorizing the district to accept gifts
 11 and donations; providing the district's fiscal
 12 year; providing for collection of taxes;
 13 providing limits and guidelines for
 14 indebtedness of the district; prescribing
 15 authorized uses of district funds; providing
 16 penalties; ratifying actions previously taken;
 17 providing for a referendum; providing effective
 18 dates.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. District; establishment.--The South Walton
 23 Fire District is created. The district shall include the
 24 following territory:

25
 26 Begin at the point of intersection of the east
 27 extremity line of the Walton County/Bay County
 28 Line and the mean high water line of the Gulf
 29 of Mexico. Thence run due north along the
 30 county line to its point of intersection with
 31 the mean high water line of the south bank of

1 the Intracoastal Waterway. Thence run
2 northwesterly along the mean high water line of
3 the south bank of the Intracoastal Waterway to
4 its point of intersection with Choctawhatchee
5 Bay. Thence run westerly along the mean high
6 water line of the south shore of Choctawhatchee
7 Bay to its point of intersection with the
8 Walton County/Okaloosa County Line. Thence run
9 due south along the county line to its point of
10 intersection with the Gulf of Mexico. Thence
11 run easterly along the mean high water line of
12 the Gulf of Mexico to the point of beginning.

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14 Any federal lands located within the described boundaries of
15 the district are excluded from the district. If any portion of
16 the lands within the described boundaries of the district
17 becomes annexed into a municipality, that portion will become
18 excluded from the district on the January 1 following its
19 annexation.

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

27 Section 3. Board of fire commissioners.--The business
28 and affairs of the district shall be conducted and
29 administered by a board of seven commissioners. Two
30 commissioners shall be elected from each precinct in the
31 district, and one commissioner shall be elected at large. Each

1 member of the board must, at the time of qualifying for, and
2 during the term of, office, be an elector of Walton County, a
3 resident of the district, and, if elected from a precinct, a
4 resident of that precinct. The board shall elect from its
5 number a chairman, vice chairman, and secretary-treasurer
6 annually in October. Such officers shall have the duties
7 usually pertaining to like officers. Members of the board
8 shall receive no compensation for their service, but they are
9 entitled to reimbursement for expenses incurred in the conduct
10 of their official duties. Each member of the board, before
11 entering upon the duties of that office, shall execute to the
12 Governor for the benefit of the district a good and sufficient
13 bond in the sum of \$1,000, conditioned to faithfully perform
14 the duties of that office and to account for all funds of the
15 district which come into his or her hands. The premium of the
16 bond shall be paid from funds of the district.

17 Section 4. Fire commissioners; terms of office;
18 vacancies.--Each fire commissioner shall serve a term of 4
19 years and is eligible for reelection. Each member of the board
20 of fire commissioners serving on the effective date of this
21 act shall continue to hold office until the expiration of the
22 term to which he or she was elected. If an office becomes
23 vacant, the vacancy shall be filled by appointment by the
24 remaining members of the board for the unexpired portion of
25 the term. A person appointed to fill a vacancy must meet the
26 same qualifications as candidates for election.

27 Section 5. Meetings; minutes.--A record shall be kept
28 of all meetings of the board. In any meeting, the concurrence
29 of a majority of the members of the board is necessary to any
30 action by the board. Meetings of the board and minutes of
31 meetings are open to the public at all times.

1 Section 6. Financial matters.--
2 (1) The board may levy an ad valorem tax on taxable
3 property within the district of up to 1 mill. The ad valorem
4 tax authorized by this subsection shall become a lien on the
5 property so assessed until paid. If it becomes delinquent, it
6 is subject to the same penalties, charges, and fees for
7 enforcement and collection as county ad valorem taxes and
8 shall be enforced and collected as provided by law. The
9 district's ad valorem tax shall be a first lien superior in
10 dignity to all other liens except liens for county ad valorem
11 taxes.

12 (2) The board may accept gifts and donations and may
13 carry on community projects for fund-raising purposes.

14 (3) The fiscal year of the district shall run from
15 October 1 until September 30 of the following year.

16 Section 7. Taxes; collection.--The board of
17 commissioners shall notify the Walton County Property
18 Appraiser annually of taxes that the board has imposed on each
19 parcel of property within the district, and the Property
20 Appraiser shall include these taxes in the notice of proposed
21 property taxes and adopted non-ad valorem assessments for the
22 properties within the district.

23 Section 8. Indebtedness.--

24 (1) The board of fire commissioners may borrow money
25 for the purposes of the district. The total principal and
26 interest that may be outstanding may not exceed 50 percent of
27 the total assessment roll. The board may pledge collections on
28 such roll and may give tax anticipation notes, which shall be
29 the sole security for such loans. Neither the district nor any
30 commissioner is personally liable for such a loan or any part
31 thereof. If there is a pledge of collections on the district

1 assessment roll, it is the duty of the board, upon collection
2 of the roll so pledged, to apply the first proceeds thereof to
3 the payment of principal and interest on the loan for which
4 the assessment was pledged.

5 (2) Except as provided in subsection (1), the board
6 may not create indebtedness or incur obligations for any sum
7 that it is unable to pay out of district funds then in its
8 possession.

9 Section 9. Use of funds.--Funds of the district may
10 not be used for any purpose other than for the administration
11 of the affairs and business of the district; for the
12 construction, care, maintenance, upkeep, operations, and
13 purchase of standard firefighting equipment, which must meet
14 the requirements of the underwriters' association; for
15 construction and maintenance of fire stations, installation of
16 fire hydrants, payment of public utilities such as electricity
17 and water; for the salary of one or more firefighters; and for
18 such other expenses as the board determines to be in the best
19 interest of the district.

20 Section 10. Penalty.--Any person who violates any
21 provision of this act or any rule adopted pursuant to this act
22 is guilty of a misdemeanor of the second degree, punishable as
23 provided in section 775.082 or section 775.083, Florida
24 Statutes.

25 Section 11. All acts of the Board of Fire
26 Commissioners of the South Walton Fire District which were
27 taken before the effective date of this act are ratified and
28 confirmed.

29 Section 12. This act, except for this section, which
30 shall take effect upon becoming a law, shall take effect only
31 if this act is ratified by the electors of the district voting

1 in a referendum election that is called by the Board of Fire
2 Commissioners of the South Walton Fire District and held
3 within 2 years after the date this act becomes a law. The
4 effective date of the act shall be the date on which the
5 results of the referendum are certified. The expenses of the
6 election shall be paid by the board from moneys of the
7 district.
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