

By Representatives Melvin, Peaden and J. Miller

1 A bill to be entitled
2 An act relating to the Okaloosa County Ocean
3 City-Wright Fire Control District; repealing
4 chapter 78-570, Laws of Florida, as amended;
5 providing for the creation and boundaries of
6 the Ocean City-Wright Fire Control District;
7 providing for the election of district board of
8 commissioners; providing for terms of office;
9 providing for officers and meetings of such
10 boards; providing for commissioners'
11 compensation and expenses; requiring a bond;
12 providing general and special powers of
13 districts; exempting district assets and
14 property from taxation; providing requirements
15 and procedures for the levy of ad valorem
16 taxes, non-ad valorem taxes, assessments, user
17 charges, and impact fees; providing for
18 referenda; providing for enforcement; providing
19 for requirements and procedures for issuance of
20 bonds; providing for referenda; providing for
21 creation, expansion, and merger of the district
22 boundaries; providing for use of funds;
23 providing for severability; providing for an
24 effective date.

25

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

27

28 Section 1. Chapter 78-570, Laws of Florida, as
29 amended, is codified, reenacted, amended, and repealed as
30 herein provided.

31

1 Section 2. The Charter of the Ocean City-Wright Fire
2 Control District is re-created and reenacted to read:

3 Section 1. Creation; boundaries.--Upon this act
4 becoming a law, all of the following lands in Okaloosa County
5 shall be incorporated as an independent special fire control
6 district, which shall be a public municipal corporation for
7 the public benefit, with perpetual existence, to be known as
8 the Ocean City-Wright Fire Control District in which case it
9 may sue and be sued, lease, own, possession and convey real
10 and personal property, by purchase or gift or otherwise, in
11 order to carry out the purposes of this act. The lands so
12 incorporated shall include the following:

13
14 Beginning at the Southwest corner of Lot 1
15 Block 3, Bellavista Subdivision; then Easterly
16 along the Southern boundary of Block 3,
17 Bellavista Subdivision, an extension of South
18 line of Block 3 Easterly to the center line of
19 State Highway 85, Eglin Parkway; thence go in a
20 Northeasterly direction along the center line
21 of said State Road 85 to the Section line
22 dividing Sections 1 and 12, Township 2 South,
23 Range 24 West; thence go East along said
24 Section line to the center of Garnier Bayou;
25 thence meander in a Northeasterly and
26 Northwesterly direction along the center line
27 of said Garnier Bayou; to the Northeast corner
28 of the Southeast 1/4 of the Northeast 1/4 of
29 Section 36, Township 1 South, Range 24 West;
30 thence go West along said quarter section line
31 to the East right-of-way line of Mooney Road;

1 thence go in a Northwesterly direction along
2 the Northeast right-of-way line of Mooney Road
3 to the South right-of-way of State Road 189
4 (also known as State Road 85A); thence go in a
5 Southwesterly direction along the South
6 right-of-way of said State Road 189 to the
7 intersection of South side of 189 and South
8 side of Mooney Road; thence Southeasterly along
9 the South side of Mooney Road to the
10 intersection of the East line of Section 26,
11 Township 1 South, Range 24 West; thence South
12 to the Southeast corner of Northeast 1/4 of
13 Section 35, Township 1 South, Range 24 West;
14 thence West to the Southwest corner of the
15 Southeast 1/4 of the Northeast 1/4 of Section
16 34, Township 1 South, Range 24 West; thence
17 North to Northwest corner of Southeast 1/4 of
18 the Northeast 1/4 of Section 34, Township 1
19 South, Range 24 West; thence East to the
20 Southeast corner of the Northwest 1/4 of the
21 Northwest 1/4, Section 35, Township 1 South,
22 Range 24 West; thence North to the Northeast
23 corner of Southwest 1/4 of the Southwest 1/4,
24 Section 26, Township 1, Range 24, West; thence
25 West to Southwest corner of the Northwest 1/4
26 of Southeast 1/4, Section 27, Township 1 South,
27 Range 24 West; thence North to the Northwest
28 corner of the Northwest 1/4 of the Southeast
29 1/4 of Section 27, township 1, South, Range 24
30 West; thence East to the Northeast corner of
31 the Northwest 1/4 of the Southeast 1/4 of

1 Section 27, Township 1 South, Range 24 West,
2 thence South to the Southwest corner of the
3 Southeast 1/4 of the Southeast 1/4 Section 27,
4 Township 1 South, Range 24 West; thence West
5 490 feet; thence South to the North line of
6 Southwest 1/4 of the Northeast 1/4 Section 34,
7 Township 1 South, Range 24 West, thence West to
8 the Northeast corner of the West 1/2 of West
9 1/2 of Southwest 1/4 of Northeast 1/4, Section
10 34, Township 1 South, Range 24 West; thence
11 South to the North side of State Highway 189;
12 thence Southwesterly and Southerly along
13 Highway 189 to the intersection of said highway
14 and the South line of the North 1/2 of North
15 1/2 of the Southwest 1/4 of Section 34,
16 Township 1 South, Range 24 West; thence West to
17 the Southwest corner of the North 1/2 of North
18 1/2 of Northeast 1/4 of the Southeast 1/4,
19 Section 33, Township 1 South, Range 24 West;
20 thence South to the Southwest corner of the
21 Southeast 1/4 of the Southeast 1/4, Section 33,
22 Township 1 South, Range 24 West, thence East to
23 the Southeast corner of Section 33, Township 1
24 South, Range 24 West; thence South along the
25 East line of Section 4 and 9, Township 2 South,
26 Range 24 West to the North right-of-way line of
27 189 (Mary Esther Cutoff); thence Northeasterly
28 along North side of Highway 89 to the East and
29 West half section line of section 10, Township
30 2 South, Range 24 West; thence East along the
31 half section line of Section 10, Township 2

1 South, Range 24 West to the Southwest
2 right-of-way of Beal Street; thence
3 Northeasterly crossing Beal Street to the
4 Southeast corner of Lot 6, Block 3 of Pryors
5 Subdivision; thence Northeasterly along Pryors
6 Subdivision to the water's edge of Five Mile
7 Bayou; thence Northeasterly to the center line
8 of Five Mile Bayou, thence meander Easterly
9 along the center line of Five Mile Bayou to the
10 extension of the East Section line of Section
11 11, Township 2 South, Range 24 West; thence
12 Easterly to the Southwest corner of Lot 1,
13 Block 3, Bellavista Subdivision and point of
14 beginning,

15
16 EXCEPT the following described property:
17 Chelsea Woods, as recorded in Plat Book 3, Page
18 78, Forest Park, as recorded in Plat Book 4,
19 Page 13, Country Club Estates, as recorded in
20 Plat Book 3, Page 41; First Addition Country
21 Club Estates, as recorded in Plat Book 4, Page
22 16; the West portion of Lot 1; Fractional
23 Section 36 and the South 1/2 of Lot 2,
24 Fractional Section 36, being in Township 1,
25 South, Range 24 West.

26
27 Beginning at a point which is 188.6 feet along
28 south right-of-way of Racetrack Road West of
29 the intersection of said right-of-way with the
30 West line of the Northeast quarter of Section
31 2, Township 2 South, Range 24 West, and South

1 340 feet; thence West for a distance of 200
2 feet, thence South 95 feet; thence East 200
3 feet, thence North 95 feet to the point of
4 beginning, and
5
6 Beginning at a point which is 188.6 feet along
7 the South right-of-way of Racetrack Road West
8 of the intersection of the said right-of-way
9 with the West line of the Northeast quarter of
10 the Northeast quarter of Section 2, Township 2
11 South, Range 24 West and South 435 feet; thence
12 West for a distance of 200 feet; thence South
13 95 feet; thence East 200 feet; thence North 95
14 feet to the point of beginning. This being Lot
15 No. 5 according to the unrecorded survey made
16 November 1957 by Associated Engineering
17 Company. North half of the West half of
18 Northwest Quarter of Northwest Quarter of
19 Southeast Quarter of Section 35, Township 1
20 South, Range 24 West, Okaloosa County, Florida,
21 save and except a strip 50 feet of North side
22 heretofore deeded to State of Florida for
23 public road, save and except a strip 66 feet
24 wide on west side reserved for public road and
25 save and except a 33 foot strip off South side
26 reserved for use as a public road.
27
28 PARCEL NO. 1. For a point of beginning,
29 commence at a point on the South margin of
30 Racetrack Road 238.6 feet west of the
31 intersection of said road and the West line of

1 the Northeast quarter of the Northeast quarter
2 of Section 2, Township 2 South, Range 24 West;
3 thence continue West along the South margin of
4 said road for 150 feet to a point on the East
5 margin of Gibson Street; thence South along the
6 East margin of said street for 150 feet; thence
7 East 150 feet, thence North 150 feet to the
8 point of beginning, and
9
10 PARCEL NO. 2. Begin at a point on the South
11 right-of-way of Racetrack Road 188.6 feet West
12 of the intersection of said right-of-way and
13 the West line of the Northeast quarter of the
14 Northeast quarter of Section 2, Township 2
15 South, Range 24 West, thence continue West
16 along said right-of-way for 50 feet; thence
17 South parallel to the East margin of Gibson
18 Street for 150 feet; thence West parallel to
19 the South line of Racetrack Road for 150 feet
20 to a point on the East Margin of Gibson Street,
21 thence South along the East margin of Said
22 street for 190 feet; thence East for 200 feet;
23 thence North for 340 feet to the point of
24 beginning
25
26 Beginning at a point on the Race Track Highway
27 at the southeast corner of the southwest
28 quarter of Section 35, Township 1 South, Range
29 24 West, thence run North 1,320 feet, thence
30 run West 200 feet, thence run South 1,320 feet,
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1 thence run East 200 feet to the point of
2 beginning, subject to County Road right-of-way

3
4 The Southeast quarter of the Northeast quarter
5 of the Southwest quarter, less a strip 50 feet
6 wide on the West side heretofore deeded to the
7 State of Florida for a public road; and the
8 Southwest quarter of the Northwest quarter of
9 the Southeast quarter, all in Section 35,
10 Township 1 South, Range 24 West, Okaloosa
11 County, Florida, being twenty acres, more or
12 less.

13
14 The Southwest quarter of the Southeast quarter,
15 Section 35 Township 1 South, Range 24 West,
16 Okaloosa County, Florida.

17
18 And the incorporated town limits of the Town of
19 Cinco Bayou, Florida.

20
21 Section 2. Intent.--The purposes of this act are to:

22 (1) Comply with chapter 97-256, Laws of Florida, which
23 calls for the codification of charters of all independent
24 special fire control districts which were created by special
25 law of local application or general law of local application
26 as defined in s. 189.403, Florida Statutes.

27 (2) Provide standards, direction, and procedures
28 concerning the operation and governance of the special fire
29 control district known as the Ocean City-Wright Fire Control
30 District.

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1 (3) Provide greater uniformity between the Ocean
2 City-Wright Fire Control District and other independent
3 special fire control districts.

4 (4) Provide greater uniformity in the financing
5 authority of the Ocean City-Wright Fire Control District
6 without hampering the efficiency and effectiveness of current
7 authorized and implemented methods and procedures of raising
8 revenues.

9 (5) Improve communication and coordination between
10 Ocean City-Wright Fire Control District and other local
11 governments with respect to short-range and long-range
12 planning to meet the demands for service delivery while
13 maintaining fiscal responsibility.

14 (6) Provide uniform procedures for electing members of
15 the governing board of the Ocean City-Wright Fire Control
16 District to ensure greater accountability to the public.

17 Section 3. Definitions.--

18 (1) "Board" means the governing board of the Ocean
19 City-Wright Fire Control District.

20 (2) "District" means the Ocean City-Wright Fire
21 Control District, an independent special fire control district
22 as defined under s. 189.403, Florida Statutes.

23 (3) "Elector" means a person who is a resident of the
24 Ocean City-Wright Fire Control District and is qualified to
25 vote in a general election within Okaloosa County.

26 (4) "Emergency medical service" means basic and
27 advanced life support service as defined in s. 401.23, Florida
28 Statutes.

29 (5) "Rescue response service" means an initial
30 response to an emergency or accident situation, including, but
31

1 not limited to, a plane crash, a trench or building collapse,
2 a swimming or boating accident, or a motor vehicle accident.

3 Section 4. The provisions of this act shall be
4 liberally construed in order to effectively carry out the
5 purpose of this act in the interest of the public safety.

6 Section 5. District board of commissioners;
7 membership, terms of office, officers, meetings.--

8 (1)(a) The business affairs of the district shall be
9 conducted and administered by a 5-member board. The board
10 shall be elected in nonpartisan elections by the electors of
11 the district. Except as provided in this act, such elections
12 shall be held at a time and in a manner prescribed by law for
13 holding general elections in accordance with s. 189.405(2)(a)
14 and (3), Florida Statutes, and each member shall be elected
15 for a term of 4 years and serve until the member's successor
16 assumes office. Candidates for the board of the district shall
17 qualify with the Okaloosa County Supervisor of Elections. All
18 candidates may qualify by paying a filing fee of at least \$25
19 or by obtaining the signatures of at least 25 registered
20 electors of the district on petition forms provided by the
21 supervisor of elections which petitions shall be submitted and
22 checked in the same manner as petitions filed by nonpartisan
23 judicial candidates pursuant to s. 105.035, Florida Statutes.

24 (b)1. The members of the board shall be elected by the
25 electors of the district in the manner provided in this
26 section. The office of each member of the board is designated
27 as being a seat on the board, distinguished from each of the
28 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat
29 designation does not designate a geographical subdistrict.
30 Each candidate for a seat on the board shall designate, at the
31 time the candidate qualifies, the seat on the board for which

1 the candidate is qualifying. The name of each candidate who
2 qualifies for election to a seat on the board shall be
3 included on the ballot in a way that clearly indicates the
4 seat for which the candidate is a candidate. The candidate for
5 each seat who receives the most votes cast for a candidate for
6 the seat shall be elected to the board.

7 (2) Each member of the board must be a qualified
8 elector at the time he or she qualifies and continually
9 throughout his or her term.

10 (3) Each elected member of the board shall assume
11 office 10 days following the member's election. Annually,
12 within 60 days after the newly elected members have taken
13 office, the board shall organize by electing from its members
14 a chair, a vice chair, a secretary, and a treasurer. The
15 positions of secretary and treasurer may be held by the same
16 member. Funds of the district may be disbursed only upon the
17 order or pursuant to resolution of the board. However, a petty
18 cash account may be authorized by the board. The board may
19 give the treasurer additional powers and duties that it deems
20 appropriate.

21 (4) Members of the board may each be paid a salary or
22 honorarium to be determined by at least a majority plus one
23 vote of the board, which salary or honorarium may not exceed
24 \$500 per month for each member. Special notice of any meeting
25 at which the board will consider a salary change for a board
26 member shall be published at least once, at least 14 days
27 prior to the meeting, in a newspaper of general circulation in
28 Okaloosa County. Separate compensation for the board member
29 serving as treasurer may be authorized by like vote so long as
30 total compensation for the board member does not exceed \$500
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1 per month. Members may be reimbursed for travel and per diem
2 expense as provided in s. 112.061, Florida Statutes.

3 (5) If a vacancy occurs on the board due to the
4 resignation, death, or removal of a board member or the
5 failure of anyone to qualify for a board seat, the remaining
6 members may appoint a qualified person to fill the seat until
7 the next general election, at which time an election shall be
8 held to fill the vacancy for the remaining term, if any. The
9 board shall remove any member who has three consecutive
10 unexcused absences from regularly scheduled meetings. The
11 board shall adopt policies by resolution defining excused and
12 unexcused absences.

13 (6) Upon assuming office, each member shall take and
14 subscribe to the oath of office prescribed by s. 5(b), Art. II
15 of the State Constitution and s. 876.05, Florida Statutes.
16 Each member, within 30 days of assuming office, must give the
17 Governor a good and sufficient surety bond in the sum of
18 \$5,000, the cost therefore being born by the district,
19 conditioned on the member's faithful performance of his or her
20 duties of office.

21 (7) The board shall keep a permanent record book
22 entitled "Record of Proceedings of the Ocean City-Wright Fire
23 Control District," in which the minutes of all meetings,
24 resolutions, proceedings, certificates, bonds given by
25 commissioners, and corporate acts shall be recorded. The
26 record book shall be open to inspection in the same manner as
27 state, county, and municipal records are open under chapter
28 119, Florida Statutes, and s. 24, Art. I of the State
29 Constitution. The record book shall be kept at the office or
30 other regular place of business maintained by the board for
31 the Ocean City-Wright Fire Control District.

1 (8) All meetings of the board shall be open to the
2 public consistent with chapter 286, Florida Statutes, s.
3 189.417, Florida Statutes, and other applicable general laws.

4 (9) The officers of the board of commissioners shall
5 have the duties usually pertaining to like officers. A record
6 shall be kept of all meetings of the board in a manner
7 consistent with this section and in such meetings concurrence
8 of a majority of the commissioners shall be necessary to any
9 affirmative action by the board.

10 (10) The books and records of the district shall be
11 audited as outlined in s. 11.45(3)(a), Florida Statutes.

12 (11) No suit, action, or proceeding shall be
13 instituted or maintained in any court against the district or
14 the commissioners, or any commissioner, unless the person
15 making such claim shall have within 30 days after the accrual
16 of such claim given to the commissioners, or one of them, a
17 notice in writing setting forth its nature, amount and the
18 place and manner in which it accrued together with the names
19 and addresses of all witnesses, with sufficient detail to
20 enable the commissioners to fully investigate. No suit,
21 action, or proceedings shall be instituted within 3 months
22 after such notice shall have been given.

23 Section 6. General powers.--The district shall have,
24 and the board may exercise by majority vote, the following
25 powers:

26 (1) To sue and be sued in the name of the district, to
27 adopt and use a seal and authorize the use of a facsimile
28 thereof, and to make and execute contracts and other
29 instruments necessary or convenient to the exercise of its
30 powers.

31

1 (2) To provide for a pension or retirement plan for
2 its employees. Notwithstanding the prohibition against extra
3 compensation as provided in s. 215.425, Florida Statutes, the
4 board may provide for an extra compensation program, including
5 a lump-sum bonus payment program, to reward outstanding
6 employees whose performance exceeds standards, if the program
7 provides that a bonus payment may not be included in an
8 employee's regular base rate of pay and may not be carried
9 forward in subsequent years.

10 (3) To contract for the services of consultants to
11 perform planning, engineering, legal, or other professional
12 services.

13 (4) To borrow money and accept gifts, to apply for and
14 use grants or loans of money or other property from the United
15 States, the state, a unit of local government, or any person
16 for any district purposes and enter into agreements required
17 in connection therewith, and to hold, use, sell, and dispose
18 of such moneys or property for any district purpose in
19 accordance with the terms of the gift, grant, loan, or
20 agreement relating thereto.

21 (5) To adopt resolutions and procedures prescribing
22 the powers, duties, and functions of the officers of the
23 district, the conduct of the business of the district, the
24 maintenance of records and the form of other documents and
25 records of the district. The board may also adopt ordinances
26 and resolutions that are necessary to conduct district
27 business, if such ordinances do not conflict with any
28 ordinances of a local general purpose government within whose
29 jurisdiction the district is located. Any resolution or
30 ordinance adopted by the board and approved by referendum vote
31

1 of district electors may only be repealed by referendum vote
2 of district electors.

3 (6) To maintain an office at places it designates
4 within a county or municipality in which the district is
5 located and appoint an agent of record.

6 (7) To acquire by purchase, lease, gift, dedication,
7 devise, or otherwise real and personal property or any estate
8 therein for any purpose authorized by this act and to trade,
9 sell, or otherwise dispose of surplus real or personal
10 property. The board may purchase equipment by an installment
11 sales contract if funds are available to pay the current
12 year's installments on the equipment and to pay the amounts
13 due that year on all other installments and indebtedness.

14 (8) To hold, control, and acquire by donation or
15 purchase any public easement, dedication to public use,
16 platted reservation for public purposes, or reservation for
17 those purposes authorized by this act and to use such
18 easement, dedication, or reservation for any purpose
19 authorized by this act consistent with applicable adopted
20 local government comprehensive plans and land development
21 regulations.

22 (9) To lease as lessor or lessee to or from any
23 person, firm, corporation, association, or body, public or
24 private, any facility or property of any nature for the use of
25 the district when necessary to carry out the district's duties
26 and authority under this act.

27 (10) To borrow money and issue bonds, revenue
28 anticipation notes, or certificates payable from and secured
29 by a pledge of funds, revenues, taxes and assessments,
30 warrants, notes, or other evidence of indebtedness, and
31

1 mortgage real and personal property when necessary to carry
2 out the district's duties and authority under this act.

3 (11) To charge user and impact fees authorized by
4 resolution of the board, in amounts necessary to conduct
5 district activities and services, and to enforce their receipt
6 and collection in the manner prescribed by resolution and
7 authorized by law. However, the imposition of impact fees may
8 only be authorized as provided by section 9(4) of this
9 charter.

10 (12) To exercise the right and power of eminent
11 domain, pursuant to chapter 73 or chapter 74, Florida
12 Statutes, over any property within the district, except
13 municipal, county, state, special district, or federal
14 property used for a public purpose, for the uses and purposes
15 of the district relating solely to the establishment and
16 maintenance of fire stations and fire substations,
17 specifically including the power to take easements that serve
18 such facilities consistent with applicable adopted local
19 government comprehensive plans and land development
20 regulations.

21 (13) To cooperate or contract with other persons or
22 entities, including other governmental agencies, as necessary,
23 convenient, incidental, or proper in connection with providing
24 effective mutual aid and furthering any power, duty, or
25 purpose authorized by this act.

26 (14) To assess and impose upon real property in the
27 district ad valorem taxes and non-ad valorem assessments as
28 authorized by this act.

29 (15) To impose and foreclose non-ad valorem assessment
30 liens as provided by this act or to impose, collect, and
31

1 enforce non-ad valorem assessments pursuant to chapter 197,
2 Florida Statutes.

3 (16) To select as a depository for its funds any
4 qualified public depository as defined in section 280.02,
5 Florida Statutes, which meets all the requirements of chapter
6 280, Florida Statutes, and has been designated by the State
7 Treasurer as a qualified public depository, upon such terms
8 and conditions as to the payment of interest upon the funds
9 deposited as the board deems just and reasonable.

10 (17) To provide adequate insurance on all real and
11 personal property, equipment, employees, volunteer
12 firefighters, and other personnel.

13 (18) To organize, participate in, and contribute
14 monetarily to organizations or associations relating to the
15 delivery of or improvement of fire control, prevention,
16 emergency rescue services, or district administration.

17 (19) No contract shall be made for a period in excess
18 of 20 years.

19 Section 7. Exemption from taxation.--Since the
20 exercise of the powers conferred by this act constitutes
21 action by a political subdivision performing essential public
22 functions and since the property of the district constitutes
23 public property used for public purposes, all assets and
24 properties of the district, including property acquired
25 through the foreclosure of any tax or assessment lien, are
26 exempt from all taxes imposed by the state or any political
27 subdivision, agency, or instrumentality of the state.

28 Section 8. Special powers.--The district shall provide
29 for fire suppression and prevention by establishing and
30 maintaining fire stations and fire substations and acquiring
31 and maintaining such firefighting and fire protection

1 equipment deemed necessary to prevent or fight fires. All
2 construction shall be in compliance with applicable state,
3 regional, and local regulations, including adopted
4 comprehensive plans and land development regulations. The
5 board shall have and may exercise any or all of the following
6 special powers relating to facilities and duties authorized by
7 this act:

8 (1) Establish and maintain emergency medical and
9 rescue response services and acquire and maintain rescue,
10 medical, and other emergency equipment, pursuant to the
11 provisions of chapter 401, Florida Statutes, and any
12 certificate of public convenience and necessity or its
13 equivalent issued thereunder.

14 (2) Employ, train, and equip such personnel and train,
15 coordinate, and equip such firefighters, including volunteers,
16 as are necessary to accomplish the duties of the district. The
17 board may employ and fix the compensation of a fire chief or
18 chief administrator. The board shall prescribe the duties of
19 such person, which shall include supervision and management of
20 the operations of the district and its employees and
21 maintenance and operation of its facilities and equipment. The
22 fire chief or chief administrator may employ or terminate the
23 employment of such other persons, including, without
24 limitation, professional, supervisory, administrative,
25 maintenance, and clerical employees, as are necessary and
26 authorized by the board. The compensation and other conditions
27 of employment of the officers and employees of the district
28 shall be provided by the board.

29 (3) Conduct public education to promote awareness of
30 methods to prevent fires and reduce the loss of life and
31 property from fires or other public safety concerns.

1 (4) Adopt and enforce fire safety standards and codes
2 and enforce the rules of the State Fire Marshall consistent
3 with the exercise of the duties authorized by chapter 553 or
4 chapter 633, Florida Statutes, with respect to fire
5 suppression and prevention and fire safety code enforcement.

6 (5) Conduct arson investigations and cause-and-origin
7 investigations.

8 (6) Adopt hazardous material safety plans and
9 emergency response plans in coordination with the county
10 emergency management agency as provided in chapter 252,
11 Florida Statutes.

12 (7) Contract with general purpose local government for
13 emergency management planning and services.

14 Section 9. Taxes; non-ad valorem assessments; impact
15 fees and user charges.--

16 (1) Ad valorem taxes.--The board of commissioners may
17 levy and assess ad valorem taxes on all taxable property in
18 the district to construct, operate, and maintain district
19 facilities and services, to pay the principal of and interest
20 on general obligation bonds of the district, and to provide
21 for any sinking or other funds established in connection with
22 such bonds. An ad valorem tax levied by the board for
23 operating purposes, exclusive of debt service on bonds, may
24 not exceed 3.75 mills. The levy of ad valorem taxes pursuant
25 to this section must be approved by referendum called by the
26 board when the proposed levy of ad valorem taxes exceeds 2
27 mills. Nothing in this act shall require a referendum on the
28 levy of ad valorem taxes in an amount previously authorized by
29 special act, general law of local application, or county
30 ordinance approved by referendum. Such tax shall be assessed,
31 levied, and collected in the same manner as county taxes. The

1 levy of ad valorem taxes approved by referendum shall be
2 reported within 60 days after the vote to the Department of
3 Community Affairs.

4 (2) Non-Ad valorem assessments.--The district may levy
5 non-ad valorem assessments as defined in s. 197.3632, Florida
6 Statutes, to construct, operate, and maintain district
7 facilities and services. The rate of such assessments must be
8 fixed by resolution of the board pursuant to the procedures
9 contained in section 10. Non-ad valorem assessment rates set
10 by the board may exceed the maximum rates established by
11 special act, county ordinances, the previous year's
12 resolution, or referendum in an amount not to exceed the
13 average annual growth rate in Florida personal income over the
14 previous 5 years. Non-ad valorem assessment rate increases
15 within the personal income threshold are deemed to be within
16 the maximum rate authorized by law at the time of initial
17 imposition. Proposed non-ad valorem assessment increases which
18 exceed the rate set the previous fiscal year or the rate
19 previously set by special act or county ordinance, whichever
20 is more recent, by more than the average annual growth rate in
21 Florida personal income over the last 5 years, or the
22 first-time levy of non-ad valorem assessments in a district,
23 must be approved by referendum of the electors of the
24 district. The referendum on the first-time levy of an
25 assessment shall include a notice of the future non-ad valorem
26 assessment rate increases permitted by this act without a
27 referendum. Non-ad valorem assessments shall be imposed,
28 collected, and enforced pursuant to section 10.

29 (3) User charges.--

30 (a) The board may provide a reasonable schedule of
31 charges for special emergency services, including firefighting

1 occurring in or to structures outside the district, motor
2 vehicles, marine vessels, aircraft, or rail cars, or as a
3 result of the operation of such motor vehicles or marine
4 vessels, to which the district is called to render such
5 emergency service, and may charge a fee for the services
6 rendered in accordance with the schedule.

7 (b) The board may provide a reasonable schedule of
8 charges for fighting fires occurring in or at refuse dumps or
9 as a result of an illegal burn, which fire, dump, or burn is
10 not authorized by general or special law, rule, regulation,
11 order, or ordinance and which the district is called upon to
12 fight or extinguish.

13 (c) The board may provide a reasonable schedule of
14 charges for responding to or assisting or mitigating
15 emergencies that either threaten or could threaten the health
16 and safety of persons, property, or the environment, to which
17 the district has been called, including a charge for
18 responding to false alarms.

19 (d) The board may provide a reasonable schedule of
20 charges for inspecting structures, plans, and equipment to
21 determine compliance with fire safety codes and standards.

22 (e) The district shall have a lien upon any real
23 property, motor vehicle, marine vessel, aircraft, or rail car
24 for any charge assessed under this subsection.

25 (4) Impact fees.--If the general purpose local
26 government has not adopted an impact fee for fire services
27 which is distributed to the district for construction within
28 its jurisdictional boundaries, the board may establish a
29 schedule of impact fees for new construction to pay for the
30 cost of new facilities and equipment, the need for which is in
31 whole or in part the result of new construction. The impact

1 fees collected by the district under this subsection shall be
2 kept separate from other revenues of the district and must be
3 used exclusively to acquire, purchase, or construct new
4 facilities or portions thereof needed to provide fire
5 protection and emergency services to new construction. As used
6 in this subsection, "new facilities" means land, buildings,
7 and capital equipment including, but not limited to, fire and
8 emergency vehicles, radio-telemetry equipment, and other
9 firefighting or rescue equipment. The board shall maintain
10 adequate records to ensure that impact fees are expended only
11 for permissible new facilities or equipment. The board may
12 enter into agreements with general purpose local governments
13 to share in the revenues from fire protection impact fees
14 imposed by such governments.

15 Section 10. Procedures for the levy and collection of
16 non-ad valorem assessments.--

17 (1) The district may provide for the levy of non-ad
18 valorem assessments under this act on the lands and real
19 estate benefited by the exercise of the powers authorized by
20 this act, or any part thereof, for all or any part of the cost
21 thereof. Non-ad valorem assessments may be levied only on
22 benefited real property at a rate of assessment based on the
23 special benefit accruing to such property from such services
24 or improvements. The district may use any assessment
25 apportionment methodology that meets fair apportionment
26 standards.

27 (2) The board may determine to exercise any power
28 authorized by this act and defray the whole or any part of the
29 expense thereof by non-ad valorem assessments. The district
30 shall adopt a non-ad valorem assessment roll pursuant to the
31

1 procedures contained in this section or in s. 197.3632,
2 Florida Statutes, if:

3 (a) The non-ad valorem assessment is levied for the
4 first time;

5 (b) The non-ad valorem assessment is increased beyond
6 the maximum rate authorized by general law or special act at
7 the time of initial imposition as defined in section 9;

8 (c) The district's boundaries have changed, unless all
9 newly affected property owners have provided written consent
10 for such assessment to the board; or

11 (d) There is a change in the purpose for such
12 assessment or in the use of the revenue generated by such
13 assessment.

14
15 The board shall so declare by resolution stating the nature of
16 the proposed service, the location of any capital facilities,
17 personnel, and equipment needed to provide the service, and
18 any other projected expense of providing the service or
19 improvement, and the part or portion of the expense thereof to
20 be paid by non-ad valorem assessments, the manner in which the
21 assessments shall be made, when the assessments are to be
22 paid, and what part, if any, shall be apportioned to be paid
23 from other revenues or funds of the district. The resolution
24 shall also designate the lands upon which the non-ad valorem
25 assessments shall be levied. Such lands may be designated by
26 an assessment plat. The resolution shall also state the total
27 estimated costs of the service or improvement. The estimated
28 cost may include the cost of operations, including personnel,
29 equipment, construction or reconstruction, the cost of all
30 labor and materials, the cost of all lands, property, rights,
31 easements, and franchises acquired, financing charges,

1 interest prior to and during construction and for one year
2 after completion of construction, discount on the sale of
3 assessment bonds, cost of plans and specifications, surveys of
4 estimates of costs and of revenues, cost of engineering and
5 legal services and all other expenses necessary or incident to
6 determining the feasibility or practicability of the
7 construction or reconstruction, administrative expense, and
8 such other expenses as may be necessary or incident to the
9 financing authorized by this act.

10 (3) At the time of the adoption of the resolution
11 provided for in subsection (2), there shall be on file at the
12 district's offices an assessment plat showing the area to be
13 assessed, with construction and operational plans and
14 specifications and an estimate of the cost of the proposed
15 service or improvement, which assessment plat, plans, and
16 specifications and estimates shall be open to the inspection
17 of the public.

18 (4) Upon adoption of the resolution provided for in
19 subsection (2) or completion of the preliminary assessment
20 roll provided for in subsection (5), whichever is later, the
21 board shall publish notice of the resolution once in a
22 newspaper of general circulation in each county in which the
23 district is located. The notice shall state in brief and
24 general terms a description of the proposed service or
25 improvements and that the plans, specifications, and estimates
26 are available to the public at the district's offices. The
27 notice shall also state the date and time of the hearing to
28 hear objections provided for in subsection (7), which hearing
29 shall be no earlier than 15 days after publication of the
30 notice. The publication shall be verified by the affidavit of
31 the publisher and filed with the secretary to the board.

1 (5) Upon the adoption of the resolution provided for
2 in subsection (2), the board shall cause to be made a
3 preliminary assessment roll in accordance with the method of
4 assessment provided for in the resolution. The assessment roll
5 shall show the lots and lands assessed and the amount of the
6 benefit to and the assessment against each lot or parcel of
7 land, and, if the assessment is to be paid in installments,
8 the number of annual installments in which the assessment is
9 divided shall also be entered and shown upon the assessment
10 roll.

11 (6) Upon the completion of the preliminary assessment
12 roll, the board shall by resolution fix a time and place at
13 which the owners of the property to be assessed or any other
14 persons interested therein may appear before the board and be
15 heard as to the advisability of providing the service or
16 making the improvements, as to the cost thereof, as to the
17 manner of payment therefor, and as to the amount thereof to be
18 assessed against each property so improved. Ten days' notice
19 in writing of the time and place shall be given to the
20 property owners. The notice shall include the amount of the
21 assessment and shall be served by mailing a copy to each of
22 the property owners at his or her last known address, the
23 names and addresses of the property owners to be obtained from
24 the records of the property appraiser, and proof of such
25 mailing to be made by the affidavit of the board's secretary.

26 (7) At the time and place named in the notice provided
27 for in subsection (4), the board shall meet and hear testimony
28 from affected property owners as to the advisability of
29 providing the service or making the improvements and funding
30 them with non-ad valorem assessments on property. Following
31 the testimony, the board shall make a final decision on

1 whether to levy the non-ad valorem assessments, adjusting
2 assessments as may be warranted by information received at or
3 prior to the hearing. If any property which may be chargeable
4 under this section has been omitted from the preliminary roll
5 or if the prima facie assessment has not been made against it,
6 the board may place on the roll an apportionment to that
7 property. The owners of any property so added to the
8 assessment roll shall be mailed a copy of the notice provided
9 for in subsection (6), and granted 15 days from the date of
10 mailing to file any objections with the board. When so
11 approved by resolution of the board, a final assessment roll
12 shall be filed with the vice chair of the board, and the
13 assessments shall stand confirmed and remain legal, valid, and
14 binding first liens upon the property against which the
15 assessments are made until paid. The assessment so made shall
16 be final and conclusive as to each lot or parcel assessed
17 unless proper steps are taken within 30 days after the filing
18 of the final assessment roll in a court of competent
19 jurisdiction to secure relief. If the assessment against any
20 property is sustained or reduced or abated by the court, the
21 vice chair shall note that fact on the assessment roll
22 opposite the description of the property affected and notify
23 the county property appraiser and the tax collector in
24 writing. The amount of the non-ad valorem assessment against
25 any lot or parcel which may be abated by the court, unless the
26 assessment upon the entire district is abated, or the amount
27 by which the assessment is so reduced, may by resolution of
28 the board be made chargeable against the district at large,
29 or, at the discretion of the board, a new assessment roll may
30 be prepared and confirmed in the manner provided in this
31 section for the preparation and confirmation of the original

1 assessment roll. The board may by resolution grant a discount
2 equal to all or a part of the payee's proportionate share of
3 the cost of a capital project consisting of bond financing
4 costs, such as capitalized interest, funded reserves, and bond
5 discount included in the estimated cost of the project, upon
6 payment in full of any assessment during the period prior to
7 the time the financing costs are incurred as may be specified
8 by the board.

9 (8) The non-ad valorem assessments:

10 (a) Shall be payable at the time and in the manner
11 stipulated in the resolution providing for the improvement or
12 services.

13 (b) Shall remain liens, co-equal with the lien of all
14 state, county, district, and municipal taxes, superior in
15 dignity to all other liens, titles and claims, until paid.

16 (c) Shall bear interest as provided by s. 170.09,
17 Florida Statutes, or, if bonds have been issued, at a rate not
18 to exceed 1 percent above the rate of interest at which the
19 bonds authorized pursuant to this act and used for a capital
20 improvement are sold, from the date of the acceptance of the
21 improvement.

22 (d) May, by resolution and only for capital outlay
23 projects, be made payable in equal installments over a period
24 not to exceed 20 years, to which, if not paid when due, there
25 shall be added a penalty at the rate of 1 percent per month,
26 until paid.

27
28 However, the assessments may be paid without interest at any
29 time within 30 days after the improvement is completed and a
30 resolution accepting the same has been adopted by the board.

31

1 (9) The non-ad valorem assessments approved by the
2 board may be levied, assessed, and collected pursuant to ss.
3 197.363-197.3635, Florida Statutes. The collection and
4 enforcement of the non-ad valorem assessment levied by the
5 district shall be at the same time and in like manner as
6 county taxes.

7 (10) All assessments shall constitute a lien upon the
8 property so assessed from the date of confirmation of the
9 resolution ordering the improvement of the same nature and to
10 the same extent as the lien for general county, municipal, or
11 district taxes falling due in the same year or years in which
12 such assessments or installments thereof fall due, and any
13 assessment or installment not paid when due shall be collected
14 with such interest and with reasonable attorney's fees and
15 costs, but without penalties, by the district by proceedings
16 in a court of equity to foreclose the lien of assessment as a
17 lien for mortgages is or may be foreclosed under the laws of
18 the state, provided any such proceedings to foreclose shall
19 embrace all installments of principal remaining unpaid with
20 accrued interest thereon, which installments shall, by virtue
21 of the institution of such proceedings immediately become due
22 and payable. If, prior to any sale of the property under
23 decree of foreclosure in such proceedings, payment is made of
24 the installment or installments which are shown to be due
25 under the provisions of the resolution passed pursuant to
26 subsection (9) and this subsection, and all costs including
27 attorney's fees, the payment shall have the effect of
28 restoring the remaining installments to their original
29 maturities and the proceedings shall be dismissed. The
30 district shall enforce the prompt collection of assessments by
31 the means provided in this section and this duty may be

1 enforced at the suit of any holder of bonds issued under this
2 act in a court of competent jurisdiction by mandamus or other
3 appropriate proceedings or action. Not later than 30 days
4 after annual installments are due and payable, the board shall
5 direct the attorney or attorneys whom the board shall
6 designate to institute actions within 3 months after such
7 direction to enforce the collection of all non-ad valorem
8 assessments remaining due and unpaid at the time of such
9 direction. Such action shall be prosecuted in the manner and
10 under the conditions in and under which mortgages are
11 foreclosed under the laws of the state. It is lawful to join
12 in one action the collection of assessments against any or all
13 property assessed by virtue of the same assessment roll unless
14 the court deems such joinder prejudicial to the interest of any
15 defendant. The court shall allow a reasonable attorney's fee
16 for the attorney or attorneys of the district, and the fee
17 shall be collectible as a part of or in addition to the costs
18 of the action. At the sale pursuant to decree in any such
19 action, the district may be a purchaser to the same extent as
20 an individual person or corporation, except that the part of
21 the purchase price represented by the assessments sued upon
22 and the interest thereon need not be paid in cash. Property so
23 acquired by the district may be sold or otherwise disposed of,
24 the proceeds of such disposition to be placed in the fund
25 provided for by subsection (11), provided no sale or other
26 disposition thereof shall be made unless the notice calling
27 for bids therefor to be received at a stated time and place
28 was published in a newspaper of general circulation in the
29 district once in each of 4 successive weeks prior to such
30 disposition.
31

1 (11) All assessments and charges made under the
2 provisions of this section for the payment of all or any part
3 of the cost of any improvements for which assessment bonds
4 have been issued under the provisions of this act are hereby
5 pledged to the payment of the principal of and the interest on
6 the assessment bonds and shall, when collected, be placed in a
7 separate fund, properly designated, which fund shall be used
8 for no other purpose than the payment of such principal and
9 interest.

10 Section 11. District issuance of bonds, notes, bond
11 anticipation notes, or other evidences of indebtedness.--

12 (1) The district may issue general obligation bonds,
13 assessment bonds, revenue bonds, notes, bond anticipation
14 notes, or other evidences of indebtedness to finance all or a
15 part of any proposed improvements authorized to be undertaken
16 under this act or under general or special law, provided the
17 total annual payments for the principal and interest on such
18 indebtedness shall not exceed 50 percent of the total annual
19 budgeted revenues of the district. The bonds shall be issued
20 in such denominations, mature on such dates and in such
21 amounts, and may be subject to optional and mandatory
22 redemption as determined by resolutions adopted by the board.
23 Bonds of the district may bear interest at a fixed or floating
24 or adjustable rate and may be issued as interest bearing,
25 interest accruing bonds, or zero coupon bonds at such rate or
26 rates, not exceeding the maximum rate permitted by general
27 law, as determined by resolutions of the board. Principal and
28 interest shall be payable in the manner determined by the
29 board. The bonds shall be signed by manual or facsimile
30 signature of the chair or vice chair of the board, attested
31 with the seal of the district and by the manual or facsimile

1 signature of the secretary or assistant secretary of the
2 board.

3 (2) The bonds shall be payable from the non-ad valorem
4 assessments or other non-ad valorem revenues, including,
5 without limitation, user fees or charges or rental income
6 authorized to be levied or collected or received pursuant to
7 this act or general law. General obligation bonds payable from
8 ad valorem taxes may also be issued by the district, but only
9 after compliance with s. 12, Art. VII of the State
10 Constitution. Subject to referendum approval, a district may
11 pledge its full faith and credit for the payment of principal
12 and interest on such general obligation bonds and for any
13 reserve funds provided therefor and may unconditionally and
14 irrevocably pledge itself to levy ad valorem taxes on all
15 property in the district to the extent necessary for the
16 payment thereof. The district is authorized, after notice and
17 opportunity to be heard has been afforded to those affected,
18 to impose, charge, and collect non-ad valorem revenues in
19 connection with any of the improvements authorized under this
20 act and to pledge the same for the payment of bonds.

21 (3) In connection with the sale and issuance of bonds,
22 the district may enter into any contracts which the board
23 determines to be necessary or appropriate to achieve a
24 desirable effective interest rate in connection with the bonds
25 by means of, but not limited to, contracts commonly known as
26 investment contracts, funding agreements, interest rate swap
27 agreements, currency swap agreements, forward payment
28 conversion agreements, futures, or contracts providing for
29 payments based on levels of or changes in interest rates, or
30 contracts to exchange cash flows or a series of payments, or
31 contracts, including, without limitation, options, puts, or

1 calls to hedge payment, rate, spread, or similar exposure.
2 Such contracts or arrangements may also be entered into by the
3 district in connection with, or incidental to, entering into
4 any agreement which secures bonds or provides liquidity
5 therefor. Such contracts and arrangements shall be made upon
6 the terms and conditions established by the board, after
7 giving due consideration for the credit worthiness of the
8 counter parties, where applicable, including any rating by a
9 nationally recognized rating service or any other criteria as
10 may be appropriate.

11 (4) In connection with the sale and issuance of the
12 bonds, or entering into any of the contracts or arrangements
13 referred to in subsection (3), the district may enter into
14 such credit enhancement or liquidity agreements, with such
15 payment, interest rate, security, default, remedy, and any
16 other terms and conditions as the board shall determine.

17 (5) Notwithstanding any provisions of law relating to
18 the investment or reinvestment of surplus funds of any
19 governmental unit, proceeds of the bonds and any money set
20 aside or pledged to secure payment of the principal or
21 premium, if any, and interest on the bonds, or any of the
22 contracts entered into pursuant to subsection (3) may be
23 invested in securities or obligations described in the
24 resolution providing for the issuance of bonds.

25 (6) The bonds shall be sold in any manner not
26 inconsistent with general law, shall show the purpose for
27 which they are issued, and shall be payable out of the money
28 pledged therefor. The funds derived from the sale of said
29 bonds or any of them shall be used for the purpose of paying
30 the cost of the services or improvements and such costs,
31 expenses, fees, and salaries as may be authorized by law.

1 (7) Non-ad valorem assessments or any portion thereof
2 levied to pay principal on bonds issued pursuant to this act
3 with respect to improvements financed therewith shall not
4 exceed the benefits assessed regarding such works or
5 improvements. If the bonds are sold at a discount, the amount
6 of the discount shall be treated as interest, not as
7 principal. Premiums payable upon the redemption of bonds shall
8 also be treated as interest. Interest to accrue on account of
9 issuing bonds shall not be construed as a part of the costs of
10 the works or improvements in determining whether or not the
11 costs of making such improvements are equal to or in excess of
12 the benefits assessed. If the property appraiser and tax
13 collector deduct their fees and charges from the amount of
14 non-ad valorem assessments levied and collected, and if the
15 landowners receive the statutorily permitted discount for
16 early payment of such non-ad valorem assessments, the amount
17 of such fees, charges, and discount shall not be included in
18 the amount of non-ad valorem assessments levied by the
19 district in determining whether such assessments are equal to
20 or in excess of the benefits assessed.

21 (8) The district may, whenever in the judgment of the
22 board it is advisable and in the best interests of the
23 landowners in the district, issue bonds to refund any or all
24 of the then outstanding bonded indebtedness of the district.

25 (9) The principal amount of refunding bonds may be in
26 any amount not in excess of the benefits assessed against the
27 lands with respect to which the refunded bonds were issued
28 less the principal amount of the refunded bonds previously
29 paid from non-ad valorem assessments. The proceeds of such
30 refunding bonds shall be used only to pay the principal,
31 premium, if any, and interest on the bonds to be refunded, any

1 discount or expense of the sale of the refunding bonds, and to
2 provide a debt service reserve fund for the refunding bonds.
3 The district may also use other available revenues to pay
4 costs associated with the issuance or administration of the
5 refunding bonds.

6 (10) Assessments shall be levied for the payment of
7 the refunding bonds in the same manner as the assessments
8 levied for the refunded bonds and the refunding bonds shall be
9 secured by the same lien as the refunded bonds, and any
10 additional interest which accrues on account of the refunding
11 bonds shall be included and added to the original assessment
12 and shall be secured by the same lien, provided any interest
13 accrued shall not be considered as a part of the cost of
14 construction in determining whether the assessment exceeds the
15 benefits assessed.

16 (11) No proceedings shall be required for the issuance
17 of bonds or refunding bonds other than those provided by this
18 section and by general law.

19 Section 12. District expansion, and merger.--

20 (1) The boundaries of the district may be modified,
21 extended, or enlarged upon approval or ratification by the
22 Legislature except that any tract of land regardless of size
23 or number of parcels may be annexed by contract or agreement
24 between the district and all property owners thereof. Such
25 property owners shall first file a petition with the board of
26 commissioners of the district stating their intention that
27 such land be annexed, describing the bounds thereof and
28 requesting a public hearing. It shall be the duty of the board
29 to set a date for a hearing of such petition and to publish a
30 notice of hearing once a week for 2 consecutive weeks in some
31 newspaper published or circulated in the district and in the

1 area proposed to be annexed, the first notice of which shall
2 appear at least 14 days prior to the hearing. The notice shall
3 state in general terms the matters contained in the petition
4 but must specifically state the lands to be annexed. On the
5 date set for the hearing, the board may hear any evidence from
6 the property owners who filed such petition and shall hear
7 from all persons in opposition thereto. Upon a finding that
8 the annexation of such property is in the best interest of the
9 development of the district, the board may by resolution duly
10 passed, declare its intention to annex such tract of land to
11 said district according to the terms and conditions of the
12 petition. Thirty days after the approval of the resolution by
13 the board and the petitioners, the tract of land shall be
14 annexed to said district.

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

24 Section 13. Use of funds.--No funds of the district
25 shall be used for any purpose other than the administration of
26 the affairs and businesses of the district, for the
27 construction, care, maintenance, upkeep, operation and
28 purchase of standard firefighting equipment which shall meet
29 the requirements of the fire inspector and the underwriters
30 association, fire stations, installation of fire hydrants,
31 payment of public utilities such as electric lights and water,

1 salaries of a fire inspector and one or more firemen, and such
2 other expenses as the board of commissioners may determine to
3 be for the best interests of the district.

4 Section 3. If any clause, section or provision of this
5 act shall be declared unconstitutional or invalid for any
6 reason, it shall be eliminated from this act, and the
7 remaining portion of the act shall be in force and effect and
8 be as valid as if such invalid portion thereof had not been
9 incorporated therein.

10 Section 4. Chapters 78-570, 79-520, 89-438, 96-465,
11 and 96-546, Laws of Florida, are repealed.

12 Section 5. In the event of a conflict of the
13 provisions of this act, with the provisions of any other act,
14 the provisions of this act shall control to the extent of such
15 conflict.

16 Section 6. In the event any section or provision of
17 this act is determined to be invalid or unenforceable, such
18 determination shall not affect the validity of or
19 enforceability of each other section and provision of this
20 act.

21 Section 7. This act shall take effect upon becoming a
22 law.

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