

By Senator Clary

7-337C-99

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.

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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.

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

23 Section 3. Board of fire commissioners.--The business
24 and affairs of the district shall be conducted and
25 administered by a board of seven commissioners. Two
26 commissioners shall be elected from each precinct in the
27 district, and one commissioner shall be elected at large. Each
28 member of the board must, at the time of qualifying for, and
29 during the term of, office, be an elector of Walton County, a
30 resident of the district, and, if elected from a precinct, a
31 resident of that precinct. The board shall elect from its

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

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

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

28 Section 6. Financial matters.--

29 (1) The board may levy an ad valorem tax on taxable
30 property within the district of up to 1 mill. The ad valorem
31 tax authorized by this subsection shall become a lien on the

1 property so assessed until paid. If it becomes delinquent, it
2 is subject to the same penalties, charges, and fees for
3 enforcement and collection as county ad valorem taxes and
4 shall be enforced and collected as provided by law. The
5 district's ad valorem tax shall be a first lien superior in
6 dignity to all other liens except liens for county ad valorem
7 taxes.

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

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

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

19 Section 8. Indebtedness.--

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

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

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

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

21 Section 11. All acts of the Board of Fire
22 Commissioners of the South Walton Fire District which were
23 taken before the effective date of this act are ratified and
24 confirmed.

25 Section 12. This act, except for this section, which
26 shall take effect upon becoming a law, shall take effect only
27 if this act is ratified by the electors of the district voting
28 in a referendum election that is called by the Board of Fire
29 Commissioners of the South Walton Fire District and held
30 within 2 years after the date this act becomes a law. The
31 effective date of the act shall be the date on which the

1 results of the referendum are certified. The expenses of the
2 election shall be paid by the board from moneys of the
3 district.
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