

STORAGE NAME: h1593.ca

DATE: March 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1593

RELATING TO: Okaloosa County/Baker Fire District

SPONSOR(S): Representative Melvin and others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill codifies all existing Okaloosa County ordinances relating to the Baker Fire District (District) in Okaloosa County into a single special act.

The bill conforms the District's charter to the provisions of the Independent Fire Control District Act.

The bill authorizes the District to annually assess and levy against the taxable property in the district a tax not to exceed 3.5 mills.

The bill declares the District to be an independent special district.

This bill does not make any substantive changes to current law.

No fiscal impacts are anticipated for fiscal year 2000-01 an increase of \$4,000 in new revenues is anticipated for fiscal year 2001-02.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Baker Fire District (District) was created on April 27, 1981, by county ordinance number 81-21. The purpose of the District is to provide fire protection and other services in emergency and crisis situations.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Section 191.015, Florida Statutes, provided for codification of fire control districts charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, was created by the 1997 Legislature which required that no changes be made to a special district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 191.015, Florida Statutes, by (i) *extending the deadline to codify to December 1, 2004*, (ii) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, and (iii) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. In addition, section 189.429 was amended by removing the prohibition of substantive amendments in a district's codification bill.

There are some independent special fire control districts which do not have to codify as they do not have more than one special act. Most of these independent special fire control districts previously were governed by ordinances. However, these ordinances were preempted by chapter 191, Florida Statutes, (see section 191.004, Florida Statutes). Some independent special fire control districts have codified their charter even though they

currently do not have any special acts. These codifications are generally a restatement of chapter 191, Florida Statutes.

Status Statement Language

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

Chapter 191, Florida Statutes, Provisions

Chapter 191, Florida Statutes, is the "Independent Special Fire Control District Act" (Act). The Act's purpose is to establish standards and procedures concerning the operations and governance of the 53 independent special fire control districts, and to provide greater uniformity in the financing authority, operations, and procedures for electing members of the governing boards of such districts to ensure greater accountability to the public. The Act requires each district, whether created by special act, general law of local application, or county ordinance, to comply. The section provides that it is the intent of the Legislature that this Act supersede all special acts or general laws of local application provisions that contain the charter of an independent special fire control district. However, those provisions that address district boundaries and geographical subdistricts for the election of members of the governing board are excepted. Chapter 191, Florida Statutes, also does not repeal any authorization providing for the levying of ad valorem taxes, special assessments, non-ad valorem assessments, impact fees, or other charges.

District Board of Commissioners

Section 191.005, Florida Statutes, provides for the election of the district board of commissioners, including its membership, officers, and meetings. This section requires the business affairs of each district to be conducted and administered by a five-member board which is elected in nonpartisan staggered elections by the electors of the district. Districts which currently have three-member boards were required to increase to five members unless a special act was enacted after 1997, which provides that they are three-member boards. Although a special act is needed to have fewer than five members, a district can have more than five commissioners on its governing board. Pursuant to paragraph (c) of subsection 191.005(1), the Act does not require the elimination of board seats from those boards with more than five commissioners.

Candidates for the board are required to qualify with the county supervisor of elections. Except as specifically stated in chapter 191, Florida Statutes, elections must be held at the same time and in the same manner as prescribed by law for holding general elections in accordance with subsections 189.405(2)(a) and (3), Florida Statutes. Each member is elected for a term of 4 years and serves until the member's successor is chosen and qualified. Candidates for the board must qualify by paying a filing fee equal to 3 percent of the salary or honorarium paid for the office, or a filing fee of \$25, whichever is more. In the alternative, candidates may qualify by submitting a petition that contains the signatures of at least 3 percent of the district's registered electors, or any lesser amount of signatures as directed by chapter 99, chapter 582, or other general or special law. No election or party assessment shall be levied if the election is nonpartisan. The forms are to be submitted

and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section 105.035, Florida Statutes.

If a district presently elects members of its board, the next election must be conducted in accordance with section 191.005, F.S. This section does not require the early expiration of any member's term of office by more than 60 days.

Members of the board may each be paid a salary or honorarium which is determined by at least a majority-plus-one vote of the board. Such salary or honorarium is prohibited from exceeding \$500 per month for each member. Members may be reimbursed for travel and per diem expenses pursuant to section 112.061, Florida Statutes.

When a vacancy occurs on the board, the remaining members are permitted to appoint a qualified person to fill the seat until the next general election, at which time an election must be held to fill the vacancy. Upon assuming office, each member must take and subscribe to the oath of office and within 30 days after assuming office, give a surety bond in the sum of \$5,000. The cost of such bond is borne by the district.

The board is required to maintain records of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts. The records are open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes. All meetings of the board are open to the public and governed by chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

Powers of the District

The district's general governmental powers, which may be exercised by majority vote, include but are not limited to the following:

- To provide for a pension or retirement plan for its employees. The board is also authorized to provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees.
- To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board is also authorized to adopt ordinances and resolutions that are necessary to conduct district business.
- To acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate for any purpose authorized in the Act.
- To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by the Act.
- To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes, and assessments, warrants, notes, or other evidence of indebtedness, and to mortgage real and personal property when necessary.

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- To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection “in the manner prescribed by resolution not inconsistent with law.”
- To exercise the power of eminent domain pursuant to chapter 73, Florida Statutes, or chapter 74, Florida Statutes, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose. Eminent domain may only be exercised for district purposes relating solely to the establishment and maintenance of fire stations and substations.
- To assess and impose upon real property in the district ad valorem taxes and special assessments.
- To impose and foreclose special assessment liens or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, Florida Statutes.

Special Powers of the District

Independent special fire control districts are granted “special powers” relating to the provision of fire suppression and prevention, which involves the establishment and maintenance of fire stations and substations and the acquisition and maintenance of firefighting and fire-protection equipment deemed necessary to prevent or fight fires. The board is authorized to carry out the following powers:

- Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, pursuant to chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued for those purposes.
- Employ, train, and equip firefighting and other personnel, including volunteer firefighters, as necessary to accomplish the duties of the district.
- Conduct public education to promote awareness of methods to prevent fires and reduce loss of life and property.
- Adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal.
- Conduct arson investigations and cause-and-origin investigations.
- Adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency, as provided in chapter 252, Florida Statutes.
- Contract with general-purpose local government for emergency management planning and services.

Taxes and Assessments

Districts are authorized to levy ad valorem taxes and non-ad valorem assessments for district purposes. Each district is authorized by this general provision to levy ad valorem taxes up to 3.75 mills, upon voter approval, notwithstanding lower millage caps in the special acts of individual districts. This provision applies unless a higher amount has

previously been authorized. In that event, the higher, previously authorized rate applies. With respect to user charges, the board is permitted to provide a schedule of charges for emergency services, including firefighting occurring in or to structures outside the district.

The board may establish a schedule of impact fees, if the general-purpose local government has not adopted an impact fee for fire services. The schedule of impact fees must be in compliance with any standards set by general law for new construction to pay for the cost of new facilities and equipment. The board may enter into agreements with general-purpose local governments to share in the revenues from fire protection impact fees imposed by such governments.

Bonds

Independent special fire control districts are authorized to issue various types of bonds, including general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or part of any proposed improvements by this Act or under general law or special law. The total annual payments for the principal and interest on such indebtedness must not exceed 50 percent of the total annual budgeted revenues of the district. The bonds are payable from the non-ad valorem assessments or other non-ad valorem revenues, including user fees or charges or rental income authorized by this Act or general law. No proceedings may be required for the issuance of bonds other than those provided by this section and by general law. Detailed and lengthy provisions are set forth relating to issuance of bonds and the use of bond proceeds, and authority is given for the issuance of refunding bonds.

Boundaries and Mergers

There are conditions under which the boundaries of an independent special fire control district are permitted to be modified, extended, enlarged or dissolved. Lands may be added or deleted from a district only by special act of the Legislature, subject to a referendum vote.

The merger of a district with all or part of another independent special district or dependent fire control district is effective only when it is ratified by the Legislature. A district's merger with another governmental entity is not justification for increasing the ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless such increase is approved by the electors of the district by referendum.

A district may only be dissolved by special act of the Legislature, subject to referendum vote of the electors of the district. If legislative dissolution of a district is proposed in order to consolidate fire services under county government, the county is required to prepare a report describing the plans for merger. The county commission is required to consider the report at a public hearing. If the report is adopted by the commission, the request for legislative dissolution is permitted to proceed. The report must be filed as an attachment to the economic impact statement regarding the special act or general law of local application dissolving the district.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies all existing Okaloosa County ordinances relating to the Baker Fire District in Okaloosa County into a single special act. The bill conforms the District's charter to the provisions of the Independent Fire Control District Act.

The bill restricts the District's authority to ad valorem tax to its current rate of not to exceed 3.75 mills. The bill declares the District an independent district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act constitute the District's charter codification as a single, comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.

Section 2: Recreates and reenacts the Baker Fire District as follows:

Section 1: Creation; Intent. -- Declares that the District is an independent district under chapter 191, Florida Statutes.

Section 2: Creation; Boundaries. -- Provides District boundaries.

Section 3: Intent. -- Provides with compliance with chapter 97-256, Laws of Florida, which calls for the codification of charters of all independent special fire control districts as defined in s. 191.003, F.S., which were created by special law or general law of local application; Provides standards, direction, and procedures concerning the operation and governance of the District; Provides uniformity between the District and other independent special fire control districts; Provides uniformity in the financing authority of the District; Improves communication and coordination between the District and other local governments; Provides procedures for electing members of the governing board of the District.

Section 4: Definitions. -- Provides definitions as used in this act.

Section 5: District Board of Commissioners; Membership, Terms of Office, Officers, Meetings. -- Provides for a five-member governing board; Provides for general elections in accordance with s. 189.405, F.S.; provides for 4-year terms for commissioners; Provides that the candidates for the board of the District shall qualify with the Okaloosa County Supervisor of Elections; Provides candidates to pay a filing fee or by obtaining signatures of at least 25 registered electors of the District on petition to qualify; Provides for method of election; Provides that each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term; Provides when the elected member shall assume office; Provides for election of officers; Provides for disbursement of funds; Provides for a petty cash account; Provides for additional powers to the treasurer; Allows for compensation of board members; Provides maximum compensation; Provides special notice of any salary changes; Provides for additional allowance for treasurer; Allows commissioners to be reimbursed for travel and per diem expenses incurred in executing their duties; Provides that vacancies are filled by appointment by the remaining commissioners; Provides for the removal of board members due to three consecutive unexcused absences; Provides members to take oath upon

assuming office; Requires commissioners to execute surety bond in the sum of \$5,000, the cost thereof being borne by the District; Provides that the board is required to maintain records; Provides that the records are open to inspection and kept at the office and maintained by the board; Provides that all meetings of the board are open to the public; Provides duties of officers; Provides the books and records to be audited at least annually, at the expense of the District.

Section 6: General Powers. -- Provides that the district can sue and be sued; Authorizes the board to adopt and use a seal and a facsimile, and to make and execute contracts and other instruments necessary to exercise its powers; Provides for a pension or retirement plan for its employees; Provides for an extra compensation program; Authorizes the board to hire consultants; Allows board to borrow money and accept gifts, use grants or loans of money or other property; Authorizes the board to hold, use, sell, and dispose of such moneys or property for any district purpose; Authorizes board to adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district; Authorizes the adoption of ordinances and resolutions for the business of the district; Provides that any resolution or ordinance adopted by the board and approved by referendum vote may only be repealed by referendum vote; Allows for office within the county or municipality in which the district is located and the appointment of an agent of record; Grants the authority to acquire and dispose of real and personal property; Authorizes the board to purchase equipment; Authorizes the District to hold, control, and acquire public easement, dedication to public use, platted reservation, or reservation; Provides the authority to lease any facility or property of any nature for the use of the District when necessary; Authorizes the District to borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes and assessments, warrants, notes, or other evidence of indebtedness, and to mortgage real and personal property when necessary to carry out the district's duties and authority; Grants authority to charge user and impact fees, and to enforce their receipt and collection; Grants power of eminent domain; Provides limitations of power; Requires that eminent domain may only be exercised for District purposes relating solely to the establishment and maintenance of fire stations and fire substations, specifically including the power to take easements; Authorizes the District to cooperate or contract with other persons or entities, etc. with providing effective mutual aid and furthering any power, duty, or purpose authorized by the act; Authorizes the enforcement and collection of ad valorem taxes and non-ad valorem assessments as authorized by this act; Grants authority to impose and foreclose non-ad valorem assessment liens as provided by this act; Authorizes the enforcement and collection of non-ad valorem assessment pursuant to chapter 197, Florida Statutes; Authorizes the selection of any qualified public depository as a depository for its funds; Requires adequate insurance on all real and personal property, equipment, employees, volunteer firefighters, and other personnel; Authorizes the District to organize, participate in, and contribute monetarily to organizations or associations relating to the delivery of or improvement of fire control, fire prevention, and emergency rescue services, or district administration; Authorizes District to promulgate and enforce reasonable fire regulations by resolution.

Section 7: Exemption from Taxation. -- Provides for exemption from taxation.

Section 8: Special Powers. -- Grants special powers to the District relating to facilities and equipment; Provides that all construction shall be in compliance with applicable state, regional, and local regulations; Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment; Grants special powers to the District including the power to employ, train, and equip firefighting, and other personnel including volunteer firefighters, as necessary to accomplish the duties of the District; Employ and fix the compensation of a fire chief or chief administrator; Provides that the board shall prescribe the duties of fire chief; Grants the fire chief or chief administrator power to employ or terminate the employment of other personnel; Provides that the compensation and other conditions of employment of the officers and employees of the District shall be provided by the board; Allows District to conduct public education to promote awareness of methods to prevent fire and reduce loss of life and property; Allows District to adopt and enforce fire safety standards and codes and enforce the rule to the State Fire Marshall; Requires District to conduct arson investigations and cause-and-origin investigations; Allows the adoption of hazardous material safety plans and emergency response plans in coordination with county emergency management agency; Allows District to contract with general purpose local government for emergency management planning and services.

Section 9: Taxes, Non-ad Valorem Assessments; Impact Fees and User charges. -- Authorizes the right, power, and authority to levy non-ad valorem assessments for the construction, operation, and maintenance of district facilities and services; Provides that the rate set by the District may not exceed 3.75 mills; Requires that the levy of ad valorem taxes must be approved by referendum; Provides that nothing in said act shall require a referendum on the levy of ad valorem taxes in the amount previously authorized by special act, general law of local application, or county ordinance approved by referendum; Provides that such tax shall be assessed, levied, and collected in the same manner as county taxes; Provides that the levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of Community Affairs; Authorizes the board to levy non-ad valorem assessments to provide funds for the purposes of the district; Provides the rate of such assessments are set by the board not may not exceed the maximum rates established by this act; Provides that the rate set by the District may exceed the maximum rates established by this act, the previous year's resolution, or a referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years; Provides that the non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition; Requires referendum approval if non-ad valorem assessment exceeds the growth rate; Provides that non-valorem assessments shall be imposed, collected, and enforced pursuant to section 10; Authorizes the board to provide a reasonable schedule of charges for special emergency services; Authorizes the board to provide user charges for fighting fires occurring in or at refuse dumps or as a result of an illegal burn; Authorizes the board to provide a user charge for responding to, assisting with, or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment; Authorizes the board to provide user charges for inspecting

structures, plans, and equipment to determine compliance with fire safety codes and standard; Provides that the failure to pay any charge assessed is a lien against property under this section; Authorizes the District to establish a schedule of impact fees; Provides that impact fee proceeds must be kept separate from other revenues and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof; Provides the board shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment; Allows the District to enter into agreements with general purpose local governments to share in the revenues from fire protection impact fees imposed by such governments; Requires that adequate records must be maintained to ensure the proper use of impact fees.

Section 10: Procedures for the Levy and Collection of Non-ad Valorem Assessments. --

Authorizes the right and power to levy of non-ad valorem assessments; Provides that non-valorem assessments shall be imposed, collected, and enforced pursuant to chapter 191, F.S.; Provides the rate of assessment shall be fixed by resolution of the board of commissioners on or before June 1; Provides that seventy-seven dollars annually shall be assessed against commercial buildings and businesses; Provides for definition and evidence of existence of commercial business; Provides for exclusions of commercial buildings; Provides for a flat fee of \$47 dollars annually for a residential dwelling; Provides for annual increases, as approved by the board of commissioners; Provides for a tax roll to be compiled and prepared by the tax assessor and delivered before June 1; Provides assessments shall be made against the land subject to such assessments and the roll shall set forth the names of the respective owners of such lands; Allows land owners to file a protest against the proposed assessments between June 10 and 20 of each year; Provides protest procedures; Provides that it is the duty of the county tax collector to collect the District's assessments and deliver the proceeds of such collection, less the fee, monthly to the board of commissioners, and taking their receipts of such funds; Provides that the tax collector furnish them with a description of the lands for which such payments are made; Provides that special assessments are a lien and treated with the county's lien in regards to collection and enforcement; Provides that special assessments shall be of equal benefit to all property with fire protection being provided by the District pursuant to this act; Provides fiscal year for the District.

Section 11: District Issuance of Bonds, Notes, Bond Anticipation Notes, or Other Evidences of Indebtedness. --

Authorizes District to issue bonds, or other evidences of indebtedness to finance all or a part of any proposed improvements authorized to be undertaken under this act, provided the total annual payments for the principal and interest on such indebtedness shall not exceed 50 percent of the total annual budgeted revenues of the district; Provides for the issuance of bonds, mature dates and in such amounts, and may be subject to optional and mandatory redemption as determined by resolutions adopted by the board; Provides that bonds of the District may bear interest at a fixed, floating, or adjustable rate and may be issued as interest-bearing bonds, interest-accruing bonds, or zero coupon bonds at such rate or rates, not exceeding the maximum rate permitted by general law, as determined by resolution of the board; Provides for principal and interest to be payable in the manner determined by the board; Provides for signature of bonds; Provides the bonds shall be payable from the non-ad valorem assessments or other non-ad valorem revenues; Provides the general obligation bonds payable from ad valorem

taxes may also be issued by the district; Authorizes the District to pledge its full faith and credit for the payment of principal and interest on such bonds and for any reserve funds and may levy ad valorem taxes on all property in the district to the extent necessary for the payment thereof, subject to referendum approval; Authorizes the District to impose, charge, and collect non-ad valorem revenues and to pledge the same for the payment of bonds; Authorizes the District to enter into contracts to achieve a desirable interest rate and to secure bonds or provide liquidity therefor; Provides terms and conditions established by the board for contracts and arrangements; Provides that the District may enter into such credit enhancement or liquidity agreements, with such payment, interest rate, security, default, remedy, and any other terms and conditions as the board shall determine; Provides for the investment or reinvestment of surplus funds of any governmental unit, proceeds of the bonds and any money set aside or pledged to secure payment of the principal, or premium, if any, and interest on the bonds or contracts may be invested in securities or obligations described in the resolution providing for the issuance of bonds; Provides for the sale of bonds; Provides that the funds derived from the sale of said bonds or any contract or arrangement shall be used for the purpose of paying the cost of the services or improvements and such costs, expenses, fees, and salaries as may be authorized by law; Provides that non-ad valorem assessments levied to pay the principal on bonds issued shall not exceed the benefits assessed regarding such works or improvements; Provides that if bonds are sold at a discount or sold at a premium the discount shall be treated as interest; Provides that interest accrued on account of issuing bonds shall not be construed as a part of the costs of the works or improvements in determining whether or not the costs of making such improvements are equal to or in excess of the benefits assessed; Provides that fees, charges, and discounts shall not be included in the amount of non-ad valorem assessments levied by the District in determining whether such assessments are equal to or in excess of the benefits assessed; Provides the District may issue bonds to refund any or all of the then outstanding bonded indebtedness of the District; Provides that the principal amount of refunding bonds may be in any amount not in excess of the benefits assessed against the lands; Provides that the proceeds of such refunding bonds shall be used only to pay the principal, premium, and interest on the bonds to be refunded and any discount or expense of the sale of the refunding bonds; Provides the District may use other revenues to pay costs; Provides that assessments shall be levied for the payment of refunding bonds and the refunding bonds shall be secured by the same lien as the refunded bonds, additional interest shall be included and added to the assessment and shall be secured by the same lien, provided any interest accrued shall not be considered as a part of the cost of construction in determining whether the assessment exceeds the benefits assessed; Provides that no proceedings shall be required for the issuance of bonds or refunding bonds.

Section 12: District Expansion and Merger. -- Provides that the boundaries of the District may be modified, extended, or enlarged upon approval or ratification; Provides that the merger of the District with all or portions of other independent or dependent fire control districts is effective only upon ratification; Provides the District may not increase ad valorem taxes on property within the original limits of the District beyond the maximum established by this act, unless approved by referendum.

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Section 3: Provides that the validity of remaining portions of the act should any part of the act be held void.

Section 4: Provides that 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: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 1, 2000

WHERE? Daily News in Okaloosa County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith