

By Senator Clary

7-1178-00

See HB

1                                   A bill to be entitled  
2           An act relating to the Okaloosa County Destin  
3           Fire Control District; repealing chapter  
4           82-335, Laws of Florida, as amended; providing  
5           for the creation and boundaries of the Destin  
6           Fire Control District; providing intent;  
7           providing definitions; providing for liberal  
8           construction; providing for the election of  
9           district board of commissioners; providing for  
10          terms of office; providing for officers and  
11          meetings of such boards; providing for  
12          commissioners' compensation and expenses;  
13          requiring a bond; providing general and special  
14          powers of districts; exempting district assets  
15          and property from taxation; providing  
16          requirements and procedures for the levy of ad  
17          valorem taxes, non-ad valorem taxes,  
18          assessments, user charges, and impact fees;  
19          providing for referenda; providing for  
20          enforcement; providing for requirements and  
21          procedures for issuance of bonds; providing for  
22          referenda; providing for creation, expansion,  
23          and merger of the district boundaries;  
24          providing for use of funds; providing for  
25          severability; providing for application;  
26          providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Chapter 82-335, Laws of Florida, as  
2 amended, is codified, reenacted, amended, and repealed as  
3 herein provided.

4           Section 2. The charter of the Destin Fire Control  
5 District is re-created and reenacted to read:

6           Section 1. Creation; boundaries.--

7           (1) Upon this act becoming a law, all of the following  
8 lands in Okaloosa County shall be incorporated as an  
9 independent special fire control district, which shall be a  
10 public municipal corporation for the public benefit, with  
11 perpetual existence, to be known as the Destin Fire Control  
12 District, in which case it may sue and be sued, lease, own,  
13 possess, and convey real and personal property, by purchase,  
14 gift, or otherwise, in order to carry out the purposes of this  
15 act. The lands so incorporated shall include the following:

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17           All lands bounded on the West by East Pass, on  
18 the North by Choctawhatchee Bay, on the East by  
19 Walton County, on the South by the Gulf of  
20 Mexico.

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22           (2) Should any part of the territory covered in this  
23 act be held not to be included herein, then this act shall  
24 continue in effect as to the balance of the territory.

25           (3) Notwithstanding the incorporation of the City of  
26 Destin on November 9, 1984, the municipal limits of which are  
27 lying and being provided fire protection to and exercise its  
28 powers under this act within the city and all future  
29 annexation thereof until further act of the Legislature. The  
30 provisions of section 218.23, Florida Statutes,  
31 notwithstanding, the tax levied by the district shall be

1 included in the calculation of the minimum amount of revenue  
2 required to be raised in order for the City of Destin to  
3 qualify for revenue sharing funds, the year 1984 shall be  
4 deemed to be the base year for determination of the 3 mill  
5 revenue equivalent for the City of Destin, and if the City of  
6 Destin is otherwise entitled to participate in revenue sharing  
7 pursuant to section 218.23(1)(b) through (d), Florida  
8 Statutes, it shall receive its proportionate share of revenue  
9 sharing funds commencing with the fiscal year 1985-1986.

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

11 (1) Comply with section 191.015, Florida Statutes,  
12 1997, which calls for the codification of charters of all  
13 independent special fire control districts as defined in  
14 section 189.403, Florida Statutes, which were created by  
15 special law of local application or general law of local  
16 application.

17 (2) Provide standards, direction, and procedures  
18 concerning the operation and governance of the special fire  
19 control district known as the Destin Fire Control District.

20 (3) Provide greater uniformity between the Destin Fire  
21 Control District and other independent special fire control  
22 districts.

23 (4) Provide greater uniformity in the financing  
24 authority of the Destin Fire Control District without  
25 hampering the efficiency and effectiveness of current  
26 authorized and implemented methods and procedures and raising  
27 revenues.

28 (5) Improve communication and coordination between the  
29 Destin Fire Control District and other local governments with  
30 respect to short-range and long-range planning to meet the  
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1 demands for service delivery while maintaining fiscal  
2 responsibility.

3 (6) Provide uniform procedures for electing members of  
4 the governing board of the Destin Fire Control District to  
5 ensure greater accountability to the public.

6 Section 3. Definitions.--

7 (1) "Board" means the governing board of the Destin  
8 Fire Control District.

9 (2) "District" means the Destin Fire Control District,  
10 an independent special fire control district as defined under  
11 section 189.403, Florida Statutes.

12 (3) "Elector" means a person who is a resident of the  
13 Destin Fire Control District and is qualified to vote in a  
14 general election within Okaloosa County.

15 (4) "Emergency medical service" means basic and  
16 advanced life support service as defined in section 401.23,  
17 Florida Statutes.

18 (5) "Rescue response service" means an initial  
19 response to an emergency or accident situation, including, but  
20 not limited to, a plane crash, a trench or building collapse,  
21 a swimming or boating accident, or a motor vehicle accident.

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

25 Section 5. District board of commissioners;  
26 membership, terms of office, officers, meetings.--

27 (1) The business and affairs of the district shall be  
28 conducted and administered by a board of five commissioners,  
29 who shall reside in the district. The board shall be elected  
30 in nonpartisan elections by the electors of the district.  
31 Except as provided in this act, such elections shall be held

1 at a time and in a manner prescribed by law for holding  
2 general elections in accordance with section 189.405(2)(a) and  
3 (3), Florida Statutes, and each member shall be elected for a  
4 term of 4 years and serve until the member's successor assumes  
5 office. Candidates for the board of the district shall qualify  
6 with the Okaloosa County Supervisor of Elections. All  
7 candidates may qualify by paying a filing fee of at least \$25  
8 or by obtaining the signatures of at least 25 registered  
9 electors of the district on petition forms provided by the  
10 supervisor of elections, which petitions shall be submitted  
11 and checked in the same manner as petitions filed by  
12 nonpartisan judicial candidates pursuant to section 105.035,  
13 Florida Statutes.

14 (2) The members of the board shall be elected by the  
15 electors of the district in the manner provided in this  
16 section. The office of each member of the board is designated  
17 as being a seat on the board, distinguished from each of the  
18 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat  
19 designation does not designate a geographical subdistrict.  
20 Each candidate for a seat on the board shall designate, at the  
21 time the candidate qualifies, the seat on the board for which  
22 the candidate is qualifying. The name of each candidate who  
23 qualifies for election to a seat on the board shall be  
24 included on the ballot in a way that clearly indicates the  
25 seat for which the candidate is a candidate. The candidate for  
26 each seat who receives the most votes cast for a candidate for  
27 the seat shall be elected to the board.

28 (3) Each member of the board must be a qualified  
29 elector at the time he or she qualifies and continually  
30 throughout his or her term.

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1           (4) Each elected member of the board shall assume  
2 office 10 days following the member's election. Annually,  
3 within 60 days after the newly elected members have taken  
4 office, the board shall organize by electing from its members  
5 a chair, a vice chair, a secretary, and a treasurer. The  
6 positions of secretary and treasurer may be held by one  
7 member. Funds of the district may be disbursed only upon the  
8 order or pursuant to resolution of the board. However, a petty  
9 cash account may be authorized by the board. The board may  
10 give the treasurer additional powers and duties that it deems  
11 appropriate.

12           (5) Members of the board may each be paid a salary or  
13 honorarium to be determined by at least a majority plus one  
14 vote of the board, which salary or honorarium may not exceed  
15 \$500 per month for each member. Special notice of any meeting  
16 at which the board will consider a salary change for a board  
17 member shall be published at least once, at least 14 days  
18 prior to the meeting, in a newspaper of general circulation in  
19 Okaloosa County. Separate compensation for the board member  
20 serving as treasurer may be authorized by like vote so long as  
21 total compensation for the board member does not exceed \$500  
22 per month. Members may be reimbursed for travel and per diem  
23 expenses as provided in section 112.061, Florida Statutes.

24           (6) If a vacancy occurs on the board due to the  
25 resignation, death, or removal of a board member or the  
26 failure of anyone to qualify for a board seat, the remaining  
27 members may appoint a qualified person to fill the seat until  
28 the next general election, at which time an election shall be  
29 held to fill the vacancy for the remaining term, if any. The  
30 board shall remove any member who has three consecutive  
31 unexcused absences from regularly scheduled meetings. The

1 board shall adopt policies by resolution defining excused and  
2 unexcused absences.

3 (7) Each member shall, upon assuming office, take and  
4 subscribe to the oath of office prescribed by Section 5(b),  
5 Article II of the State Constitution and section 876.05,  
6 Florida Statutes. Each member, within 30 days after assuming  
7 office, must give the Governor a good and sufficient surety  
8 bond in the sum of \$5,000, the cost thereof being borne by the  
9 district, conditioned on the member's faithful performance of  
10 his or her duties of office.

11 (8) The board shall keep a permanent record book  
12 entitled "Record of Proceedings of the Destin Fire Control  
13 District," in which the minutes of all meetings, resolutions,  
14 proceedings, certificates, bonds given by commissioners, and  
15 corporate acts shall be recorded. The record book shall be  
16 open to inspection in the same manner as state, county, and  
17 municipal records are open under chapter 119, Florida  
18 Statutes, and Section 24, Article I of the State Constitution.  
19 The record book shall be kept at the office or other regular  
20 place of business maintained by the board for the Destin Fire  
21 Control District.

22 (9) All meetings of the board shall be open to the  
23 public consistent with chapter 286, Florida Statutes, section  
24 189.417, Florida Statutes, and other applicable general laws.

25 (10) The officers of the board of commissioners shall  
26 have the duties usually pertaining to like officers. A record  
27 shall be kept of all meetings of the board in a manner  
28 consistent with this section and in such meeting concurrence  
29 of a majority of the commissioners shall be necessary to any  
30 affirmative action by the board unless a greater affirmative

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1 vote of the board is required for any specific act as  
2 otherwise specified in this act.

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

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

16 Section 6. General powers.--The district shall have,  
17 and the board may exercise by majority vote, the following  
18 powers:

19 (1) To sue and be sued in the name of the district, to  
20 adopt and use a seal and authorize the use of a facsimile  
21 thereof, and to make and execute contracts and other  
22 instruments necessary or convenient to the exercise of its  
23 powers.

24 (2) To provide for a pension or retirement plan for  
25 its employees. Notwithstanding the prohibition against extra  
26 compensation as provided in section 215.425, Florida Statutes,  
27 the board may provide for an extra compensation program,  
28 including a lump-sum bonus payment program, to reward  
29 outstanding employees whose performance exceeds standards, if  
30 the program provides that a bonus payment may not be included

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1 in an employee's regular base rate of pay and may not be  
2 carried forward in subsequent years.

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

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

14 (5) To adopt resolutions and procedures prescribing  
15 the powers, duties, and functions of the officers of the  
16 district, the conduct of the business of the district, the  
17 maintenance of records, and the form of other documents and  
18 records of the district. The board may also adopt ordinances  
19 and resolutions that are necessary to conduct district  
20 business, if such ordinances do not conflict with any  
21 ordinances of a local general purpose government within whose  
22 jurisdiction the district is located. Any resolution or  
23 ordinance adopted by the board and approved by referendum vote  
24 of district electors may be repealed only by referendum vote  
25 of district electors. All rules and regulations must conform  
26 to chapter 120, Florida Statutes.

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

30 (7) To acquire by purchase, lease, gift, dedication,  
31 devise, or otherwise, real and personal property or any estate

1 therein for any purpose authorized by this act and to trade,  
2 sell, or otherwise dispose of surplus real or personal  
3 property. The board may purchase equipment by an installment  
4 sales contract if funds are available to pay the current  
5 year's installments on the equipment and to pay the amounts  
6 due that year on all other installments and indebtedness.

7 (8) To hold, control, and acquire by donation or  
8 purchase any public easement, dedication to public use,  
9 platted reservation for public purposes, or reservation for  
10 those purposes authorized by this act and to use such  
11 easement, dedication, or reservation for any purpose  
12 authorized by this act consistent with applicable adopted  
13 local government comprehensive plans and land development  
14 regulations.

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

20 (10) To borrow money and issue bonds, revenue  
21 anticipation notes, or certificates payable from and secured  
22 by a pledge of funds, revenues, taxes and assessments,  
23 warrants, notes, or other evidence of indebtedness, and  
24 mortgage real and personal property when necessary to carry  
25 out the district's duties and authority under this act.

26 (11) To charge user and impact fees authorized by  
27 resolution of the board, in amounts necessary to conduct  
28 district activities and services, and to enforce their receipt  
29 and collection in the manner prescribed by resolution and  
30 authorized by law. However, the imposition of impact fees may  
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1 be authorized only as provided by section 9(4) of this  
2 charter.

3 (12) To exercise the right and power to eminent  
4 domain, pursuant to chapter 73, Florida Statutes, or chapter  
5 74, Florida Statutes, over any property within the district,  
6 except municipal, county, state, special district, or federal  
7 property used for a public purpose, for the uses and purposes  
8 of the district relating solely to the establishment and  
9 maintenance of fire stations and fire substations,  
10 specifically including the power to take easements that serve  
11 such facilities consistent with applicable adopted local  
12 government comprehensive plans and land development  
13 regulations.

14 (13) To cooperate or contract with other persons or  
15 entities, including other governmental agencies, as necessary,  
16 convenient, incidental, or proper in connection with providing  
17 effective mutual aid and furthering any power, duty, or  
18 purpose authorized by this act.

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

22 (15) To impose and foreclose non-ad valorem assessment  
23 liens as provided by this act or to impose, collect, and  
24 enforce non-ad valorem assessments pursuant to chapter 197,  
25 Florida Statutes.

26 (16) To select as a depository for its funds any  
27 qualified public depository as defined in section 280.02,  
28 Florida Statutes, which meets all the requirements of chapter  
29 280, Florida Statutes, and has been designated by the State  
30 Treasurer as a qualified public depository, upon such terms  
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1 and conditions as to the payment of interest upon the funds  
2 deposited as the board deems just and reasonable.

3 (17) To provide adequate insurance on all real and  
4 personal property, equipment, employees, volunteer  
5 firefighters, and other personnel.

6 (18) To organize, participate in, and contribute  
7 monetarily to organizations or associations relating to the  
8 delivery of or improvement of fire control, prevention,  
9 emergency rescue services, or district administration.

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11 No contract shall be made or entered into by or on behalf of  
12 the district for a period in excess of 20 years.

13 Section 7. Exemption from taxation.--Since the  
14 exercise of the powers conferred by this act constitutes  
15 action by a political subdivision performing essential public  
16 functions and since the property of the district constitutes  
17 public property used for public purposes, all assets and  
18 properties of the district, including property acquired  
19 through the foreclosure of any tax or assessment lien, are  
20 exempt from all taxes imposed by the state or any political  
21 subdivision, agency, or instrumentality of the state to the  
22 extent allowed by general law.

23 Section 8. Special powers.--The district shall provide  
24 for fire suppression and prevention by establishing and  
25 maintaining fire stations and fire substations and acquiring  
26 and maintaining such firefighting and fire protection  
27 equipment deemed necessary to prevent or fight fires. All  
28 construction shall be in compliance with applicable state,  
29 regional, and local regulations, including adopted  
30 comprehensive plans and land development regulations. The  
31 board shall have and may exercise any or all of the following

1 special powers relating to facilities and duties authorized by  
2 this act:

3 (1) Establish and maintain emergency medical and  
4 rescue response services and acquire and maintain rescue,  
5 medical, and other emergency equipment pursuant to the  
6 provisions of chapter 401, Florida Statutes, and any  
7 certificate of public convenience and necessity or its  
8 equivalent issued thereunder.

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

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

27 (4) Adopt and enforce fire safety standards and codes  
28 and enforce the rules of the State Fire Marshal consistent  
29 with the exercise of the duties authorized by chapter 553,  
30 Florida Statutes, or chapter 633, Florida Statutes, with

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1 respect to fire suppression, prevention, and fire safety code  
2 enforcement.

3 (5) Conduct arson investigations and cause-and-origin  
4 investigations.

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

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

11 Section 9. Taxes; non-ad valorem assessments; impact  
12 fees and user charges.--

13 (1) Ad valorem taxes.--The board of commissioners may  
14 levy and assess ad valorem taxes on all taxable property in  
15 the district to construct, operate, and maintain district  
16 facilities and services, to pay the principal of and interest  
17 on general obligation bonds of the district, and to provide  
18 for any sinking or other funds established in connection with  
19 such bonds. An ad valorem tax levied by the board for  
20 operating purposes, exclusive of debt service on bonds, may  
21 not exceed 1 mill on the dollar of assessed value as approved  
22 by referendum of the electors of the district when it was  
23 created on July 5, 1977, under the authority of chapter  
24 77-608, Laws of Florida. 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 the  
27 amount as authorized in the referendum under the prior special  
28 act as referenced above. Nothing in this act shall require a  
29 referendum on the levy of ad valorem taxes in an amount  
30 previously authorized by special act, general law of local  
31 application, or county ordinance approved by referendum. Such

1 tax shall be assessed, levied, and collected in the same  
2 manner as county taxes. The levy of ad valorem taxes approved  
3 by referendum shall be reported within 60 days after the vote  
4 to the Department of Community Affairs. The millage rate shall  
5 be fixed by annual resolution of the board of commissioners of  
6 the fire control district.

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

1           (3) User charges.--

2           (a) The board may provide a reasonable schedule of  
3 charges for special emergency services, including firefighting  
4 occurring in or to structures outside the district, motor  
5 vehicles, marine vessels, aircraft, or rail cars, or as a  
6 result of the operation of such motor vehicles or marine  
7 vessels, to which the district is called to render such  
8 emergency service, and may charge a fee for the services  
9 rendered in accordance with the schedule.

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

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

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

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

28           (4) Impact fees.--If the general purpose local  
29 government has not adopted an impact fee for fire services  
30 which is distributed to the district for construction within  
31 its jurisdictional boundaries, the board may establish a



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

18 Section 10. Procedures for the levy and collection of  
19 non-ad valorem assessments.--

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

30 (2) The board may determine to exercise any power  
31 authorized by this act and defray the whole or any part of the

1 expense thereof by non-ad valorem assessments. The district  
2 shall adopt a non-ad valorem assessment roll pursuant to the  
3 procedures contained in this section or in section 197.3632,  
4 Florida Statutes, if:

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

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

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

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

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

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

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

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

1 verified by the affidavit of the publisher and filed with the  
2 secretary to the board.

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

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

28 (7) At the time and place named in the notice provided  
29 for in subsection (4), the board shall meet and hear testimony  
30 from affected property owners as to the advisability of  
31 providing the service or making the improvements and funding

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

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

10 (8) The non-ad valorem assessments:

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

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

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

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

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

1       (9) The non-ad valorem assessments approved by the  
2 board may be levied, assessed, and collected pursuant to  
3 sections 197.363-197.3635, Florida Statutes. The collection  
4 and 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 a reasonable attorney's fee 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 sued  
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 assessment 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 Section 12, Article VII of the State  
10 Constitution. Subject to referendum approval, the 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, contacts 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 counterparties, 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 of,  
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 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 discounts shall not be included in  
18 the amount of a 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 interest 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. Intergovernmental coordination.--

20 (1) The district shall adopt a 5 year plan to identify  
21 the facilities, equipment, personnel, and revenue needed by  
22 the district during that 5 year period. The plan shall be  
23 updated in accordance with section 189.415, Florida Statutes,  
24 and shall satisfy the requirement for a public facilities  
25 report required by section 189.415(2), Florida Statutes.

26 Section 13. District expansion, and merger.--

27 (1) The boundaries of the district may be modified,  
28 extended, or enlarged upon approval or ratification by the  
29 Legislature.

30 (2) The merger of the district with all or portions of  
31 other independent special districts or dependent fire control

1 districts is effective only upon ratification by the  
2 Legislature. The district may not, solely by reason of a  
3 merger with another governmental entity, increase ad valorem  
4 taxes on property within the original limits of the district  
5 beyond the maximum established by the district's enabling  
6 legislation, unless approved by the electors of the district  
7 by referendum.

8 Section 14. Use of funds.--No funds of the district  
9 shall be used for any purpose other than the administration of  
10 the affairs and businesses of the district, for the  
11 construction, care, maintenance, upkeep, operation, and  
12 purchase of standard firefighting equipment which shall meet  
13 the requirement of the fire inspector and the underwriters  
14 association, fire stations, installation of fire hydrants,  
15 payment of public utilities such as electric lights and water,  
16 salaries of a fire inspector and one or more firefighters, and  
17 such other expenses as the board of commissioners may  
18 determine to be for the best interest of the district.

19 Section 3. If any clause, section, or provision of  
20 this act shall be declared unconstitutional or invalid for any  
21 reason, it shall be eliminated from this act, and the  
22 remaining portion of the act shall be in force and effect and  
23 be as valid as if such invalid portion thereof had not been  
24 incorporated therein.

25 Section 4. Chapter 71-787, Laws of Florida, chapter  
26 77-608, Laws of Florida, chapter 82-335, Laws of Florida, and  
27 chapter 85-470, Laws of Florida, are repealed.

28 Section 5. In case of a conflict of the provisions of  
29 this act, with the provisions of any other act, the provisions  
30 of this act shall control to the extent of such conflict.

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1           Section 6. Nothing contained in this act shall require  
2 any modification to district financing or operations which  
3 would impair existing contracts, including collective  
4 bargaining agreements, debt obligations, or covenants and  
5 agreements relating to bonds validated or issued by the  
6 district. Further, this act does not repeal any authorization  
7 within a special act or general law of local application  
8 providing for the levy and assessment of ad valorem taxes,  
9 special assessments, non-ad valorem assessments, impact fees,  
10 or other fees or charges by a district.

11           Section 7. In the event any section or provision of  
12 this act is determined to be invalid or unenforceable, such  
13 determination shall not affect the validity of or  
14 enforceability of each other section and provision of this  
15 act.

16           Section 8. In the event of a conflict of the  
17 provisions of this act with the provisions of any other act  
18 the provisions of this act shall control to the extent of such  
19 conflict.

20           Section 9. This act shall take effect upon becoming a  
21 law.

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