

By Senator Clary

7-1175-00

See HB

1                                   A bill to be entitled  
2           An act relating to the Baker Fire District,  
3           Okaloosa County; providing intent; re-creating  
4           and providing a charter for the district;  
5           providing district boundaries; providing  
6           purposes; providing definitions; providing for  
7           the election of a district board of  
8           commissioners; providing for terms of office;  
9           providing for officers and meetings of the  
10          board; providing for commissioners'  
11          compensation and expenses; requiring a bond;  
12          providing for records; providing general and  
13          special powers of the district; exempting  
14          district assets and property from taxation;  
15          providing requirements and procedures for the  
16          levy of ad valorem taxes, non-ad valorem  
17          assessments, user charges, and impact fees;  
18          providing for referenda; providing for  
19          enforcement; providing for requirements and  
20          procedures for issuance of bonds; providing for  
21          expansion and merger of the district  
22          boundaries; providing for severability;  
23          providing for conflicts; providing an effective  
24          date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. This act constitutes the codification of  
29 all ordinances relating to the Baker Fire District. It is the  
30 intent of the Legislature in enacting this act to provide a  
31 single, comprehensive special act charter for the district,

1 including all current legislative enactments and any  
2 additional authority granted by this act.

3 Section 2. The charter of the Baker Fire District is  
4 re-created and reenacted to read:

5 Section 1. Creation; intent.--The Baker Fire District  
6 is recreated as an independent fire control district which  
7 shall operate pursuant to this special act and the provisions  
8 of chapter 191, Florida Statutes, the Independent Special Fire  
9 Control District Act, as it may be amended from time to time,  
10 and all other general laws, whether referenced herein or not,  
11 which are applicable to independent special districts.

12 Section 2. Creation; boundaries.--

13 (1) All of the following lands in Okaloosa County  
14 shall be incorporated as an independent special fire control  
15 district, which shall be a public municipal corporation for  
16 the public benefit, with perpetual existence, to be known as  
17 the Baker Fire District, in which name it may sue and be sued,  
18 and lease, own, possess, and convey real and personal  
19 property, by purchase or gift or otherwise, to carry out the  
20 purposes of this act. The lands so incorporated shall include  
21 the following:

22  
23 Begin at Okaloosa/Santa Rosa County line and  
24 six 3/4 miles south of the Alabama State Line,  
25 thence Easterly and Southeasterly on State  
26 Forest Road (Peaden Bridge Road then John Riley  
27 Barnhill Road) to intersect with Narrows Creek,  
28 thence Easterly along Narrows Creek to  
29 intersect with State Highway 189, thence run  
30 North 3/4 mile along State Highway 189 to  
31 intersect with State Forest Road (Shockley

1        Springs Road) thence run Easterly along State  
2        Forest Road (Shockley Springs Road) to  
3        intersect Bear Branch, continue East along Bear  
4        Branch to intersect Yellow River, thence  
5        Southerly along Yellow River to intersection  
6        with Gum Creek, thence Northwesterly along Gum  
7        Creek to intersect with Old River Road, thence  
8        South along Old River Road for 1/4 mile to  
9        intersect with Griffith Cemetery Road, thence  
10       Southwesterly along Griffith Cemetery Road for  
11       1 mile to intersection of North branch of Three  
12       Mile Branch, thence Southerly along Three Mile  
13       Branch to Mill Creek, thence Southerly along  
14       South branch of Mill Creek to Garrett Mill  
15       Road, thence West along Garrett Mill Road 3/8  
16       mile to intersect State Highway 4, thence  
17       Northwesterly along State Highway 4 to  
18       intersect Keyser Mill Road, continue  
19       Southwesterly along Keyser Mill Road to  
20       intersect Galliver Cut off (County Road 189),  
21       thence North along Galliver Cut off to  
22       Lighthouse Church Road, continue West along  
23       Lighthouse Church Road to Penny Creek, thence  
24       Westerly along Penny Creek to Blackwater River,  
25       thence Northwesterly along Blackwater River to  
26       Okaloosa/Santa Rosa County Line, thence North  
27       along Okaloosa/Santa Rosa County line for 10  
28       miles to point of beginning. Okaloosa County,  
29       Florida.  
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1           (2) Any lands within a municipality included in the  
2 boundaries of the district as described herein shall be  
3 excluded from the district and its jurisdiction. If any area,  
4 tract, or parcel of land within the boundaries of the district  
5 shall hereafter become annexed to a municipality, such area,  
6 tract, or parcel of land shall be excluded from the district  
7 effective the next January 1 following such annexation by a  
8 municipality. Nothing contained in this act shall preclude any  
9 municipality from annexing lands to the territorial limits of  
10 the municipality even if such land is included within the  
11 district.

12           (3) Should any part of the territory covered in this  
13 act be held not to be included herein, then this act shall  
14 continue in effect as to the balance of the territory.

15           Section 3. Intent.--The purposes of this act are to:

16           (1) Comply with chapter 97-256, Laws of Florida, which  
17 calls for the codification of charters of all independent  
18 special fire control districts as defined in section 191.003,  
19 Florida Statutes, which were created by special law or general  
20 law of local application.

21           (2) Provide standards, direction, and procedures  
22 concerning the operation and governance of the special fire  
23 control district known as the Baker Fire District.

24           (3) Provide greater uniformity between the Baker Fire  
25 District and other independent special fire control districts.

26           (4) Provide greater uniformity in the financing  
27 authority of the Baker Fire District without hampering the  
28 efficiency and effectiveness of current authorized and  
29 implemented methods and procedures of raising revenues.

30           (5) Improve communication and coordination between the  
31 Baker Fire District and other local governments with respect

1 to short-range and long-range planning to meet the demands for  
2 service delivery while maintaining fiscal responsibility.

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

6 Section 4. Definitions.--As used in this act:

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

9 (2) "District" means the Baker Fire District, an  
10 independent special fire control district as defined in  
11 section 191.003, Florida Statutes.

12 (3) "Elector" means a person who is a resident of the  
13 Baker Fire District and is qualified to vote in a general  
14 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 5. District board of commissioners;  
23 membership, terms of office, officers, meetings.--

24 (1)(a) The business affairs of the district shall be  
25 conducted and administered by a five-member board. The board  
26 shall be elected in nonpartisan elections by the electors of  
27 the district. Except as provided in this act, such elections  
28 shall be held at a time and in a manner prescribed by law for  
29 holding general elections in accordance with section 189.405,  
30 Florida Statutes, and each member shall be elected for a term  
31 of 4 years and serve until the member's successor assumes

1 office. Candidates for the board of the district shall qualify  
2 with the Okaloosa County Supervisor of Elections. All  
3 candidates may qualify by paying a filing fee of at least \$25  
4 or by obtaining the signatures of at least 25 registered  
5 electors of the district on petition forms provided by the  
6 Supervisor of Elections, which petitions shall be submitted  
7 and checked in the same manner as petitions filed by  
8 nonpartisan judicial candidates pursuant to section 105.035,  
9 Florida Statutes.

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

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

27 (3) Each elected member of the board shall assume  
28 office 10 days following the member's election. Annually,  
29 within 60 days after the newly elected members have taken  
30 office, the board shall organize by electing from its members  
31 a chair, a vice chair, a secretary, and a treasurer. The

1 positions of secretary and treasure may be held by one member.  
2 Funds of the district may be disbursed only upon the order or  
3 pursuant to resolution of the board. However, a petty cash  
4 account may be authorized by the board. The board may give  
5 the treasurer additional powers and duties that it deems  
6 appropriate.

7 (4) Members of the board may each be paid a salary or  
8 honorarium to be determined by at least a majority plus one  
9 vote of the board, which salary or honorarium may not exceed  
10 \$500 per month for each member. Special notice of any meeting  
11 at which the board will consider a salary change for a board  
12 member shall be published at least once, at least 14 days  
13 prior to the meeting, in a newspaper of general circulation in  
14 Okaloosa County. Separate compensation for the board member  
15 -serving as treasurer may be authorized by like vote so long as  
16 total compensation for the board member does not exceed \$500  
17 per month. Members may be reimbursed for travel and per diem  
18 expenses as provided in section 112.061, Florida Statutes.

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

29 (6) Each member shall, upon assuming office, take and  
30 subscribe to the oath of office prescribed by Section 5(b),  
31 Article II of the State Constitution and section 876.05,

1 Florida Statutes. Each member, within 30 days of assuming  
2 office, must give the Governor a good and sufficient surety  
3 bond in the sum of \$5,000, the cost thereof being borne by the  
4 district, conditioned on the member's faithful performance of  
5 his or her duties of office.

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

17 (8) All meetings of the board shall be open to the  
18 public, consistent with chapter 286, Florida Statutes, section  
19 189.417, Florida Statutes, and other applicable general laws.

20 (9) The officers of the board of commissioners shall  
21 have the duties usually pertaining to like officers. A record  
22 shall be kept of all meetings of the board in a manner  
23 consistent with subsection (7), and in such meetings  
24 concurrence of a majority of the commissioners shall be  
25 necessary to any affirmative action by the board.

26 (10) The books and records of the district shall be  
27 audited at least annually, at the expense of the district, as  
28 outlined in section 11.45, Florida Statutes.

29 Section 6. General powers.--The district shall have  
30 and the board may exercise by majority vote the following  
31 powers:



1           (1) To sue and be sued in the name of the district, to  
2 adopt and use a seal and authorize the use of a facsimile  
3 thereof, and to make and execute contracts and other  
4 instruments necessary or convenient to the exercise of its  
5 powers.

6           (2) To provide for a pension or retirement plan for  
7 its employees. In accordance with section 215.425, Florida  
8 Statutes, the board may provide for an extra compensation  
9 program, including a lump-sum bonus payment program, to reward  
10 outstanding employees whose performance exceeds standards, if  
11 the program provides that a bonus payment may not be included  
12 in an employee's regular base rate of pay and may not be  
13 carried forward in subsequent years.

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

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

25           (5) To adopt resolutions and procedures prescribing  
26 the powers, duties, and functions of the officers of the  
27 district, the conduct of the business of the district, the  
28 maintenance of records, and the form of other documents and  
29 records of the district. The board may also adopt ordinances  
30 and resolutions that are necessary to conduct district  
31 business, if such ordinances do not conflict with any

1 ordinances of a local general purpose government within whose  
2 jurisdiction the district is located. Any resolution or  
3 ordinance adopted by the board and approved by referendum vote  
4 of district electors may be repealed only by referendum vote  
5 of district electors.

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

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

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

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

30 (10) To borrow money and issue bonds, revenue  
31 anticipation notes, or certificates payable from and secured

1 by a pledge of funds, revenues, taxes and assessments,  
2 warrants, notes, or other evidence of indebtedness, and to  
3 mortgage real and personal property when necessary to carry  
4 out the district's duties and authority under this act.

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

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

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

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

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

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

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

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

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

17 (19) To promulgate and enforce reasonable fire  
18 regulations by resolution.

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

29 Section 8. Special powers.--The Baker Fire District  
30 shall provide for fire suppression and prevention by  
31 establishing and maintaining fire stations and fire

1 substations and acquiring and maintaining such firefighting  
2 and fire protection equipment deemed necessary to prevent or  
3 fight fires. All construction shall be in compliance with  
4 applicable state, regional, and local regulations, including  
5 adopted comprehensive plans and land development regulations.

6 The board shall have and may exercise any or all of the  
7 following special powers relating to facilities and duties  
8 authorized by this act:

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

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

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1           (3) To conduct public education to promote awareness  
2 of methods to prevent fires and reduce the loss of life and  
3 property from fires or other public safety concerns.

4           (4) To adopt and enforce fire safety standards and  
5 codes and enforce the rules of the State Fire Marshal  
6 consistent with the exercise of the duties authorized by  
7 chapter 553, Florida Statutes, or chapter 633, Florida  
8 Statutes, with respect to fire suppression and prevention and  
9 fire safety code enforcement.

10           (5) To conduct arson investigations and  
11 cause-and-origin investigations.

12           (6) To adopt hazardous material safety plans and  
13 emergency response plans in coordination with the county  
14 emergency management agency as provided in chapter 252,  
15 Florida Statutes.

16           (7) To contract with general purpose local government  
17 for emergency management planning and services.

18           Section 9. Taxes, non-ad valorem assessments; impact  
19 fees and user charges.--

20           (1) AD VALOREM TAXES.--The elected board of  
21 commissioners may levy and assess ad valorem taxes on all  
22 taxable property in the district to construct, operate, and  
23 maintain district facilities and services, to pay the  
24 principal of, and interest on, general obligation bonds of the  
25 district, and to provide for any sinking or other funds  
26 established in connection with such bonds. An ad valorem tax  
27 levied by the board for operating purposes, exclusive of debt  
28 service on bonds, may not exceed 3.75 mills. The levy of ad  
29 valorem taxes pursuant to this section must be approved by  
30 referendum called by the board. Nothing in this act shall  
31 require a referendum on the levy of ad valorem taxes in the

1 amount as previously authorized by special act, general law of  
2 local application, or county ordinance approved by referendum.  
3 Such tax shall be assessed, levied, and collected in the same  
4 manner as county taxes. The levy of ad valorem taxes approved  
5 by referendum shall be reported within 60 days after the vote  
6 to the Department of Community Affairs.

7 (2) NON-AD VALOREM ASSESSMENTS.--The elected board of  
8 commissioners may levy non-ad valorem assessments to provide  
9 funds for the purposes of the district. The rate of such  
10 assessments must be fixed by resolution of the board pursuant  
11 to the procedures contained in section 10. Non-ad valorem  
12 assessment rates set by the board may exceed the maximum rates  
13 established by this or any prior special act, any county  
14 ordinance, the previous year's resolution, or a referendum in  
15 an amount not to exceed the average annual growth rate in  
16 Florida personal income over the previous 5 years. Non-ad  
17 valorem assessment rate increases within the personal income  
18 threshold are deemed to be within the maximum rate authorized  
19 by law at the time of initial imposition. Proposed non-ad  
20 valorem assessment increases which exceed the rate set the  
21 previous fiscal year or the rate previously set by special act  
22 or county ordinance, whichever is more recent, by more than  
23 the average annual growth rate in Florida personal income over  
24 the last 5 years, must be approved by referendum of the  
25 electors of the district. Non-ad valorem assessments shall be  
26 imposed, collected, and enforced pursuant to section 10.

27 (3) USER CHARGES.--

28 (a) The board may provide a reasonable schedule of  
29 charges for special emergency services, including fighting  
30 fires occurring in or to structures outside the district,  
31 motor vehicles, marine vessels, aircraft, or rail cars, or as

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

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

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

17 (d) The board may provide a reasonable schedule of  
18 charges for inspecting structures, plans, and equipment to  
19 determine compliance with firesafety codes and standards.

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

23 (4) IMPACT FEES.--If the general purpose local  
24 government has not adopted an impact fee for fire services  
25 which is distributed to the district for construction within  
26 its jurisdictional boundaries, the board may establish a  
27 schedule of impact fees for new construction to pay for the  
28 cost of new facilities and equipment, the need for which is in  
29 whole or in part the result of new construction. The impact  
30 fees collected by the district under this subsection shall be  
31 kept separate from other revenues of the district and must be



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

13 Section 10. Procedures for the levy and collection of  
14 non-ad valorem assessments.--

15 (1) The district may provide for the levy of non-ad  
16 valorem assessments under this act on the lands and real  
17 estate benefited by the exercise of the powers authorized by  
18 this act, or any part thereof, for all or any part of the cost  
19 thereof. In addition to the provisions set forth under this  
20 act, the district shall also be entitled to exercise all other  
21 rights and powers regarding the levy and collection of  
22 additional non-ad valorem assessments as provided for under  
23 chapter 191, Florida Statutes.

24 (2) The rate of assessment shall be fixed by  
25 resolution of the board of commissioners on or before June 1  
26 of each year as follows:

27 (a) Seventy-seven dollars annually shall be assessed  
28 against commercial buildings and commercial businesses. For  
29 the purpose of determining a commercial business, it is the  
30 specific intent of this act to tax individual businesses which  
31 are within a common building which are separated by walls,

1 partitions, or custom. The purchase of a county occupational  
2 license shall be evidence of the existence of a business.  
3 Apartment buildings, motels, condominiums, mobile home parks,  
4 and other multiple family residences shall not be considered  
5 commercial buildings.

6 (b) Each residential dwelling unit, including mobile  
7 homes situated on any parcel of land within the district,  
8 shall pay \$47 annually.

9 (c) The non-ad valorem assessment amounts established  
10 under paragraphs (a) and (b) shall be subject to annual  
11 increases, as may be approved by the board of commissioners as  
12 provided for under section 9(2).

13 (3) The board of commissioners may adopt by resolution  
14 the current tax assessment and collection roll compiled and  
15 prepared by the tax assessor of Okaloosa County, and may adopt  
16 a resolution fixing the levy on each lot or parcel of land  
17 subject to taxation in the district, or may, at its  
18 discretion, prepare or cause to be prepared an assessment and  
19 collection roll setting forth a description of each lot or  
20 parcel of land subject to taxation in the district together  
21 with the amount of assessment fixed by resolution, and shall,  
22 before June 1 of each year, deliver the roll to the tax  
23 assessor for collection. All assessments shall be made against  
24 the land subject to such assessments and the roll shall set  
25 forth the names of the respective owners of such lands.

26 (4) Any property owner in the district shall have the  
27 right to file a protest in writing between June 10 and 20 of  
28 each year against the proposed assessments and the amount or  
29 rate thereof, and to appear before the board in support of  
30 such protest at an opening meeting or meetings which shall be

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1 held to hear and consider such protests and make adjustments  
2 to the roll.

3 (5) Immediately after the adjustment period the board  
4 of commissioners shall adopt a resolution fixing the rate of  
5 special assessment and shall note the amount of the levy  
6 against each parcel of property described in the tax roll and  
7 shall transmit the tax roll and a certified copy of the  
8 resolution to the county tax assessor on or before July 1 each  
9 year. It shall be the duty of the tax collector of Okaloosa  
10 County to include in the county tax roll the assessments made  
11 by the board of commissioners of the district and to collect  
12 such assessments according to the assessment roll and deliver  
13 the proceeds of such collection, less the statutory fee,  
14 monthly to the board of commissioners, taking their receipts  
15 for such funds. The tax collector shall, upon delivery of such  
16 funds to the board of commissioners, furnish them with a  
17 description of the lands for which such payments are made.

18 (6) Such special assessments shall be a lien upon the  
19 land so assessed along with county taxes until paid and, if  
20 the same become delinquent, shall be considered a part of the  
21 county tax, subject to the same penalties, charges, fees, and  
22 remedies for enforcement and collection and shall be enforced  
23 and collected as provided by law.

24 (7) Such special assessments shall be of equal benefit  
25 to all property with fire protection being provided by the  
26 Baker Fire District pursuant to the provisions of this act.

27 (8) The fiscal year for the district shall be from  
28 October 1 to September 30 of each year.

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

31

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

23       (2) The bonds shall be payable from the non-ad valorem  
24 assessments or other non-ad valorem revenues, including,  
25 without limitation, user fees or charges or rental income  
26 authorized to be levied, collected, or received pursuant to  
27 this act or general law. General obligation bonds payable from  
28 ad valorem taxes may also be issued by the district, but only  
29 after compliance with Section 12, Article VII of the State  
30 Constitution. Subject to referendum approval, a district may  
31 pledge its full faith and credit for the payment of principal

1 and interest on such general obligation bonds and for any  
2 reserve funds provided therefor and may unconditionally and  
3 irrevocably pledge itself to levy ad valorem taxes on all  
4 property in the district to the extent necessary for the  
5 payment thereof. The district is authorized, after notice and  
6 opportunity to be heard has been afforded to those affected,  
7 to impose, charge, and collect non-ad valorem revenues in  
8 connection with any of the improvements authorized under this  
9 act and to pledge the same for the payment of bonds.

10 (3) In connection with the sale and issuance of bonds,  
11 the district may enter into any contracts which the board  
12 determines to be necessary or appropriate to achieve a  
13 desirable effective interest rate in connection with the bonds  
14 by means of, but not limited to, contracts commonly known as  
15 investment contracts, funding agreements, interest rate swap  
16 agreements, currency swap agreements, forward payment  
17 conversion agreements, futures, or contracts providing for  
18 payments based on levels of or changes in interest rates, or  
19 contracts to exchange cash flows or a series of payments, or  
20 contracts, including, without limitation, options, puts, or  
21 calls, to hedge payment, rate, spread, or similar exposure.  
22 Such contracts or arrangements may also be entered into by the  
23 district in connection with, or incidental to, entering into  
24 any agreement which secures bonds or provides liquidity  
25 therefor. Such contracts and arrangements shall be made upon  
26 the terms and conditions established by the board, after  
27 giving due consideration to the credit worthiness of the  
28 counter parties, where applicable, including any rating by a  
29 nationally recognized rating service or any other criteria as  
30 may be appropriate.

31

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

8           (5) Notwithstanding any provision of law relating to  
9 the investment or reinvestment of surplus funds of any  
10 governmental unit, proceeds of the bonds and any money set  
11 aside or pledged to secure payment of the principal, or  
12 premium, if any, and interest on the bonds, or any of the  
13 contracts entered into pursuant to subsection (3), may be  
14 invested in securities or obligations described in the  
15 resolution providing for the issuance of bonds.

16           (6) The bonds shall be sold in any manner not  
17 inconsistent with general law, shall show the purpose for  
18 which they are issued, and shall be payable out of the money  
19 pledged therefor. The funds derived from the sale of said  
20 bonds or any contract or arrangement shall be used for the  
21 purpose of paying the cost of the services or improvements and  
22 such costs, expenses, fees, and salaries as may be authorized  
23 by law.

24           (7) Non-ad valorem assessments or any portion thereof  
25 levied to pay the principal on bonds issued pursuant to this  
26 act with respect to improvements financed therewith shall not  
27 exceed the benefits assessed regarding such works or  
28 improvements. If the bonds are sold at a discount, the amount  
29 of the discount shall be treated as interest, not as  
30 principal. Premiums payable upon the redemption of bonds shall  
31 also be treated as interest. Interest to accrue on account of

1 issuing bonds shall not be construed as a part of the costs of  
2 the works or improvements in determining whether or not the  
3 costs of making such improvements are equal to or in excess of  
4 the benefits assessed. If the property appraiser and tax  
5 collector deduct their fees and charges from the amount of  
6 non-ad valorem assessments levied and collected, and if the  
7 landowners receive the statutorily permitted discount for  
8 early payment of such non-ad valorem assessments, the amount  
9 of such fees, charges, and discount shall not be included in  
10 the amount of non-ad valorem assessments levied by the  
11 district in determining whether such assessments are equal to  
12 or in excess of the benefits assessed.

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

17 (9) The principal amount of refunding bonds may be in  
18 any amount not in excess of the benefits assessed against the  
19 lands with respect to which the refunded bonds were issued  
20 less the principal amount of the refunded bonds previously  
21 paid from non-ad valorem assessments. The proceeds of such  
22 refunding bonds shall be used only to pay the principal,  
23 premium, if any, and interest on the bonds to be refunded and  
24 any discount or expense of the sale of the refunding bonds and  
25 to provide a debt service reserve fund for the refunding  
26 bonds. The district may also use other available revenues to  
27 pay costs associated with the issuance or administration of  
28 the refunding bonds.

29 (10) Assessments shall be levied for the payment of  
30 the refunding bonds in the same manner as the assessments  
31 levied for the refunded bonds and the refunding bonds shall be

1 secured by the same lien as the refunded bonds, and any  
2 additional interest which accrues on account of the refunding  
3 bonds shall be included and added to the original assessment  
4 and shall be secured by the same lien, provided any interest  
5 accrued shall not be considered as a part of the cost of  
6 construction in determining whether the assessment exceeds the  
7 benefits assessed.

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

11 Section 12. District expansion and merger.--

12 (1) The boundaries of the district may be modified,  
13 extended, or enlarged upon approval or ratification by the  
14 Legislature.

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

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

29 Section 4. In the event of a conflict of the  
30 provisions of this act with the provisions of any other act  
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1 the provisions of this act shall control to the extent of such  
2 conflict.

3           Section 5. This act shall take effect upon becoming a  
4 law.

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