

By the Committee on Fiscal Policy & Resources and
Representatives Melvin, Miller and Brown

1 A bill to be entitled
2 An act relating to Okaloosa County; creating
3 and establishing an independent special
4 district in said county to be known as the
5 North Okaloosa Fire District; creating a
6 charter; describing the district; prescribing
7 its powers; providing for a board of fire
8 commissioners; providing for compensation;
9 requiring a bond; providing for terms of office
10 and for filling vacancies in office; providing
11 for meetings, minutes of meetings, and public
12 access; providing for financial matters;
13 authorizing non-ad valorem assessments;
14 authorizing the district to accept gifts and
15 donations; providing the district's fiscal
16 year; providing for collection of taxes;
17 providing limits and guidelines for
18 indebtedness of the district; prescribing
19 authorized uses of district funds; providing a
20 penalty; ratifying actions previously taken;
21 requiring certain notice of legal action;
22 providing for a district expansion and merger;
23 providing severability; providing for a
24 referendum; providing an effective date.

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

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28 Section 1. Pursuant to section 191.015, Florida
29 Statutes, this act constitutes the codification of all
30 ordinances relating to the North Okaloosa Fire District. It is
31 the intent of the Legislature in enacting this act to provide

1 a single comprehensive special act charter for the district,
2 including all current legislative enactments and any
3 additional authority granted by this act.

4 Section 2. The North Okaloosa Fire District is created
5 as follows:

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

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17 Beginning at the Northeast corner of Section
18 12, Township North, Range 23 West, thence West
19 along Section lines to the Northwest corner of
20 Section 7, Township 4 North, Range 23 West, and
21 the channel of the Yellow River, thence
22 Southerly along the channel of the Yellow River
23 to the North Section line of Section 2,
24 Township 3 North, Range 24 West, thence run
25 West along Section lines to the intersection of
26 Old River Road, thence run South along Old
27 River Road to the intersection of Griffith
28 Cemetery Road, thence southwesterly along
29 Griffith Cemetery Road for 1 mile to
30 intersection of the North branch of Three Mile
31 Branch, thence Southerly along Three Mile

1 Branch to Mill Creek, thence southerly along
2 South branch of Mill Creek to Garrett Mill
3 Road, thence West along Garrett Mill Road for
4 approximately 3/8 miles to the intersection of
5 Highway 4, continue North along Highway 4 for
6 approximately 3/8 miles to the intersection of
7 Keyser Mill Road, thence Southwest along Keyser
8 Mill Road to Baggett Creek and the Northwest
9 corner of Section 20, Township North, Range 24
10 West, thence South along Section lines to the
11 Southwest corner of Section 29, Township 3
12 North, Range 24 West, thence East along Section
13 lines to the channel of the Yellow River,
14 thence Southerly along the channel of the
15 Yellow River to the intersection of the
16 boundary with Eglin Air Force Base, thence run
17 14 East along Eglin Air Force Base boundary, to
18 the Southwest corner of Section 11, Township 2
19 North, Range 24 West, thence run North along
20 Section line to the channel of the Shoal River,
21 thence Easterly along the channel of the Shoal
22 River to the intersection of the North Section
23 line of Section 12, Township 2 North, Range 24
24 West, thence run East along Section line to the
25 channel of the Shoal River, thence Southerly
26 and Easterly along the channel of the Shoal
27 River to the intersection of the boundary of
28 Eglin Air Force Base, thence run Easterly along
29 the boundary line of Eglin Air Force Base to
30 the Southeast corner of Section 1, Township 2
31 North, Range 23 West, thence run North along

1 Section lines to the North right-of-way
2 boundary of Interstate 10, thence run West
3 along said North right-of-way boundary of
4 Interstate 10 to the channel of the Shoal
5 River, thence Easterly and Northerly along
6 channel of Shoal River to the East Section line
7 of Section 1, Township 3 North, Range 23 West,
8 thence along Section lines to the Point of
9 Beginning, less and except the City Limits of
10 the Town of Crestview, Okaloosa County,
11 Florida. Also described as all of the
12 following property less and except the City
13 Limits of the Town of Crestview, Okaloosa
14 County, Florida, All of Sections 7, 8, 9, 10,
15 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
16 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
17 35, 36, in Township 4 North, Range 23 West; All
18 of Sections 12, 13, 24, 25, 35, 36, in Township
19 4 North, Range 24 West; All of Sections 2, 3,
20 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 18, 19, 20,
21 21, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,
22 and that portion of Sections 1, 12, 13, 14, 23
23 West of the Shoal River and that portion of
24 section 26 that is both West of the Shoal River
25 and South of Interstate 10, in Township 3
26 North, Range 23 West; All of Sections 1, 2, 10,
27 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26,
28 27, 28, 29, 34, 35, 36, all of Section 3 except
29 that portion that is both West of Old River
30 Road and North of Griffith Cemetery Road, that
31 portion of Section 4 both East of Griffith

1 Cemetery Road, and South of Buck Ward Road,
2 that portion of Section 5 South of Buck Ward
3 Road and East of North branch of Three Mile
4 Branch, that portion of Section 9 East of Three
5 Mile Branch and South of Mill Creek, and that
6 portion of Section 17 both East of Keyser Mill
7 Road and South of Garrett Mill Road, that
8 portion of Section 33 East of the Yellow River,
9 in Township 3 North, Range 24 West; all of
10 Sections 1, 2, 3, 4, 5, 6, and that portion of
11 section 7 North of the Shoal River, in Township
12 2 North, Range 23 West; All of Sections 1, 2,
13 3, 10, and those portions of Sections 4 and 9
14 East of the Yellow River, and that portion of
15 Section 11 North of the Shoal River, in
16 Township 2 North, Range 24 West.

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18 Any federal lands or lands located within the described
19 boundaries of the City of Crestview are excluded from the
20 district. If any portion of the district is annexed into a
21 municipality or becomes part of another fire district, the
22 North Okaloosa Fire District shall be entitled to receive all
23 revenues, including non-ad valorem assessments and impact fees
24 generated from that property in the calendar year of
25 annexation, i.e., January 1 through December 31.

26 Section 2. District; powers.--The district is an
27 independent special fire control district under chapter 191,
28 Florida Statutes. The provisions of that chapter, specifically
29 including sections 191.006 and 191.008, Florida Statutes,
30 prescribing general and special powers, apply to the district,
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1 but if any provision of that chapter conflicts with this act,
2 the provisions of this act control.
3 Section 3. Board of Fire Commissioners.--The business
4 and affairs of the district shall be conducted and
5 administered by a board of five commissioners. Each member of
6 the board must, at the time of qualifying for and during the
7 term of office, be an elector of Okaloosa County, a resident
8 of the district, and, if elected from a geographic area, a
9 resident of that geographic area. The board shall elect from
10 its number a chair, vice chair, and secretary-treasurer
11 annually in October. Such officers shall have the duties
12 usually pertaining to like officers. Members of the board
13 shall receive a stipend of \$250 a month, and are entitled to
14 reimbursement for expenses incurred in the conduct of their
15 official duties. Each member of the board, before entering
16 upon the duties of that office, shall execute to the Governor
17 for the benefit of the district a good and sufficient bond in
18 the sum of \$1,000, conditioned to faithfully perform the
19 duties of that office and to account for all funds of the
20 district which come into his or her hands. The premium of the
21 bond shall be paid from funds of the district. Special notice
22 of any meeting at which the board will consider a salary
23 change for a board member shall be published at least once, at
24 least 14 days prior to the meeting, in a newspaper of general
25 circulation in Okaloosa County. Separate compensation for the
26 board member serving as treasurer may be authorized by like
27 vote, so long as total compensation for the board member does
28 not exceed \$500 per month. Members may be reimbursed for
29 travel and per diem expense as provided in section 112.061,
30 Florida Statutes.
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1 Section 4. Fire commissioners; terms of office;
2 vacancies.--Each fire commissioner shall serve a term of 4
3 years and shall be eligible for reelection. Each commissioner
4 shall continue to hold office until the expiration of the term
5 to which he or she was elected. The North Okaloosa Fire
6 District shall be divided into four separate geographic areas.
7 One commissioner, who must reside in the geographic area,
8 shall be elected from each geographic area by a vote of all
9 electors residing in the North Okaloosa Fire District and
10 voting in the general election. One commissioner, who must
11 reside in the North Okaloosa Fire District geographic area and
12 may reside in any geographic area within the district, shall
13 be elected by a vote of all electors residing in the North
14 Okaloosa Fire District and voting in the general election. The
15 boundaries of the four separate geographic areas shall be set
16 by the fire commissioners based on geographic and population
17 criteria, with due consideration given to the location of the
18 district fire stations and precinct lines. If an office
19 becomes vacant, the vacancy shall be filled by appointment by
20 the remaining members of the board for the unexpired portion
21 of the term. A person appointed to fill a vacancy must meet
22 the same qualifications as candidates for election. The Board
23 of Fire Commissioners shall be the sole, exclusive, and final
24 arbitrator of the right of an individual to serve as fire
25 commissioner.

26 Section 5. Meetings; minutes.--A record shall be kept
27 of all meetings of the board. In any meeting, the concurrence
28 of a majority of the members of the board is necessary for any
29 action by the board. Meetings of the board and minutes of
30 meetings are open to the public in conformance with section
31 286.011, Florida Statutes, or its successors.

1 Section 6. Financial matters.--The board may levy a
2 non-ad valorem assessment on taxable property within the
3 district. The initial schedule shall be as follows: \$10 for 5
4 or less acres of vacant land; an additional \$2 per acre for
5 each acre or portion thereof up to a maximum of \$70 for 35
6 acres or more; \$75 for a single-family residence; \$94 for
7 special commercial property; \$188 for all other commercial
8 property; and \$250 for trailer parks from 2 to 9 units and an
9 additional \$200 for each 10 trailers or portion thereof. These
10 amounts may be increased as provided by statute or by 3
11 percent per annum, whichever provides greater revenue to the
12 district. If the rate increase is to be greater than the
13 amount provided in the statute, the increase must be approved
14 by a unanimous vote of the board. The non-ad valorem
15 assessment authorized by this section shall become a lien on
16 the property so assessed until paid. If the assessment lien
17 becomes delinquent, it shall be subject to the same penalties,
18 charges, and fees for enforcement and collection as county
19 non-ad valorem assessments and shall be enforced and collected
20 as provided by law, including attorney fees. The district's
21 non-ad valorem assessments shall be a first lien superior in
22 dignity to all other liens except liens for county ad valorem
23 taxes. The board may accept gifts and donations and may carry
24 on community projects for fundraising purposes. The fiscal
25 year of the district shall run from October 1 until September
26 30 of the following year.

27 Section 7. Taxes; collection.--The Board of Fire
28 Commissioners shall notify the Okaloosa County Property
29 Appraiser annually of assessments that the board has imposed
30 on each parcel of property within the district, and the
31 property appraiser shall include these taxes in the notice of

1 proposed property taxes and adopted non-ad valorem assessments
2 for the properties within the district.

3 Section 8. Indebtedness.--The Board of Fire
4 Commissioners may borrow money for the purposes of the
5 district. The total principal and interest that may be
6 outstanding may not exceed 50 percent of the total assessment
7 roll. The board may pledge collections on such roll and may
8 give tax anticipation notes, which shall be the sole security
9 for such loans. Neither the district nor any commissioner
10 shall be personally liable for such a loan or any part
11 thereof. If there is a pledge of collections on the district
12 assessment roll, it is the duty of the board, upon collection
13 of the roll so pledged, to apply the first proceeds thereof to
14 the payment of principal and interest on the loan for which
15 the assessment was pledged. Except as provided herein, the
16 board may not create indebtedness or incur obligations for any
17 sum that it is unable to pay out of district funds then in its
18 possession.

19 Section 9. Use of funds.--Funds of the district may
20 not be used for any purpose other than for the administration
21 of the affairs and business of the district; for the
22 construction, care, maintenance, upkeep, operations, and
23 purchase of standard firefighting equipment, which must meet
24 the requirements of the underwriters' association; for
25 construction and maintenance of fire stations, installation of
26 fire hydrants, and payment of public utilities, such as
27 electricity and water; for the salary of one or more
28 firefighters; and for such other expenses as the board
29 determines to be in the best interest of the district.

30 Section 10. Penalty.--Any person who violates any
31 provision of this act or any rule adopted pursuant to this act

1 commits a misdemeanor of the second degree, punishable as
2 provided in section 775.082 or section 775.083, Florida
3 Statutes.

4 Section 11. Ratification of prior acts.--All acts of
5 the Board of Fire Commissioners of the North Okaloosa Fire
6 District which were taken before the effective date of this
7 act are ratified and confirmed.

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

20 Section 13. Exemption from taxation.--Inasmuch as the
21 exercise of the powers conferred by this act constitutes
22 action by a political subdivision performing essential public
23 functions and inasmuch as the property of the district
24 constitutes public property used for public purposes, all
25 assets and properties of the district, including property
26 acquired through the foreclosure of any tax or assessment
27 lien, are exempt from all taxes imposed by the state or any
28 political subdivision, agency, or instrumentality of the
29 state.

30 Section 14. District expansion and merger.--
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1 (1) The boundaries of the district may be modified,
2 extended, or enlarged upon approval or ratification by the
3 Legislature, except that any tract of land, regardless of size
4 or number of parcels, may be annexed by contract or agreement
5 between the district and all property owners thereof. Such
6 property owners shall first file a petition with the Board of
7 Fire Commissioners of the district stating their intention
8 that such land be annexed, describing the boundaries thereof,
9 and requesting a public hearing. It shall be the duty of the
10 board to set a date for a hearing of such petition and to
11 publish a notice of hearing once a week for 2 consecutive
12 weeks in some newspaper published or circulated in the
13 district and in the area proposed to be annexed, the first
14 notice of which shall appear at least 14 days prior to the
15 hearing. The notice shall state in general terms the matters
16 contained in the petition but must specifically state the
17 lands to be annexed. On the date set for the hearing, the
18 board may hear any evidence from the property owners who filed
19 such petition and shall hear from all persons in opposition
20 thereto. Upon a finding that the annexation of such property
21 is in the best interest of the development of the district,
22 the board may, by resolution duly passed, declare its
23 intention to annex such tract of land to the district
24 according to the terms and conditions of the petition. Thirty
25 days after the approval of the resolution by the board and the
26 petitioners, the tract of land shall be annexed to the
27 district.

28 (2) The merger of the district with all or portions of
29 other independent special districts or dependent fire control
30 districts is effective only upon ratification by the
31 Legislature. The district may not, solely by reason of a

1 merger with another governmental entity, increase ad valorem
2 taxes on property within the original limits of the district
3 beyond the maximum established by the district's enabling
4 legislation, unless approved by the electors of the district
5 by referendum.

6 Section 3. In the event any section or provision of
7 this act is determined to be invalid or unenforceable, such
8 determination shall not affect the validity of or
9 enforceability of each other section and provision of this
10 act.

11 Section 4. In the event of a conflict of the
12 provisions of this act with the provisions of any other act
13 the provisions of this act shall control to the extent of such
14 conflict.

15 Section 5. This act shall take effect only upon its
16 approval by a majority vote of those qualified electors of the
17 district voting in a referendum election to be called by the
18 Board of Fire Commissioners of the North Okaloosa Fire
19 District and to be held within 2 years after the date this
20 section becomes a law, in accordance with the provisions of
21 law relating to elections currently in force, except that this
22 section shall take effect upon becoming a law.
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