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1 A bill to be entitled

2 An act relating to Midway Fire District, formerly Midway
3 Fire Protection District, Santa Rosa County; providing for
4 codification of special laws relating to the district;
5 amending, codifying, reenacting, and repealing all prior
6 special acts; providing definitions; providing for
7 creation, status, charter amendments, boundaries, and
8 district purposes; providing for a board of commissioners
9 and powers, duties, and responsibilities thereof;
10 providing for election of officers; providing for
11 compensation and execution of bonds; preserving authority
12 to levy ad valorem taxes, non-ad valorem assessments, and
13 impact fees; providing powers and authority; providing for
14 use of district funds; requiring a record of all board
15 meetings; authorizing the board to adopt policies and
16 regulations; providing for the board to make an annual
17 budget; authorizing the board to enact fire prevention
18 ordinances, appoint a fire marshal, acquire land, enter
19 contracts, and operate a fire rescue service; providing
20 for annexation of district lands; providing for
21 dissolution; providing immunity from tort liability for
22 officers, agents, and employees; providing for district
23 expansion; providing for construction, effect, and
24 conflict; repealing chapters 80-607, 82-377, and 90-425,
25 Laws of Florida; providing an effective date.

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

28
29 Section 1. Pursuant to section 191.015, Florida Statutes,
30 this act constitutes the codification of all special acts



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31 relating to Midway Fire District, formerly the Midway Fire
 32 Protection District, located in Santa Rosa County. It is the
 33 intent of the Legislature to provide a single, comprehensive
 34 special act charter for the district, including all current
 35 legislative authority granted to the district by its several
 36 legislative enactments and any additional authority granted by
 37 this act and chapters 189 and 191, Florida Statutes, as amended
 38 from time to time. It is further the intent of this act to
 39 preserve all district authority, including the authority to
 40 annually assess and levy against the taxable property in the
 41 district an ad valorem tax not to exceed the limit provided in
 42 the district's prior special acts, chapters 80-607, 82-377, and
 43 90-425, Laws of Florida, and chapter 191, Florida Statutes, as
 44 amended from time to time.

45 Section 2. Chapters 80-607, 82-377, and 90-425, Laws of
 46 Florida, relating to Midway Fire District, formerly Midway Fire
 47 Protection District, are amended, codified, reenacted, and
 48 repealed as provided herein.

49 Section 3. Midway Fire District is re-created and the
 50 charter for the district is re-created and reenacted to read:

51 Section 1. Definitions.--As used in this act, unless
 52 otherwise specified:

53 (1) "District" means the Midway Fire District.

54 (2) "Board" means the board of commissioners created
 55 pursuant to this act and chapter 191, Florida Statutes.

56 (3) "Commissioner" means a member of the board of
 57 commissioners of and for the district.

58 (4) "Residence" means one single-family dwelling,
 59 including one single-apartment dwelling unit, one single-
 60 condominium dwelling unit, one single-duplex, triplex, or other



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61 attached dwelling unit, one single-family detached dwelling
 62 unit, or one single-mobile or modular home dwelling unit.

63 (5) "Business" means motels or apartments, standard
 64 commercial or industrial businesses such as gasoline stations,
 65 stores, marinas, and similar establishments, as authorized
 66 pursuant to the applicable local government comprehensive plan.

67 Section 2. Creation; status; charter amendments;
 68 boundaries; district purposes.--There is hereby created an
 69 independent special taxing fire protection and rescue service
 70 district incorporating lands in Santa Rosa County described in
 71 subsection (1) which shall be a public corporation having the
 72 powers, duties, obligations, and immunities herein set forth,
 73 under the name of the Midway Fire District. The district is
 74 organized and exists for all purposes, and shall hold all
 75 powers, set forth in this act and chapters 189 and 191, Florida
 76 Statutes.

77 (1) The lands to be included within the district are the
 78 following described lands in Santa Rosa County:

79
 80 Begin at a point where the east line of Section 4,
 81 Township 2 South, Range 27 West, Santa Rosa County,
 82 Florida, meets the southern waters edge of East Bay;
 83 thence go South along the East line of Section 4 to a
 84 nail & disk #6679 in the center of State Road 399 (East
 85 Bay Blvd.), said point known as Point "A"; thence
 86 continue south along the east line of Sections 4, 9, 16,
 87 21, and 28 of said township and range to a nail & disk
 88 #6679 in the center of Tidewater Drive; said point known
 89 as Point "B"; thence continue south along the East Line
 90 of Section 28 to the Northern Waters edge of Santa Rosa



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91 Sound; thence go westerly along said waters edge to a
 92 point of intersection with the eastern boundary of the
 93 city limits of the City of Gulf Breeze, Florida; said
 94 point being an 8 inch square concrete monument and known
 95 as point "C"; thence go northwesterly along said eastern
 96 line being, also being the east line of Section 2,
 97 Township 3 South, Range 29 West, and the east line of
 98 Section 34, Township 2 South, Range 29 West to the
 99 Northeast Corner of said Section 34; thence go westerly
 100 along the North Line of said Section 34 also being said
 101 city limits line to a 2 ½ capped pipe known as point "D"
 102 thence continue westerly along said line approximately
 103 2000 feet to the aforesaid southern waters edge of east
 104 bay; thence go easterly along said waters edge to the
 105 point of beginning.

106
 107 (2) The purpose of this act is to promote the health,
 108 welfare, and safety of the citizens and residents of Santa Rosa
 109 County who reside within the geographical limits of that area
 110 known as the Midway Fire District, by providing for:
 111 firefighting equipment; the establishment and maintenance of
 112 fire stations and fire substations; the acquisition and
 113 maintenance of all firefighting and protection equipment
 114 necessary for the prevention of fires or fighting of fires; the
 115 employment and training of such personnel as may be necessary to
 116 accomplish fire prevention and firefighting; the establishment
 117 and maintenance of emergency service; the acquisition and
 118 maintenance of rescue and other emergency equipment; and the
 119 employment and training of necessary emergency personnel. The
 120 district may provide Advanced Life Support services within the



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121 district's boundaries. The district shall have all other powers
122 necessary to carry out the purposes of the district as otherwise
123 provided by law, including, but not limited to, the power to
124 adopt all necessary measures, rules, and regulations and
125 policies relating to said purposes.

126 (3) Nothing herein shall prevent the district from
127 cooperating with the state or other local governments to render
128 such services to communities adjacent to the land described in
129 this section, or such other places as from time to time may be
130 deemed desirable.

131 (4) The district was created by special act of the
132 Legislature in 1982. Its charter may be amended only by special
133 act of the Legislature.

134 Section 3. Board of commissioners.--

135 (1) Pursuant to chapter 191, Florida Statutes, the
136 business and affairs of the district shall be governed and
137 administered by a board of five commissioners, who shall serve a
138 term of four years each, subject to the provisions of chapter
139 191, Florida Statutes, and this act. Each commissioner shall
140 hold office until his or her successor is elected and qualified
141 under the provisions of this act. The procedures for conducting
142 district elections and for qualification of candidates and
143 electors shall be pursuant to chapters 189 and 191, Florida
144 Statutes, as they may be amended from time to time.

145 (2) The board may employ such personnel as deemed
146 necessary for the proper function and operation of a fire
147 department. The salaries of fire department and emergency
148 service personnel, and any other wages, shall be determined by
149 the board.

150 Section 4. Officers; board compensation; bond.--



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151 (1) In accordance with chapter 191, Florida Statutes, each
152 elected member of the board shall assume office 10 days
153 following the member's election. Annually, within 60 days after
154 the election of new members of said board, the members shall
155 organize by electing from their number a chair, vice chair,
156 secretary, and treasurer. However, the same member may be both
157 secretary and treasurer, in accordance with chapter 191, Florida
158 Statutes, as amended from time to time.

159 (2) The commissioners shall receive reimbursement for
160 actual expenses incurred while performing the duties of their
161 offices in accordance with general law governing per diem for
162 public officials.

163 (3) Each commissioner, upon taking office and in
164 accordance with chapters 189 and 191, Florida Statutes, shall
165 execute to the Governor, for the benefit of the district, a bond
166 conditioned upon the faithful performance of the duties of the
167 commissioner's office. The premium for such bonds shall be paid
168 from district funds.

169 Section 5. Powers; duties; responsibilities.--

170 (1) The district shall have and the board may exercise all
171 the powers and duties set forth in this act, and chapters 189,
172 191, and 197, Florida Statutes, as they may be amended from time
173 to time, including, but not limited to, ad valorem taxation,
174 bond issuance, other revenue-raising capabilities, budget
175 preparation and approval, liens and foreclosure of liens, use of
176 tax deeds and tax certificates as appropriate for non-ad valorem
177 assessments, and contractual agreements. The district may be
178 financed by any method established in this act or chapter 189 or
179 chapter 191, Florida Statutes, as amended from time to time.

180 (2) The board shall continue to have the right, power, and



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181 authority to levy annually an ad valorem tax against the taxable
182 real estate within the district to provide funds for the
183 purposes of the district as authorized by chapters 80-607, 82-
184 377, and 90-425, Laws of Florida, in an amount not to exceed the
185 limit provided in chapter 191, Florida Statutes, as amended from
186 time to time. Although the district is authorized to levy a
187 maximum millage rate as provided for in section 191.009(1),
188 Florida Statutes, the district must receive referendum approval,
189 as required by the State Constitution and section 191.009,
190 Florida Statutes, for any increased millage rate above such rate
191 that has been previously authorized by a special act and
192 approved by referendum.

193 (3) The methods for assessing and collecting non-ad
194 valorem assessments, fees, or service charges shall be as set
195 forth in this act, chapter 170, chapter 189, chapter 191, or
196 chapter 197, Florida Statutes, as amended from time to time.

197 (4) The district shall levy and collect ad valorem taxes
198 in accordance with chapter 200, Florida Statutes, as amended
199 from time to time.

200 (5) The district is authorized to levy and enforce non-ad
201 valorem assessments in accordance with chapters 170, 189, 191,
202 and 197, Florida Statutes, as amended from time to time.

203 (6) The district's planning requirements shall be as set
204 forth in this act and chapters 189 and 191, Florida Statutes, as
205 amended from time to time.

206 (7) Requirements for financial disclosure, meeting
207 notices, reporting, public records maintenance, and per diem
208 expenses for officers and employees shall be as set forth in
209 this act and chapters 112, 119, 189, 191, and 286, Florida
210 Statutes, as amended from time to time.



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211 Section 6. Impact fees.--

212 (1) Pursuant to section 191.009(4), Florida Statutes, it
213 is hereby declared that the cost of new facilities upon fire
214 protection and emergency service should be borne by new users of
215 the district's services to the extent new construction requires
216 new facilities, but only to that extent. It is the legislative
217 intent of this section to transfer to the new users of the
218 district's fire protection and emergency services a fair share
219 of the costs that new users impose on the district for new
220 facilities. This section shall only apply in the event that the
221 general purpose local government in which the district is
222 located has not adopted an impact fee for fire services which is
223 distributed to the district for construction within its
224 jurisdictional boundaries.

225 (2) The impact fees collected by the district pursuant to
226 this section shall be kept as a separate fund from other
227 revenues of the district and shall be used exclusively for the
228 acquisition, purchase, or construction of new facilities or
229 portions thereof required to provide fire protection and
230 emergency service to new construction. "New facilities" means
231 land, buildings, and capital equipment, including, but not
232 limited to, fire and emergency vehicles and radio telemetry
233 equipment. The fees shall not be used for the acquisition,
234 purchase, or construction of facilities which must be obtained
235 in any event, regardless of growth within the district. The
236 board of fire commissioners shall maintain adequate records to
237 ensure that impact fees are expended only for permissible new
238 facilities.

239 Section 7. Ad valorem taxes a lien.--The taxes levied and
240 assessed by the district shall be a lien upon the land so



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241 assessed along with the county taxes assessed against such land
242 until said assessments and taxes have been paid, and if the
243 taxes levied by the district become delinquent, such taxes shall
244 be considered a part of the county tax subject to the same
245 penalties, charges, fees, and remedies for enforcement and
246 collection and shall be enforced and collected as provided by
247 general law for the collection of such taxes.

248 Section 8. Deposit of taxes, assessments, fees; authority
249 to disburse funds.--

250 (1) The funds of the district shall be deposited in
251 qualified public depositories, in accordance with chapters 191
252 and 280, Florida Statutes, as they may be amended from time to
253 time.

254 (2) All warrants for the payment of labor, equipment, and
255 other expenses of the board, and in carrying into effect this
256 act and the purposes thereof, shall be payable by the treasurer
257 of the board on accounts and vouchers approved and authorized by
258 the board.

259 Section 9. Authority to borrow money.--

260 (1) The board of commissioners shall have the power and
261 authority to borrow money or issue other evidences of
262 indebtedness for the purpose of the district in accordance with
263 chapters 189 and 191, Florida Statutes, as amended from time to
264 time; provided, however, that the total payments in any one
265 year, including principal and interest, on any indebtedness
266 incurred by the district shall not exceed 50 percent of the
267 total annual budgeted revenues of the district for the year in
268 which said payments are to be made.

269 (2) The board of commissioners shall not be personally or
270 individually liable for the repayment of such loan. Such



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271 repayment shall be made out of the tax receipts of the district
 272 except as provided in this subsection. The commissioners shall
 273 not create any indebtedness or incur obligations for any sum or
 274 amount which they are unable to repay out of district funds then
 275 in their hands except as otherwise provided in this act;
 276 provided, however, that the commissioners may make purchases of
 277 equipment on an installment basis as necessary if funds are
 278 available for the payment of the current year's installment on
 279 such equipment plus the amount due in that year of any other
 280 installments and the repayment of any bank loan or other
 281 existing indebtedness which may be due in that year.

282 Section 10. Use of district funds.--No funds of the
 283 district shall be used for any purposes other than the
 284 administration of the affairs and business of the district; the
 285 construction, care, maintenance, upkeep, operation, and purchase
 286 of firefighting and rescue equipment or a fire station or
 287 stations; the payment of public utilities; and the payment of
 288 salaries of district personnel as the board may from time to
 289 time determine to be necessary for the operations and
 290 effectiveness of the district.

291 Section 11. Record of board meetings; authority to adopt
 292 policies and regulations; annual reports; budget.--

293 (1) A record shall be kept of all meetings of the board,
 294 and in such meetings concurrence of a majority of the
 295 commissioners present shall be necessary to any affirmative
 296 action by the board.

297 (2) The board shall have the authority to adopt and amend
 298 policies and regulations for the administration of the affairs
 299 of the district under the terms of this act and chapters 189 and
 300 191, Florida Statutes, which shall include, but not be limited



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301 to, the authority to adopt the necessary policies and
302 regulations for the administration and supervision of the
303 property and personnel of the district and for the prevention of
304 fires, fire control, and rescue work within the district. Said
305 commissioners shall have all the lawful power and authority
306 necessary to implement the purposes for which the said fire
307 district is created, which power and authority shall include,
308 but not be limited to, the power to purchase all necessary fire
309 equipment, rescue equipment, and all other equipment necessary
310 to carry out the purposes of said fire district; to purchase all
311 necessary real and personal property; to purchase and carry
312 standard insurance policies on all such equipment; to employ
313 such personnel as may be necessary to carry out the purpose of
314 said fire district; to provide adequate insurance for said
315 employees; to purchase and carry appropriate insurance for the
316 protection of all firefighters and personnel as well as all
317 equipment and personal property on loan to the district; to sell
318 surplus real and personal property in the same manner and
319 subject to the same restrictions as provided for such sales by
320 counties; and to enter into contracts with qualified service
321 providers, other fire departments, municipalities, and state and
322 federal governmental units for the purpose of obtaining
323 financial aid, assistance, or benefits, expanding services,
324 providing effective mutual aid, and for otherwise carrying out
325 the purposes of the district. The commissioners shall adopt a
326 fiscal year for said fire district which shall be October 1 to
327 September 30.

328 (3) For the purposes of carrying into effect this act, the
329 board shall annually prepare, consider, and adopt a district
330 budget pursuant to the applicable requirements of chapters 189



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331 and 191, Florida Statutes, as they may be amended from time to
 332 time.

333 Section 12. Authority to enact fire prevention ordinances;
 334 appoint fire marshal; acquire land; enter contracts; establish
 335 salaries; general and special powers; authority to provide
 336 emergency medical and rescue services.--

337 (1) The board of commissioners shall have the right and
 338 power to enact fire prevention ordinances in the same manner
 339 provided for the adoption of policies and regulations in section
 340 11(2), and when the provisions of such fire prevention
 341 ordinances are determined by the board to be violated, the
 342 office of the state attorney, upon written notice of such
 343 violation issued by the board, is authorized to prosecute such
 344 person or persons held to be in violation thereof. Any person
 345 found guilty of a violation may be punished as provided in
 346 chapter 775, Florida Statutes, as a misdemeanor of the second
 347 degree. The cost of such prosecution shall be paid out of the
 348 district funds unless otherwise provided by law.

349 (2) The board shall have the power to appoint a fire
 350 marshal, who shall be a person experienced in all types of
 351 firefighting and fire prevention and who shall work with and
 352 cooperate with the Florida State Fire Marshal in which the
 353 district is situated in the prevention of fires of all types.
 354 The district fire marshal shall be authorized to enter, at all
 355 reasonable hours, any building or premises for the purpose of
 356 making any inspection or investigation which the State Fire
 357 Marshal is authorized to make pursuant to state law and
 358 regulation. The owner, lessee, manager, or operator of any
 359 building or premises shall permit the district fire marshal to
 360 enter and inspect the building or premises at all reasonable



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361 hours. The district fire marshal shall report any violations of
 362 state fire safety law or regulations to the appropriate
 363 officials.

364 (3) The board shall have the power to acquire, by gift or
 365 purchase, lands or rights in lands, and any other property, real
 366 and personal, tangible or intangible, necessary, desirable, or
 367 convenient for carrying out the purposes of the district, and to
 368 pay any and all costs of same out of the funds of the district.

369 (4) The board shall have the power to enter into contracts
 370 or to otherwise join with any other district, city, town, the
 371 United States of America, or any agency or authority thereunder,
 372 for the purpose of expanding services, providing effective
 373 mutual aid, and accomplishing and carrying out the purposes for
 374 which the district was created and for the further purpose of
 375 specifically obtaining financial aid, assistance, or subsidy.

376 (5) The district is authorized to establish and maintain
 377 emergency medical and rescue response services and to acquire
 378 and maintain rescue, medical, and other emergency equipment,
 379 subject to the provisions of chapter 401, Florida Statutes.

380 Section 13. Annexations.--If any municipality or other
 381 fire control district annexes any land included in the district,
 382 such annexation shall follow the procedures set forth in section
 383 171.093, Florida Statutes, as amended from time to time.

384 Section 14. Dissolution.--The district shall exist until
 385 dissolved in the same manner as it was created.

386 Section 15. Immunity from tort liability.--

387 (1) The district and its officers, agents, and employees
 388 shall have the same immunity from tort liability as other
 389 agencies and subdivisions of the state. The provisions of
 390 chapter 768, Florida Statutes, as from time to time amended,



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391 shall apply to all claims asserted against the district.

392 (2) The district commissioners and all officers, agents,
 393 and employees of the district shall have the same immunity and
 394 exemption from personal liability as is provided by general law
 395 of the state for state, county, and municipal officers.

396 (3) The district shall defend all claims against the
 397 commissioners, officers, agents, and employees which arise
 398 within the scope of employment or purposes of the district and
 399 shall pay all judgments against said persons, except where said
 400 persons acted in bad faith or with malicious purpose or in a
 401 manner exhibiting wanton and willful disregard of human rights,
 402 safety, or property.

403 Section 16. District expansion.--The district boundaries
 404 may be extended from time to time as follows:

405 (1)(a) Land contiguous to the boundaries of the district
 406 in unincorporated Santa Rosa County may be included in the
 407 district when a written petition for inclusion signed and sworn
 408 to by a majority of the owners of the real property within the
 409 tract or tracts to be included in the district has been
 410 presented to the board of commissioners and the proposal has
 411 been approved by the affirmative vote of no fewer than three
 412 members of the board of commissioners at a regular meeting.

413 (b) The petition must contain the legal description of the
 414 property sought to be added to the district and the names and
 415 addresses of the owners of the property.

416 (2) If a proposal to add an area to the district as
 417 defined in subsection (1) is approved by the affirmative vote of
 418 no fewer than three members of the board of commissioners at a
 419 regular meeting, the board of commissioners shall thereafter
 420 adopt a resolution describing the lands to be included within



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421 the district and shall cause such resolution to be duly enrolled
 422 in the record of the meeting and a certified copy of the
 423 resolution to be recorded in the Office of the Clerk of the
 424 Circuit Court in Santa Rosa County.

425 (3) Upon adoption of the resolution by the board, the
 426 district shall, pursuant to chapter 191, Florida Statutes,
 427 request that its legislative delegation approve said addition
 428 and sponsor legislation amending the district boundary. Upon
 429 approval by the Legislature, the boundary shall be amended.

430 (4) Lands within municipal boundaries of cities contiguous
 431 to district boundaries may be included in the district upon
 432 request by the governing board of the municipality, approval of
 433 said request by affirmative vote of no fewer than three members
 434 of the district board, and referendum approval of inclusion by
 435 the electors of the municipality whose residences are located
 436 within the proposed amended boundary of the district. The
 437 referendum shall be conducted by the municipality at the next
 438 available special or general election. Upon approval by the
 439 Legislature, the boundary shall be amended.

440 Section 4. This act shall be construed as remedial and shall
 441 be liberally construed to promote the purpose for which it is
 442 intended.

443 Section 5. In the event that any part of this act should
 444 be held void for any reason, such holding shall not affect any
 445 other part thereof.

446 Section 6. Except as otherwise provided in this act, in
 447 the event of a conflict of the provisions of this act with the
 448 provisions of any other act, the provisions of this act shall
 449 control to the extent of such conflict.



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450 Section 7. Chapters 80-607, 82-377, and 90-425, Laws of
451 Florida, are repealed.

452 Section 8. This act shall take effect upon becoming a law.