



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 and effect;
24 repealing chapters 80-607, 82-377, and 90-425, Laws of
25 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
 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
 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
85 (East Bay Blvd.), said point known as Point "A";
86 thence continue south along the east line of Sections
87 4, 9, 16, 21, and 28 of said township and range to a
88 nail & disk #6679 in the center of Tidewater Drive;
89 said point known as Point "B"; thence continue south
90 along the East Line of Section 28 to the Northern
91 Waters edge of Santa Rosa Sound; thence go westerly
92 along said waters edge to a point of intersection with
93 the eastern boundary of the city limits of the City of
94 Gulf Breeze, Florida; said point being an 8 inch
95 square concrete monument and known as point "C";
96 thence go northwesterly along said eastern line being,
97 also being the east line of Section 2, Township 3
98 South, Range 29 West, and the east line of Section 34,
99 Township 2 South, Range 29 West to the Northeast
100 Corner of said Section 34; thence go westerly along
101 the North Line of said Section 34 also being said city
102 limits line to a 2 ½ capped pipe known as point "D"
103 thence continue westerly along said line approximately
104 2000 feet to the aforesaid southern waters edge of
105 east bay; thence go easterly along said waters edge to
106 the point of beginning.

107
108 (2) The purpose of this act is to promote the health,
109 welfare, and safety of the citizens and residents of Santa Rosa
110 County who reside within the geographical limits of that area
111 known as the Midway Fire District, by providing for:



112 firefighting equipment; the establishment and maintenance of
113 fire stations and fire substations; the acquisition and
114 maintenance of all firefighting and protection equipment
115 necessary for the prevention of fires or fighting of fires; the
116 employment and training of such personnel as may be necessary to
117 accomplish fire prevention and firefighting; the establishment
118 and maintenance of emergency service; the acquisition and
119 maintenance of rescue and other emergency equipment; and the
120 employment and training of necessary emergency personnel. The
121 district may provide Advanced Life Support services within the
122 district's boundaries. The district shall have all other powers
123 necessary to carry out the purposes of the district as otherwise
124 provided by law, including, but not limited to, the power to
125 adopt all necessary measures, rules, and regulations and
126 policies relating to said purposes.

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

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

135 Section 3. Board of commissioners.--

136 (1) Pursuant to chapter 191, Florida Statutes, the
137 business and affairs of the district shall be governed and
138 administered by a board of five commissioners, who shall serve a
139 term of four years each, subject to the provisions of chapter



140 191, Florida Statutes, and this act. Each commissioner shall
141 hold office until his or her successor is elected and qualified
142 under the provisions of this act. The procedures for conducting
143 district elections and for qualification of candidates and
144 electors shall be pursuant to chapters 189 and 191, Florida
145 Statutes, as they may be amended from time to time.

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

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

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

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

164 (3) Each commissioner, upon taking office and in
165 accordance with chapters 189 and 191, Florida Statutes, shall
166 execute to the Governor, for the benefit of the district, a bond
167 conditioned upon the faithful performance of the duties of the



168 commissioner's office. The premium for such bonds shall be paid
169 from district funds.

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

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

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

194 (3) The methods for assessing and collecting non-ad
195 valorem assessments, fees, or service charges shall be as set



196 forth in this act, chapter 170, chapter 189, chapter 191, or
197 chapter 197, Florida Statutes, as amended from time to time.

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

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

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

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

212 Section 6. Impact fees.--

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



224 distributed to the district for construction within its
225 jurisdictional boundaries.

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

240 Section 7. Ad valorem taxes a lien.--The taxes levied and
241 assessed by the district shall be a lien upon the land so
242 assessed along with the county taxes assessed against such land
243 until said assessments and taxes have been paid, and if the
244 taxes levied by the district become delinquent, such taxes shall
245 be considered a part of the county tax subject to the same
246 penalties, charges, fees, and remedies for enforcement and
247 collection and shall be enforced and collected as provided by
248 general law for the collection of such taxes.

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



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

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

260 Section 9. Authority to borrow money.--

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

270 (2) The board of commissioners shall not be personally or
271 individually liable for the repayment of such loan. Such
272 repayment shall be made out of the tax receipts of the district
273 except as provided in this subsection. The commissioners shall
274 not create any indebtedness or incur obligations for any sum or
275 amount which they are unable to repay out of district funds then
276 in their hands except as otherwise provided in this act;
277 provided, however, that the commissioners may make purchases of
278 equipment on an installment basis as necessary if funds are



279 available for the payment of the current year's installment on
280 such equipment plus the amount due in that year of any other
281 installments and the repayment of any bank loan or other
282 existing indebtedness which may be due in that year.

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

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

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

298 (2) The board shall have the authority to adopt and amend
299 policies and regulations for the administration of the affairs
300 of the district under the terms of this act and chapters 189 and
301 191, Florida Statutes, which shall include, but not be limited
302 to, the authority to adopt the necessary policies and
303 regulations for the administration and supervision of the
304 property and personnel of the district and for the prevention of
305 fires, fire control, and rescue work within the district. Said
306 commissioners shall have all the lawful power and authority



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

329 (3) For the purposes of carrying into effect this act, the
330 board shall annually prepare, consider, and adopt a district
331 budget pursuant to the applicable requirements of chapters 189
332 and 191, Florida Statutes, as they may be amended from time to
333 time.



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

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

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



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

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

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

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

381 Section 13. Annexations.--If any municipality or other
382 fire control district annexes any land included in the district,
383 such annexation shall follow the procedures set forth in section
384 171.093, Florida Statutes, as amended from time to time.

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

387 Section 15. Immunity from tort liability.--

388 (1) The district and its officers, agents, and employees
389 shall have the same immunity from tort liability as other



390 agencies and subdivisions of the state. The provisions of
391 chapter 768, Florida Statutes, as from time to time amended,
392 shall apply to all claims asserted against the district.

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

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

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

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

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



417 (2) If a proposal to add an area to the district as
418 defined in subsection (1) is approved by the affirmative vote of
419 no fewer than three members of the board of commissioners at a
420 regular meeting, the board of commissioners shall thereafter
421 adopt a resolution describing the lands to be included within
422 the district and shall cause such resolution to be duly enrolled
423 in the record of the meeting and a certified copy of the
424 resolution to be recorded in the Office of the Clerk of the
425 Circuit Court in Santa Rosa County.

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

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

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



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

447 Section 6. Chapters 80-607, 82-377, and 90-425, Laws of
448 Florida, are repealed.

449 Section 7. This act shall take effect upon becoming a law.
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451