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1 A bill to be entitled

2 An act relating to Liberty Fire District, Walton County;
3 creating a special district; providing definitions;
4 providing for creation, status, charter amendments,
5 boundaries, and purposes; providing for a board of
6 commissioners; providing for election and terms of
7 commissioners; providing for employment of board
8 personnel; providing for election of board officers;
9 providing for compensation and bonds of commissioners;
10 providing for powers, duties, and responsibilities of the
11 board; preserving the authority to levy non-ad valorem
12 special assessments; providing for impact fees;
13 authorizing the board to levy special assessments;
14 providing legislative intent; providing for duties of the
15 property appraiser; providing for special assessment as a
16 lien; providing for deposit of such special assessments;
17 providing for authority to disburse funds; authorizing the
18 board to borrow money; providing for use of district
19 funds; requiring a record of all board meetings;
20 authorizing the board to adopt policies and regulations;
21 providing for the board to make an annual budget;
22 requiring an annual report; authorizing the board to enact
23 fire prevention ordinances, appoint a district fire chief,
24 acquire land, enter contracts, establish salaries, and
25 establish and operate a fire rescue service; providing for
26 district authority upon annexation of district lands;
27 providing for dissolution; providing immunity from tort
28 liability for officers, agents, and employees; providing
29 for district expansion; providing for construction,
30 effect, and conflict; providing an effective date.



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

Section 1. The Liberty Fire District is hereby created and the charter for the district is created to read:

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

(1) "District" means the Liberty Fire District.

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

(3) "Board of directors" means the existing policymaking and governing body of the Liberty Fire District of Walton County.

(4) "Commissioner" means a member of the board of commissioners of and for the district.

(5) "Director" means a member of the board of directors.

(6) "Residence" means one single-family dwelling, including one single-apartment dwelling unit, one single-condominium dwelling unit, one single duplex, triplex, or other attached dwelling unit, one single-family detached dwelling unit, or one single mobile or modular home dwelling unit.

(7) "Business" means motels, apartments, or rental dwellings, along with other standard commercial or industrial businesses such as gasoline stations, stores, marinas, and similar establishments, as authorized pursuant to the applicable local government comprehensive plan, whether or not such businesses are required to pay or collect sales taxes.

Section 2. Creation; status; charter amendments; boundaries; district purposes.--There is hereby created an independent special fire control district and rescue service



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61 district incorporating lands in Walton County described in
62 subsection (1), which shall be a public corporation having the
63 powers, duties, obligations, and immunities herein set forth,
64 under the name of the Liberty Fire District. The district is
65 organized and exists for all purposes and shall hold all powers
66 set forth in this act and chapters 189 and 191, Florida
67 Statutes.

68 (1) The lands to be included within the district are
69 the following described lands in Walton County: All
70 Sections 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 17,
71 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36,
72 Township 4 North, Range 20 West; Walton County,
73 Florida. Also all of Section 33, Township 4 North,
74 Range 19 West, Walton County, Florida; less and except
75 the North 3/4 of section. Also all Sections 17, 18,
76 19, 20, 29, 30, 31, 32, Township 4 North, Range 19
77 West; Walton County, Florida. Also Sections 4, 5, 6,
78 7, 8, 9, 16, 17, 18, 19, 20, 30, Township 3 North,
79 Range 19 West; Walton County, Florida. Also Sections
80 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, Township 3
81 North, Range 20 West; Walton County, Florida. Also
82 Section 29, Township 3 North, Range 19 West, less and
83 except; S 1/2 of NE 1/4 of NE 1/4 and SE 1/4 of NE
84 1/4 and S 1/2 of NW 1/4 of the NE 1/4 and also less
85 the N 1/2 of the E 1/2 of the NE 1/4 of the NE 1/4.
86 All of Section 28, Township 3 North, Range 19 West;
87 Walton County, Florida less and except the SW 1/4 of
88 section and also less and except the E 1/4 of section
89 also less and except beginning at the Southwest corner
90 of the NE 1/4 of the NE 1/4 thence run West to the



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91 Southwest corner of the NW 1/4 of the NE ¼ thence run
 92 West to the Southwest corner of the NW 1/4 of the NE
 93 1/4 run thence North to the South boundary line of the
 94 R/W line of L & N Railroad; thence Westward along the
 95 South boundary line of said L & N Railroad to its
 96 intersection with the West line of Section 28; thence
 97 South along the section line to the Southwest corner
 98 of the NW 1/4 of said Section 28; thence East to the
 99 Southeast corner of the NW 1/4 of said Section 28
 100 thence South to the Southwest corner of the SE 1/4 of
 101 said section; thence East to the Southeast corner of
 102 the SE 1/4 of the SE 1/4 of said Section; thence North
 103 along the line to the point of beginning; also less
 104 and except the E 1/2 of the NW 1/4 of the NE 1/4; also
 105 less and except the commencing at the SW corner of Lot
 106 No. 1, Kam-Akers S/D, thence run Westerly along the
 107 North R/W line of U.S. Highway 90 a distance of 40
 108 feet to the point of beginning; thence continue
 109 Westerly along said highway a distance of 156.10 feet;
 110 thence North perpendicular to said highway a distance
 111 of 144 feet; thence East Parallel with said highway a
 112 distance of 97.71 feet; thence South perpendicular
 113 with said highway a distance of 44 feet; thence East
 114 parallel with said highway 60 feet to the Western
 115 boundary of Twin Lake Drive; thence South 100 feet to
 116 the point of beginning; also less and except begin at
 117 the intersection of the Easterly R/W line of U.S.
 118 Highway 331 and the Northerly R/W line of U.S. Highway
 119 90 located in the NE 1/4 of the NW 1/4 of Section 28;
 120 thence N 02 degrees 09'26'' East along the South line



121 of Wilburn and Linda Cotton property (O.R. Book 329,
 122 Page 433) and the South line of William and Ruth
 123 Wickert (O.R. Book 331, Page 619) at the Northeast
 124 corner of section run South 00 degrees property 550.25
 125 feet to the Westerly R/W line of U.S. Highway 90;
 126 thence run N 79 degrees 06'31'' West along said
 127 Northerly R/W line 199.40 feet to the point of
 128 beginning. All of Section 21, Township 3 North, Range
 129 19 West; less and except commencing at the SE corner
 130 of Block 1 of Plant No. 1 of W.B. Harbeson Lumber
 131 Company's S/D run thence N 10 degrees 30'00'' East
 132 66.5 feet to the North R/W line of U.S. Highway 90;
 133 thence Eastwardly along said Northern highway boundary
 134 a distance of 250 feet to the point of beginning;
 135 thence continue Eastwardly along said Northern highway
 136 boundary a distance of 918 feet; thence N 04 degrees
 137 40'00'' east 636.60 feet; thence North 79 degrees
 138 30'00'' West 833.80 feet; thence South 10 degrees
 139 30'00'' West a distance of 630 feet to the point of
 140 beginning; also less and except all of South 3/4 of
 141 section lying East of U.S. Highway 331 North; and also
 142 less and except; commence at the Northeast corner of
 143 Lot 6 Block Z of said Oakwood Lake Estates; thence
 144 North 88 degrees 14'10'' West along the North line of
 145 said Block Z for 1100 feet to the Northwest corner
 146 thereof and its intersection with the East R/W line of
 147 Commerce Blvd.; thence departing said North block line
 148 run North 01 degrees 45'50'' East along the East R/W
 149 line and Northeasterly extension thereof for 787.97
 150 feet; thence departing the Northeasterly extension of



151 the East R/W line of Commerce Blvd. run South 88
 152 degrees 14'10'' East for 119.62 feet to the West R/W
 153 line of U.S. Highway 331 and a point on a curve being
 154 concave Northwesterly and having a radius of 5696.58
 155 feet; thence run Southwesterly along said curve and
 156 West R/W line an arc distance of 414.27 feet through a
 157 central angle of 04 degrees 10'00'' (chord = 414.18
 158 feet, chord bearing = S 02 degrees 12'04'' West) to
 159 the point of tangency of said curve; thence continue
 160 along said R/W line S 04 degrees 17'04'' West for
 161 374.16 feet to the foresaid Northeast corner of Lot 6
 162 Block Z of said recorded S/D and the point of
 163 beginning; and also less and except; beginning
 164 31'16'' East along the East boundary line of said
 165 section 1848.16 feet; thence N 76 degrees 14'35'' West
 166 along the Northerly R/W line of Shoemaker Drive 36.74
 167 feet; thence North 00 degrees 33'51'' West 529.40
 168 feet; thence N 89 degrees 48'59'' West 387.56 feet;
 169 thence S 00 degrees 33'51'' East 433.04 feet to the
 170 Northerly R/W of Shoemaker Drive and a point that is
 171 North 16 degrees 14'35'' West 436.74 feet and South 00
 172 degrees 31'16'' East 1848.16 feet from the P.O.B.
 173 thence run Northwesterly along said R/W line 1680.00
 174 feet; thence North 12 degrees 33'01'' East 259.06 feet
 175 to the Northerly R/W line of a 75-foot gas
 176 transmission easement; thence run along said easement
 177 North 80 degrees 21'05'' West 790.19 feet more or less
 178 to the Easterly R/W line of U.S. 331; thence North 05
 179 degrees 50'00'' West 34.90 feet of a chord; thence
 180 Northwesterly along the arc of said R/W 600.45 feet;



181 thence run East along the North section line to the
 182 point of beginning. All of Section 22, Township 3
 183 North, Range 19 West, Walton County, Florida less and
 184 except; South 3/4 of section and also less and except;
 185 the N 1/2 of the NE 1/4 of section also less and
 186 except; the point of beginning shall be the
 187 intersection of the South line of the NE 1/4 of NW 1/4
 188 of Section 22 with the East boundary of Juniper Lake
 189 Road (66 feet wide), a County Road described in Deed
 190 Book 201, Page 409 Public Records of Walton County,
 191 Florida; thence run East along said Southline to the
 192 Southeast corner of said NE 1/4 of NW 1/4, thence run
 193 North 400 feet along the East line of said NE 1/4 of
 194 NW 1/4, thence run Northeasterly to the center point
 195 of the top of the vertical outflow drainage structure
 196 (riser pipe) in Blueberry Pond; thence run northerly
 197 to the center point of the termination of the drainage
 198 structure outflow pipe into Magnolia Lake; thence
 199 continue on the same bearing an additional 200 feet;
 200 thence run Northeasterly to the center point of the
 201 top of the vertical outflow drainage structure (riser
 202 pipe) of Magnolia Lake; thence run Westerly to the
 203 center point of the termination of the drainage
 204 structure outflow pipe from Pine Pond into Magnolia
 205 Lake, thence run Southwesterly to the center point of
 206 the top of the vertical outflow drainage structure in
 207 Pine Pond; thence run Southwesterly to a point in Pine
 208 Pond described, as follows; a point located on a
 209 bearing line running south 44 degrees 29'08'' East
 210 from the Southeast corner of NW 1/4 of the NE 1/4 of



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211 the SE 1/4 of the SW 1/4, Section 15, Township 3
 212 North, Range 19 West, which is equidistant from the
 213 points on said bearing line where it intersects the
 214 Northwest waterline and the Southeast water line of
 215 Pine Pond; thence run Southwest on a meander line
 216 through Pine Pond to the center point of Smith Creek
 217 where it normally enters Pine Pond; thence run West to
 218 the intersection with the East line of the SW 1/4 of
 219 the SE 1/4 of the SW 1/4 of Section 15, Township 3
 220 North, Range 19 West; thence run South along said East
 221 line to the Southeast corner of said SW 1/4 of SE 1/4
 222 of SW 1/4; thence run South to the South line of the
 223 North 33 feet of the W 1/2 of the NW 1/4 of the NE 1/4
 224 of the NE 1/4 of the NW 1/4, Section 22, Township 3
 225 North, Range 19 West, thence run East along said South
 226 line to the East line of said W 1/2 of NW 1/4 of the
 227 NE 1/4 of the NE 1/4 of the NW 1/4; thence run South
 228 along said East line to the Southeast corner of said W
 229 1/2 of NW 1/4 of the NE 1/4 of the NE 1/4 of the NW
 230 1/4; thence run West to the Northeast corner of the SW
 231 1/4 of the NW 1/4 of the NE 1/4 of the NE 1/4 of the
 232 NW 1/4 of Section 22 Township 3 North, Range 19 West;
 233 thence run South to the Southeast corner of NW 1/4 of
 234 the SW 1/4 of the SW 1/4 of the NE 1/4 of the NW 1/4
 235 of Section 22 Township 3 North. Range 19 West; thence
 236 run West along the South line of said NW 1/4 of SW 1/4
 237 of NE 1/4 of the NW 1/4 to the point of intersection
 238 with the East boundary of Juniper Lake Road; thence
 239 run South along the East boundary to the point of
 240 beginning. so, the following easements for road and



241 utility purposes; South 33 feet of SW 1/4 of the SE ¼
 242 of the SW 1/4 of Section 15, Township 3 North, Range
 243 19 West. The South 33 feet of the SW 1/4 of the NW 1/4
 244 of the NE 1/4 of the NW 1/4 of Section 22, Township 3
 245 North, Range 19 West. The North 33 feet of the NW 1/4
 246 of the SW 1/4 of the NE 1/4 of the NW 1/4 of Section
 247 22, Township 3 North, Range 19 West. The North 33 feet
 248 of the NW 1/4 of the NE 1/4 of the NW 1/4 of Section
 249 22, Township 3 North, Range 19 West, Walton County,
 250 Florida. All of Section 15, Township 3 North, Range 19
 251 West, Walton County, Florida less and except. The
 252 point of beginning shall be the intersection of the
 253 South line of the NE 1/4 of NW 1/4 of Section 22 with
 254 the East boundary of Juniper Lake Road (66 feet wide),
 255 a county road described, in Deed Book 201, Page 409
 256 Public Records of Walton County, Florida; thence run
 257 East along said South line to the Southeast Corner of
 258 said NE 1/4 of NW 1/4, thence run north 400 feet along
 259 the East line of said NE 1/4 of NW 1/4, thence run
 260 Northeasterly to the center point of the top of the
 261 vertical outflow drainage structure (riser pipe) in
 262 Blueberry Pond; thence run Northerly to the center
 263 point of the termination of the drainage structure
 264 outflow pipe into Magnolia Lake; thence continue on
 265 the same bearing an additional 200 feet; thence run
 266 Northeasterly to the center point of the top of the
 267 vertical outflow drainage structure (riser pipe) of
 268 Magnolia Lake; thence run Westerly to the center point
 269 of the termination of the drainage structure outflow
 270 pipe from Pine Pond into Magnolia Lake, thence run



271 Southwesterly to the center point of the top of the
 272 vertical outflow drainage structure in Pine Pond;
 273 thence run Southwesterly to a point in Pine Pond
 274 Described, as follows; a point located on a bearing
 275 line running South 44 degrees 29'08'' East from the
 276 Southeast corner of NW 1/4 of the NE 1/4 of the SE 1/4
 277 to SW 1/4, Section 15, Township 3 North, Range 19
 278 West, which is equidistant from the points on said
 279 bearing line where it intersects the Northwest
 280 waterline and the Southeast water line of Pine Pond;
 281 thence run Southwest on a meander line through Pine
 282 Pond to the center point of Smith Creek where it
 283 normally enters Pine Pond; thence run West to the
 284 intersection with the East line to the Southeast
 285 corner of said SW 1/4 of the SE 1/4 of the SW 1/4 of
 286 Section 15, Township 3 North, Range 19 West; thence
 287 run South along said East line to the Southeast corner
 288 of said SW 1/4 of SE 1/4 of SW 1/4; thence run South
 289 to the South line of the North 33 feet of the W 1/2 of
 290 the NW 1/4 of the NE 1/4 of the NE 1/4 of the NW 1/4,
 291 Section 22, Township 3 North, Range 19 West, thence
 292 run East along said South line to the East line of
 293 said W 1/2 of NW 1/4 of the NE 1/4 of the NE 1/4 of
 294 the NE 1/4 of the NW 1/4; thence run South along said
 295 East line to the Southeast corner of said W 1/2 of NW
 296 1/4 of the NE 1/4 of the NE 1/4 of the NW 1/4; thence
 297 run West to the Northeast corner of the SW 1/4 of the
 298 NW 1/4 of the NE 1/4 of the NE 1/4 of the NW 1/4 of
 299 Section 22, Township 3 North, Range 19 West; thence
 300 run South to the Southeast corner of NW 1/4 of the SW



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301 1/4 of the NE 1/4 of the NW 1/4 of Section 22,
302 Township 3 North, Range 19 West; thence run West along
303 the South line of said NW 1/4 of SW 1/4 of NE 1/4 of
304 NW 1/4 to the point of intersection with the east
305 boundary of Juniper Lake Road; thence run South along
306 the East boundary to the point of beginning. Also, the
307 following easements for road and utility purposes;
308 South 33 feet of SW 1/4 of the SE 1/4 of SW 1/4 of
309 Section 15, Township 3 North, Range 19 West. The South
310 33 feet of the SW 1/4 of the NW 1/4 of the NE 1/4 of
311 the NW 1/4 Section 22, Township 3 North, Range 19
312 West. The North 33 feet of the NW 1/4 of the SW 1/4 of
313 the NE 1/4 of the NW 1/4 of Section 22, Township 3
314 North, Range 19 West. The North 33 feet of the NW 1/4
315 of the NE 1/4 of the NW 1/4 of Section 22, Township 3
316 North, Range 19 West Walton County, Florida. Also
317 less all property lying East of a line running North
318 and South from the center of Juniper Lake Dam and not
319 in the Defuniak Springs City Limits. All of Section
320 10, Township 3 North, Range 19 West Walton County,
321 Florida less and except all lying North of Juniper
322 Lake, and Southeast corner of the section East of
323 Juniper Lake Dam.

324 (2) The purpose of this act is to promote the general
325 health, welfare, and safety of the citizens and residents of
326 Walton County who reside within the geographical limits of the
327 Liberty Fire District by providing for the financial support of
328 the Liberty Fire District of Walton County, a Florida not-for-
329 profit corporation, which currently provides the district with
330 fire protection services, facilities, and firefighting



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331 equipment; the establishment and maintenance of fire stations
332 and fire substations; the acquisition and maintenance of all
333 firefighting and protection equipment necessary for the
334 prevention of fires or fighting of fires; the employment and
335 training of such personnel as may be necessary to accomplish
336 fire prevention and firefighting; the establishment and
337 maintenance of emergency services; the acquisition and
338 maintenance of rescue and other emergency equipment; and the
339 employment and training of necessary emergency personnel. The
340 district may provide emergency medical services. The district
341 shall have all other powers necessary to carry out these
342 purposes. The district shall be a fire control district and
343 shall have no responsibility for providing ambulance or similar
344 emergency services within the district's boundaries.

345 (3) Nothing herein shall prevent the district from
346 cooperating with the state or other local governments to render
347 such services to communities adjacent to the land described in
348 this section as evidenced by a signed Aid Agreement.

349 (4) The district charter may be amended only by special
350 act of the Legislature.

351 Section 3. Board of commissioners.--

352 (1) Pursuant to chapter 191, Florida Statutes, the
353 business and affairs of the district shall be governed and
354 administered by a board of five commissioners, who shall be
355 qualified electoral residing within the district and shall be
356 elected by the qualified electors residing within the district
357 at a special election, subject to the provisions of chapter 189
358 and 191, Florida Statutes, and this act. Each commissioner shall
359 hold office until his or her successor is elected and qualified
360 under the provisions of this act. The procedures for conducting



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361 district elections and for qualification of candidates and
362 electors shall be pursuant to chapters 189 and 191, Florida
363 Statutes, as they may be amended from time to time.

364 (2) The five members of the initial board shall be elected
365 by the qualified electors residing within the district. The
366 three elected members for seats 1, 3, and 5 in the initial
367 election under this act shall serve terms of 3 years each. The
368 remaining two selected members for seats 2 and 4 in the initial
369 election under this act shall serve terms of 2 years each.
370 Subsequent elections under this act shall coincide with the
371 general elections of this state. The members of the board shall
372 serve on a nonpartisan basis for a term of 4 years each.

373 (3) Vacancies in office shall be filled by special
374 election, said election to be held coincidental with the next
375 countywide general or special election. The board may appoint a
376 qualified elector of the district to act as commissioner until
377 the vacancy is filled by election. A commissioner must be a
378 qualified elector residing within the district. A commissioner
379 may be removed from office for any reason that a state or county
380 officer may be removed.

381 (4) All elections shall be noticed, called, and held
382 pursuant to the provisions of the general laws of the state,
383 except as herein otherwise provided. The board shall, to the
384 extent possible, coordinate all elections with countywide
385 general or special elections in order to minimize cost.
386 Elections shall be called through the adoption of an appropriate
387 resolution of the district directed to the Board of County
388 Commissioners of Walton County, the Supervisor of Elections of
389 Walton County, and other appropriate officers of the county. The
390 district shall reimburse county government for the actual cost



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391 of district elections. No commissioner shall be a paid employee
392 of the district while holding said position. This shall not
393 prevent volunteers receiving reimbursement for expenses from
394 serving as commissioners.

395 (5) The board may employ such personnel as deemed
396 necessary for the proper function and operation of a fire
397 district. The salaries of fire department and emergency service
398 personnel, and any other wages, shall be determined by the
399 board.

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

401 (1) In accordance with chapter 191, Florida Statutes, each
402 elected member of the board shall assume office 10 days
403 following the member's election. Annually, within 60 days after
404 election of new members of said board, the members immediately
405 upon their election as herein provided, or within 10 days
406 thereafter and annually in November, shall organize by electing
407 from their number a chair, vice chair, secretary, and treasurer.
408 However, the same member may be both secretary and treasurer, in
409 accordance with chapter 191, Florida Statutes, as amended from
410 time to time.

411 (2) The commissioners may receive reimbursement for actual
412 expenses incurred while performing the duties of their offices
413 in accordance with general law governing per diem for public
414 officials. Commissioners may receive compensation for their
415 services in accordance with chapter 191, Florida Statutes, as
416 amended from time to time.

417 (3) Each commissioner, upon taking office and in
418 accordance with chapters 189 and 191, Florida Statutes, shall
419 execute to the Governor, for the benefit of the district, a bond
420 of \$5,000 with a qualified personal or corporate surety,



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421 conditioned upon the faithful performance of the duties of the
422 commissioner's office and upon an accounting for all funds which
423 come into his or her hands as commissioner; however, the
424 treasurer shall furnish a bond of \$10,000, which may be in lieu
425 of the \$5,000 bond. The premium for such bonds shall be paid
426 from district funds.

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

428 (1) The district shall have and the board may exercise by
429 majority vote all the powers and duties set forth in this act
430 and chapters 189, 191, and 197, Florida Statutes, as they may be
431 amended from time to time, including, but not limited to,
432 special assessments, other revenue-raising capabilities, budget
433 preparation and approval, liens and foreclosure of liens, use of
434 tax deeds and tax certificates as appropriate from non-ad
435 valorem assessments, contractual agreements, and adoption of
436 ordinances and resolutions that are necessary to conduct
437 district business if such ordinances do not conflict with any
438 ordinance of a local general purpose government within whose
439 jurisdiction the district is located.

440 (2) The board shall continue to have the right, power, and
441 authority to levy annually special assessment against the
442 taxable real estate within the district to provide funds for the
443 purposes of the district, in an amount not to exceed the limit
444 provided in chapter 191, Florida Statutes, as amended from time
445 to time.

446 (3) The methods for assessing and collecting special
447 assessments, fees, or service charges shall be as set
448 forth in this act and chapters 170, 189, 191, and 197, Florida
449 Statutes, as amended from time to time.

450 (4) The district shall levy and collect special



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451 assessments in accordance with chapter 200, Florida Statutes, as
452 amended from time to time.

453 (5) The district is authorized to levy and enforce special
454 assessments in accordance with chapters 170, 189, 191, and 197,
455 Florida Statutes, as amended from time to time.

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

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

464 Section 6. Impact fees.--

465 (1) Pursuant to section 191.009(4), Florida Statutes, it
466 is hereby declared that the cost of new facilities upon fire
467 protection and emergency services should be borne by new users
468 of the district's services to the extent new construction
469 requires new facilities, but only to that extent. It is the
470 legislative intent of this section to transfer to the new users
471 of the district's fire protection and emergency services a fair
472 share of the costs that new users impose on the district for new
473 facilities. This shall only apply in the event that the general
474 purpose local government in which the district is located has
475 not adopted an impact fee for fire services which is distributed
476 to the district for construction within its jurisdictional
477 boundaries.

478 (2) The impact fees collected by the district pursuant to
479 this section shall be kept as a separate fund from other
480 revenues of the district and shall be used exclusively for the



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481 acquisition, purchase, or construction of new facilities or
482 portions thereof required to provide fire protection and
483 emergency services to new construction. "New facilities" means
484 land, buildings, and capital equipment, including, but not
485 limited to, fire and emergency vehicles and radio telemetry
486 equipment. The fees shall not be used for the acquisition,
487 purchase, or construction of facilities which must be obtained
488 in any event, regardless of growth within the district. The
489 board of fire commissioners shall maintain adequate records to
490 ensure that impact fees are expended only for permissible new
491 facilities.

492 Section 7. Special assessments.--

493 (1) The board shall have the right, power, and authority
494 to levy special assessments against the taxable real estate
495 within the district to provide funds for the purpose of the
496 district.

497 (2)(a) The rate of the special assessment for a residence
498 will be \$25 annually.

499 (b) The rate of the special assessment for a business will
500 be \$82 annually.

501 (c) Any increase to the special assessment must be
502 approved by a majority of the electors within the Liberty Fire
503 District.

504 (3) It is the legislative intent that this act shall
505 authorize the Walton County Property Appraiser and the Walton
506 County Tax Collector to take all appropriate action to comply
507 with the intent of the purpose of this act.

508 (4) It is also the legislative intent that the board of
509 commissioners shall be a vehicle to provide funding to
510 accomplish the purpose set out in this act.



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511 Section 8. Property appraiser.--

512 (1) The Walton County Property Appraiser shall furnish the
513 commissioners a tax roll covering all taxable properties within
514 the district on or before July 1 of each year.

515 (2) The Walton County Property Appraiser shall include in
516 the Walton County tax roll the assessments made by the board,
517 and the same shall be collected in the manner as provided for by
518 this act and paid over by the Walton County Tax Collector to the
519 board.

520 (3) The Walton County Property Appraiser shall be
521 reimbursed for assessing such special assessments in the manner
522 and amount authorized by general law, and the Walton County Tax
523 Collector shall receive a commission or fee of 3 percent for
524 collection of such special assessments.

525 Section 9. Special assessment as a lien.--

526 (1) The special assessment levied and assessed by the
527 district shall be a lien upon the property so assessed along
528 with the county taxes assessed against such property until said
529 assessments and taxes have been paid, and if the special
530 assessment levied by the district becomes delinquent, such
531 special assessment shall be considered a part of the county tax
532 subject to the same penalties, charges, fees, and remedies for
533 enforcement and collection of such taxes.

534 Section 10. Deposit of special assessments; fees;
535 authority to disburse funds.--

536 (1) The proceeds of the assessments and funds of the
537 district shall be deposited in qualified public depositories, in
538 accordance with chapters 191 and 280, Florida Statutes, as they
539 may be amended from time to time, in the name of the district in
540 a bank authorized to receive deposits of district funds. The



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541 bank shall be designated by a resolution of the board.

542 (2) All warrants for the payment of labor, equipment, and
543 other expenses of the board, and in carrying into effect this
544 act and the purpose thereof, shall be payable by the treasurer
545 of the board on accounts and vouchers approved and authorized by
546 the board. No funds of the district shall be paid out or
547 disbursed except by check signed by the treasurer of the board
548 and either the chair or vice chair of the board.

549 Section 11. Authority to borrow money.--

550 (1) The board of commissioners shall have the power and
551 authority to borrow money or issue other evidences of
552 indebtedness for the purpose of the district in accordance with
553 chapters 189 and 191, Florida Statutes, as amended from time to
554 time; provided, however, that the total payments in any one
555 year, including principal and interest, on any indebtedness
556 incurred by the district shall not exceed 50 percent of the
557 total estimated
558 annual budgeted revenues of the district.

559 (2) The board of commissioners, board of directors as a
560 body, or any of the members of either board as individuals shall
561 not be personally or individually liable for the repayment of
562 such loan. Such repayment shall be made out of the special
563 assessment receipts of the district, except as provided in this
564 subsection. The commissioners shall not create any indebtedness
565 or incur obligations for any sum or amount which they are unable
566 to repay out of district funds available to them at that time,
567 except as otherwise provided in this act; provided, however,
568 that the commissioners may make purchases of equipment on an
569 installment basis as necessary if funds are available for the
570 payment of the current year's installment on such equipment plus



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571 the amount due in that year of any of the installments and the
572 repayment of any bank loan or other existing indebtedness, which
573 may be due that year.

574 Section 12. Use of district funds.--

575 (1) No funds of the district shall be used for any
576 purposes other than the administration of the affairs and
577 business of the district; the construction, care, maintenance,
578 upkeep operation, and purchase of firefighting and rescue
579 equipment or a fire station; the payment of public utilities;
580 and the payment of salaries of district personnel as the board
581 may from time to time determine to be necessary for the
582 operations and effectiveness
583 of the district.

584 Section 13. Record of board meetings; authority to adopt
585 rules and regulations; annual reports; budget.--

586 (1) A record shall be kept of all meetings of the board,
587 and in such meetings concurrence of a majority of the
588 commissioners present shall be necessary to any affirmative
589 action by the board.

590 (2) The board shall have the authority to adopt and amend
591 policies and regulations for the administration of the affairs
592 of the district under the terms of this act and chapters 189 and
593 191, Florida Statutes, which shall include, but not be limited
594 to, the authority to adopt the necessary rules and regulations
595 for the administration and supervision of the property and
596 personnel of the district; for the prevention of fires, fire
597 control, fire hydrant placement, and flow testing in accordance
598 with current NFPA rules; and for rescue work within the
599 district. Said commissioners shall have all the lawful power and
600 the authority necessary to carry out the purposes of said fire



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601 district; to purchase all necessary real and personal property;
 602 to purchase and carry standard insurance policies on all such
 603 equipment; to employ such personnel as may be necessary to carry
 604 out the purpose of said fire district; to provide adequate
 605 insurance for said employees; to purchase and carry appropriate
 606 insurance for the protection of all firefighters and personnel
 607 as well as all equipment and personal property on loan to the
 608 district; to sell surplus real and personal property in the same
 609 manner and subject to the same restrictions as provided for such
 610 sales by counties; to enter into contracts with qualified
 611 service providers, the Liberty Fire District of Walton County,
 612 other fire departments, municipalities, and state and federal
 613 governmental units for the purpose of obtaining financial aid;
 614 and for otherwise carrying out the purposes of the district. The
 615 commissioners shall adopt a fiscal year for said fire district,
 616 which shall be October 1 to September 30.

617 (3) Any policies, rules, and regulations promulgated and
 618 made by the board shall have the force and effect of law after
 619 copies thereof, signed by the secretary and chair or vice chair,
 620 shall have been posted in three public places within the
 621 district in conspicuous locations and advertised by title once a
 622 week for 2 consecutive weeks in a newspaper of general paid
 623 circulation in the district.

624 (4) The board shall, on or before November 1, make an
 625 annual report of its actions and accounting of its funds as of
 626 September of that year, and shall file said report in the office
 627 of the Clerk of the Circuit Court of Walton County, whose duty
 628 it shall be to receive and file said report and hold and keep
 629 the same as a public record.

630 (5) For the purposes of carrying into effect this act, the



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631 board shall annually prepare, consider, and adopt a district
632 budget pursuant to the applicable requirements of chapters 189
633 and 191, Florida Statutes, as they may be amended from time to
634 time. The board shall, at the same time as it makes its annual
635 report, file its estimated budget for the fiscal year beginning
636 October 1, which budget shall show the estimated revenue to be
637 received by the district and the estimated expenditures to be
638 incurred by the district in carrying out its operations.

639 Section 14. Authority to enact fire prevention ordinances;
640 appoint fire chief; acquire land; enter contracts; establish
641 salaries; general and special powers; authority to provide
642 emergency medical and rescue services.--

643 (1) The board of commissioners shall have the right and
644 power to enact fire prevention ordinances in the same manner
645 provided for the adoption of policies and regulations in
646 subsection (2) of section 13, and when the provisions of such
647 fire prevention ordinances are determined by the board to be
648 violated, the office of the state attorney, upon written notice
649 of such violation issued by the board, is authorized to
650 prosecute such person or persons held to be in violation
651 thereof. Any person found guilty of a violation may be punished
652 as provided in chapter 775, Florida Statutes, as a misdemeanor
653 of the second degree. The cost of such prosecution shall be paid
654 out of the district funds, unless otherwise provided by law.

655 (2) The board shall have the power to appoint a fire
656 chief, who shall be a person experienced in all types of
657 firefighting and fire prevention and who shall work with and
658 cooperate with the Florida State Fire Marshal in which the
659 district is situated in the prevention of fires of all types.
660 The district fire chief shall be authorized to enter, at all



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661 reasonable hours, any building or premises for the purpose of
662 making any inspection or investigation which the State Fire
663 Marshal is authorized to make pursuant to state law and
664 regulation. The owner, lessee, manager, or operator of any
665 building or premises shall permit the district fire chief to
666 enter and inspect the building or premises at all reasonable
667 hours. The district fire chief shall report any violations of
668 state fire safety laws or regulations to the appropriate
669 officials.

670 (3) The board shall have the power to acquire, by gift or
671 purchase, lands or rights in lands, and any other property, real
672 and personal, tangible or intangible, necessary, desirable, or
673 convenient for carrying out the purposes of the district, and to
674 pay any and all costs of same out of the funds of the district,
675 provided that prior to the acquisition of the location of a fire
676 station site, an appropriate investigation shall be conducted
677 which shall include, but not limited to, obtaining the staff
678 recommendation of the Walton County Planning Department.

679 (4) The board shall have the power to enter into contracts
680 or to otherwise join with the Liberty Fire District of Walton
681 County, or to otherwise join with any other district, city, or
682 town, the United States of America, or any agency or authority
683 thereunder, for the purpose of expanding services, providing
684 effective aid, and accomplishing and carrying out the purposes
685 for which the district was created and for the further purpose
686 of specifically obtaining financial aid, assistance, or subsidy.

687 (5) The salaries of fire department personnel and any
688 other wages shall be determined by the board.

689 (6) The district is authorized to establish and maintain
690 emergency medical and rescue response services and acquire and



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691 maintain rescue, medical, and other emergency equipment, subject
692 to the provisions of chapter 401, Florida Statutes.

693 Section 15. Annexations.--If any municipality or other
694 fire control district annexes any land included in the district,
695 such annexation shall follow the procedures set forth in section
696 171.093, Florida Statutes, as amended from time to time.

697 Section 16. Dissolution.--The district shall exist until
698 dissolved in the same manner as it was created. If the Liberty
699 Fire District of Walton County is dissolved or ceases to exist
700 for any reason, or if the board determines that the Liberty Fire
701 District of Walton County is unable to carry out its objectives
702 as stated or the objectives of the district as stated in
703 subsection (2) of section 2, or the district's published
704 policies, the board shall in its discretion make arrangements
705 for other means of providing fire protection and rescue
706 services.

707 Section 17. Immunity from tort liability.--

708 (1) The district and its officers, agents, and employees
709 shall have the same immunity from tort liability as other
710 agencies and subdivisions of the state. The provisions of
711 chapter 768, Florida Statutes, as from time to time amended,
712 shall apply to all claims asserted against the district.

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

717 (3) The district shall defend all claims against the
718 commissioners, officers, agents, and employees which arise
719 within the scope of employment or purposes of the district and
720 shall pay all judgments against said persons, except where said



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721 persons acted in bad faith or with malicious purpose or in a
722 manner exhibiting wanton and willful disregard of human rights,
723 safety, or property.

724 Section 18. District expansion.--

725 (1) The district boundaries may be extended from time to
726 time as follows:

727 (a) Land contiguous to the boundaries of the district in
728 unincorporated Walton County may be included in the district
729 when petition for inclusion signed and sworn to by a majority of
730 the owners of the real property within the tract or tracts to be
731 included in the district has been presented to the board of
732 commissioners and the proposal has been approved by the
733 affirmative vote of no fewer than three members of the board of
734 commissioners at a regular meeting.

735 (b) The petition must contain the legal description of the
736 property sought to be added to the district and the names and
737 addresses of the owners of the property.

738 (2) If a proposal to add an area to the district as
739 defined in subsection (1) is approved by the affirmative vote of
740 no fewer than three members of the board of commissioners at a
741 regular meeting, the board of commissioners shall thereafter
742 adopt a resolution describing the lands to be included within
743 the district and shall cause such resolution to be duly enrolled
744 in the record of the meeting and a certified copy of the
745 resolution to be recorded in the Office of the Clerk of the
746 Circuit Court of Walton County.

747 (3) Upon adoption of the resolution by the board, the
748 district shall, pursuant to chapter 191, Florida Statutes,
749 request that its legislative delegation approve said addition
750 and sponsor legislation amending the district boundary. Upon



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751 approval by the legislature, the boundary shall be amended.

752 (4) Lands within municipal boundaries of cities contiguous
 753 to district boundaries may be included in the district upon
 754 request by the governing board of the municipality, approval of
 755 said request by affirmative vote of no fewer than three members
 756 of the district board, and referendum approval of inclusion by
 757 the electors of the municipality. The referendum shall be
 758 conducted by the municipality at the next available special or
 759 general election.

760 Section 19. Construction.--This act shall be construed as
 761 remedial and shall be liberally construed to promote the purpose
 762 for which it is intended.

763 Section 20. Effect.--In the event that any part of this
 764 act should be held void for any reason, such holding shall not
 765 affect any other part thereof.

766 Section 21. Conflict.--Except as otherwise provided in
 767 this act, in the event of a conflict of the provisions of this
 768 act with the provisions of any other act, the provisions of this
 769 act shall control to the extent of such conflict.

770 Section 2. This act shall take effect upon becoming a law.