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A bill to be entitled

An act relating to Holley-Navarre Fire District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, and boundaries; providing for a board of supervisors and powers, duties, and responsibilities; preserving the authority to levy ad valorem taxes and non-ad valorem assessments; providing powers and authorities; providing for a non-ad valorem assessment schedule; specifying limitations; providing for liens; providing for authority to disburse funds; authorizing district to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter contracts, and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction, effect, conflict, and repeal of all prior special acts; providing an effective date.

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

Section 1. Intent.--Pursuant to section 191.015, Florida

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

45 Section 2. Codification.--Chapters 80-603 and 81-485, Laws
 46 of Florida, related to Holley-Navarre Fire District are amended,
 47 codified, reenacted, and repealed as provided herein.

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

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

53 (1) "District" means the Holley-Navarre 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) "County" means Santa Rosa County.

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59 (5) "Residence" means one single-family dwelling,
 60 including one single-apartment dwelling unit; one single-
 61 condominium dwelling unit; one single-duplex, triplex, or other
 62 attached dwelling unit; one single-family detached dwelling
 63 unit; or one single-mobile or modular home dwelling unit.

64 "Single-mobile home dwelling unit" means the realty upon which a
 65 residential mobile or modular home is located, whether a rental
 66 space or lot, or otherwise, but does not refer to the mobile or
 67 modular home itself.

68 (6) "Business" means motels or apartments, standard
 69 commercial or industrial businesses such as gasoline stations,
 70 stores, marinas, and similar establishments, as authorized
 71 pursuant to the applicable local government comprehensive plan.

72 Section 2. Creation; status; charter amendments;
 73 boundaries; district purposes.--There is hereby created an
 74 independent special taxing fire protection and rescue service
 75 district incorporating lands in Santa Rosa County described in
 76 subsection (1) which shall be a public corporation having the
 77 powers, duties, obligations, and immunities herein set forth,
 78 under the name of the Holley-Navarre Fire District. The
 79 district is organized and exists for all purposes, and shall
 80 hold all powers set forth in this act and chapters 189 and 191,
 81 Florida Statutes, as they may be amended from time to time.

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

84 Beginning at the East line of Sections 12, 13 and 24
 85 Range 26, West, Township 2 South, which is the East
 86 boundary of Santa Rosa County, and including those
 87 portions of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 15,

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88 16, 17, 18, 19, 20, 21, 22, 23, and beginning at the
 89 West line of Sections 2, 11, 14, and 23, Range 27
 90 West, Township 2 South and including those portions of
 91 Sections 1, 3, 10, 12, 13, 15, 22, 24, 25, 26, and 27
 92 that lay South of Eglin Field Military Reservation and
 93 North of Santa Rosa Sound; and beginning at the North
 94 line of Section 6, Range 27 West, Township 1 South,
 95 including those portions of Sections 7, 18, 19, 20,
 96 21, 22, 23, 31, 32, 37, 38, and 39; and beginning at
 97 the North line of Section 12, Range 28 West, Township
 98 1 South, including those portions of Sections 13, 14,
 99 15 that lay West of Eglin Field Military Reservation,
 100 East of Blackwater Bay and North of East Bay.

101 (2) The purpose of this act is to promote the health,
 102 welfare, and safety of the citizens and residents of Santa Rosa
 103 County who reside within the geographical limits of that area
 104 known as the Holley-Navarre Fire District, by providing for:
 105 fire protection services, facilities, and firefighting
 106 equipment; the establishment and maintenance of fire stations
 107 and fire substations; the acquisition and maintenance of all
 108 firefighting and protection equipment necessary for the
 109 prevention of fires or fighting of fires; the employment and
 110 training of such personnel as may be necessary to accomplish
 111 fire prevention and firefighting; the establishment and
 112 maintenance of emergency service; the acquisition and
 113 maintenance of rescue and other emergency equipment; and the
 114 employment and training of necessary emergency personnel. The
 115 district may provide advanced life support services within the
 116 district's boundaries. The district shall have all other powers

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117 necessary to carry out the purposes of the district as otherwise
 118 provided by law, including, but not limited to, the power to
 119 adopt all necessary measures, rules, regulations, and policies
 120 relating to said purposes.

121 (3) Nothing herein shall deny the right of the chief or
 122 other governing officials of the district to render such
 123 services to communities adjacent to the land described in
 124 subsection (1), or such other places as from time to time may be
 125 deemed desirable.

126 (4) The district was created by special act of the
 127 Legislature in 1980. Its charter may be amended only by special
 128 act of the Legislature.

129 Section 3. Board of commissioners.--

130 (1) Pursuant to chapter 191, Florida Statutes, the
 131 business and affairs of the district shall be conducted and
 132 administered by a board of five commissioners, who shall serve a
 133 term of 4 years each, subject to the provisions of chapter 191,
 134 Florida Statutes, and this act. The procedures for conducting
 135 district elections and for qualification of candidates and
 136 electors shall be pursuant to chapters 189 and 191, Florida
 137 Statutes, as they may be amended from time to time.

138 (2) The board may employ such personnel as deemed
 139 necessary for the proper function and operation of a fire
 140 department. The salaries of fire department and emergency
 141 service personnel, and any other wages, shall be determined by
 142 the board.

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

144 (1) In accordance with chapter 191, Florida Statutes, each
 145 elected member of the board shall assume office 10 days after

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146 the member's election. Annually, within 60 days after the
 147 election of new members of said board, the members shall
 148 organize by electing from their number a chair, vice chair,
 149 secretary, and treasurer. However, the same member may be both
 150 secretary and treasurer, in accordance with chapter 191, Florida
 151 Statutes, as amended from time to time.

152 (2) The commissioners shall receive reimbursement for
 153 actual expenses incurred while performing the duties of their
 154 offices in accordance with general law governing per diem for
 155 public officials. Commissioners may receive compensation for
 156 their services in accordance with chapter 191, Florida Statutes,
 157 as amended from time to time.

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

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

165 (1) The district shall have and the board may exercise all
 166 the powers and duties set forth in this act and chapters 189,
 167 191, and 197, Florida Statutes, as they may be amended from time
 168 to time, including, but not limited to, ad valorem taxation,
 169 bond issuance, other revenue-raising capabilities, budget
 170 preparation and approval, liens and foreclosure of liens, use of
 171 tax deeds and tax certificates as appropriate for non-ad valorem
 172 assessments, and contractual agreements. The district may be
 173 financed by any method established in this act or chapter 189 or
 174 chapter 191, Florida Statutes, as amended from time to time.

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175 (2) The board shall continue to have the right, power, and
 176 authority to levy annually an ad valorem tax against the taxable
 177 real estate within the district to provide funds for the
 178 purposes of the district in an amount not to exceed the limit
 179 provided in chapter 191, Florida Statutes, as amended from time
 180 to time. Although the district is authorized to levy a maximum
 181 millage rate as provided for in section 191.009(1), Florida
 182 Statutes, the district must receive referendum approval, as
 183 required by the State Constitution and section 191.009, Florida
 184 Statutes, prior to such levy.

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

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

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

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

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

203 Section 6. Non-ad valorem assessment rate schedule.--The

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204 non-ad valorem assessment rates that the district currently
 205 charges are hereby confirmed and ratified. Non-ad valorem
 206 assessment rates set by the board may exceed the maximum rates
 207 established by special act, the previous year's resolution, or
 208 referendum in an amount not to exceed the average annual growth
 209 rate in Florida personal income over the previous 5 years. Non-
 210 ad valorem assessment rate increases within the personal income
 211 threshold are deemed to be within the maximum rate authorized by
 212 law at the time of initial imposition. Proposed non-ad valorem
 213 assessment increases which exceed the rate set the previous
 214 fiscal year or the rate previously set by special act by more
 215 than the average annual growth rate in Florida personal income
 216 over the last 5 years must be approved by referendum of the
 217 electors of the district. Non-ad valorem assessments shall be
 218 imposed, collected, and enforced pursuant to section 191.011,
 219 Florida Statutes. However, the board may amend its assessment
 220 rates pursuant to section 191.009(2), Florida Statutes, as it
 221 may be amended from time to time.

222 Section 7. Taxes and assessments a lien.--The ad valorem
 223 taxes and special assessments levied and assessed by the
 224 district shall be a lien upon the land so assessed along with
 225 the county taxes assessed against such land until such
 226 assessments and taxes have been paid, and if the special
 227 assessments and taxes levied by the district become delinquent,
 228 such assessments and taxes shall be subject to the same
 229 penalties, charges, fees, and remedies for enforcement and
 230 collection and shall be enforced and collected as provided by
 231 general law for the collection of such taxes.

232 Section 8. Deposit of taxes, assessments, fees; authority

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233 to disburse funds.--

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

238 (2) All warrants for the payment of labor, equipment, and
 239 other expenses of the board, and in carrying into effect this
 240 act and the purposes thereof, shall be payable by the treasurer
 241 of the board on accounts and vouchers approved and authorized by
 242 the board.

243 Section 9. Authority to borrow money.--

244 (1) The board shall have the power and authority to borrow
 245 money or issue other evidences of indebtedness for the purpose
 246 of the district in accordance with chapters 189 and 191, Florida
 247 Statutes, as amended from time to time; provided, however, that
 248 the total payments in any one year, including principal and
 249 interest, on any indebtedness incurred by the district shall not
 250 exceed 50 percent of the total annual budgeted revenues of the
 251 district for the year in which said payments are to be made.

252 (2) The district commissioners shall not be personally or
 253 individually liable for the repayment of such loan. Such
 254 repayment shall be made out of the receipts of the district
 255 except as provided in this subsection. The commissioners shall
 256 not create any indebtedness or incur obligations for any sum or
 257 amount which they are unable to repay out of district funds then
 258 in their hands except as otherwise provided in this act;
 259 provided, however, that the commissioners may make purchases of
 260 equipment on an installment basis as necessary if funds are
 261 available for the payment of the current year's installment on

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262 such equipment plus the amount due in that year of any other
 263 installments and the repayment of any bank loan or other
 264 existing indebtedness which may be due that year.

265 Section 10. Use of district funds.--

266 (1) No funds of the district shall be used for any
 267 purposes other than the administration of the affairs and
 268 business of the district; the construction, care, maintenance,
 269 upkeep, operation, and purchase of firefighting and rescue
 270 equipment or a fire station or stations; the payment of public
 271 utilities; and the payment of salaries of district personnel as
 272 the board may from time to time determine to be necessary for
 273 the operations and effectiveness of the district.

274 (2) The board is authorized and empowered to buy, own,
 275 lease, and maintain a fire department within the district, and
 276 to purchase, acquire by gift, lease, own, and dispose of
 277 firefighting equipment and property, real and personal, that the
 278 board may from time to time deem necessary or needful to prevent
 279 and extinguish fires within the district.

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

282 (1) A record shall be kept of all meetings of the board,
 283 and in such meetings concurrence of a majority of the
 284 commissioners present shall be necessary to any affirmative
 285 action by the board.

286 (2) The board may adopt and amend policies and
 287 regulations, not inconsistent with any portion of this act or
 288 chapters 189 and 191, Florida Statutes, as it may deem necessary
 289 for the transaction of its business and in implementing and
 290 carrying out the provisions of this act and chapters 189 and

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291 191, Florida Statutes, as they may be amended from time to time.
 292 The board shall have the authority to provide all things
 293 necessary for the prevention, extinguishment, and control of
 294 fires in the district, under the terms of this act and chapters
 295 189 and 191, Florida Statutes, which shall include, but not be
 296 limited to, the authority to adopt the necessary rules and
 297 regulations for the administration and supervision of the
 298 property and personnel of the district, and for the prevention
 299 of fires, fire control, and rescue work within the district.
 300 Said commissioners shall have all the lawful power and authority
 301 necessary to implement the purposes for which the said fire
 302 district is created, which power and authority shall include,
 303 but not be limited to, the power to purchase all necessary fire
 304 equipment, rescue equipment, and all other equipment necessary
 305 to carry out the purposes of said fire district; to purchase all
 306 necessary real and personal property; to purchase and carry
 307 standard insurance policies on all such equipment; to employ
 308 such personnel as may be necessary to carry out the purpose of
 309 said fire district; to provide adequate insurance for said
 310 employees; to purchase and carry appropriate insurance for the
 311 protection of all firefighters and personnel as well as all
 312 equipment and personal property on loan to the district; to sell
 313 surplus real and personal property in the same manner and
 314 subject to the same restrictions as provided for such sales by
 315 counties; and to enter into contracts with qualified service
 316 providers, other fire departments, municipalities, and state and
 317 federal governmental units for the purpose of obtaining
 318 financial aid, assistance, or benefits, expanding services,
 319 providing effective mutual aid, and for otherwise carrying out

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320 the purposes of the district. The commissioners shall adopt a
 321 fiscal year for said fire district which shall be October 1 to
 322 September 30.

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

328 Section 12. Authority to enact fire prevention ordinances;
 329 appoint a fire marshal; acquire land; enter into contracts;
 330 general and special powers; authority to provide emergency
 331 medical and rescue services.--

332 (1) The board of commissioners shall have the right and
 333 power to enact fire prevention ordinances in the same manner
 334 provided for the adoption of policies and regulations in section
 335 11(2) and, when the provisions of such fire prevention
 336 ordinances are determined by the board to be violated, the
 337 office of the state attorney, upon written notice of such
 338 violation issued by the board, is authorized to prosecute such
 339 person or persons held to be in violation thereof. Any person
 340 found guilty of a violation may be punished as provided in
 341 chapter 775, Florida Statutes, for a misdemeanor of the second
 342 degree. The cost of such prosecution shall be paid out of the
 343 district funds unless otherwise provided by law.

344 (2) The board shall have the power to appoint a fire
 345 marshal, who shall be a person experienced in all types of
 346 firefighting and fire prevention and who shall work with and
 347 cooperate with the Florida State Fire Marshal in which the
 348 district is situated in the prevention of fires of all types.

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349 The district fire marshal shall be authorized to enter, at all
 350 reasonable hours, any building or premises for the purpose of
 351 making any inspection or investigation which the State Fire
 352 Marshal is authorized to make pursuant to state law and
 353 regulation. The owner, lessee, manager, or operator of any
 354 building or premises shall permit the district fire marshal to
 355 enter and inspect the building or premises at all reasonable
 356 hours. The district fire marshal shall report any violations of
 357 state fire safety law or regulations to the appropriate
 358 officials.

359 (3) The board shall have the power to enter into contracts
 360 or to otherwise join with any other district, city, town, the
 361 United States of America, or any agency or authority thereunder,
 362 for the purpose of expanding services, providing effective
 363 mutual aid, and accomplishing and carrying out the purposes for
 364 which the district was created and for the further purpose of
 365 specifically obtaining financial aid, assistance, or subsidy.

366 (4) The district is authorized to establish and maintain
 367 emergency medical and rescue response services and acquire and
 368 maintain rescue, medical, and other emergency equipment, subject
 369 to the provisions of chapter 401, Florida Statutes.

370 Section 13. Annexations.--If any municipality or other
 371 fire control district annexes any land included in the district,
 372 such annexation shall follow the procedures set forth in section
 373 171.093, Florida Statutes, as amended from time to time.

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

376 Section 15. Immunity from tort liability.--

377 (1) The district and its officers, agents, and employees

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378 shall have the same immunity from tort liability as other
 379 agencies and subdivisions of the state. The provisions of
 380 chapter 768, Florida Statutes, as from time to time amended,
 381 shall apply to all claims asserted against the district.

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

386 (3) The district shall defend all claims against the
 387 commissioners, officers, agents, and employees which arise
 388 within the scope of employment or purposes of the district and
 389 shall pay all judgments against said persons, except where said
 390 persons acted in bad faith or with malicious purpose or in a
 391 manner exhibiting wanton and willful disregard of human rights,
 392 safety, or property.

393 Section 16. District expansion.--The district bounds may
 394 be extended from time to time as follows:

395 (1)(a) Land contiguous to the boundaries of the district
 396 in unincorporated Santa Rosa County may be included in the
 397 district when a written petition for inclusion signed and sworn
 398 to by a majority of the owners of the real property within the
 399 tract or tracts to be included in the district has been
 400 presented to the board of commissioners and the proposal has
 401 been approved by the affirmative vote of no fewer than three
 402 members of the board of commissioners at a regular meeting.

403 (b) The petition must contain the legal description of the
 404 property sought to be added to the district and the names and
 405 addresses of the owners of the property.

406 (2) If a proposal to add an area to the district as

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407 defined in subsection (1) is approved by the affirmative vote of
 408 no fewer than three members of the board of commissioners at a
 409 regular meeting, the board of commissioners shall thereafter
 410 adopt a resolution describing the lands to be included within
 411 the district and shall cause such resolution to be duly enrolled
 412 in the record of the meeting and a certified copy of the
 413 resolution to be recorded in the Office of the Clerk of the
 414 Circuit Court in Santa Rosa County.

415 (3) Upon adoption of the resolution by the board, the
 416 district shall, pursuant to chapter 191, Florida Statutes,
 417 request that its legislative delegation approve said addition
 418 and sponsor legislation amending the district boundary. Upon
 419 approval by the Legislature the boundary shall be amended.

420 (4) Lands within municipal boundaries of cities contiguous
 421 to district boundaries may be included in the district upon
 422 request by the governing board of the municipality, approval of
 423 said request by affirmative vote of no fewer than three members
 424 of the district board, and referendum approval of inclusion by
 425 the electors of the municipality, whose residences are located
 426 within the proposed amended boundary of the district. The
 427 referendum shall be conducted by the municipality at the next
 428 available special or general election. Upon approval by the
 429 Legislature the boundary shall be amended.

430 Section 4. Construction.--This act shall be construed as
 431 remedial and shall be liberally construed to promote the purpose
 432 for which it is intended.

433 Section 5. Effect; conflict.--In the event that any part
 434 of this act should be held void for any reason, such holding
 435 shall not affect any other part thereof.

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436 Section 6. Repeal of prior special acts.--Chapters 80-603
437 and 81-485, Laws of Florida, are repealed.

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