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HB 1099, Engrossed 1

2007 Legislature

1 A bill to be entitled

2 An act relating to the Blackman Fire District, Inc.,
3 Okaloosa County; re-creating and providing a charter for
4 the district; providing district boundaries; providing
5 purposes; providing definitions; providing for the
6 election of a district board of commissioners; providing
7 for terms of office; providing for officers and meetings
8 of the board; providing for commissioners' compensation
9 and expenses; requiring a bond; providing for records;
10 providing general and special powers of the district;
11 exempting district assets and property from taxation;
12 providing requirements and procedures for the levy of ad
13 valorem taxes, non-ad valorem assessments, user charges,
14 and impact fees; providing for a referendum; providing for
15 enforcement; providing for requirements and procedures for
16 issuance of bonds; providing for expansion and merger of
17 the district boundaries; providing severability; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. This act constitutes the codification of all
23 ordinances relating to the Blackman Fire District, Inc. It is
24 the intent of the Legislature in enacting this act to provide a
25 single, comprehensive special act charter for the district,
26 including all current legislative enactments and any additional
27 authority granted by this act.

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28 Section 2. The Blackman Fire District, Inc., is re-created
 29 and reenacted to read:

30 Section 1. Creation; intent.--The Blackman Fire District,
 31 Inc., is created as an independent fire control district which
 32 shall operate pursuant to this special act and the provisions of
 33 chapter 191, Florida Statutes, the Independent Special Fire
 34 Control District Act, and all other general laws, whether
 35 referenced herein or not, which are applicable to independent
 36 special districts.

37 Section 2. Creation; boundaries.--

38 (1) All of the following lands in Okaloosa County shall be
 39 incorporated as an independent special fire control district,
 40 which shall be a public municipal corporation for the public
 41 benefit, with perpetual existence, to be known as the Blackman
 42 Fire District, Inc., in which name it may sue and be sued and
 43 lease, own, possess, and convey real and personal property, by
 44 purchase or gift or otherwise, to carry out the purposes of this
 45 act. The lands so incorporated shall include the following:

46
 47 Begin at the Okaloosa/Santa Rosa County line
 48 approximately eight an one-half (8.5) miles south of
 49 the Alabama State line to intersect Melvin Holley Rd,
 50 thence run east along the north right-of-way of Melvin
 51 Holley Rd to intersect Beaver Creek Rd, thence run
 52 north along the west right-of-way to Beaver Creek Rd
 53 to intersect Peaden Bridge Rd, thence meander east
 54 along the north right-of-way of Peaden Bridge Rd to
 55 intersect J. Riley Barnhill Rd, thence run southeast

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56 along the north right-of-way of J. Riley Barnhill Rd
 57 to intersect Sherman Kennedy Rd. Continue to meander
 58 southeast on the east right-of-way of J. Riley
 59 Barnhill Rd to intersect Narrows Creek, thence meander
 60 northeast and then southeast along Narrows Creek to
 61 intersect Highway 189, thence run north along the east
 62 right-of-way of Highway 189 to intersect Shockley
 63 Springs Rd, thence run east along the south right-of-
 64 way of Shockley Springs Rd to intersect Lee Cook Rd,
 65 thence run southeast along the east right-of-way of
 66 Lee Cook Rd to again intersect Shockley Springs Rd, to
 67 intersect Old River Rd at Bear Branch, thence run
 68 southeast along the east right-of-way of Old River Rd
 69 to intersect Bear Branch, thence meander east along
 70 Bear Branch to intersect the Yellow River, thence run
 71 north along the Yellow River to the Alabama State
 72 line/Okaloosa County line, thence run west along said
 73 state/county line approximately fourteen and three
 74 quarters (14 3/4) miles to the Santa Rosa/Okaloosa
 75 County line, thence run south along said county line
 76 approximately eight and one-half (8.5) miles to the
 77 point of beginning.

78
 79 (2) Any lands within a municipality included in the
 80 boundaries of the district as described herein shall be excluded
 81 from the district and its jurisdiction. If any area, tract, or
 82 parcel of land within the boundaries of the district shall
 83 hereafter become annexed to a municipality, such area, tract, or

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84 parcel of land shall be excluded from the district effective the
 85 next January 1 following such annexation by a municipality.
 86 Nothing contained in this act shall preclude any municipality
 87 from annexing lands to the territorial limits of the
 88 municipality even if such land is included within the district.

89 (3) Should any part of the territory covered in this act
 90 be held not to be included herein, then this act shall continue
 91 in effect as to the balance of the territory.

92 Section 3. Intent.--The purposes of this act are to:

93 (1) Comply with chapter 97-256, Laws of Florida, which
 94 calls for the codification of charters of all independent
 95 special fire control districts as defined in section 191.003,
 96 Florida Statutes, which were created by special law or general
 97 law of local application.

98 (2) Provide standards, direction, and procedures
 99 concerning the operation and governance of the special fire
 100 control district known as the Blackman Fire District, Inc.

101 (3) Provide greater uniformity between the Blackman Fire
 102 District, Inc., and other independent special fire control
 103 districts.

104 (4) Provide greater uniformity in the financing authority
 105 of the Blackman Fire District, Inc., without hampering the
 106 efficiency and effectiveness of current authorized and
 107 implemented methods and procedures of raising revenues.

108 (5) Improve communication and coordination between the
 109 Blackman Fire District, Inc., and other local governments with
 110 respect to short-range and long-range planning to meet the

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111 demands for service delivery while maintaining fiscal
 112 responsibility.

113 (6) Provide uniform procedures for electing members of the
 114 governing board of the Blackman Fire District, Inc., to ensure
 115 greater accountability to the public.

116 Section 4. Definitions.--

117 (1) "Board" means the governing board of the Blackman Fire
 118 District, Inc.

119 (2) "District" means the Blackman Fire District, Inc., an
 120 independent special fire control district as defined in section
 121 191.003, Florida Statutes.

122 (3) "Elector" means a person who is a resident of the
 123 Blackman Fire District, Inc., and is qualified to vote in a
 124 general election within Okaloosa County.

125 (4) "Emergency medical service" means basic and advanced
 126 life support service as defined in section 401.23, Florida
 127 Statutes.

128 (5) "Rescue response service" means an initial response to
 129 an emergency or accident situation, including, but not limited
 130 to, a plane crash, a trench or building collapse, a swimming or
 131 boating accident, or a motor vehicle accident.

132 Section 5. District board of commissioners; membership,
 133 terms of office, officers, and meetings.--

134 (1) (a) The business affairs of the district shall be
 135 conducted and administered by a five-member board. The board
 136 shall be elected in nonpartisan elections by the electors of the
 137 district. Except as provided in this act, such elections shall
 138 be held at a time and in a manner prescribed by law for holding

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139 general elections in accordance with section 189.405, Florida
140 Statutes, and each member shall be elected for a term of 4 years
141 and serve until the member's successor assumes office.

142 Candidates for the board of the district shall qualify with the
143 Okaloosa County Supervisor of Elections. All candidates may
144 qualify by paying a filing fee of at least \$25 or by obtaining
145 the signatures of at least 25 registered electors of the
146 district on petition forms provided by the Supervisor of
147 Elections, which petitions shall be submitted and checked in the
148 same manner as petitions filed by nonpartisan judicial
149 candidates pursuant to section 105.035, Florida Statutes.

150 (b) The members of the board shall be elected by the
151 electors of the district in the manner provided in this section.
152 The office of each member of the board is designated as being a
153 seat on the board, distinguished from each of the other seats by
154 a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does
155 not designate a geographical subdistrict. Each candidate for a
156 seat on the board shall designate, at the time the candidate
157 qualifies, the seat on the board for which the candidate is
158 qualifying. The name of each candidate who qualifies for
159 election to a seat on the board shall be included on the ballot
160 in a way that clearly indicates the seat for which the candidate
161 is a candidate. The candidate for each seat who receives the
162 most votes cast for a candidate for the seat shall be elected to
163 the board.

164 (2) Each member of the board must be a qualified elector
165 at the time he or she qualifies and continually throughout his
166 or her term.

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167 (3) Each elected member of the board shall assume office
168 10 days following the member's election. Annually, within 60
169 days after the newly elected members have taken office, the
170 board shall organize by electing from its members a chair, a
171 vice chair, a secretary, and a treasurer. The positions of
172 secretary and treasurer may be held by one member. Funds of the
173 district may be disbursed only upon the order or pursuant to
174 resolution of the board. However, a petty cash account may be
175 authorized by the board. The board may give the treasurer
176 additional powers and duties that it deems appropriate.

177 (4) Members of the board may each be paid a salary or
178 honorarium to be determined by at least a majority plus one vote
179 of the board, which salary or honorarium may not exceed \$500 per
180 month for each member. Special notice of any meeting at which
181 the board will consider a salary change for a board member shall
182 be published at least once, at least 14 days prior to the
183 meeting, in a newspaper of general circulation in Okaloosa
184 County. Separate compensation for the board member serving as
185 treasurer may be authorized by like vote so long as total
186 compensation for the board member does not exceed \$500 per
187 month. Members may be reimbursed for travel and per diem
188 expenses as provided in section 112.061, Florida Statutes.

189 (5) If a vacancy occurs on the board due to the
190 resignation, death, or removal of a board member or the failure
191 of anyone to qualify for a board seat, the remaining members may
192 appoint a qualified person to fill the seat until the next
193 general election, at which time an election shall be held to
194 fill the vacancy for the remaining term, if any. The board shall

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195 remove any member who has three consecutive unexcused absences
196 from regularly scheduled meetings. The board shall adopt a
197 resolution defining excused and unexcused absences.

198 (6) Each member shall, upon assuming office, take and
199 subscribe to the oath of office prescribed by s. 5(b), Art. II
200 of the State Constitution and section 876.05, Florida Statutes.
201 Each member, within 30 days after assuming office, must give the
202 Governor a good and sufficient surety bond in the sum of \$5,000,
203 the cost thereof being borne by the district, conditioned on the
204 member's faithful performance of his or her duties of office.

205 (7) The board shall keep a permanent record book entitled
206 "Record of Proceedings of the Blackman Fire District, Inc.," in
207 which the minutes of all meetings, resolutions, proceedings,
208 certificates, bonds given by commissioners, and corporate acts
209 shall be recorded. The record book shall be open to inspection
210 in the same manner as state, county, and municipal records are
211 open under chapter 119, Florida Statutes, and s. 24, Art. I of
212 the State Constitution. The record book shall be kept at the
213 office or other regular place of business maintained by the
214 board for the district.

215 (8) All meetings of the board shall be open to the public,
216 consistent with chapter 286, Florida Statutes, section 189.417,
217 Florida Statutes, and other applicable general laws.

218 (9) The officers of the board of commissioners shall have
219 the duties usually pertaining to like officers. A record shall
220 be kept of all meetings of the board in a manner consistent with
221 subsection (7), and in such meetings concurrence of a majority

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222 of the commissioners shall be necessary to any affirmative
 223 action by the board.

224 (10) The books and records of the district shall be
 225 audited at least annually, at the expense of the district, as
 226 outlined in section 11.45, Florida Statutes.

227 Section 6. General powers.--The district shall have, and
 228 the board may exercise by majority vote, the following powers:

229 (1) To sue and be sued in the name of the district, to
 230 adopt and use a seal and authorize the use of a facsimile
 231 thereof, and to make and execute contracts and other instruments
 232 necessary or convenient to the exercise of its powers.

233 (2) To provide for a pension or retirement plan for its
 234 employees. Notwithstanding the prohibition against extra
 235 compensation as provided in section 215.425, Florida Statutes,
 236 the board may provide for an extra compensation program,
 237 including a lump-sum bonus payment program, to reward
 238 outstanding employees whose performance exceeds standards, if
 239 the program provides that a bonus payment may not be included in
 240 an employee's regular base rate of pay and may not be carried
 241 forward in subsequent years.

242 (3) To contract for the services of consultants to perform
 243 planning, engineering, legal, or other professional services.

244 (4) To borrow money and accept gifts, to apply for and use
 245 grants or loans of money or other property from the United
 246 States, the state, a unit of local government, or any person for
 247 any district purposes and enter into agreements required in
 248 connection therewith, and to hold, use, sell, and dispose of
 249 such moneys or property for any district purpose in accordance

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250 with the terms of the gift, grant, loan, or agreement relating
 251 thereto.

252 (5) To adopt resolutions and procedures prescribing the
 253 powers, duties, and functions of the officers of the district,
 254 the conduct of the business of the district, the maintenance of
 255 records, and the form of other documents and records of the
 256 district. The board may also adopt ordinances and resolutions
 257 that are necessary to conduct district business if such
 258 ordinances do not conflict with any ordinances of a local
 259 general purpose government within whose jurisdiction the
 260 district is located. Any resolution or ordinance adopted by the
 261 board and approved by referendum vote of district electors may
 262 only be repealed by referendum vote of district electors.

263 (6) To maintain an office at places it designates within a
 264 county or municipality in which the district is located and
 265 appoint an agent of record.

266 (7) To acquire, by purchase, lease, gift, dedication,
 267 devise, or otherwise, real and personal property or any estate
 268 therein for any purpose authorized by this act and to trade,
 269 sell, or otherwise dispose of surplus real or personal property.
 270 The board may purchase equipment by an installment sales
 271 contract if funds are available to pay the current year's
 272 installments on the equipment and to pay the amounts due that
 273 year on all other installments and indebtedness.

274 (8) To hold, control, and acquire by donation or purchase
 275 any public easement, dedication to public use, platted
 276 reservation for public purposes, or reservation for those
 277 purposes authorized by this act and to use such easement,

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278 dedication, or reservation for any purpose authorized by this
 279 act consistent with applicable adopted local government
 280 comprehensive plans and land development regulations.

281 (9) To lease as lessor or lessee to or from any person,
 282 firm, corporation, association, or body, public or private, any
 283 facility or property of any nature for the use of the district
 284 when necessary to carry out the district's duties and authority
 285 under this act.

286 (10) To borrow money and issue bonds, revenue anticipation
 287 notes, or certificates payable from and secured by a pledge of
 288 funds, revenues, taxes and assessments, warrants, notes, or
 289 other evidence of indebtedness, and to mortgage real and
 290 personal property when necessary to carry out the district's
 291 duties and authority under this act.

292 (11) To charge user and impact fees authorized by
 293 resolution of the board, in amounts necessary to conduct
 294 district activities and services, and to enforce their receipt
 295 and collection in the manner prescribed by resolution and
 296 authorized by law. However, the imposition of impact fees may
 297 only be authorized as provided by subsection (4) of section 9.

298 (12) To exercise the right and power of eminent domain,
 299 pursuant to chapter 73 or chapter 74, Florida Statutes, over any
 300 property within the district, except municipal, county, state,
 301 special district, or federal property used for a public purpose,
 302 for the uses and purposes of the district relating solely to the
 303 establishment and maintenance of fire stations and fire
 304 substations, specifically including the power to take easements
 305 that serve such facilities consistent with applicable adopted

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306 local government comprehensive plans and land development
 307 regulations.

308 (13) To cooperate or contract with other persons or
 309 entities, including other governmental agencies, as necessary,
 310 convenient, incidental, or proper in connection with providing
 311 effective mutual aid and furthering any power, duty, or purpose
 312 authorized by this act.

313 (14) To assess and impose upon real property in the
 314 district ad valorem taxes and non-ad valorem assessments as
 315 authorized by this act.

316 (15) To impose and foreclose non-ad valorem assessment
 317 liens as provided by this act or to impose, collect, and enforce
 318 non-ad valorem assessments pursuant to chapter 197, Florida
 319 Statutes.

320 (16) To select as a depository for its funds any qualified
 321 public depository as defined in section 280.02, Florida
 322 Statutes, which meets all the requirements of chapter 280,
 323 Florida Statutes, and has been designated by the State Treasurer
 324 as a qualified public depository, upon such terms and conditions
 325 as to the payment of interest upon the funds deposited as the
 326 board deems just and reasonable.

327 (17) To provide adequate insurance on all real and
 328 personal property, equipment, employees, volunteer firefighters,
 329 and other personnel.

330 (18) To organize, participate in, and contribute
 331 monetarily to organizations or associations relating to the
 332 delivery of or improvement of fire control, fire prevention, and
 333 emergency rescue services, or district administration.

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334 (19) To promulgate and enforce reasonable fire regulations
 335 by resolution.

336 Section 7. Exemption from taxation.--Since the exercise of
 337 the powers conferred by this act constitutes action by a
 338 political subdivision performing essential public functions and
 339 since the property of each district constitutes public property
 340 used for public purposes, all assets and properties of the
 341 district, including property acquired through the foreclosure of
 342 any tax or assessment lien, are exempt from all taxes imposed by
 343 the state or any political subdivision, agency, or
 344 instrumentality of the state.

345 Section 8. Special powers.--The Blackman Fire District,
 346 Inc., shall provide for fire suppression and prevention by
 347 establishing and maintaining fire stations and fire substations
 348 and acquiring and maintaining such firefighting and fire
 349 protection equipment deemed necessary to prevent or fight fires.
 350 All construction shall be in compliance with applicable state,
 351 regional, and local regulations, including adopted comprehensive
 352 plans and land development regulations. The board shall have and
 353 may exercise any or all of the following special powers relating
 354 to facilities and duties authorized by this act:

355 (1) Establish and maintain emergency medical and rescue
 356 response services and acquire and maintain rescue, medical, and
 357 other emergency equipment, pursuant to the provisions of chapter
 358 401, Florida Statutes, and any certificate of public convenience
 359 and necessity or its equivalent issued hereunder.

360 (2) Employ, train, and equip such personnel, and train,
 361 coordinate, and equip such volunteer firefighters, as are

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362 necessary to accomplish the duties of the district. The board
 363 may employ and fix the compensation of a fire chief or chief
 364 administrator. The board shall prescribe the duties of such
 365 person, which shall include supervision and management of the
 366 operations of the district and its employees and maintenance and
 367 operation of its facilities and equipment. The fire chief or
 368 chief administrator may employ or terminate the employment of
 369 such other persons, including, without limitation, professional,
 370 supervisory, administrative, maintenance, and clerical
 371 employees, as are necessary and authorized by the board. The
 372 compensation and other conditions of employment of the officers
 373 and employees of the district shall be provided by the board.

374 (3) Conduct public education to promote awareness of
 375 methods to prevent fires and reduce the loss of life and
 376 property from fires or other public safety concerns.

377 (4) Adopt and enforce fire safety standards and codes and
 378 enforce the rules of the State Fire Marshal consistent with the
 379 exercise of the duties authorized by chapter 553 or chapter 633,
 380 Florida Statutes, with respect to fire suppression and
 381 prevention and fire safety code enforcement.

382 (5) Conduct arson investigations and cause-and-origin
 383 investigations.

384 (6) Adopt hazardous material safety plans and emergency
 385 response plans in coordination with the county emergency
 386 management agency as provided in chapter 252, Florida Statutes.

387 (7) Contract with general purpose local government for
 388 emergency management planning and services.

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389 Section 9. Taxes, non-ad valorem assessments; impact fees
 390 and user charges.--

391 (1) AD VALOREM TAXES.--The elected board of commissioners
 392 may levy and assess ad valorem taxes on all taxable property in
 393 the district to construct, operate, and maintain district
 394 facilities and services, to pay the principal of, and interest
 395 on, general obligation bonds of the district, and to provide for
 396 any sinking or other funds established in connection with such
 397 bonds. An ad valorem tax levied by the board for operating
 398 purposes, exclusive of debt service on bonds, may not exceed
 399 3.75 mills. The levy of ad valorem taxes pursuant to this
 400 section must be approved by referendum. Nothing in this act
 401 shall require a referendum on the levy of ad valorem taxes in
 402 the amount as previously authorized by special act, general law
 403 of local application, or county ordinance approved by
 404 referendum. Such tax shall be assessed, levied, and collected in
 405 the same manner as county taxes. The levy of ad valorem taxes
 406 approved by referendum shall be reported within 60 days after
 407 the vote to the Department of Community Affairs.

408 (2) NON-AD VALOREM ASSESSMENTS.--The elected board of
 409 commissioners may levy non-ad valorem assessments to provide
 410 funds for the purposes of the district. The rate of such
 411 assessments must be fixed by resolution of the board pursuant to
 412 the procedures contained in section 10. Non-ad valorem
 413 assessment rates set by the board may exceed the maximum rates
 414 established by this or any prior special act, any county
 415 ordinance, the previous year's resolution, or a referendum in an
 416 amount not to exceed the average annual growth rate in Florida

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417 personal income over the previous 5 years. Non-ad valorem
418 assessment rate increases within the personal income threshold
419 are deemed to be within the maximum rate authorized by law at
420 the time of initial imposition. Proposed non-ad valorem
421 assessment increases which exceed the rate set the previous
422 fiscal year or the rate previously set by special act or county
423 ordinance, whichever is more recent, by more than the average
424 annual growth rate in Florida personal income over the last 5
425 years, must be approved by referendum of the electors of the
426 district. Non-ad valorem assessments shall be imposed,
427 collected, and enforced pursuant to section 10.

428 (3) USER CHARGES.--

429 (a) The board may provide a reasonable schedule of charges
430 for special emergency services, including fighting fires
431 occurring in or to structures outside the district, motor
432 vehicles, marine vessels, aircraft, or rail cars, or as a result
433 of the operation of such motor vehicles or marine vessels, to
434 which the district is called to render such emergency service,
435 and may charge a fee for the services rendered in accordance
436 with the schedule.

437 (b) The board may provide a reasonable schedule of charges
438 for fighting fires occurring in or at refuse dumps or as a
439 result of an illegal burn, which fire, dump, or burn is not
440 authorized by general or special law, rule, regulation, order,
441 or ordinance and which the district is called upon to fight or
442 extinguish.

443 (c) The board may provide a reasonable schedule of charges
444 for responding to, assisting with, or mitigating emergencies

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445 that either threaten or could threaten the health and safety of
 446 persons, property, or the environment to which the district has
 447 been called, including a charge for responding to false alarms.

448 (d) The board may provide a reasonable schedule of charges
 449 for inspecting structures, plans, and equipment to determine
 450 compliance with fire safety codes and standards.

451 (e) The district shall have a lien upon any real property,
 452 motor vehicle, marine vessel, aircraft, or rail car for any
 453 charge assessed under this subsection.

454 (4) IMPACT FEES.--If the general purpose local government
 455 has not adopted an impact fee for fire services which is
 456 distributed to the district for construction within its
 457 jurisdictional boundaries, the board may establish a schedule of
 458 impact fees for new construction to pay for the cost of new
 459 facilities and equipment, the need for which is in whole or in
 460 part the result of new construction. The impact fees collected
 461 by the district under this subsection shall be kept separate
 462 from other revenues of the district and must be used exclusively
 463 to acquire, purchase, or construct new facilities or portions
 464 thereof needed to provide fire protection and emergency services
 465 to new construction. As used in this subsection, "new
 466 facilities" means land, buildings, and capital equipment,
 467 including, but not limited to, fire and emergency vehicles,
 468 radio-telemetry equipment, and other firefighting or rescue
 469 equipment. The board shall maintain adequate records to ensure
 470 that impact fees are expended only for permissible new
 471 facilities or equipment. The board may enter into agreements

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472 with general purpose local governments to share in the revenues
 473 from fire protection impact fees imposed by such governments.

474 Section 10. Procedures for the levy and collection of non-
 475 ad valorem assessments.--

476 (1) The district may provide for the levy of non-ad
 477 valorem assessments under this act on the lands and real estate
 478 benefited by the exercise of the powers authorized by this act,
 479 or any part thereof, for all or any part of the cost thereof. In
 480 addition to the provisions set forth in this act, the district
 481 shall also be entitled to exercise all other rights and powers
 482 regarding the levy and collection of additional non-ad valorem
 483 assessments as provided for under chapter 191, Florida Statutes.

484 (2) The rate of assessment shall be fixed by resolution of
 485 the board of commissioners on or before June 1 of each year as
 486 follows:

487 (a) One hundred fifty dollars annually shall be assessed
 488 against commercial buildings and commercial businesses. For the
 489 purpose of determining a commercial business, it is the specific
 490 intent of this act to tax individual businesses which are within
 491 a common building which are separated by walls, partitions, or
 492 custom. The purchase of a county occupational license shall be
 493 evidence of the existence of a business. Apartment buildings,
 494 motels, condominiums, mobile home parks, and other multiple
 495 family residences shall not be considered commercial buildings.

496 (b) Each residential dwelling unit, including mobile homes
 497 situated on any parcel of land within said district, shall pay
 498 \$75 annually.

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499 (c) The non-ad valorem assessment amounts as established
 500 under paragraphs (a) and (b) shall be subject to annual
 501 increases, as may be approved by the board of commissioners as
 502 provided for under subsection (2) of section 9.

503 (3) The board of commissioners may adopt by resolution the
 504 current tax assessment and collection roll compiled and prepared
 505 by the Property Appraiser of Okaloosa County, and may adopt a
 506 resolution fixing the levy on each lot or parcel of land subject
 507 to taxation in the district, or may, at its discretion, prepare
 508 or cause to be prepared an assessment and collection roll
 509 setting forth a description of each lot or parcel of land
 510 subject to taxation in the district together with the amount of
 511 assessment fixed by resolution, and shall, before June 1 of each
 512 year, deliver the roll to the tax collector for collection. All
 513 assessments shall be made against the land subject to such
 514 assessments and the roll shall set forth the names of the
 515 respective owners of such lands.

516 (4) Any property owner in the district shall have the
 517 right to file a protest in writing between June 10 and 20 of
 518 each year against the proposed assessments and the amount or
 519 rate thereof and to appear before the board in support of such
 520 protest at an opening meeting or meetings which shall be held to
 521 hear and consider such protests and make adjustments to the
 522 roll.

523 (5) Immediately after the adjustment period, the board of
 524 commissioners shall adopt a resolution fixing the rate of
 525 special assessment and shall note the amount of the levy against
 526 each parcel of property described in the tax roll and shall

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527 transmit the tax roll and a certified copy of the resolution to
528 the county tax collector on or before July 1 each year. It shall
529 be the duty of the tax collector of Okaloosa County to include
530 in the county tax roll the assessments made by the board of
531 commissioners of the district and to collect such assessments
532 according to the assessment roll and deliver the proceeds of
533 such collection, less the statutory fee, monthly to the board of
534 commissioners, taking their receipts for such funds. The tax
535 collector shall, upon delivery of such funds to the board of
536 commissioners, furnish them with a description of the lands for
537 which such payments are made.

538 (6) Such special assessments shall be a lien upon the land
539 so assessed along with county taxes until paid and, if the same
540 become delinquent, shall be considered a part of the county tax,
541 subject to the same penalties, charges, fees, and remedies for
542 enforcement and collection and shall be enforced and collected
543 as provided by law.

544 (7) Such special assessments shall be of equal benefit to
545 all property with fire protection being provided by the Blackman
546 Fire District, Inc., pursuant to the provisions of this act.

547 (8) The fiscal year for the district shall be from October
548 1 to September 30 of each year.

549 Section 11. District issuance of bonds, notes, bond
550 anticipation notes, or other evidences of indebtedness.--

551 (1) The district may issue general obligation bonds,
552 assessment bonds, revenue bonds, notes, bond anticipation notes,
553 or other evidences of indebtedness to finance all or a part of
554 any proposed improvements authorized to be undertaken under this

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555 act or under general or special law, provided the total annual
556 payments for the principal and interest on such indebtedness
557 shall not exceed 50 percent of the total annual budgeted
558 revenues of the district. The bonds shall be issued in such
559 denominations, mature on such dates and in such amounts, and may
560 be subject to optional and mandatory redemption as determined by
561 resolutions adopted by the board. Bonds of the district may bear
562 interest at a fixed, floating, or adjustable rate and may be
563 issued as interest-bearing bonds, interest-accruing bonds, or
564 zero coupon bonds at such rate or rates, not exceeding the
565 maximum rate permitted by general law, as determined by
566 resolution of the board. Principal and interest shall be payable
567 in the manner determined by the board. The bonds shall be signed
568 by manual or facsimile signature of the chair or vice chair of
569 the board, attested with the seal of the district and by the
570 manual or facsimile signature of the secretary or assistant
571 secretary of the board.

572 (2) The bonds shall be payable from the non-ad valorem
573 assessments or other non-ad valorem revenues, including, without
574 limitation, user fees or charges or rental income authorized to
575 be levied, collected, or received pursuant to this act or
576 general law. General obligation bonds payable from ad valorem
577 taxes may also be issued by the district, but only after
578 compliance with s. 12, Art. VII of the State Constitution.
579 Subject to referendum approval, a district may pledge its full
580 faith and credit for the payment of principal and interest on
581 such general obligation bonds and for any reserve funds provided
582 therefor and may unconditionally and irrevocably pledge itself

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583 to levy ad valorem taxes on all property in the district to the
584 extent necessary for the payment thereof. The district is
585 authorized, after notice and opportunity to be heard has been
586 afforded to those affected, to impose, charge, and collect non-
587 ad valorem revenues in connection with any of the improvements
588 authorized under this act and to pledge the same for the payment
589 of bonds.

590 (3) In connection with the sale and issuance of bonds, the
591 district may enter into any contracts which the board determines
592 to be necessary or appropriate to achieve a desirable effective
593 interest rate in connection with the bonds by means of, but not
594 limited to, contracts commonly known as investment contracts,
595 funding agreements, interest rate swap agreements, currency swap
596 agreements, forward payment conversion agreements, futures, or
597 contracts providing for payments based on levels of or changes
598 in interest rates, or contracts to exchange cash flows or a
599 series of payments, or contracts, including, without limitation,
600 options, puts, or calls, to hedge payment, rate, spread, or
601 similar exposure. Such contracts or arrangements may also be
602 entered into by the district in connection with, or incidental
603 to, entering into any agreement which secures bonds or provides
604 liquidity therefor. Such contracts and arrangements shall be
605 made upon the terms and conditions established by the board,
606 after giving due consideration to the credit worthiness of the
607 counter parties, where applicable, including any rating by a
608 nationally recognized rating service or any other criteria as
609 may be appropriate.

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610 (4) In connection with the sale and issuance of the bonds,
 611 or the entering into any of the contracts or arrangements
 612 referred to in subsection (3), the district may enter into such
 613 credit enhancement or liquidity agreements, with such payment,
 614 interest rate, security, default, remedy, and any other terms
 615 and conditions as the board shall determine.

616 (5) Notwithstanding any provision of law relating to the
 617 investment or reinvestment of surplus funds of any governmental
 618 unit, proceeds of the bonds and any money set aside or pledged
 619 to secure payment of the principal, or premium, if any, and
 620 interest on the bonds, or any of the contracts entered into
 621 pursuant to subsection (3), may be invested in securities or
 622 obligations described in the resolution providing for the
 623 issuance of bonds.

624 (6) The bonds shall be sold in any manner not inconsistent
 625 with general law, shall show the purpose for which they are
 626 issued, and shall be payable out of the money pledged therefor.
 627 The funds derived from the sale of said bonds or any contract or
 628 arrangement shall be used for the purpose of paying the cost of
 629 the services or improvements and such costs, expenses, fees, and
 630 salaries as may be authorized by law.

631 (7) Non-ad valorem assessments or any portion thereof
 632 levied to pay the principal on bonds issued pursuant to this act
 633 with respect to improvements financed therewith shall not exceed
 634 the benefits assessed regarding such works or improvements. If
 635 the bonds are sold at a discount, the amount of the discount
 636 shall be treated as interest, not as principal. Premiums payable
 637 upon the redemption of bonds shall also be treated as interest.

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638 Interest to accrue on account of issuing bonds shall not be
 639 construed as a part of the costs of the works or improvements in
 640 determining whether the costs of making such improvements are
 641 equal to or in excess of the benefits assessed. If the property
 642 appraiser and tax collector deduct their fees and charges from
 643 the amount of non-ad valorem assessments levied and collected,
 644 and if the landowners receive the statutorily permitted discount
 645 for early payment of such non-ad valorem assessments, the amount
 646 of such fees, charges, and discount shall not be included in the
 647 amount of non-ad valorem assessments levied by the district in
 648 determining whether such assessments are equal to or in excess
 649 of the benefits assessed.

650 (8) The district may, whenever in the judgment of the
 651 board it is advisable and in the best interests of the
 652 landowners in the district, issue bonds to refund any or all of
 653 the then outstanding bonded indebtedness of the district.

654 (9) The principal amount of refunding bonds may be in any
 655 amount not in excess of the benefits assessed against the lands
 656 with respect to which the refunded bonds were issued less the
 657 principal amount of the refunded bonds previously paid from non-
 658 ad valorem assessments. The proceeds of such refunding bonds
 659 shall be used only to pay the principal, premium, if any, and
 660 interest on the bonds to be refunded and any discount or expense
 661 of the sale of the refunding bonds and to provide a debt service
 662 reserve fund for the refunding bonds. The district may also use
 663 other available revenues to pay costs associated with the
 664 issuance or administration of the refunding bonds.

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665 (10) Assessments shall be levied for the payment of the
666 refunding bonds in the same manner as the assessments levied for
667 the refunded bonds and the refunding bonds shall be secured by
668 the same lien as the refunded bonds, and any additional interest
669 which accrues on account of the refunding bonds shall be
670 included and added to the original assessment and shall be
671 secured by the same lien, provided any interest accrued shall
672 not be considered as a part of the cost of construction in
673 determining whether the assessment exceeds the benefits
674 assessed.

675 (11) No proceedings shall be required for the issuance of
676 bonds or refunding bonds other than those provided by this
677 section and by general law.

678 Section 12. District expansion and merger.--

679 (1) The boundaries of the district may be modified,
680 extended, or enlarged upon approval or ratification by the
681 Legislature.

682 (2) The merger of the district with all or portions of
683 other independent or dependent fire control districts is
684 effective only upon ratification by the Legislature. The
685 district may not, solely by reason of a merger with another
686 governmental entity, increase ad valorem taxes on property
687 within the original limits of the district beyond the maximum
688 established by this act, unless approved by the electors of the
689 district by referendum.

690 Section 3. If any clause, section, or provision of this
691 act shall be declared unconstitutional or invalid for any
692 reason, it shall be eliminated from this act, and the remaining

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693 portion of the act shall be in full force and effect and be as
694 valid as if such invalid portion thereof had not been
695 incorporated therein.

696 Section 4. This act shall take effect upon becoming a law.