

1 A bill to be entitled
 2 An act relating to the North Okaloosa Fire District,
 3 Okaloosa County; chapter 2001-333, Laws of Florida, as
 4 amended; authorizing the elected board of commissioners to
 5 levy and assess ad valorem taxes and non-ad valorem
 6 assessments on all taxable property in the district;
 7 providing for procedures for the levy and collection of
 8 non-ad valorem assessments; providing for a referendum;
 9 providing an effective date.

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

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13 Section 1. Sections 6 and 7 of section 2 of chapter 2001-
 14 333, Laws of Florida, are amended to read:

15 Section 6. Financial matters.--

16 (1) AD VALOREM TAXES.--The elected board of commissioners
 17 may levy and assess ad valorem taxes on all taxable property in
 18 the district to construct, operate, and maintain district
 19 facilities and services; to pay the principal of, and interest
 20 on, general obligation bonds of the district; and to provide for
 21 any sinking or other funds established in connection with such
 22 bonds. An ad valorem tax levied by the board for operating
 23 purposes, exclusive of debt service on bonds, may not exceed
 24 3.75 mills. The levy of ad valorem taxes pursuant to this
 25 section must be approved by referendum called by the board.
 26 Nothing in this act shall require a referendum on the levy of ad
 27 valorem taxes in the amount as previously authorized by special
 28 act, general law of local application, or county ordinance

29 approved by referendum. Such tax shall be assessed, levied, and
30 collected as provided in chapter 200, Florida Statutes. The levy
31 of ad valorem taxes approved by referendum shall be reported
32 within 60 days after the vote to the Department of Community
33 Affairs.

34 (2) NON-AD VALOREM ASSESSMENTS.--The elected board of
35 commissioners may levy non-ad valorem assessments to construct,
36 operate, and maintain district facilities and services. The rate
37 of such assessments must be fixed by resolution of the board
38 pursuant to the procedures contained herein. Non-ad valorem
39 assessment rates set by the board may exceed the maximum rates
40 established by this or any prior special act, any county
41 ordinance, the previous year's resolution, or a referendum in an
42 amount not to exceed the average annual growth rate in Florida
43 personal income over the previous 5 years. Non-ad valorem
44 assessment rate increases within the personal income threshold
45 are deemed to be within the maximum rate authorized by law at
46 the time of initial imposition. Proposed non-ad valorem
47 assessment increases that exceed the rate set the previous
48 fiscal year or the rate previously set by special act or county
49 ordinance, whichever is more recent, by more than the average
50 annual growth rate in Florida personal income over the last 5
51 years, or the first time levy of non-ad valorem assessments in a
52 district, must be approved by referendum of the electors of the
53 district. Non-ad valorem assessments shall be imposed,
54 collected, and enforced pursuant to section 7. ~~The board may~~
55 levy a non-ad valorem assessment on taxable property within the
56 district. ~~The initial schedule shall be as follows: \$10 for 5 or~~

57 ~~less acres of vacant land; an additional \$2 per acre for each~~
58 ~~acre or portion thereof up to a maximum of \$70 for 35 acres or~~
59 ~~more; \$75 for a single-family residence; \$94 for special~~
60 ~~commercial property; \$188 for all other commercial property; and~~
61 ~~\$250 for trailer parks from 2 to 9 units and an additional \$200~~
62 ~~for each 10 trailers or portion thereof. These amounts may be~~
63 ~~increased as provided by statute or by 3 percent per annum,~~
64 ~~whichever provides greater revenue to the district. If the rate~~
65 ~~increase is to be greater than the amount provided in the~~
66 ~~statute, the increase must be approved by a unanimous vote of~~
67 ~~the board. The non ad valorem assessment authorized by this~~
68 ~~section shall become a lien on the property so assessed until~~
69 ~~paid. If the assessment lien becomes delinquent, it shall be~~
70 ~~subject to the same penalties, charges, and fees for enforcement~~
71 ~~and collection as county non ad valorem assessments and shall be~~
72 ~~enforced and collected as provided by law, including attorney~~
73 ~~fees. The district's non ad valorem assessments shall be a first~~
74 ~~lien superior in dignity to all other liens except liens for~~
75 ~~county ad valorem taxes. The board may accept gifts and~~
76 ~~donations and may carry on community projects for fundraising~~
77 ~~purposes. The fiscal year of the district shall run from October~~
78 ~~1 until September 30 of the following year.~~

79 Section 7. Procedures for the levy and collection of non-
80 ad valorem assessments.--

81 (1) The district may provide for the levy of non-ad
82 valorem assessments under this act on the lands and real estate
83 benefited by the exercise of the powers authorized by this act,
84 or any part thereof, for all or any part of the cost thereof. In

85 addition to the provisions set forth under this act, the
86 district shall also be entitled to exercise all other rights and
87 powers regarding the levy and collection of additional non-ad
88 valorem assessments as provided for under chapter 191, Florida
89 Statutes.

90 (2) The initial non-ad valorem schedule shall be as
91 follows: \$10.95 for 5 or less acres of vacant land, an
92 additional \$2.19 per acre for each acre or portion thereof up to
93 a maximum of \$76.65 for 35 acres or more; \$82.13 for a single-
94 family residence; \$102.93 for special commercial property;
95 \$205.87 for all other commercial property; and \$273.75 for
96 trailer parks from 2 to 9 units and an additional \$219.00 for
97 each 10 trailers or portion thereof. These amounts may be
98 increased as provided by general law or by 3 percent per annum,
99 whichever provides greater revenue to the district. If the rate
100 increase is to be greater than the amount provided in the
101 general law, the increase must be approved by a unanimous vote
102 of the board. The non-ad valorem assessment authorized by this
103 section shall become a lien on the property so assessed until
104 paid. If the assessment lien becomes delinquent, it shall be
105 subject to the same penalties, charges, and fees for enforcement
106 and collection as county non-ad valorem assessments and shall be
107 enforced and collected as provided by law, including attorney
108 fees. The district's non-ad valorem assessments shall be a first
109 lien superior in dignity to all other liens except liens for
110 county ad valorem taxes. The board may accept gifts and
111 donations and may carry on community projects for fundraising
112 purposes.

113 (3) The rate of assessment shall be fixed by resolution of
114 the board of commissioners each year.

115 (4) The non-ad valorem assessment amounts as established
116 under subsection (2) shall be subject to annual increases, as
117 may be approved by the board of commissioners as provided for in
118 section 6(2).

119 (5) The board of commissioners may adopt by resolution the
120 current tax assessment and collection roll compiled and prepared
121 by the property appraiser of Okaloosa County or may, at its
122 discretion, prepare or cause to be prepared an assessment and
123 collection roll setting forth a description of each lot or
124 parcel of land subject to taxation in the district and deliver
125 the roll, which shall contain the names of the respective owners
126 of such lands, to the tax collector for collection.

127 (6) Any property owner in the district shall have the
128 right to file a protest against the proposed assessments and the
129 amount or rate thereof and to appear before the board in support
130 of such protest at an open meeting or meetings that shall be
131 held to hear and consider such protests and make adjustments to
132 the roll.

133 (7) Immediately after the adjustment period, the board of
134 commissioners shall adopt a resolution fixing the rate of
135 special assessment and shall note the amount of the levy against
136 each parcel of property described in the tax roll and shall
137 transmit the tax roll and a certified copy of the resolution to
138 the tax collector each year. The tax collector of Okaloosa
139 County shall include in the county tax roll the assessments made
140 by the board of commissioners of the district, collect such

141 assessments, and deliver the proceeds, less the statutory fee,
 142 to the board of commissioners, pursuant to section 197.3632,
 143 Florida Statutes.

144 (8) Such special assessments shall be a lien upon the land
 145 so assessed along with county taxes until paid and, if the same
 146 become delinquent, shall be considered a part of the county tax,
 147 subject to the same penalties, charges, fees, and remedies for
 148 enforcement and collection, and shall be enforced and collected
 149 as provided by law.

150 (9) Such special assessments shall be of equal benefit to
 151 all property with fire protection being provided by the North
 152 Okaloosa Fire District pursuant to the provisions of this act.

153 (10) The fiscal year for the district shall be from
 154 October 1 to September 30 of each year. ~~Taxes; collection. The~~
 155 ~~Board of Fire Commissioners shall notify the Okaloosa County~~
 156 ~~Property Appraiser annually of assessments that the board has~~
 157 ~~imposed on each parcel of property within the district, and the~~
 158 ~~property appraiser shall include these taxes in the notice of~~
 159 ~~proposed property taxes and adopted non-ad valorem assessments~~
 160 ~~for the properties within the district.~~

161 Section 2. This act shall take effect only upon its
 162 approval by a majority vote of those qualified electors of the
 163 district voting in a referendum election to be called by the
 164 Board of Fire Commissioners of the North Okaloosa Fire District
 165 and to be held within 2 years after the date this section
 166 becomes a law, in accordance with the provisions of law relating
 167 to elections currently in force, except that this section shall
 168 take effect upon becoming a law.