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CS/HB 1363

2017 Legislature

1
 2 An act relating to Santa Rosa County; creating the
 3 Pace Fire Rescue District, an independent special
 4 district; creating a district charter; providing a
 5 short title; providing territorial boundaries of the
 6 district; providing purposes and intent; providing for
 7 a board of commissioners of the district; providing
 8 for qualification, election, membership, and terms of
 9 office; providing for the filling of vacancies;
 10 providing for meetings; providing rulemaking
 11 authority; providing powers and duties of the board;
 12 providing for use of district funds; authorizing the
 13 district to issue bonds and levy ad valorem taxes,
 14 non-ad valorem assessments, impact fees, and user
 15 charges; providing planning requirements; providing
 16 for modification of district boundaries; providing for
 17 amendment of the charter by special act of the
 18 Legislature; providing severability; requiring a
 19 referendum; providing an effective date.

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

22
 23 Section 1. Short title.—This act may be cited as the "Pace
 24 Fire Rescue District Act," hereinafter the "charter."

25 Section 2. Formation; boundaries.—For the purpose of

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26 providing fire prevention and emergency rescue services pursuant
 27 to chapter 191, Florida Statutes, an independent special
 28 district is hereby created, incorporated, and established
 29 pursuant to chapters 189 and 191, Florida Statutes, to be known
 30 as the Pace Fire Rescue District, hereinafter the "district," in
 31 Santa Rosa County and shall embrace and include the territory
 32 described as:

33
 34 That portion of Santa Rosa county bounded on the east
 35 at the intersection of Avalon Boulevard and Highway
 36 90, on the south by Escambia Bay, on the west by
 37 Escambia River, and north to Escambia River on
 38 Quintette road and North on Chumuckla Highway to Ten
 39 Mile road.

40
 41 BEGIN AT THE NORTHWEST CORNER OF TOWNSHIP 2 NORTH,
 42 RANGE 29 WEST, SANTA ROSA COUNTY, FLORIDA; THENCE
 43 PROCEED WEST ALONG THE NORTH LINE OF SAID TOWNSHIP 2
 44 NORTH A DISTANCE OF 5.1 MILES MORE OR LESS TO A POINT
 45 OF INTERSECTION WITH DELANEY RIVER; THENCE MEANDER
 46 SOUTHERLY ALONG SAID RIVER A DISTANCE OF 1896 FEET
 47 MORE OR LESS TO A POINT OF INTERSECTION WITH ESCAMBIA
 48 RIVER; THENCE MEANDER SOUTHERLY ALONG SAID ESCAMBIA
 49 RIVER A DISTANCE OF 20.7 MILES MORE OR LESS TO A POINT
 50 OF INTERSECTION WITH ESCAMBIA BAY; THENCE MEANDER

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51 NORTHERLY, EASTERLY AND SOUTHERLY ALONG SAID BAY A
 52 DISTANCE OF 6.0 MILES MORE OR LESS TO A POINT OF
 53 INTERSECTION WITH THE SOUTH LINE OF SECTION 31,
 54 TOWNSHIP 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST
 55 ALONG SAID SOUTH LINE A DISTANCE OF 2323 FEET MORE OR
 56 LESS TO THE EAST LINE OF SAID SECTION 31; THENCE
 57 PROCEED NORTH ALONG SAID EAST LINE A DISTANCE OF 3916
 58 FEET MORE OR LESS TO THE SOUTH LINE OF SECTION 25,
 59 TOWNSHIP 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST
 60 ALONG SAID SOUTH LINE OF SECTION 25 AND SECTION 26 A
 61 DISTANCE OF 6003 FEET MORE OR LESS TO THE EAST LINE OF
 62 SAID SECTION 26; THENCE PROCEED NORTH ALONG SAID EAST
 63 LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE SOUTH
 64 LINE OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP
 65 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST ALONG SAID
 66 SOUTH LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE
 67 EAST LINE OF SAID NORTHWEST QUARTER; THENCE PROCEED
 68 NORTH ALONG SAID EAST LINE A DISTANCE OF 2640 FEET
 69 MORE OR LESS TO THE NORTH LINE OF SAID SECTION 27;
 70 THENCE PROCEED EAST ALONG SAID NORTH LINE A DISTANCE
 71 OF 2640 FEET MORE OR LESS TO THE WEST LINE OF SECTION
 72 18, TOWNSHIP 1 NORTH, RANGE 28 WEST; THENCE PROCEED
 73 NORTH ALONG SAID WEST LINE A DISTANCE OF 2640 FEET
 74 MORE OR LESS TO THE SOUTH LINE OF THE NORTH HALF OF
 75 SAID SECTION 18; THENCE PROCEED EAST ALONG SAID SOUTH

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76 | LINE OF THE NORTH HALF OF SECTION 18 AND THE SOUTH
 77 | LINE OF THE NORTH HALF OF SECTION 17 A DISTANCE OF
 78 | 6126 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE
 79 | OF AVALON BOULEVARD; THENCE PROCEED NORTHEAST ALONG
 80 | SAID LINE A DISTANCE OF 3030 FEET MORE OR LESS TO THE
 81 | SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 90; THENCE
 82 | PROCEED EAST ALONG SAID SOUTH LINE A DISTANCE OF 433
 83 | FEET MORE OR LESS; THENCE PROCEED NORTHWEST TO AND
 84 | ALONG THE EAST LINE OF PARCEL NUMBER 08-1N-28-0000-
 85 | 01701-0000 A DISTANCE OF 858 FEET MORE OR LESS TO THE
 86 | NORTH LINE OF SAID PARCEL; THENCE PROCEED WEST ALONG
 87 | SAID NORTH LINE A DISTANCE OF 245 FEET MORE OR LESS TO
 88 | THE EAST LINE OF PARCEL NUMBER 08-1N-28-0000-01300-
 89 | 0000; THENCE PROCEED NORTH ALONG SAID EAST LINE A
 90 | DISTANCE OF 1975 FEET MORE OR LESS TO THE NORTH LINE
 91 | OF SAID PARCEL; THENCE PROCEED WEST ALONG SAID NORTH
 92 | LINE A DISTANCE OF 1298 FEET MORE OR LESS TO THE WEST
 93 | LINE OF PARCEL NUMBER 08-1N-28-0000-02005-0000; THENCE
 94 | PROCEED NORTH ALONG SAID WEST LINE A DISTANCE OF 820
 95 | FEET MORE OR LESS; THENCE PROCEED NORTHEAST ALONG SAID
 96 | WEST LINE A DISTANCE OF 1102 FEET MORE OR LESS TO THE
 97 | A POINT OF INTERSECTION WITH POND CREEK; THENCE
 98 | MEANDER NORTHERLY ALONG SAID CREEK A DISTANCE OF 12.8
 99 | MILES MORE OR LESS TO THE AFOREMENTIONED NORTH LINE OF
 100 | TOWNSHIP 2 NORTH, RANGE 29 WEST; THENCE PROCEED WEST

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101 ALONG SAID NORTH LINE A DISTANCE OF 2.7 MILES MORE OR
 102 LESS TO THE POINT OF BEGINNING.

103
 104 LYING IN AND BEING A PORTION OF TOWNSHIP 2 NORTH,
 105 RANGE 29 WEST, TOWNSHIP 2 NORTH, RANGE 30 WEST,
 106 TOWNSHIP 1 NORTH, RANGE 30 WEST, TOWNSHIP 1 NORTH,
 107 RANGE 29 WEST AND TOWNSHIP 1 NORTH, RANGE 28 WEST,
 108 SANTA ROSA COUNTY, FLORIDA AND CONTAINING 84 SQUARE
 109 MILES MORE OR LESS.

110
 111 Section 3. Intent.—The purposes of this act are to:

112 (1) Provide standards, direction, and procedures
 113 concerning the operation and governance of the special fire
 114 control district known as the Pace Fire Rescue District.

115 (2) Provide financing authority of the Pace Fire Rescue
 116 District without hampering the efficiency and effectiveness of
 117 current authorized and implemented methods and procedures of
 118 raising revenues.

119 (3) Improve communication and coordination between the
 120 Pace Fire Rescue District and other local governments with
 121 respect to short-range and long-range planning to meet the
 122 demands for service delivery while maintaining fiscal
 123 responsibility.

124 (4) Provide uniform procedures for electing members of the
 125 governing board of the Pace Fire Rescue District to ensure

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126 greater accountability to the public.

127 Section 4. Board of commissioners; officers; bond;
 128 compensation.—

129 (1) The business affairs of the district shall be
 130 conducted and administered, pursuant to chapter 191, Florida
 131 Statutes, by the Board of Commissioners of the Pace Fire Rescue
 132 District, which is established as a board of five commissioners.
 133 Annually, within 60 days after newly elected members have taken
 134 office, the board shall organize by electing from its members a
 135 chair, a vice chair, a secretary, and a treasurer. The positions
 136 of secretary and treasurer may be held by one member. The office
 137 of each commissioner comprising the Board of Commissioners of
 138 the Pace Fire Rescue District is hereby designated as being a
 139 seat on the commission, distinguished from each of the other
 140 seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat
 141 designation does not designate a geographical subdistrict of the
 142 district.

143 (2) Each commissioner shall, upon assuming office, take
 144 and subscribe to the oath of office prescribed by section 5(b),
 145 Article II of the State Constitution and s. 876.05, Florida
 146 Statutes. Each commissioner, upon taking office and in
 147 accordance with chapters 189 and 191, Florida Statutes, shall
 148 execute to the Governor for the benefit of the district a bond
 149 conditioned upon the faithful performance of the duties of the
 150 commissioner's office. The premium for such bonds shall be paid

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151 from district funds.

152 (3) Members of the board may be reimbursed for travel and
153 per diem expenses, as provided in s. 112.061, Florida Statutes,
154 but shall not receive a salary.

155 (4) Members of the board shall comply with the financial
156 disclosure, noticing, and reporting requirements of chapter 112,
157 Florida Statutes, and any other applicable law or regulation.

158 Section 5. Board of commissioners; terms; election,
159 qualifications, certification of single candidate.-

160 (1) District elections and referenda shall be held in
161 accordance with chapter 191, Florida Statutes.

162 (2) Except as provided in this subsection, each of the
163 five commissioners shall hold his or her respective seat on the
164 Board of Commissioners of the Pace Fire Rescue District for a
165 term of 4 years and shall be elected by majority vote of the
166 electors of the district voting at a general election. In the
167 first election following the effective date of this act, seats
168 1, 3, and 5 shall be designated for 4-year terms, and seats 2
169 and 4 shall be designated for 2-year terms. All commissioners
170 must be qualified electors within the district and must reside
171 within the district.

172 (3) Voting for commissioners shall be districtwide and
173 nonpartisan.

174 (4) If a vacancy occurs on the board due to the
175 resignation, death, or removal of a commissioner, or the failure

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176 of anyone to qualify for a board seat, the remaining members may
177 appoint a qualified person to fill the seat until the next
178 general election, at which time an election shall be held to
179 fill the vacancy for the remaining term, if any. The board shall
180 remove any member who has three consecutive, unexcused absences
181 from regularly scheduled meetings. The board shall adopt
182 policies by resolution defining excused and unexcused absences.

183 (5) Each commissioner, whenever elected, shall assume
184 office 10 days after his or her election and shall serve until
185 his or her successor is elected.

186 (6) All candidates shall qualify with the Supervisor of
187 Elections of Santa Rosa County. All candidates may qualify by
188 paying a filing fee of \$25 or by obtaining the signatures of at
189 least 25 registered electors of the district on petition forms
190 provided by the supervisor of elections, which petitions shall
191 be submitted and checked in the same manner as petitions filed
192 by nonpartisan judicial candidates pursuant to s. 105.035,
193 Florida Statutes.

194 (7) The names of all candidates qualifying for election to
195 a seat on the board of commissioners shall be included on the
196 ballot or voting machines provided for use in the district,
197 along with the candidates for county office at each regular
198 county election, in such a way as to clearly indicate the
199 respective seat for which each qualified candidate for district
200 commissioner is running.

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201 (8) Any expense of holding elections for commission seats
 202 at the regular county elections shall be paid out of the funds
 203 of the district, if required by proper authority.

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

215 (10) All meetings of the board shall be open to the
 216 public, consistent with chapter 286, Florida Statutes, s.
 217 189.015, Florida Statutes, and other applicable general laws.

218 Section 6. Rules and regulations.—The board is authorized
 219 to adopt rules and regulations for the prevention of fires, fire
 220 control, public safety, and rescue work within the district.
 221 Such rules and regulations, after being adopted by the board and
 222 copies thereof signed by the president and the secretary, and
 223 posted on the district website and in at least three public
 224 places within the district, one of which must be the fire
 225 station or such similar place wherein the firefighting and

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226 rescue equipment is normally kept, after 10 days shall have the
 227 force and effect of law.

228 Section 7. Powers; use of district funds.-

229 (1) The district shall have, and the board may exercise,
 230 all the powers and duties set forth in chapters 189 and 191,
 231 Florida Statutes, as they may be amended from time to time, and
 232 shall include fire control, fire prevention, and emergency
 233 medical, rescue response and public safety services.

234 (2) No funds of the district shall be used for any
 235 purposes other than the administration of the affairs and
 236 business of the district; the construction, care, maintenance,
 237 upkeep, operation, and purchase of firefighting, public safety
 238 and rescue equipment and facilities; the payment of public
 239 utilities; and the payment of salaries and related costs of
 240 district personnel as the board may from time to time determine
 241 to be necessary for the operations and effectiveness of the
 242 district.

243 (3) The board is authorized and empowered to buy, own,
 244 lease, and maintain a fire and rescue department within the
 245 district and to purchase, acquire by gift, lease, own, and
 246 dispose of firefighting and rescue equipment and property, real
 247 and personal, that the board may from time to time deem
 248 necessary or needful to prevent and extinguish fires within the
 249 district.

250 Section 8. Finances.-

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251 (1) The powers, functions, and duties of the district
252 regarding ad valorem taxation, bond issuance, other revenue-
253 raising capabilities, budget preparation and approval, liens and
254 foreclosure of liens, use of tax deeds and tax certificates as
255 appropriate for non-ad valorem assessments, and contractual
256 agreements, and the methods for financing the district and for
257 collecting non-ad valorem assessments, fees, or service charges,
258 shall be as set forth in this charter, in chapters 170, 189,
259 191, and 197, Florida Statutes, and in any applicable general or
260 special law except as limited herein.

261 (2) The district shall have the authority to levy and
262 collect ad valorem taxes in accordance with s. 191.009, Florida
263 Statutes, and chapter 200, Florida Statutes. The taxes levied
264 and assessed by the district shall be a lien upon the land so
265 assessed along with the county taxes assessed against such land
266 until such assessments and taxes have been paid, and if the
267 taxes levied by the district become delinquent, such taxes shall
268 be considered a part of the county tax subject to the same
269 penalties, charges, fees, and remedies for enforcement and
270 collection and shall be enforced and collected as provided by
271 general law for the collection of such taxes. The maximum ad
272 valorem millage rate that can be levied in any one year shall be
273 3.75 mills, unless a lower maximum rate is authorized by
274 referendum.

275 (3) The district shall have the authority to levy non-ad

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276 valorem assessments. The methods for assessing and collecting
 277 non-ad valorem assessments, fees, or service charges shall be as
 278 set forth in this charter, chapter 170, Florida Statutes,
 279 chapter 189, Florida Statutes, chapter 191, Florida Statutes,
 280 and chapter 197, Florida Statutes. Pursuant to s. 191.009,
 281 Florida Statutes, the first-time levy of non-ad valorem
 282 assessments must be approved by a referendum of the electors of
 283 the district.

284 (4) The district shall have the authority to charge and
 285 collect impact fees for capital improvements on new construction
 286 within the district as prescribed in chapter 191, Florida
 287 Statutes, or any other applicable general law. The district
 288 shall comply with the requirements in ss. 163.31801 and
 289 191.009(4), Florida Statutes, in its collection and use of
 290 impact fees. New facilities and equipment shall be as provided
 291 for in s. 191.009(4), Florida Statutes. The district is
 292 authorized to enter into agreements regarding the collection of
 293 impact fees.

294 (5) The district shall have the authority to issue general
 295 obligation bonds, assessment bonds, revenue bonds, notes, bond
 296 anticipation notes, and other evidences of indebtedness to
 297 finance all or a part of any proposed improvements in accordance
 298 with s. 191.012, Florida Statutes, chapter 189, Florida
 299 Statutes, and any other applicable general or special law.

300 (6) The board shall annually prepare, consider, and adopt

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301 a district budget pursuant to the applicable requirements of
 302 chapters 189 and 191, Florida Statutes. The fiscal year shall be
 303 from October 1 through September 30. The budget shall state the
 304 purpose for which the money is required and the amount necessary
 305 to be raised by taxation within the district. Such budget and
 306 proposed millage rate shall be noticed, heard, and adopted in
 307 accordance with chapters 189, 192, and 200, Florida Statutes.

308 (7) All warrants for the payment of labor, equipment,
 309 materials, and other allowable expenses incurred by the district
 310 board in carrying out the provisions of this charter shall be
 311 payable on accounts and vouchers approved by the district board.

312 Section 9. Planning requirements.—The district shall
 313 comply with the planning requirements set forth in part VIII of
 314 chapter 189, Florida Statutes.

315 Section 10. Boundaries.— The boundaries of the district
 316 may be modified, extended, or enlarged upon approval or
 317 ratification by the Legislature.

318 Section 11. Amendment of charter.—This charter may be
 319 amended only by special act of the Legislature.

320 Section 12. Severability.—Should any provision of this act
 321 be held to be unconstitutional, inoperative, or void, such
 322 holding or invalidity shall not affect the remaining portions of
 323 this act.

324 Section 13. Referendum.—On or before December 31, 2020,
 325 the Supervisor of Elections of Santa Rosa County shall conduct a

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326 referendum of the qualified electors of the district on the
327 question of whether the district shall be created by special act
328 of the Legislature and authorized to levy ad valorem taxes on
329 real property within the district pursuant to chapter 191,
330 Florida Statutes. The referendum question shall be posed as
331 follows:

332 "Shall an independent fire control and rescue district
333 known as the Pace Fire Rescue District be created to provide
334 quality fire, rescue, and emergency medical services to the Pace
335 community with authority to levy assessments, fees, charges, and
336 a millage not to exceed 2.50 mills in any one year."

337 Section 14. This act shall take effect only upon its
338 approval by a majority vote of those qualified electors residing
339 within the district voting in a referendum no later than
340 December 31, 2020, except that this section and section 13 shall
341 take effect upon becoming a law.