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HB 1577, Engrossed 1

2024 Legislature

1
 2 An act relating to the Midway Fire District, Santa
 3 Rosa County; amending chapter 2003-364, Laws of
 4 Florida; repealing the district's authority to levy ad
 5 valorem taxes; establishing maximum rates for non-ad
 6 valorem assessments; providing an exception to general
 7 law relating to the initial levy of non-ad valorem
 8 assessments; providing effective dates.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Effective October 1, 2024, section 1 and
 13 sections 5 and 7 through 16 of section 3 of chapter 2003-364,
 14 Laws of Florida, are amended to read:

15 Section 1. Pursuant to section 191.015, Florida Statutes,
 16 this act constitutes the codification of all special acts
 17 relating to Midway Fire District, formerly the Midway Fire
 18 Protection District, located in Santa Rosa County. It is the
 19 intent of the Legislature to provide a single, comprehensive
 20 special act charter for the district, including all current
 21 legislative authority granted to the district by its several
 22 legislative enactments and any additional authority granted by
 23 this act and chapters 189 and 191, Florida Statutes, as amended
 24 from time to time. ~~It is further the intent of this act to~~
 25 ~~preserve all district authority, including the authority to~~

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

26 ~~annually assess and levy against the taxable property in the~~
 27 ~~district an ad valorem tax not to exceed the limit provided in~~
 28 ~~the district's prior special acts, chapters 80-607, 82-377, and~~
 29 ~~90-425, Laws of Florida, and chapter 191, Florida Statutes, as~~
 30 ~~amended from time to time.~~

31 Section 3. Midway Fire District is re-created and the
 32 charter for the district is re-created and reenacted to read:

33 Section 5. Powers; duties; responsibilities.-

34 (1) The district shall have and the board may exercise all
 35 the powers and duties set forth in this act, and chapters 189,
 36 191, and 197, Florida Statutes, as they may be amended from time
 37 to time, including, but not limited to, ~~ad valorem taxation,~~
 38 bond issuance, other revenue-raising capabilities, budget
 39 preparation and approval, liens and foreclosure of liens, use of
 40 tax deeds and tax certificates as appropriate for non-ad valorem
 41 assessments, and contractual agreements. The district may be
 42 financed by any method established in this act or chapter 189 or
 43 chapter 191, Florida Statutes, as amended from time to time,
 44 except ad valorem taxation.

45 ~~(2) The board shall continue to have the right, power, and~~
 46 ~~authority to levy annually an ad valorem tax against the taxable~~
 47 ~~real estate within the district to provide funds for the~~
 48 ~~purposes of the district as authorized by chapters 80-607, 82-~~
 49 ~~377, and 90-425, Laws of Florida, in an amount not to exceed the~~
 50 ~~limit provided in chapter 191, Florida Statutes, as amended from~~

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

51 ~~time to time. Although the district is authorized to levy a~~
52 ~~maximum millage rate as provided for in section 191.009(1),~~
53 ~~Florida Statutes, the district must receive referendum approval,~~
54 ~~as required by the State Constitution and section 191.009,~~
55 ~~Florida Statutes, for any increased millage rate above such rate~~
56 ~~that has been previously authorized by a special act and~~
57 ~~approved by referendum.~~

58 (2)~~(3)~~ The methods for assessing and collecting non-ad
59 valorem assessments, fees, or service charges shall be as set
60 forth in this act, chapter 170, chapter 189, chapter 191, or
61 chapter 197, Florida Statutes, as amended from time to time.

62 ~~(4) The district shall levy and collect ad valorem taxes~~
63 ~~in accordance with chapter 200, Florida Statutes, as amended~~
64 ~~from time to time.~~

65 (3)~~(5)~~ The district is authorized to levy and enforce non-
66 ad valorem assessments in accordance with chapters 170, 189,
67 191, and 197, Florida Statutes, as amended from time to time.
68 The non-ad valorem assessments may be levied up to the following
69 maximum amounts:

70 (a) Three hundred dollars for residential properties up to
71 1,600 square feet, with an additional \$0.1544 per square foot in
72 excess of 1,600 square feet.

73 (b) Thirty dollars and 96 cents for vacant land.

74 (c) Five hundred dollars for commercial properties up to
75 950 square feet, with an additional \$0.1544 per square foot in

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

76 | excess of 950 square feet.

77 | (d) Thirty dollars and 96 cents for unimproved acreage up
 78 | to 3 acres, with an additional \$10.32 per acre in excess of 3
 79 | acres.

80 | (4)-(6) The district's planning requirements shall be as
 81 | set forth in this act and chapters 189 and 191, Florida
 82 | Statutes, as amended from time to time.

83 | (5)-(7) Requirements for financial disclosure, meeting
 84 | notices, reporting, public records maintenance, and per diem
 85 | expenses for officers and employees shall be as set forth in
 86 | this act and chapters 112, 119, 189, 191, and 286, Florida
 87 | Statutes, as amended from time to time.

88 | ~~Section 7. Ad valorem taxes a lien. The taxes levied and~~
 89 | ~~assessed by the district shall be a lien upon the land so~~
 90 | ~~assessed along with the county taxes assessed against such land~~
 91 | ~~until said assessments and taxes have been paid, and if the~~
 92 | ~~taxes levied by the district become delinquent, such taxes shall~~
 93 | ~~be considered a part of the county tax subject to the same~~
 94 | ~~penalties, charges, fees, and remedies for enforcement and~~
 95 | ~~collection and shall be enforced and collected as provided by~~
 96 | ~~general law for the collection of such taxes.~~

97 | Section 7 ~~8~~. Deposit of taxes, assessments, fees;
 98 | authority to disburse funds.—

99 | (1) The funds of the district shall be deposited in
 100 | qualified public depositories, in accordance with chapters 191

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

101 and 280, Florida Statutes, as they may be amended from time to
 102 time.

103 (2) All warrants for the payment of labor, equipment, and
 104 other expenses of the board, and in carrying into effect this
 105 act and the purposes thereof, shall be payable by the treasurer
 106 of the board on accounts and vouchers approved and authorized by
 107 the board.

108 Section 8 9. Authority to borrow money.—

109 (1) The board of commissioners shall have the power and
 110 authority to borrow money or issue other evidences of
 111 indebtedness for the purpose of the district in accordance with
 112 chapters 189 and 191, Florida Statutes, as amended from time to
 113 time; provided, however, that the total payments in any one
 114 year, including principal and interest, on any indebtedness
 115 incurred by the district shall not exceed 50 percent of the
 116 total annual budgeted revenues of the district for the year in
 117 which said payments are to be made.

118 (2) The board of commissioners shall not be personally or
 119 individually liable for the repayment of such loan. Such
 120 repayment shall be made out of the tax receipts of the district
 121 except as provided in this subsection. The commissioners shall
 122 not create any indebtedness or incur obligations for any sum or
 123 amount which they are unable to repay out of district funds then
 124 in their hands except as otherwise provided in this act;
 125 provided, however, that the commissioners may make purchases of

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

126 equipment on an installment basis as necessary if funds are
127 available for the payment of the current year's installment on
128 such equipment plus the amount due in that year of any other
129 installments and the repayment of any bank loan or other
130 existing indebtedness which may be due in that year.

131 Section 9 ~~10~~. Use of district funds.—No funds of the
132 district shall be used for any purposes other than the
133 administration of the affairs and business of the district; the
134 construction, care, maintenance, upkeep, operation, and purchase
135 of firefighting and rescue equipment or a fire station or
136 stations; the payment of public utilities; and the payment of
137 salaries of district personnel as the board may from time to
138 time determine to be necessary for the operations and
139 effectiveness of the district.

140 Section 10 ~~11~~. Record of board meetings; authority to
141 adopt policies and regulations; annual reports; budget.—

142 (1) A record shall be kept of all meetings of the board,
143 and in such meetings concurrence of a majority of the
144 commissioners present shall be necessary to any affirmative
145 action by the board.

146 (2) The board shall have the authority to adopt and amend
147 policies and regulations for the administration of the affairs
148 of the district under the terms of this act and chapters 189 and
149 191, Florida Statutes, which shall include, but not be limited
150 to, the authority to adopt the necessary policies and

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

151 regulations for the administration and supervision of the
 152 property and personnel of the district and for the prevention of
 153 fires, fire control, and rescue work within the district. Said
 154 commissioners shall have all the lawful power and authority
 155 necessary to implement the purposes for which the said fire
 156 district is created, which power and authority shall include,
 157 but not be limited to, the power to purchase all necessary fire
 158 equipment, rescue equipment, and all other equipment necessary
 159 to carry out the purposes of said fire district; to purchase all
 160 necessary real and personal property; to purchase and carry
 161 standard insurance policies on all such equipment; to employ
 162 such personnel as may be necessary to carry out the purpose of
 163 said fire district; to provide adequate insurance for said
 164 employees; to purchase and carry appropriate insurance for the
 165 protection of all firefighters and personnel as well as all
 166 equipment and personal property on loan to the district; to sell
 167 surplus real and personal property in the same manner and
 168 subject to the same restrictions as provided for such sales by
 169 counties; and to enter into contracts with qualified service
 170 providers, other fire departments, municipalities, and state and
 171 federal governmental units for the purpose of obtaining
 172 financial aid, assistance, or benefits, expanding services,
 173 providing effective mutual aid, and for otherwise carrying out
 174 the purposes of the district. The commissioners shall adopt a
 175 fiscal year for said fire district which shall be October 1 to

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

176 September 30.

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

182 Section 11 ~~12~~. Authority to enact fire prevention
 183 ordinances; appoint fire marshal; acquire land; enter contracts;
 184 establish salaries; general and special powers; authority to
 185 provide emergency medical and rescue services.—

186 (1) The board of commissioners shall have the right and
 187 power to enact fire prevention ordinances in the same manner
 188 provided for the adoption of policies and regulations in section
 189 11(2), and when the provisions of such fire prevention
 190 ordinances are determined by the board to be violated, the
 191 office of the state attorney, upon written notice of such
 192 violation issued by the board, is authorized to prosecute such
 193 person or persons held to be in violation thereof. Any person
 194 found guilty of a violation may be punished as provided in
 195 chapter 775, Florida Statutes, as a misdemeanor of the second
 196 degree. The cost of such prosecution shall be paid out of the
 197 district funds unless otherwise provided by law.

198 (2) The board shall have the power to appoint a fire
 199 marshal, who shall be a person experienced in all types of
 200 firefighting and fire prevention and who shall work with and

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

201 cooperate with the Florida State Fire Marshal in which the
 202 district is situated in the prevention of fires of all types.
 203 The district fire marshal shall be authorized to enter, at all
 204 reasonable hours, any building or premises for the purpose of
 205 making any inspection or investigation which the State Fire
 206 Marshal is authorized to make pursuant to state law and
 207 regulation. The owner, lessee, manager, or operator of any
 208 building or premises shall permit the district fire marshal to
 209 enter and inspect the building or premises at all reasonable
 210 hours. The district fire marshal shall report any violations of
 211 state fire safety law or regulations to the appropriate
 212 officials.

213 (3) The board shall have the power to acquire, by gift or
 214 purchase, lands or rights in lands, and any other property, real
 215 and personal, tangible or intangible, necessary, desirable, or
 216 convenient for carrying out the purposes of the district, and to
 217 pay any and all costs of same out of the funds of the district.

218 (4) The board shall have the power to enter into contracts
 219 or to otherwise join with any other district, city, town, the
 220 United States of America, or any agency or authority thereunder,
 221 for the purpose of expanding services, providing effective
 222 mutual aid, and accomplishing and carrying out the purposes for
 223 which the district was created and for the further purpose of
 224 specifically obtaining financial aid, assistance, or subsidy.

225 (5) The district is authorized to establish and maintain

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

226 emergency medical and rescue response services and to acquire
 227 and maintain rescue, medical, and other emergency equipment,
 228 subject to the provisions of chapter 401, Florida Statutes.

229 Section 12 ~~13~~. Annexations.—If any municipality or other
 230 fire control district annexes any land included in the district,
 231 such annexation shall follow the procedures set forth in section
 232 171.093, Florida Statutes, as amended from time to time.

233 Section 13 ~~14~~. Dissolution.—The district shall exist until
 234 dissolved in the same manner as it was created.

235 Section 14 ~~15~~. Immunity from tort liability.—

236 (1) The district and its officers, agents, and employees
 237 shall have the same immunity from tort liability as other
 238 agencies and subdivisions of the state. The provisions of
 239 chapter 768, Florida Statutes, as from time to time amended,
 240 shall apply to all claims asserted against the district.

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

245 (3) The district shall defend all claims against the
 246 commissioners, officers, agents, and employees which arise
 247 within the scope of employment or purposes of the district and
 248 shall pay all judgments against said persons, except where said
 249 persons acted in bad faith or with malicious purpose or in a
 250 manner exhibiting wanton and willful disregard of human rights,

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

251 safety, or property.

252 Section 15 ~~16~~. District expansion.—The district boundaries
253 may be extended from time to time as follows:

254 (1)(a) Land contiguous to the boundaries of the district
255 in unincorporated Santa Rosa County may be included in the
256 district when a written petition for inclusion signed and sworn
257 to by a majority of the owners of the real property within the
258 tract or tracts to be included in the district has been
259 presented to the board of commissioners and the proposal has
260 been approved by the affirmative vote of no fewer than three
261 members of the board of commissioners at a regular meeting.

262 (b) The petition must contain the legal description of the
263 property sought to be added to the district and the names and
264 addresses of the owners of the property.

265 (2) If a proposal to add an area to the district as
266 defined in subsection (1) is approved by the affirmative vote of
267 no fewer than three members of the board of commissioners at a
268 regular meeting, the board of commissioners shall thereafter
269 adopt a resolution describing the lands to be included within
270 the district and shall cause such resolution to be duly enrolled
271 in the record of the meeting and a certified copy of the
272 resolution to be recorded in the Office of the Clerk of the
273 Circuit Court in Santa Rosa County.

274 (3) Upon adoption of the resolution by the board, the
275 district shall, pursuant to chapter 191, Florida Statutes,

ENROLLED

HB 1577, Engrossed 1

2024 Legislature

276 request that its legislative delegation approve said addition
 277 and sponsor legislation amending the district boundary. Upon
 278 approval by the Legislature, the boundary shall be amended.

279 (4) Lands within municipal boundaries of cities contiguous
 280 to district boundaries may be included in the district upon
 281 request by the governing board of the municipality, approval of
 282 said request by affirmative vote of no fewer than three members
 283 of the district board, and referendum approval of inclusion by
 284 the electors of the municipality whose residences are located
 285 within the proposed amended boundary of the district. The
 286 referendum shall be conducted by the municipality at the next
 287 available special or general election. Upon approval by the
 288 Legislature, the boundary shall be amended.

289 Section 2. Notwithstanding s. 191.009, Florida Statutes,
 290 or any other provision of law, the Board of Commissioners of the
 291 Midway Fire District may adopt an initial levy of a non-ad
 292 valorem assessment, subject to the rate limitations set forth in
 293 section 1 of this act, by resolution pursuant to s. 191.011,
 294 Florida Statutes, adopted before July 1, 2024, without the need
 295 for a referendum. Future non-ad valorem assessment rates are
 296 subject to s. 191.009, Florida Statutes, and other applicable
 297 law.

298 Section 3. Except as otherwise expressly provided in this
 299 act, this act shall take effect upon becoming a law.