

By Representatives Melvin, Peaden and J. Miller

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

25

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

27

28 Section 1. This act constitutes the codification of
29 all ordinances relating to the Baker Fire District. It is the
30 intent of the Legislature in enacting this act to provide a
31 single, comprehensive special act charter for the district,

1 including all current legislative enactments and any
2 additional authority granted by this act.

3 Section 2. The Baker Fire District is re-created and
4 reenacted to read:

5 Section 1. Creation; intent.--The Baker Fire District
6 is recreated as an independent fire control district which
7 shall operate pursuant to this special act and the provisions
8 of chapter 191, Florida Statutes, the Independent Special Fire
9 Control District Act, as it may be amended from time to time,
10 and all other general laws, whether referenced herein or not,
11 which are applicable to independent special districts.

12 Section 2. Creation; boundaries.--

13 (1) All of the following lands in Okaloosa County
14 shall be incorporated as an independent special fire control
15 district, which shall be a public municipal corporation for
16 the public benefit, with perpetual existence, to be known as
17 the Baker Fire District, in which name it may sue and be sued,
18 and lease, own, possess, and convey real and personal
19 property, by purchase or gift or otherwise, to carry out the
20 purposes of this act. The lands so incorporated shall include
21 the following:

22
23 Begin at Okaloosa/Santa Rosa County line and
24 six 3/4 miles south of the Alabama State Line,
25 thence Easterly and Southeasterly on State
26 Forest Road (Peaden Bridge Road then John Riley
27 Barnhill Road) to intersect with Narrows Creek,
28 thence Easterly along Narrows Creek to
29 intersect with State Highway 189, thence run
30 North 3/4 mile along State Highway 189 to
31 intersect with State Forest Road (Shockley

1 Springs Road) thence run Easterly along State
2 Forest Road (Shockley Springs Road) to
3 intersect Bear Branch, continue East along Bear
4 Branch to intersect Yellow River, thence
5 Southerly along Yellow River to intersection
6 with Gum Creek, thence Northwesterly along Gum
7 Creek to intersect with Old River Road, thence
8 South along Old River Road for 1/4 mile to
9 intersect with Griffith Cemetery Road, thence
10 Southwesterly along Griffith Cemetery Road for
11 1 mile to intersection of North branch of Three
12 Mile Branch, thence Southerly along Three Mile
13 Branch to Mill Creek, thence Southerly along
14 South branch of Mill Creek to Garrett Mill
15 Road, thence West along Garrett Mill Road 3/8
16 mile to intersect State Highway 4, thence
17 Northwesterly along State Highway 4 to
18 intersect Keyser Mill Road, continue
19 Southwesterly along Keyser Mill Road to
20 intersect Galliver Cut off (County Road 189),
21 thence North along Galliver Cut off to
22 Lighthouse Church Road, continue West along
23 Lighthouse Church Road to Penny Creek, thence
24 Westerly along Penny Creek to Blackwater River,
25 thence Northwesterly along Blackwater River to
26 Okaloosa/Santa Rosa County Line, thence North
27 along Okaloosa/Santa Rosa County line for 10
28 miles to point of beginning. Okaloosa County,
29 Florida.
30
31

1 (2) Any lands within a municipality included in the
2 boundaries of the district as described herein shall be
3 excluded from the district and its jurisdiction. If any area,
4 tract, or parcel of land within the boundaries of the district
5 shall hereafter become annexed to a municipality, such area,
6 tract, or parcel of land shall be excluded from the district
7 effective the next January 1 following such annexation by a
8 municipality. Nothing contained in this act shall preclude any
9 municipality from annexing lands to the territorial limits of
10 the municipality even if such land is included within the
11 district.

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

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

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

21 (2) Provide standards, direction, and procedures
22 concerning the operation and governance of the special fire
23 control district known as the Baker Fire District.

24 (3) Provide greater uniformity between the Baker Fire
25 District and other independent special fire control districts.

26 (4) Provide greater uniformity in the financing
27 authority of the Baker Fire District without hampering the
28 efficiency and effectiveness of current authorized and
29 implemented methods and procedures of raising revenues.

30 (5) Improve communication and coordination between the
31 Baker Fire District and other local governments with respect

1 to short-range and long-range planning to meet the demands for
2 service delivery while maintaining fiscal responsibility.

3 (6) Provide uniform procedures for electing members of
4 the governing board of the Baker Fire District to ensure
5 greater accountability to the public.

6 Section 4. Definitions.--As used in this act:

7 (1) "Board" means the governing board of the Baker
8 Fire District.

9 (2) "District" means the Baker Fire District, an
10 independent special fire control district as defined in
11 section 191.003, Florida Statutes.

12 (3) "Elector" means a person who is a resident of the
13 Baker Fire District and is qualified to vote in a general
14 election within Okaloosa County.

15 (4) "Emergency medical service" means basic and
16 advanced life support service as defined in section 401.23,
17 Florida Statutes.

18 (5) "Rescue response service" means an initial
19 response to an emergency or accident situation, including, but
20 not limited to, a plane crash, a trench or building collapse,
21 a swimming or boating accident, or a motor vehicle accident.

22 Section 5. District board of commissioners;
23 membership, terms of office, officers, meetings.--

24 (1)(a) The business affairs of the district shall be
25 conducted and administered by a five-member board. The board
26 shall be elected in nonpartisan elections by the electors of
27 the district. Except as provided in this act, such elections
28 shall be held at a time and in a manner prescribed by law for
29 holding general elections in accordance with section 189.405,
30 Florida Statutes, and each member shall be elected for a term
31 of 4 years and serve until the member's successor assumes

1 office. Candidates for the board of the district shall qualify
2 with the Okaloosa County Supervisor of Elections. All
3 candidates may qualify by paying a filing fee of at least \$25
4 or by obtaining the signatures of at least 25 registered
5 electors of the district on petition forms provided by the
6 Supervisor of Elections, which petitions shall be submitted
7 and checked in the same manner as petitions filed by
8 nonpartisan judicial candidates pursuant to section 105.035,
9 Florida Statutes.

10 (b) The members of the board shall be elected by the
11 electors of the district in the manner provided in this
12 section. The office of each member of the board is designated
13 as being a seat on the board, distinguished from each of the
14 other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat
15 designation does not designate a geographical subdistrict.
16 Each candidate for a seat on the board shall designate, at the
17 time the candidate qualifies, the seat on the board for which
18 the candidate is qualifying. The name of each candidate who
19 qualifies for election to a seat on the board shall be
20 included on the ballot in a way that clearly indicates the
21 seat for which the candidate is a candidate. The candidate for
22 each seat who receives the most votes cast for a candidate for
23 the seat shall be elected to the board.

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

27 (3) Each elected member of the board shall assume
28 office 10 days following the member's election. Annually,
29 within 60 days after the newly elected members have taken
30 office, the board shall organize by electing from its members
31 a chair, a vice chair, a secretary, and a treasurer. The

1 positions of secretary and treasure may be held by one member.
2 Funds of the district may be disbursed only upon the order or
3 pursuant to resolution of the board. However, a petty cash
4 account may be authorized by the board. The board may give
5 the treasurer additional powers and duties that it deems
6 appropriate.

7 (4) Members of the board may each be paid a salary or
8 honorarium to be determined by at least a majority plus one
9 vote of the board, which salary or honorarium may not exceed
10 \$500 per month for each member. Special notice of any meeting
11 at which the board will consider a salary change for a board
12 member shall be published at least once, at least 14 days
13 prior to the meeting, in a newspaper of general circulation in
14 Okaloosa County. Separate compensation for the board member
15 -serving as treasurer may be authorized by like vote so long as
16 total compensation for the board member does not exceed \$500
17 per month. Members may be reimbursed for travel and per diem
18 expenses as provided in section 112.061, Florida Statutes.

19 (5) If a vacancy occurs on the board due to the
20 resignation, death, or removal of a board member or the
21 failure of anyone to qualify for a board seat, the remaining
22 members may appoint a qualified person to fill the seat until
23 the next general election, at which time an election shall be
24 held to fill the vacancy for the remaining term, if any. The
25 board shall remove any member who has three consecutive
26 unexcused absences from regularly scheduled meetings. The
27 board shall adopt a resolution defining excused and unexcused
28 absences.

29 (6) Each member shall, upon assuming office, take and
30 subscribe to the oath of office prescribed by s. 5(b), Art. II
31 of the State Constitution and section 876.05, Florida

1 Statutes. Each member, within 30 days of assuming office, must
2 give the Governor a good and sufficient surety bond in the sum
3 of \$5,000, the cost thereof being borne by the district,
4 conditioned on the member's faithful performance of his or her
5 duties of office.

6 (7) The board shall keep a permanent record book
7 entitled "Record of Proceedings of the Baker Fire District,"
8 in which the minutes of all meetings, resolutions,
9 proceedings, certificates, bonds given by commissioners, and
10 corporate acts shall be recorded. The record book shall be
11 open to inspection in the same manner as state, county, and
12 municipal records are open under chapter 119, Florida
13 Statutes, and s. 24, Art. I of the State Constitution. The
14 record book shall be kept at the office or other regular place
15 of business maintained by the board for the Baker Fire
16 District.

17 (8) All meetings of the board shall be open to the
18 public, consistent with chapter 286, Florida Statutes, section
19 189.417, Florida Statutes, and other applicable general laws.

20 (9) The officers of the board of commissioners shall
21 have the duties usually pertaining to like officers. A record
22 shall be kept of all meetings of the board in a manner
23 consistent with subsection (7), and in such meetings
24 concurrence of a majority of the commissioners shall be
25 necessary to any affirmative action by the board.

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

29 Section 6. General powers.--The district shall have
30 and the board may exercise by majority vote the following
31 powers:

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

6 (2) To provide for a pension or retirement plan for
7 its employees. In accordance with section 215.425, Florida
8 Statutes, the board may provide for an extra compensation
9 program, including a lump-sum bonus payment program, to reward
10 outstanding employees whose performance exceeds standards, if
11 the program provides that a bonus payment may not be included
12 in an employee's regular base rate of pay and may not be
13 carried forward in subsequent years.

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

17 (4) To borrow money and accept gifts, to apply for and
18 use grants or loans of money or other property from the United
19 States, the state, a unit of local government, or any person
20 for any district purposes and enter into agreements required
21 in connection therewith, and to hold, use, sell, and dispose
22 of such moneys or property for any district purpose in
23 accordance with the terms of the gift, grant, loan, or
24 agreement relating thereto.

25 (5) To adopt resolutions and procedures prescribing
26 the powers, duties, and functions of the officers of the
27 district, the conduct of the business of the district, the
28 maintenance of records, and the form of other documents and
29 records of the district. The board may also adopt ordinances
30 and resolutions that are necessary to conduct district
31 business, if such ordinances do not conflict with any

1 ordinances of a local general purpose government within whose
2 jurisdiction the district is located. Any resolution or
3 ordinance adopted by the board and approved by referendum vote
4 of district electors may only be repealed by referendum vote
5 of district electors.

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

9 (7) To acquire, by purchase, lease, gift, dedication,
10 devise, or otherwise, real and personal property or any estate
11 therein for any purpose authorized by this act and to trade,
12 sell, or otherwise dispose of surplus real or personal
13 property. The board may purchase equipment by an installment
14 sales contract if funds are available to pay the current
15 year's installments on the equipment and to pay the amounts
16 due that year on all other installments and indebtedness.

17 (8) To hold, control, and acquire by donation or
18 purchase any public easement, dedication to public use,
19 platted reservation for public purposes, or reservation for
20 those purposes authorized by this act and to use such
21 easement, dedication, or reservation for any purpose
22 authorized by this act consistent with applicable adopted
23 local government comprehensive plans and land development
24 regulations.

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

30 (10) To borrow money and issue bonds, revenue
31 anticipation notes, or certificates payable from and secured

1 by a pledge of funds, revenues, taxes and assessments,
2 warrants, notes, or other evidence of indebtedness, and to
3 mortgage real and personal property when necessary to carry
4 out the district's duties and authority under this act.

5 (11) To charge user and impact fees authorized by
6 resolution of the board, in amounts necessary to conduct
7 district activities and services, and to enforce their receipt
8 and collection in the manner prescribed by resolution and
9 authorized by law. However, the imposition of impact fees may
10 only be authorized as provided by section 9(4).

11 (12) To exercise the right and power of eminent
12 domain, pursuant to chapter 73 or chapter 74, Florida
13 Statutes, over any property within the district, except
14 municipal, county, state, special district, or federal
15 property used for a public purpose, for the uses and purposes
16 of the district relating solely to the establishment and
17 maintenance of fire stations and fire substations,
18 specifically including the power to take easements that serve
19 such facilities consistent with applicable adopted local
20 government comprehensive plans and land development
21 regulations.

22 (13) To cooperate or contract with other persons or
23 entities, including other governmental agencies, as necessary,
24 convenient, incidental, or proper in connection with providing
25 effective mutual aid and furthering any power, duty, or
26 purpose authorized by this act.

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

30 (15) To impose and foreclose non-ad valorem assessment
31 liens as provided by this act or to impose, collect, and

1 enforce non-ad valorem assessments pursuant to chapter 197,
2 Florida Statutes.

3 (16) To select as a depository for its funds any
4 qualified public depository as defined in section 280.02,
5 Florida Statutes, which meets all the requirements of chapter
6 280, Florida Statutes, and has been designated by the State
7 Treasurer as a qualified public depository, upon such terms
8 and conditions as to the payment of interest upon the funds
9 deposited as the board deems just and reasonable.

10 (17) To provide adequate insurance on all real and
11 personal property, equipment, employees, volunteer
12 firefighters, and other personnel.

13 (18) To organize, participate in, and contribute
14 monetarily to organizations or associations relating to the
15 delivery of or improvement of fire control, fire prevention,
16 and emergency rescue services, or district administration.

17 (19) To promulgate and enforce reasonable fire
18 regulations by resolution.

19 Section 7. Exemption from taxation.--Since the
20 exercise of the powers conferred by this act constitutes
21 action by a political subdivision performing essential public
22 functions and since the property of the district constitutes
23 public property used for public purposes, all assets and
24 properties of the district, including property acquired
25 through the foreclosure of any tax or assessment lien, are
26 exempt from all taxes imposed by the state or any political
27 subdivision, agency, or instrumentality of the state.

28 Section 8. Special powers.--The Baker Fire District
29 shall provide for fire suppression and prevention by
30 establishing and maintaining fire stations and fire
31 substations and acquiring and maintaining such firefighting

1 and fire protection equipment deemed necessary to prevent or
2 fight fires. All construction shall be in compliance with
3 applicable state, regional, and local regulations, including
4 adopted comprehensive plans and land development regulations.

5 The board shall have and may exercise any or all of the
6 following special powers relating to facilities and duties
7 authorized by this act:

8 (1) To establish and maintain emergency medical and
9 rescue response services and acquire and maintain rescue,
10 medical, and other emergency equipment, pursuant to the
11 provisions of chapter 401, Florida Statutes, and any
12 certificate of public convenience and necessity or its
13 equivalent issued thereunder.

14 (2) To employ, train, and equip such personnel, and
15 train, coordinate, and equip such volunteer firefighters, as
16 are necessary to accomplish the duties of the district. The
17 board may employ and fix the compensation of a fire chief or
18 chief administrator. The board shall prescribe the duties of
19 such person, which shall include supervision and management of
20 the operations of the district and its employees and
21 maintenance and operation of its facilities and equipment. The
22 fire chief or chief administrator may employ or terminate the
23 employment of such other persons, including, without
24 limitation, professional, supervisory, administrative,
25 maintenance, and clerical employees, as are necessary and
26 authorized by the board. The compensation and other conditions
27 of employment of the officers and employees of the district
28 shall be provided by the board.

29 (3) To conduct public education to promote awareness
30 of methods to prevent fires and reduce the loss of life and
31 property from fires or other public safety concerns.

1 (4) To adopt and enforce fire safety standards and
2 codes and enforce the rules of the State Fire Marshal
3 consistent with the exercise of the duties authorized by
4 chapter 553, Florida Statutes, or chapter 633, Florida
5 Statutes, with respect to fire suppression and prevention and
6 fire safety code enforcement.

7 (5) To conduct arson investigations and
8 cause-and-origin investigations.

9 (6) To adopt hazardous material safety plans and
10 emergency response plans in coordination with the county
11 emergency management agency as provided in chapter 252,
12 Florida Statutes.

13 (7) To contract with general purpose local government
14 for emergency management planning and services.

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

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

1 manner as county taxes. The levy of ad valorem taxes approved
2 by referendum shall be reported within 60 days after the vote
3 to the Department of Community Affairs.

4 (2) NON-AD VALOREM ASSESSMENTS.--The elected board of
5 commissioners may levy non-ad valorem assessments to provide
6 funds for the purposes of the district. The rate of such
7 assessments must be fixed by resolution of the board pursuant
8 to the procedures contained in section 10. Non-ad valorem
9 assessment rates set by the board may exceed the maximum rates
10 established by this or any prior special act, any county
11 ordinance, the previous year's resolution, or a referendum in
12 an amount not to exceed the average annual growth rate in
13 Florida personal income over the previous 5 years. Non-ad
14 valorem assessment rate increases within the personal income
15 threshold are deemed to be within the maximum rate authorized
16 by law at the time of initial imposition. Proposed non-ad
17 valorem assessment increases which exceed the rate set the
18 previous fiscal year or the rate previously set by special act
19 or county ordinance, whichever is more recent, by more than
20 the average annual growth rate in Florida personal income over
21 the last 5 years, must be approved by referendum of the
22 electors of the district. Non-ad valorem assessments shall be
23 imposed, collected, and enforced pursuant to section 10.

24 (3) USER CHARGES.--

25 (a) The board may provide a reasonable schedule of
26 charges for special emergency services, including fighting
27 fires occurring in or to structures outside the district,
28 motor vehicles, marine vessels, aircraft, or rail cars, or as
29 a result of the operation of such motor vehicles or marine
30 vessels, to which the district is called to render such
31

1 emergency service, and may charge a fee for the services
2 rendered in accordance with the schedule.

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

9 (c) The board may provide a reasonable schedule of
10 charges for responding to, assisting with, or mitigating
11 emergencies that either threaten or could threaten the health
12 and safety of persons, property, or the environment, to which
13 the district has been called, including a charge for
14 responding to false alarms.

15 (d) The board may provide a reasonable schedule of
16 charges for inspecting structures, plans, and equipment to
17 determine compliance with firesafety codes and standards.

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

21 (4) IMPACT FEES.--If the general purpose local
22 government has not adopted an impact fee for fire services
23 which is distributed to the district for construction within
24 its jurisdictional boundaries, the board may establish a
25 schedule of impact fees for new construction to pay for the
26 cost of new facilities and equipment, the need for which is in
27 whole or in part the result of new construction. The impact
28 fees collected by the district under this subsection shall be
29 kept separate from other revenues of the district and must be
30 used exclusively to acquire, purchase, or construct new
31 facilities or portions thereof needed to provide fire

1 protection and emergency services to new construction. As used
2 in this subsection, "new facilities" means land, buildings,
3 and capital equipment, including, but not limited to, fire and
4 emergency vehicles, radiotelemetry equipment, and other
5 firefighting or rescue equipment. The board shall maintain
6 adequate records to ensure that impact fees are expended only
7 for permissible new facilities or equipment. The board may
8 enter into agreements with general purpose local governments
9 to share in the revenues from fire protection impact fees
10 imposed by such governments.

11 Section 10. Procedures for the levy and collection of
12 non-ad valorem assessments.--

13 (1) The district may provide for the levy of non-ad
14 valorem assessments under this act on the lands and real
15 estate benefited by the exercise of the powers authorized by
16 this act, or any part thereof, for all or any part of the cost
17 thereof. In addition to the provisions set forth under this
18 act, the district shall also be entitled to exercise all other
19 rights and powers regarding the levy and collection of
20 additional non-ad valorem assessments as provided for under
21 chapter 191, Florida Statutes.

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

25 (a) Seventy-seven dollars annually shall be assessed
26 against commercial buildings and commercial businesses. For
27 the purpose of determining a commercial business, it is the
28 specific intent of this act to tax individual businesses which
29 are within a common building which are separated by walls,
30 partitions, or custom. The purchase of a county occupational
31 license shall be evidence of the existence of a business.

1 Apartment buildings, motels, condominiums, mobile home parks,
2 and other multiple family residences shall not be considered
3 commercial buildings.

4 (b) Each residential dwelling unit, including mobile
5 homes situated on any parcel of land within the district,
6 shall pay \$47 annually.

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

11 (3) The board of commissioners may adopt by resolution
12 the current tax assessment and collection roll compiled and
13 prepared by the tax assessor of Okaloosa County, and may adopt
14 a resolution fixing the levy on each lot or parcel of land
15 subject to taxation in the district, or may, at its
16 discretion, prepare or cause to be prepared an assessment and
17 collection roll setting forth a description of each lot or
18 parcel of land subject to taxation in the district together
19 with the amount of assessment fixed by resolution, and shall,
20 before June 1 of each year, deliver the roll to the tax
21 assessor for collection. All assessments shall be made against
22 the land subject to such assessments and the roll shall set
23 forth the names of the respective owners of such lands.

24 (4) Any property owner in the district shall have the
25 right to file a protest in writing between June 10 and 20 of
26 each year against the proposed assessments and the amount or
27 rate thereof, and to appear before the board in support of
28 such protest at an opening meeting or meetings which shall be
29 held to hear and consider such protests and make adjustments
30 to the roll.

31

1 (5) Immediately after the adjustment period the board
2 of commissioners shall adopt a resolution fixing the rate of
3 special assessment and shall note the amount of the levy
4 against each parcel of property described in the tax roll and
5 shall transmit the tax roll and a certified copy of the
6 resolution to the county tax assessor on or before July 1 each
7 year. It shall be the duty of the tax collector of Okaloosa
8 County to include in the county tax roll the assessments made
9 by the board of commissioners of the district and to collect
10 such assessments according to the assessment roll and deliver
11 the proceeds of such collection, less the statutory fee,
12 monthly to the board of commissioners, taking their receipts
13 for such funds. The tax collector shall, upon delivery of such
14 funds to the board of commissioners, furnish them with a
15 description of the lands for which such payments are made.

16 (6) Such special assessments shall be a lien upon the
17 land so assessed along with county taxes until paid and, if
18 the same become delinquent, shall be considered a part of the
19 county tax, subject to the same penalties, charges, fees, and
20 remedies for enforcement and collection and shall be enforced
21 and collected as provided by law.

22 (7) Such special assessments shall be of equal benefit
23 to all property with fire protection being provided by the
24 Baker Fire District pursuant to the provisions of this act.

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

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

29 (1) The district may issue general obligation bonds,
30 assessment bonds, revenue bonds, notes, bond anticipation
31 notes, or other evidences of indebtedness to finance all or a

1 part of any proposed improvements authorized to be undertaken
2 under this act or under general or special law, provided the
3 total annual payments for the principal and interest on such
4 indebtedness shall not exceed 50 percent of the total annual
5 budgeted revenues of the district. The bonds shall be issued
6 in such denominations, mature on such dates and in such
7 amounts, and may be subject to optional and mandatory
8 redemption as determined by resolutions adopted by the board.
9 Bonds of the district may bear interest at a fixed, floating,
10 or adjustable rate and may be issued as interest-bearing
11 bonds, interest-accruing bonds, or zero coupon bonds at such
12 rate or rates, not exceeding the maximum rate permitted by
13 general law, as determined by resolution of the board.
14 Principal and interest shall be payable in the manner
15 determined by the board. The bonds shall be signed by manual
16 or facsimile signature of the chair or vice chair of the
17 board, attested with the seal of the district and by the
18 manual or facsimile signature of the secretary or assistant
19 secretary of the board.

20 (2) The bonds shall be payable from the non-ad valorem
21 assessments or other non-ad valorem revenues, including,
22 without limitation, user fees or charges or rental income
23 authorized to be levied, collected, or received pursuant to
24 this act or general law. General obligation bonds payable from
25 ad valorem taxes may also be issued by the district, but only
26 after compliance with s. 12, Art. VII of the State
27 Constitution. Subject to referendum approval, a district may
28 pledge its full faith and credit for the payment of principal
29 and interest on such general obligation bonds and for any
30 reserve funds provided therefor and may unconditionally and
31 irrevocably pledge itself to levy ad valorem taxes on all

1 property in the district to the extent necessary for the
2 payment thereof. The district is authorized, after notice and
3 opportunity to be heard has been afforded to those affected,
4 to impose, charge, and collect non-ad valorem revenues in
5 connection with any of the improvements authorized under this
6 act and to pledge the same for the payment of bonds.

7 (3) In connection with the sale and issuance of bonds,
8 the district may enter into any contracts which the board
9 determines to be necessary or appropriate to achieve a
10 desirable effective interest rate in connection with the bonds
11 by means of, but not limited to, contracts commonly known as
12 investment contracts, funding agreements, interest rate swap
13 agreements, currency swap agreements, forward payment
14 conversion agreements, futures, or contracts providing for
15 payments based on levels of or changes in interest rates, or
16 contracts to exchange cash flows or a series of payments, or
17 contracts, including, without limitation, options, puts, or
18 calls, to hedge payment, rate, spread, or similar exposure.
19 Such contracts or arrangements may also be entered into by the
20 district in connection with, or incidental to, entering into
21 any agreement which secures bonds or provides liquidity
22 therefor. Such contracts and arrangements shall be made upon
23 the terms and conditions established by the board, after
24 giving due consideration to the credit worthiness of the
25 counter parties, where applicable, including any rating by a
26 nationally recognized rating service or any other criteria as
27 may be appropriate.

28 (4) In connection with the sale and issuance of the
29 bonds, or the entering into any of the contracts or
30 arrangements referred to in subsection (3), the district may
31 enter into such credit enhancement or liquidity agreements,

1 with such payment, interest rate, security, default, remedy,
2 and any other terms and conditions as the board shall
3 determine.

4 (5) Notwithstanding any provision of law relating to
5 the investment or reinvestment of surplus funds of any
6 governmental unit, proceeds of the bonds and any money set
7 aside or pledged to secure payment of the principal, or
8 premium, if any, and interest on the bonds, or any of the
9 contracts entered into pursuant to subsection (3), may be
10 invested in securities or obligations described in the
11 resolution providing for the issuance of bonds.

12 (6) The bonds shall be sold in any manner not
13 inconsistent with general law, shall show the purpose for
14 which they are issued, and shall be payable out of the money
15 pledged therefor. The funds derived from the sale of said
16 bonds or any contract or arrangement shall be used for the
17 purpose of paying the cost of the services or improvements and
18 such costs, expenses, fees, and salaries as may be authorized
19 by law.

20 (7) Non-ad valorem assessments or any portion thereof
21 levied to pay the principal on bonds issued pursuant to this
22 act with respect to improvements financed therewith shall not
23 exceed the benefits assessed regarding such works or
24 improvements. If the bonds are sold at a discount, the amount
25 of the discount shall be treated as interest, not as
26 principal. Premiums payable upon the redemption of bonds shall
27 also be treated as interest. Interest to accrue on account of
28 issuing bonds shall not be construed as a part of the costs of
29 the works or improvements in determining whether or not the
30 costs of making such improvements are equal to or in excess of
31 the benefits assessed. If the property appraiser and tax

1 collector deduct their fees and charges from the amount of
2 non-ad valorem assessments levied and collected, and if the
3 landowners receive the statutorily permitted discount for
4 early payment of such non-ad valorem assessments, the amount
5 of such fees, charges, and discount shall not be included in
6 the amount of non-ad valorem assessments levied by the
7 district in determining whether such assessments are equal to
8 or in excess of the benefits assessed.

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

13 (9) The principal amount of refunding bonds may be in
14 any amount not in excess of the benefits assessed against the
15 lands with respect to which the refunded bonds were issued
16 less the principal amount of the refunded bonds previously
17 paid from non-ad valorem assessments. The proceeds of such
18 refunding bonds shall be used only to pay the principal,
19 premium, if any, and interest on the bonds to be refunded and
20 any discount or expense of the sale of the refunding bonds and
21 to provide a debt service reserve fund for the refunding
22 bonds. The district may also use other available revenues to
23 pay costs associated with the issuance or administration of
24 the refunding bonds.

25 (10) Assessments shall be levied for the payment of
26 the refunding bonds in the same manner as the assessments
27 levied for the refunded bonds and the refunding bonds shall be
28 secured by the same lien as the refunded bonds, and any
29 additional interest which accrues on account of the refunding
30 bonds shall be included and added to the original assessment
31 and shall be secured by the same lien, provided any interest

1 accrued shall not be considered as a part of the cost of
2 construction in determining whether the assessment exceeds the
3 benefits assessed.

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

7 Section 12. District expansion and merger.--

8 (1) The boundaries of the district may be modified,
9 extended, or enlarged upon approval or ratification by the
10 Legislature.

11 (2) The merger of the district with all or portions of
12 other independent or dependent fire control districts is
13 effective only upon ratification by the Legislature. The
14 district may not, solely by reason of a merger with another
15 governmental entity, increase ad valorem taxes on property
16 within the original limits of the district beyond the maximum
17 established by this act, unless approved by the electors of
18 the district by referendum.

19 Section 3. If any clause, section, or provision of
20 this act shall be declared unconstitutional or invalid for any
21 reason, it shall be eliminated from this act, and the
22 remaining portion of the act shall be in full force and effect
23 and be as valid as if such invalid portion thereof had not
24 been incorporated therein.

25 Section 4. In the event of a conflict of the
26 provisions of this act with the provisions of any other act
27 the provisions of this act shall control to the extent of such
28 conflict.

29 Section 5. This act shall take effect upon becoming a
30 law.

31