

1 A bill to be entitled
2 An act relating to Okaloosa County; creating
3 and establishing an independent special
4 district in said county to be known as the
5 North Okaloosa Fire District; creating a
6 charter; describing the district; prescribing
7 its powers; providing for a board of fire
8 commissioners; providing for compensation;
9 requiring a bond; providing for terms of office
10 and for filling vacancies in office; providing
11 for meetings, minutes of meetings, and public
12 access; providing for financial matters;
13 authorizing non-ad valorem assessments;
14 authorizing the district to accept gifts and
15 donations; providing the district's fiscal
16 year; providing for collection of taxes;
17 providing limits and guidelines for
18 indebtedness of the district; prescribing
19 authorized uses of district funds; providing a
20 penalty; ratifying actions previously taken;
21 providing for a district expansion and merger;
22 providing severability; providing for a
23 referendum; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Pursuant to section 191.015, Florida
28 Statutes, this act constitutes the codification of all
29 ordinances relating to the North Okaloosa Fire District. It is
30 the intent of the Legislature in enacting this act to provide
31 a 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 North Okaloosa Fire District is created
4 as follows:

5 Section 1. Creation; boundaries.--Upon this act
6 becoming a law, all of the following lands lying in Okaloosa
7 County shall be incorporated as an independent special fire
8 control district, which shall be a public municipal
9 corporation for the public benefit, with perpetual existence,
10 to be known as the North Okaloosa Fire District, in which case
11 it may sue and be sued, lease, own, possess, and convey real
12 and personal property, by purchase or gift or otherwise, in
13 order to carry out the purposes of this act. The lands so
14 incorporated shall include the following:

15
16 Beginning at the Northeast corner of Section
17 12, Township North, Range 23 West, thence West
18 along Section lines to the Northwest corner of
19 Section 7, Township 4 North, Range 23 West, and
20 the channel of the Yellow River, thence
21 Southerly along the channel of the Yellow River
22 to the North Section line of Section 2,
23 Township 3 North, Range 24 West, thence run
24 West along Section lines to the intersection of
25 Old River Road, thence run South along Old
26 River Road to the intersection of Griffith
27 Cemetery Road, thence southwesterly along
28 Griffith Cemetery Road for 1 mile to
29 intersection of the North branch of Three Mile
30 Branch, thence Southerly along Three Mile
31 Branch to Mill Creek, thence southerly along

1 South branch of Mill Creek to Garrett Mill
 2 Road, thence West along Garrett Mill Road for
 3 approximately 3/8 miles to the intersection of
 4 Highway 4, continue North along Highway 4 for
 5 approximately 3/8 miles to the intersection of
 6 Keyser Mill Road, thence Southwest along Keyser
 7 Mill Road to Baggett Creek and the Northwest
 8 corner of Section 20, Township North, Range 24
 9 West, thence South along Section lines to the
 10 Southwest corner of Section 29, Township 3
 11 North, Range 24 West, thence East along Section
 12 lines to the channel of the Yellow River,
 13 thence Southerly along the channel of the
 14 Yellow River to the intersection of the
 15 boundary with Eglin Air Force Base, thence run
 16 14 East along Eglin Air Force Base boundary, to
 17 the Southwest corner of Section 11, Township 2
 18 North, Range 24 West, thence run North along
 19 Section line to the channel of the Shoal River,
 20 thence Easterly along the channel of the Shoal
 21 River to the intersection of the North Section
 22 line of Section 12, Township 2 North, Range 24
 23 West, thence run East along Section line to the
 24 channel of the Shoal River, thence Southerly
 25 and Easterly along the channel of the Shoal
 26 River to the intersection of the boundary of
 27 Eglin Air Force Base, thence run Easterly along
 28 the boundary line of Eglin Air Force Base to
 29 the Southeast corner of Section 1, Township 2
 30 North, Range 23 West, thence run North along
 31 Section lines to the North right-of-way

1 boundary of Interstate 10, thence run West
2 along said North right-of-way boundary of
3 Interstate 10 to the channel of the Shoal
4 River, thence Easterly and Northerly along
5 channel of Shoal River to the East Section line
6 of Section 1, Township 3 North, Range 23 West,
7 thence along Section lines to the Point of
8 Beginning, less and except the City Limits of
9 the Town of Crestview, Okaloosa County,
10 Florida. Also described as all of the
11 following property less and except the City
12 Limits of the Town of Crestview, Okaloosa
13 County, Florida, All of Sections 7, 8, 9, 10,
14 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
15 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
16 35, 36, in Township 4 North, Range 23 West; All
17 of Sections 12, 13, 24, 25, 35, 36, in Township
18 4 North, Range 24 West; All of Sections 2, 3,
19 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 18, 19, 20,
20 21, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,
21 and that portion of Sections 1, 12, 13, 14, 23
22 West of the Shoal River and that portion of
23 section 26 that is both West of the Shoal River
24 and South of Interstate 10, in Township 3
25 North, Range 23 West; All of Sections 1, 2, 10,
26 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26,
27 27, 28, 29, 34, 35, 36, all of Section 3 except
28 that portion that is both West of Old River
29 Road and North of Griffith Cemetery Road, that
30 portion of Section 4 both East of Griffith
31 Cemetery Road, and South of Buck Ward Road,

1 that portion of Section 5 South of Buck Ward
2 Road and East of North branch of Three Mile
3 Branch, that portion of Section 9 East of Three
4 Mile Branch and South of Mill Creek, and that
5 portion of Section 17 both East of Keyser Mill
6 Road and South of Garrett Mill Road, that
7 portion of Section 33 East of the Yellow River,
8 in Township 3 North, Range 24 West; all of
9 Sections 1, 2, 3, 4, 5, 6, and that portion of
10 section 7 North of the Shoal River, in Township
11 2 North, Range 23 West; All of Sections 1, 2,
12 3, 10, and those portions of Sections 4 and 9
13 East of the Yellow River, and that portion of
14 Section 11 North of the Shoal River, in
15 Township 2 North, Range 24 West.

16
17 Any federal lands or lands located within the described
18 boundaries of the City of Crestview are excluded from the
19 district. If any portion of the district is annexed into a
20 municipality or becomes part of another fire district, the
21 North Okaloosa Fire District shall be entitled to receive all
22 revenues, including non-ad valorem assessments and impact fees
23 generated from that property in the calendar year of
24 annexation, i.e., January 1 through December 31.

25 Section 2. District; powers.--The district is an
26 independent special fire control district under chapter 191,
27 Florida Statutes. The provisions of that chapter, specifically
28 including sections 191.006 and 191.008, Florida Statutes,
29 prescribing general and special powers, apply to the district,
30 but if any provision of that chapter conflicts with this act,
31 the provisions of this act control.

1 Section 3. Board of Fire Commissioners.--The business
2 and affairs of the district shall be conducted and
3 administered by a board of five commissioners. Each member of
4 the board must, at the time of qualifying for and during the
5 term of office, be an elector of Okaloosa County, a resident
6 of the district, and, if elected from a geographic area, a
7 resident of that geographic area. The board shall elect from
8 its number a chair, vice chair, and secretary-treasurer
9 annually in October. Such officers shall have the duties
10 usually pertaining to like officers. Members of the board
11 shall receive a stipend of \$250 a month, and are entitled to
12 reimbursement for expenses incurred in the conduct of their
13 official duties. Each member of the board, before entering
14 upon the duties of that office, shall execute to the Governor
15 for the benefit of the district a good and sufficient bond in
16 the sum of \$1,000, conditioned to faithfully perform the
17 duties of that office and to account for all funds of the
18 district which come into his or her hands. The premium of the
19 bond shall be paid from funds of the district. Special notice
20 of any meeting at which the board will consider a salary
21 change for a board member shall be published at least once, at
22 least 14 days prior to the meeting, in a newspaper of general
23 circulation in Okaloosa County. Separate compensation for the
24 board member serving as treasurer may be authorized by like
25 vote, so long as total compensation for the board member does
26 not exceed \$500 per month. Members may be reimbursed for
27 travel and per diem expense as provided in section 112.061,
28 Florida Statutes.

29 Section 4. Fire commissioners; terms of office;
30 vacancies.--Each fire commissioner shall serve a term of 4
31 years and shall be eligible for reelection. Each commissioner

1 shall continue to hold office until the expiration of the term
2 to which he or she was elected. The North Okaloosa Fire
3 District shall be divided into four separate geographic areas.
4 One commissioner, who must reside in the geographic area,
5 shall be elected from each geographic area by a vote of all
6 electors residing in the North Okaloosa Fire District and
7 voting in the general election. One commissioner, who must
8 reside in the North Okaloosa Fire District geographic area and
9 may reside in any geographic area within the district, shall
10 be elected by a vote of all electors residing in the North
11 Okaloosa Fire District and voting in the general election. The
12 boundaries of the four separate geographic areas shall be set
13 by the fire commissioners based on geographic and population
14 criteria, with due consideration given to the location of the
15 district fire stations and precinct lines. If an office
16 becomes vacant, the vacancy shall be filled by appointment by
17 the remaining members of the board for the unexpired portion
18 of the term. A person appointed to fill a vacancy must meet
19 the same qualifications as candidates for election. The Board
20 of Fire Commissioners shall be the sole, exclusive, and final
21 arbitrator of the right of an individual to serve as fire
22 commissioner.

23 Section 5. Meetings; minutes.--A record shall be kept
24 of all meetings of the board. In any meeting, the concurrence
25 of a majority of the members of the board is necessary for any
26 action by the board. Meetings of the board and minutes of
27 meetings are open to the public in conformance with section
28 286.011, Florida Statutes, or its successors.

29 Section 6. Financial matters.--The board may levy a
30 non-ad valorem assessment on taxable property within the
31 district. The initial schedule shall be as follows: \$10 for 5

1 or less acres of vacant land; an additional \$2 per acre for
2 each acre or portion thereof up to a maximum of \$70 for 35
3 acres or more; \$75 for a single-family residence; \$94 for
4 special commercial property; \$188 for all other commercial
5 property; and \$250 for trailer parks from 2 to 9 units and an
6 additional \$200 for each 10 trailers or portion thereof. These
7 amounts may be increased as provided by statute or by 3
8 percent per annum, whichever provides greater revenue to the
9 district. If the rate increase is to be greater than the
10 amount provided in the statute, the increase must be approved
11 by a unanimous vote of the board. The non-ad valorem
12 assessment authorized by this section shall become a lien on
13 the property so assessed until paid. If the assessment lien
14 becomes delinquent, it shall be subject to the same penalties,
15 charges, and fees for enforcement and collection as county
16 non-ad valorem assessments and shall be enforced and collected
17 as provided by law, including attorney fees. The district's
18 non-ad valorem assessments shall be a first lien superior in
19 dignity to all other liens except liens for county ad valorem
20 taxes. The board may accept gifts and donations and may carry
21 on community projects for fundraising purposes. The fiscal
22 year of the district shall run from October 1 until September
23 30 of the following year.

24 Section 7. Taxes; collection.--The Board of Fire
25 Commissioners shall notify the Okaloosa County Property
26 Appraiser annually of assessments that the board has imposed
27 on each parcel of property within the district, and the
28 property appraiser shall include these taxes in the notice of
29 proposed property taxes and adopted non-ad valorem assessments
30 for the properties within the district.

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1 Section 8. Indebtedness.--The Board of Fire
2 Commissioners may borrow money for the purposes of the
3 district. The total principal and interest that may be
4 outstanding may not exceed 50 percent of the total assessment
5 roll. The board may pledge collections on such roll and may
6 give tax anticipation notes, which shall be the sole security
7 for such loans. Neither the district nor any commissioner
8 shall be personally liable for such a loan or any part
9 thereof. If there is a pledge of collections on the district
10 assessment roll, it is the duty of the board, upon collection
11 of the roll so pledged, to apply the first proceeds thereof to
12 the payment of principal and interest on the loan for which
13 the assessment was pledged. Except as provided herein, the
14 board may not create indebtedness or incur obligations for any
15 sum that it is unable to pay out of district funds then in its
16 possession.

17 Section 9. Use of funds.--Funds of the district may
18 not be used for any purpose other than for the administration
19 of the affairs and business of the district; for the
20 construction, care, maintenance, upkeep, operations, and
21 purchase of standard firefighting equipment, which must meet
22 the requirements of the underwriters' association; for
23 construction and maintenance of fire stations, installation of
24 fire hydrants, and payment of public utilities, such as
25 electricity and water; for the salary of one or more
26 firefighters; and for such other expenses as the board
27 determines to be in the best interest of the district.

28 Section 10. Penalty.--Any person who violates any
29 provision of this act or any rule adopted pursuant to this act
30 commits a misdemeanor of the second degree, punishable as
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1 provided in section 775.082 or section 775.083, Florida
2 Statutes.

3 Section 11. Ratification of prior acts.--All acts of
4 the Board of Fire Commissioners of the North Okaloosa Fire
5 District which were taken before the effective date of this
6 act are ratified and confirmed.

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, except that any tract of land, regardless of size
11 or number of parcels, may be annexed by contract or agreement
12 between the district and all property owners thereof. Such
13 property owners shall first file a petition with the Board of
14 Fire Commissioners of the district stating their intention
15 that such land be annexed, describing the boundaries thereof,
16 and requesting a public hearing. It shall be the duty of the
17 board to set a date for a hearing of such petition and to
18 publish a notice of hearing once a week for 2 consecutive
19 weeks in some newspaper published or circulated in the
20 district and in the area proposed to be annexed, the first
21 notice of which shall appear at least 14 days prior to the
22 hearing. The notice shall state in general terms the matters
23 contained in the petition but must specifically state the
24 lands to be annexed. On the date set for the hearing, the
25 board may hear any evidence from the property owners who filed
26 such petition and shall hear from all persons in opposition
27 thereto. Upon a finding that the annexation of such property
28 is in the best interest of the development of the district,
29 the board may, by resolution duly passed, declare its
30 intention to annex such tract of land to the district
31 according to the terms and conditions of the petition. Thirty

1 days after the approval of the resolution by the board and the
2 petitioners, the tract of land shall be annexed to the
3 district.

4 (2) The merger of the district with all or portions of
5 other independent special districts or dependent fire control
6 districts is effective only upon ratification by the
7 Legislature. The district may not, solely by reason of a
8 merger with another governmental entity, increase ad valorem
9 taxes on property within the original limits of the district
10 beyond the maximum established by the district's enabling
11 legislation, unless approved by the electors of the district
12 by referendum.

13 Section 3. In the event any section or provision of
14 this act is determined to be invalid or unenforceable, such
15 determination shall not affect the validity of or
16 enforceability of each other section and provision of this
17 act.

18 Section 4. In the event of a conflict of the
19 provisions of this act with the provisions of any other act
20 the provisions of this act shall control to the extent of such
21 conflict.

22 Section 5. This act shall take effect only upon its
23 approval by a majority vote of those qualified electors of the
24 district voting in a referendum election to be called by the
25 Board of Fire Commissioners of the North Okaloosa Fire
26 District and to be held within 2 years after the date this
27 section becomes a law, in accordance with the provisions of
28 law relating to elections currently in force, except that this
29 section shall take effect upon becoming a law.

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