



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to Midway Fire District, formerly Midway Fire Protection District, Santa Rosa County; providing for codification of special laws relating to the district; amending, codifying, reenacting, and repealing all prior special acts; providing definitions; providing for creation, status, charter amendments, boundaries, and district purposes; providing for a board of commissioners and powers, duties, and responsibilities thereof; providing for election of officers; providing for compensation and execution of bonds; preserving authority to levy ad valorem taxes, non-ad valorem assessments, and impact fees; providing powers and authority; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; authorizing the board to enact fire prevention ordinances, appoint a fire marshal, acquire land, enter



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29 | contracts, and operate a fire rescue service; providing
30 | for annexation of district lands; providing for
31 | dissolution; providing immunity from tort liability for
32 | officers, agents, and employees; providing for district
33 | expansion; providing for construction and effect;
34 | repealing chapters 80-607, 82-377, and 90-425, Laws of
35 | Florida; providing an effective date.

36 |
37 | Be It Enacted by the Legislature of the State of Florida:
38 |

39 | Section 1. Pursuant to section 191.015, Florida Statutes,
40 | this act constitutes the codification of all special acts
41 | relating to Midway Fire District, formerly the Midway Fire
42 | Protection District, located in Santa Rosa County. It is the
43 | intent of the Legislature to provide a single, comprehensive
44 | special act charter for the district, including all current
45 | legislative authority granted to the district by its several
46 | legislative enactments and any additional authority granted by
47 | this act and chapters 189 and 191, Florida Statutes, as amended
48 | from time to time. It is further the intent of this act to
49 | preserve all district authority, including the authority to
50 | annually assess and levy against the taxable property in the
51 | district an ad valorem tax not to exceed the limit provided in
52 | the district's prior special acts, chapters 80-607, 82-377, and
53 | 90-425, Laws of Florida, and chapter 191, Florida Statutes, as
54 | amended from time to time.

55 | Section 2. Chapters 80-607, 82-377, and 90-425, Laws of
56 | Florida, relating to Midway Fire District, formerly Midway Fire



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57 Protection District, are amended, codified, reenacted, and
58 repealed as provided herein.

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

61 Section 1. Definitions.--As used in this act, unless
62 otherwise specified:

63 (1) "District" means the Midway Fire District.

64 (2) "Board" means the board of commissioners created
65 pursuant to this act and chapter 191, Florida Statutes.

66 (3) "Commissioner" means a member of the board of
67 commissioners of and for the district.

68 (4) "Residence" means one single-family dwelling,
69 including one single-apartment dwelling unit, one single-
70 condominium dwelling unit, one single-duplex, triplex, or other
71 attached dwelling unit, one single-family detached dwelling
72 unit, or one single-mobile or modular home dwelling unit.

73 (5) "Business" means motels or apartments, standard
74 commercial or industrial businesses such as gasoline stations,
75 stores, marinas, and similar establishments, as authorized
76 pursuant to the applicable local government comprehensive plan.

77 Section 2. Creation; status; charter amendments;
78 boundaries; district purposes.--There is hereby created an
79 independent special taxing fire protection and rescue service
80 district incorporating lands in Santa Rosa County described in
81 subsection (1) which shall be a public corporation having the
82 powers, duties, obligations, and immunities herein set forth,
83 under the name of the Midway Fire District. The district is
84 organized and exists for all purposes, and shall hold all



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85 powers, set forth in this act and chapters 189 and 191, Florida
86 Statutes.

87 (1) The lands to be included within the district are the
88 following described lands in Santa Rosa County:

89
90 Begin at a point where the east line of Section 4,
91 Township 2 South, Range 27 West, Santa Rosa County,
92 Florida, meets the southern waters edge of East Bay;
93 thence go South along the East line of Section 4 to a
94 nail & disk #6679 in the center of State Road 399
95 (East Bay Blvd.), said point known as Point "A";
96 thence continue south along the east line of Sections
97 4, 9, 16, 21, and 28 of said township and range to a
98 nail & disk #6679 in the center of Tidewater Drive;
99 said point known as Point "B"; thence continue south
100 along the East Line of Section 28 to the Northern
101 Waters edge of Santa Rosa Sound; thence go westerly
102 along said waters edge to a point of intersection with
103 the eastern boundary of the city limits of the City of
104 Gulf Breeze, Florida; said point being an 8 inch
105 square concrete monument and known as point "C";
106 thence go northwesterly along said eastern line being,
107 also being the east line of Section 2, Township 3
108 South, Range 29 West, and the east line of Section 34,
109 Township 2 South, Range 29 West to the Northeast
110 Corner of said Section 34; thence go westerly along
111 the North Line of said Section 34 also being said city
112 limits line to a 2 ½ capped pipe known as point "D"



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113 thence continue westerly along said line approximately
114 2000 feet to the aforesaid southern waters edge of
115 east bay; thence go easterly along said waters edge to
116 the point of beginning.

117
118 (2) The purpose of this act is to promote the health,
119 welfare, and safety of the citizens and residents of Santa Rosa
120 County who reside within the geographical limits of that area
121 known as the Midway Fire District, by providing for:
122 firefighting equipment; the establishment and maintenance of
123 fire stations and fire substations; the acquisition and
124 maintenance of all firefighting and protection equipment
125 necessary for the prevention of fires or fighting of fires; the
126 employment and training of such personnel as may be necessary to
127 accomplish fire prevention and firefighting; the establishment
128 and maintenance of emergency service; the acquisition and
129 maintenance of rescue and other emergency equipment; and the
130 employment and training of necessary emergency personnel. The
131 district may provide Advanced Life Support services within the
132 district's boundaries. The district shall have all other powers
133 necessary to carry out the purposes of the district as otherwise
134 provided by law, including, but not limited to, the power to
135 adopt all necessary measures, rules, and regulations and
136 policies relating to said purposes.

137 (3) Nothing herein shall prevent the district from
138 cooperating with the state or other local governments to render
139 such services to communities adjacent to the land described in



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140 this section, or such other places as from time to time may be
141 deemed desirable.

142 (4) The district was created by special act of the
143 Legislature in 1982. Its charter may be amended only by special
144 act of the Legislature.

145 Section 3. Board of commissioners.--

146 (1) Pursuant to chapter 191, Florida Statutes, the
147 business and affairs of the district shall be governed and
148 administered by a board of five commissioners, who shall serve a
149 term of four years each, subject to the provisions of chapter
150 191, Florida Statutes, and this act. Each commissioner shall
151 hold office until his or her successor is elected and qualified
152 under the provisions of this act. The procedures for conducting
153 district elections and for qualification of candidates and
154 electors shall be pursuant to chapters 189 and 191, Florida
155 Statutes, as they may be amended from time to time.

156 (2) The board may employ such personnel as deemed
157 necessary for the proper function and operation of a fire
158 department. The salaries of fire department and emergency
159 service personnel, and any other wages, shall be determined by
160 the board.

161 Section 4. Officers; board compensation; bond.--

162 (1) In accordance with chapter 191, Florida Statutes, each
163 elected member of the board shall assume office 10 days
164 following the member's election. Annually, within 60 days after
165 the election of new members of said board, the members shall
166 organize by electing from their number a chair, vice chair,
167 secretary, and treasurer. However, the same member may be both



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168 secretary and treasurer, in accordance with chapter 191, Florida
169 Statutes, as amended from time to time.

170 (2) The commissioners shall receive reimbursement for
171 actual expenses incurred while performing the duties of their
172 offices in accordance with general law governing per diem for
173 public officials.

174 (3) Each commissioner, upon taking office and in
175 accordance with chapters 189 and 191, Florida Statutes, shall
176 execute to the Governor, for the benefit of the district, a bond
177 conditioned upon the faithful performance of the duties of the
178 commissioner's office. The premium for such bonds shall be paid
179 from district funds.

180 Section 5. Powers; duties; responsibilities.--

181 (1) The district shall have and the board may exercise all
182 the powers and duties set forth in this act, and chapters 189,
183 191, and 197, Florida Statutes, as they may be amended from time
184 to time, including, but not limited to, ad valorem taxation,
185 bond issuance, other revenue-raising capabilities, budget
186 preparation and approval, liens and foreclosure of liens, use of
187 tax deeds and tax certificates as appropriate for non-ad valorem
188 assessments, and contractual agreements. The district may be
189 financed by any method established in this act or chapter 189 or
190 chapter 191, Florida Statutes, as amended from time to time.

191 (2) The board shall continue to have the right, power, and
192 authority to levy annually an ad valorem tax against the taxable
193 real estate within the district to provide funds for the
194 purposes of the district as authorized by chapters 80-607, 82-
195 377, and 90-425, Laws of Florida, in an amount not to exceed the



196 limit provided in chapter 191, Florida Statutes, as amended from
 197 time to time. Although the district is authorized to levy a
 198 maximum millage rate as provided for in section 191.009(1),
 199 Florida Statutes, the district must receive referendum approval,
 200 as required by the State Constitution and section 191.009,
 201 Florida Statutes, for any increased millage rate above such rate
 202 that has been previously authorized by a special act and
 203 approved by referendum.

204 (3) The methods for assessing and collecting non-ad
 205 valorem assessments, fees, or service charges shall be as set
 206 forth in this act, chapter 170, chapter 189, chapter 191, or
 207 chapter 197, Florida Statutes, as amended from time to time.

208 (4) The district shall levy and collect ad valorem taxes
 209 in accordance with chapter 200, Florida Statutes, as amended
 210 from time to time.

211 (5) The district is authorized to levy and enforce non-ad
 212 valorem assessments in accordance with chapters 170, 189, 191,
 213 and 197, Florida Statutes, as amended from time to time.

214 (6) The district's planning requirements shall be as set
 215 forth in this act and chapters 189 and 191, Florida Statutes, as
 216 amended from time to time.

217 (7) Requirements for financial disclosure, meeting
 218 notices, reporting, public records maintenance, and per diem
 219 expenses for officers and employees shall be as set forth in
 220 this act and chapters 112, 119, 189, 191, and 286, Florida
 221 Statutes, as amended from time to time.

222 Section 6. Impact fees.--



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223 (1) Pursuant to section 191.009(4), Florida Statutes, it
224 is hereby declared that the cost of new facilities upon fire
225 protection and emergency service should be borne by new users of
226 the district's services to the extent new construction requires
227 new facilities, but only to that extent. It is the legislative
228 intent of this section to transfer to the new users of the
229 district's fire protection and emergency services a fair share
230 of the costs that new users impose on the district for new
231 facilities. This section shall only apply in the event that the
232 general purpose local government in which the district is
233 located has not adopted an impact fee for fire services which is
234 distributed to the district for construction within its
235 jurisdictional boundaries.

236 (2) The impact fees collected by the district pursuant to
237 this section shall be kept as a separate fund from other
238 revenues of the district and shall be used exclusively for the
239 acquisition, purchase, or construction of new facilities or
240 portions thereof required to provide fire protection and
241 emergency service to new construction. "New facilities" means
242 land, buildings, and capital equipment, including, but not
243 limited to, fire and emergency vehicles and radio telemetry
244 equipment. The fees shall not be used for the acquisition,
245 purchase, or construction of facilities which must be obtained
246 in any event, regardless of growth within the district. The
247 board of fire commissioners shall maintain adequate records to
248 ensure that impact fees are expended only for permissible new
249 facilities.



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250 Section 7. Ad valorem taxes a lien.--The taxes levied and
251 assessed by the district shall be a lien upon the land so
252 assessed along with the county taxes assessed against such land
253 until said assessments and taxes have been paid, and if the
254 taxes levied by the district become delinquent, such taxes shall
255 be considered a part of the county tax subject to the same
256 penalties, charges, fees, and remedies for enforcement and
257 collection and shall be enforced and collected as provided by
258 general law for the collection of such taxes.

259 Section 8. Deposit of taxes, assessments, fees; authority
260 to disburse funds.--

261 (1) The funds of the district shall be deposited in
262 qualified public depositories, in accordance with chapters 191
263 and 280, Florida Statutes, as they may be amended from time to
264 time.

265 (2) All warrants for the payment of labor, equipment, and
266 other expenses of the board, and in carrying into effect this
267 act and the purposes thereof, shall be payable by the treasurer
268 of the board on accounts and vouchers approved and authorized by
269 the board.

270 Section 9. Authority to borrow money.--

271 (1) The board of commissioners shall have the power and
272 authority to borrow money or issue other evidences of
273 indebtedness for the purpose of the district in accordance with
274 chapters 189 and 191, Florida Statutes, as amended from time to
275 time; provided, however, that the total payments in any one
276 year, including principal and interest, on any indebtedness
277 incurred by the district shall not exceed 50 percent of the



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278 total annual budgeted revenues of the district for the year in
279 which said payments are to be made.

280 (2) The board of commissioners shall not be personally or
281 individually liable for the repayment of such loan. Such
282 repayment shall be made out of the tax receipts of the district
283 except as provided in this subsection. The commissioners shall
284 not create any indebtedness or incur obligations for any sum or
285 amount which they are unable to repay out of district funds then
286 in their hands except as otherwise provided in this act;
287 provided, however, that the commissioners may make purchases of
288 equipment on an installment basis as necessary if funds are
289 available for the payment of the current year's installment on
290 such equipment plus the amount due in that year of any other
291 installments and the repayment of any bank loan or other
292 existing indebtedness which may be due in that year.

293 Section 10. Use of district funds.--No funds of the
294 district shall be used for any purposes other than the
295 administration of the affairs and business of the district; the
296 construction, care, maintenance, upkeep, operation, and purchase
297 of firefighting and rescue equipment or a fire station or
298 stations; the payment of public utilities; and the payment of
299 salaries of district personnel as the board may from time to
300 time determine to be necessary for the operations and
301 effectiveness of the district.

302 Section 11. Record of board meetings; authority to adopt
303 policies and regulations; annual reports; budget.--

304 (1) A record shall be kept of all meetings of the board,
305 and in such meetings concurrence of a majority of the



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306 commissioners present shall be necessary to any affirmative
307 action by the board.

308 (2) The board shall have the authority to adopt and amend
309 policies and regulations for the administration of the affairs
310 of the district under the terms of this act and chapters 189 and
311 191, Florida Statutes, which shall include, but not be limited
312 to, the authority to adopt the necessary policies and
313 regulations for the administration and supervision of the
314 property and personnel of the district and for the prevention of
315 fires, fire control, and rescue work within the district. Said
316 commissioners shall have all the lawful power and authority
317 necessary to implement the purposes for which the said fire
318 district is created, which power and authority shall include,
319 but not be limited to, the power to purchase all necessary fire
320 equipment, rescue equipment, and all other equipment necessary
321 to carry out the purposes of said fire district; to purchase all
322 necessary real and personal property; to purchase and carry
323 standard insurance policies on all such equipment; to employ
324 such personnel as may be necessary to carry out the purpose of
325 said fire district; to provide adequate insurance for said
326 employees; to purchase and carry appropriate insurance for the
327 protection of all firefighters and personnel as well as all
328 equipment and personal property on loan to the district; to sell
329 surplus real and personal property in the same manner and
330 subject to the same restrictions as provided for such sales by
331 counties; and to enter into contracts with qualified service
332 providers, other fire departments, municipalities, and state and
333 federal governmental units for the purpose of obtaining



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334 financial aid, assistance, or benefits, expanding services,
335 providing effective mutual aid, and for otherwise carrying out
336 the purposes of the district. The commissioners shall adopt a
337 fiscal year for said fire district which shall be October 1 to
338 September 30.

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

344 Section 12. Authority to enact fire prevention ordinances;
345 appoint fire marshal; acquire land; enter contracts; establish
346 salaries; general and special powers; authority to provide
347 emergency medical and rescue services.--

348 (1) The board of commissioners shall have the right and
349 power to enact fire prevention ordinances in the same manner
350 provided for the adoption of policies and regulations in section
351 11(2), and when the provisions of such fire prevention
352 ordinances are determined by the board to be violated, the
353 office of the state attorney, upon written notice of such
354 violation issued by the board, is authorized to prosecute such
355 person or persons held to be in violation thereof. Any person
356 found guilty of a violation may be punished as provided in
357 chapter 775, Florida Statutes, as a misdemeanor of the second
358 degree. The cost of such prosecution shall be paid out of the
359 district funds unless otherwise provided by law.

360 (2) The board shall have the power to appoint a fire
361 marshal, who shall be a person experienced in all types of



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362 firefighting and fire prevention and who shall work with and
363 cooperate with the Florida State Fire Marshal in which the
364 district is situated in the prevention of fires of all types.
365 The district fire marshal shall be authorized to enter, at all
366 reasonable hours, any building or premises for the purpose of
367 making any inspection or investigation which the State Fire
368 Marshal is authorized to make pursuant to state law and
369 regulation. The owner, lessee, manager, or operator of any
370 building or premises shall permit the district fire marshal to
371 enter and inspect the building or premises at all reasonable
372 hours. The district fire marshal shall report any violations of
373 state fire safety law or regulations to the appropriate
374 officials.

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

380 (4) The board shall have the power to enter into contracts
381 or to otherwise join with any other district, city, town, the
382 United States of America, or any agency or authority thereunder,
383 for the purpose of expanding services, providing effective
384 mutual aid, and accomplishing and carrying out the purposes for
385 which the district was created and for the further purpose of
386 specifically obtaining financial aid, assistance, or subsidy.

387 (5) The district is authorized to establish and maintain
388 emergency medical and rescue response services and to acquire



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389 and maintain rescue, medical, and other emergency equipment,
390 subject to the provisions of chapter 401, Florida Statutes.

391 Section 13. Annexations.--If any municipality or other
392 fire control district annexes any land included in the district,
393 such annexation shall follow the procedures set forth in section
394 171.093, Florida Statutes, as amended from time to time.

395 Section 14. Dissolution.--The district shall exist until
396 dissolved in the same manner as it was created.

397 Section 15. Immunity from tort liability.--

398 (1) The district and its officers, agents, and employees
399 shall have the same immunity from tort liability as other
400 agencies and subdivisions of the state. The provisions of
401 chapter 768, Florida Statutes, as from time to time amended,
402 shall apply to all claims asserted against the district.

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

407 (3) The district shall defend all claims against the
408 commissioners, officers, agents, and employees which arise
409 within the scope of employment or purposes of the district and
410 shall pay all judgments against said persons, except where said
411 persons acted in bad faith or with malicious purpose or in a
412 manner exhibiting wanton and willful disregard of human rights,
413 safety, or property.

414 Section 16. District expansion.--The district boundaries
415 may be extended from time to time as follows:



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416 (1)(a) Land contiguous to the boundaries of the district
417 in unincorporated Santa Rosa County may be included in the
418 district when a written petition for inclusion signed and sworn
419 to by a majority of the owners of the real property within the
420 tract or tracts to be included in the district has been
421 presented to the board of commissioners and the proposal has
422 been approved by the affirmative vote of no fewer than three
423 members of the board of commissioners at a regular meeting.

424 (b) The petition must contain the legal description of the
425 property sought to be added to the district and the names and
426 addresses of the owners of the property.

427 (2) If a proposal to add an area to the district as
428 defined in subsection (1) is approved by the affirmative vote of
429 no fewer than three members of the board of commissioners at a
430 regular meeting, the board of commissioners shall thereafter
431 adopt a resolution describing the lands to be included within
432 the district and shall cause such resolution to be duly enrolled
433 in the record of the meeting and a certified copy of the
434 resolution to be recorded in the Office of the Clerk of the
435 Circuit Court in Santa Rosa County.

436 (3) Upon adoption of the resolution by the board, the
437 district shall, pursuant to chapter 191, Florida Statutes,
438 request that its legislative delegation approve said addition
439 and sponsor legislation amending the district boundary. Upon
440 approval by the Legislature, the boundary shall be amended.

441 (4) Lands within municipal boundaries of cities contiguous
442 to district boundaries may be included in the district upon
443 request by the governing board of the municipality, approval of



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444 said request by affirmative vote of no fewer than three members
445 of the district board, and referendum approval of inclusion by
446 the electors of the municipality whose residences are located
447 within the proposed amended boundary of the district. The
448 referendum shall be conducted by the municipality at the next
449 available special or general election. Upon approval by the
450 Legislature, the boundary shall be amended.

451 Section 4. This act shall be construed as remedial and
452 shall be liberally construed to promote the purpose for which it
453 is intended.

454 Section 5. In the event that any part of this act should
455 be held void for any reason, such holding shall not affect any
456 other part thereof.

457 Section 6. Chapters 80-607, 82-377, and 90-425, Laws of
458 Florida, are repealed.

459 Section 7. This act shall take effect upon becoming a law.
460
461