

House Bill No. 1919

An act relating to South Walton Fire District, Walton County; providing legislative intent; creating and describing the district; prescribing its powers; providing for a board of fire commissioners; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing ad valorem taxes; authorizing the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing penalties; ratifying actions previously taken; providing for a referendum; providing effective dates.

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

Section 1. This act constitutes the codification of all ordinances relating to the South Walton Fire District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.

Section 2. District; establishment.—The South Walton Fire District is created. The district shall include the following territory:

Begin at the point of intersection of the east extremity line of the Walton County/Bay County Line and the mean high water line of the Gulf of Mexico. Thence run due north along the county line to its point of intersection with the mean high water line of the south bank of the Intracoastal Waterway. Thence run northwesterly along the mean high water line of the south bank of the Intracoastal Waterway to its point of intersection with Choctawhatchee Bay. Thence run westerly along the mean high water line of the south shore of Choctawhatchee Bay to its point of intersection with the Walton County/Okaloosa County Line. Thence run due south along the county line to its point of intersection with the Gulf of Mexico. Thence run easterly along the mean high water line of the Gulf of Mexico to the point of beginning.

Any federal lands located within the described boundaries of the district are excluded from the district.

Section 3. District; powers.—The district is an independent special fire control district under chapter 191, Florida Statutes. The provisions of that chapter, specifically including sections 191.006 and 191.008, Florida Statutes, prescribing general and special powers, apply to the district, but if any provision of that chapter conflicts with this act, the provisions of this act control.

Section 4. Board of fire commissioners.—The business and affairs of the district shall be conducted and administered by a board of seven commis-

sioners. Two commissioners shall be elected from each precinct in the district, and one commissioner shall be elected at large. Each member of the board must, at the time of qualifying for, and during the term of, office, be an elector of Walton County, a resident of the district, and, if elected from a precinct, a resident of that precinct. The board shall elect from its number a chairman, vice chairman, and secretary-treasurer annually in October. Such officers shall have the duties usually pertaining to like officers. Members of the board shall receive no compensation for their service, but they are entitled to reimbursement for expenses incurred in the conduct of their official duties. Each member of the board, before entering upon the duties of that office, shall execute to the Governor for the benefit of the district a good and sufficient bond in the sum of \$1,000, conditioned to faithfully perform the duties of that office and to account for all funds of the district which come into his or her hands. The premium of the bond shall be paid from funds of the district.

Section 5. Fire commissioners; terms of office; vacancies.—Each fire commissioner shall serve a term of 4 years and is eligible for reelection. Each member of the board of fire commissioners serving on the effective date of this act shall continue to hold office until the expiration of the term to which he or she was elected. If an office becomes vacant, the vacancy shall be filled by appointment by the remaining members of the board for the unexpired portion of the term. A person appointed to fill a vacancy must meet the same qualifications as candidates for election.

Section 6. Meetings; minutes.—A record shall be kept of all meetings of the board. In any meeting, the concurrence of a majority of the members of the board is necessary to any action by the board. Meetings of the board and minutes of meetings are open to the public at all times.

Section 7. Financial matters.—

(1) The board may levy an ad valorem tax on taxable property within the district of up to 1 mill. The ad valorem tax authorized by this subsection shall become a lien on the property so assessed until paid. If it becomes delinquent, it is subject to the same penalties, charges, and fees for enforcement and collection as county ad valorem taxes and shall be enforced and collected as provided by law. The district's ad valorem tax shall be a first lien superior in dignity to all other liens except liens for county ad valorem taxes.

(2) The board may accept gifts and donations and may carry on community projects for fund-raising purposes.

(3) The fiscal year of the district shall run from October 1 until September 30 of the following year.

Section 8. Taxes; collection.—The board of commissioners shall notify the Walton County Property Appraiser annually of taxes that the board has imposed on each parcel of property within the district, and the Property Appraiser shall include these taxes in the notice of proposed property taxes and adopted non-ad valorem assessments for the properties within the district.

Section 9. Indebtedness.—

(1) The board of fire commissioners may borrow money for the purposes of the district. The total principal and interest that may be outstanding may not exceed 50 percent of the total assessment roll. The board may pledge collections on such roll and may give tax anticipation notes, which shall be the sole security for such loans. Neither the district nor any commissioner is personally liable for such a loan or any part thereof. If there is a pledge of collections on the district assessment roll, it is the duty of the board, upon collection of the roll so pledged, to apply the first proceeds thereof to the payment of principal and interest on the loan for which the assessment was pledged.

(2) Except as provided in subsection (1), the board may not create indebtedness or incur obligations for any sum that it is unable to pay out of district funds then in its possession.

Section 10. Use of funds.—Funds of the district may not be used for any purpose other than for the administration of the affairs and business of the district; for the construction, care, maintenance, upkeep, operations, and purchase of standard firefighting equipment, which must meet the requirements of the underwriters' association; for construction and maintenance of fire stations, installation of fire hydrants, payment of public utilities such as electricity and water; for the salary of one or more firefighters; and for such other expenses as the board determines to be in the best interest of the district.

Section 11. Penalty.—Any person who violates any provision of this act or any rule adopted pursuant to this act is guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 12. All acts of the Board of Fire Commissioners of the South Walton Fire District which were taken before the effective date of this act are ratified and confirmed.

Section 13. This act, except for this section, which shall take effect upon becoming a law, shall take effect only if this act is ratified by the electors of the district voting in a referendum election that is called by the Board of Fire Commissioners of the South Walton Fire District and held within 2 years after the date this act becomes a law. The effective date of the act shall be the date on which the results of the referendum are certified. The expenses of the election shall be paid by the board from moneys of the district.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.