

## House Bill No. 1537

An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; 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; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

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

Section 1. Definitions.—As used in this act, unless otherwise specified:

- (1) “District” means the Glendale Fire District.
- (2) “Board” means the board of commissioners created pursuant to this act and chapter 191, Florida Statutes.
- (3) “Board of directors” means the existing policymaking and governing body of the Glendale Fire District of Walton County.
- (4) “Commissioner” means a member of the board of commissioners of and for the district.
- (5) “Director” means a member of the board of directors.
- (6) “Residence” means one single-family dwelling, including one single-apartment dwelling unit; one single-condominium dwelling unit; one single duplex, triplex, or other attached dwelling unit; one single-family detached dwelling unit; or one single mobile or modular home dwelling unit.
- (7) “Business” means a motel, apartment, or rental dwelling, along with any other standard commercial or industrial business such as a gasoline station, store, marina, or similar establishment, as authorized pursuant to

the applicable local government comprehensive plan, whether or not such businesses are required to pay or collect sales taxes.

Section 2. Creation; status; charter amendments; boundaries; district purposes.—There is created an independent special fire control district and rescue service district incorporating lands in Walton County described in subsection (1), which shall be a public corporation having the powers, duties, obligations, and immunities set forth in this act, under the name of the Glendale Fire District. The district is organized and exists for all purposes and shall hold all powers set forth in this act and chapters 189 and 191, Florida Statutes.

(1) The lands to be included within the district are the following described lands in Walton County:

All Sections 24, 25, 26, 35, 36, Township 5 North, Range 20 West; Walton County, Florida. Also all Sections 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 5 North, Range 19 West; Walton County, Florida. Also all Sections 28, 29, 30, 31, 32, 33, Township 5 North, Range 18 West; Walton County, Florida. Also all Sections 1, 12, Township 4 North, Range 20 West; Walton County, Florida. Also all sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, Township 4 North, Range 19 West, Walton County, Florida. Also all Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, Township 4 North, Range 18 West, Walton County, Florida. Also all of Section 33, Township 4 North, Range 19 West, Walton County, Florida: less and except the south  $\frac{1}{4}$  of section 33. Those portions in Township 3 North, Range 19 West, which include, those parts of Section 1 and 2 lying North of the centerline of County Road 1883 and Sunrise Road. The portion in Township 3 North, Range 19 West, which includes, the part of Section 3 lying North of the centerline of Sunrise Road. The portion in Township 4 North, Range 19 West which includes, the part Section 36 lying North and East of the centerline of County Road 1883 and Coy Ellis Road. Those portions within Township 4 North, Range 18 West, which include, those portions of Section 31, lying North of the centerline of Coy Ellis Road. Those portions in Township 4 North, Range 18 West which includes, Sections 32, 33, lying North of the centerline of County Road 183 North. The portion in Township 4 North, Range 18 West which includes, Section 33 lying Northeast of County Road 183B.

(2) The purpose of this act is to promote the general health, welfare, and safety of the citizens and residents of Walton County who reside within the geographical limits of the Glendale Fire District by providing for the financial support of the Glendale Fire District of Walton County, a Florida not-for-profit corporation, which currently provides the district with fire protection services, facilities, and firefighting equipment; the establishment and maintenance of fire stations and fire substations; the acquisition and maintenance of all firefighting and protection equipment necessary for the prevention of fires or fighting of fires; the employment and training of such personnel as may be necessary to accomplish fire prevention and firefighting; the establishment and maintenance of emergency services; the acquisition and maintenance of rescue and other emergency equipment; and the employment and training of necessary emergency personnel. The district

may provide emergency medical services. The district shall have all other powers necessary to carry out these purposes. The district shall be a fire control district and shall have no responsibility for providing ambulance or similar emergency services within the district's boundaries.

(3) Nothing in this act shall prevent the district from cooperating with the state or other local governments to render such services to communities adjacent to the lands described in this section as evidenced by a signed aid agreement.

(4) The district charter may be amended only by special act of the Legislature.

### Section 3. Board of commissioners.—

(1) Pursuant to chapter 191, Florida Statutes, the business and affairs of the district shall be governed and administered by a board of five commissioners, who shall be qualified electors residing within the district and shall be elected by the qualified electors residing within the district at a special election, subject to the provisions of chapters 189 and 191, Florida Statutes, and this act. Each commissioner shall hold office until his or her successor is elected and qualified under the provisions of this act. The procedures for conducting district elections and for qualification of candidates and electors shall be pursuant to chapters 189 and 191, Florida Statutes.

(2) The five members of the initial board shall be elected by the qualified electors residing within the district. The three elected members for seats 1, 3, and 5 in the initial election under this act shall serve terms of 3 years each. The remaining two elected members for seats 2 and 4 in the initial election under this act shall serve terms of 2 years each. Subsequent elections under this act shall coincide with the general elections of this state, and members of the board shall serve on a nonpartisan basis for terms of 4 years each.

(3) Vacancies in office shall be filled by special election, said election to be held coincident with the next countywide general or special election. The board may appoint a qualified elector of the district to act as commissioner until the vacancy is filled by election. A commissioner must be a qualified elector residing within the district. A commissioner may be removed from office for any reason that a state or county officer may be removed.

(4) All elections shall be noticed, called, and held pursuant to the provisions of the general laws of the state, except as otherwise provided in this act. The board shall, to the extent possible, coordinate all elections with countywide general or special elections in order to minimize cost. Elections shall be called through the adoption of an appropriate resolution of the district directed to the Board of County Commissioners of Walton County, the Supervisor of Elections of Walton County, and other appropriate officers of the county. The district shall reimburse county government for the actual cost of district elections. No commissioner shall be paid a salary as an employee of the district while holding said position. This shall not prevent volunteers receiving reimbursement for expenses from serving as commissioners.

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

Section 4. Officers; board compensation; bond.—

(1) In accordance with chapter 191, Florida Statutes, each elected member of the board shall assume office 10 days following the member's election. Annually, within 60 days after election of new members of said board, the members immediately upon their election as herein provided, or within 10 days thereafter and annually in November, shall organize by electing from their number a chair, vice chair, secretary, and treasurer. However, the same member may be both secretary and treasurer, in accordance with chapter 191, Florida Statutes, as amended from time to time.

(2) The commissioners may receive reimbursement for actual expenses incurred while performing the duties of their offices in accordance with general law governing per diem for public officials. Commissioners may receive compensation for their services in accordance with chapter 191, Florida Statutes, as amended from time to time.

(3) Each commissioner, upon taking office and in accordance with chapters 189 and 191, Florida Statutes, shall execute to the Governor, for the benefit of the district, a bond of \$5,000 with a qualified personal or corporate surety, conditioned upon the faithful performance of the duties of the commissioner's office and upon an accounting for all funds that come into his or her hands as commissioner; however, the treasurer shall furnish a bond of \$10,000, which may be in lieu of the \$5,000 bond. The premium for such bonds shall be paid from district funds.

Section 5. Powers; duties; responsibilities.—

(1) The district shall have and the board may exercise by majority vote all the powers and duties set forth in this act and chapters 189, 191, and 197, Florida Statutes, as they may be amended from time to time, including, but not limited to, special assessments, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate from non-ad valorem assessments, contractual agreements, and adoptions of ordinances and resolutions that are necessary to conduct district business if such ordinances do not conflict with an ordinance of a local general purpose government within whose jurisdiction the district is located.

(2) The board shall continue to have the right, power, and authority to levy annually special assessments against the taxable real estate within the district to provide funds for the purposes of the district, in an amount not to exceed the limit provided in chapter 191, Florida Statutes.

(3) The methods for assessing and collecting special assessments, fees, or service charges shall be as set forth in this act and chapters 170, 189, 191, and 197, Florida Statutes.

(4) The district shall levy and collect special assessments in accordance with chapter 200, Florida Statutes, as amended from time to time.

(5) The district is authorized to levy and enforce special assessments in accordance with chapters 170, 189, 191, and 197, Florida Statutes.

(6) The district's planning requirements shall be as set forth in this act and chapters 189 and 191, Florida Statutes.

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

Section 6. Impact fees.—

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

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

Section 7. Special assessments.—

(1) The board shall have the right, power, and authority to levy special assessments against the taxable real estate within the district to provide funds for the purposes of the district.

(2)(a) The annual rate of the special assessment for a residence will be \$25.

(b) The annual rates of the special assessments for nonresidential property shall be as follows:

1. Commercial property: \$0.04 per square foot.

2. Industrial/warehouse property: \$0.01 per square foot.

3. Institutional property: \$0.05 per square foot.

(c) Any increase in the special assessments must be approved by a majority of the electors within the Glendale Fire District.

(3) It is the legislative intent that this act shall authorize the Walton County Property Appraiser and the Walton County Tax Collector to take all appropriate action to comply with the intent and the purpose of this act.

(4) It is also the legislative intent that the board of commissioners shall be a vehicle to provide funding to accomplish the purposes set out in this act.

Section 8. Property appraiser.—

(1) The Walton County Property Appraiser shall furnish the commissioners a tax roll covering all taxable properties within the district on or before July 1 of each year.

(2) The Walton County Property Appraiser shall include in the Walton County tax roll the assessments made by the board, and the same shall be collected in the manner as provided for by this act and paid over by the Walton County Tax Collector to the board.

(3) The Walton County Property Appraiser shall be reimbursed for assessing such special assessments in the manner and amount authorized by general law, and the Walton County Tax Collector shall receive a commission or fee of 3 percent for collection of such special assessments.

Section 9. Special assessment as a lien.—The special assessment levied and assessed by the district shall be a lien upon the property so assessed along with the county taxes assessed against such property until said assessments and taxes have been paid, and if the special assessment levied by the district becomes delinquent, such special assessment shall be considered a part of the county tax subject to the same penalties, charges, fees, and remedies for enforcement and collection of such taxes.

Section 10. Deposit of special assessments; fees; authority to disburse funds.—

(1) The proceeds of the assessments and funds of the district shall be deposited in qualified public depositories, in accordance with chapters 191 and 280, Florida Statutes, as they may be amended from time to time, in the name of the district in a bank authorized to receive deposits of district funds. The bank shall be designated by a resolution of the board.

(2) All warrants for the payment of labor, equipment, and other expenses of the board, and in carrying into effect this act and the purposes thereof, shall be payable by the treasurer of the board on accounts and vouchers approved and authorized by the board. No funds of the district shall be paid out or disbursed except by check signed by the treasurer of the board and either the chair or vice chair of the board.

Section 11. Authority to borrow money.—

(1) The board of commissioners shall have the power and authority to borrow money or issue other evidences of indebtedness for the purpose of the district in accordance with chapters 189 and 191, Florida Statutes, provided that the total payments in any one year, including principal and interest, on any indebtedness incurred by the district shall not exceed 50 percent of the total estimated annual budgeted revenues of the district.

(2) The board of commissioners, board of directors as a body, or any of the members of either board as individuals shall not be personally or individually liable for the repayment of such loan. Such repayment shall be made out of the special assessment receipts of the district, except as provided in this subsection. The commissioners shall not create any indebtedness or incur obligations for any sum or amount that they are unable to repay out of district funds available to them at that time, except as otherwise provided in this act; however, the commissioners may make purchases of equipment on an installment basis as necessary if funds are available for the payment of the current year's installment on such equipment and the amount due in that year of any of the installments and the repayment of any bank loan or other existing indebtedness that may be due that year.

Section 12. Use of district funds.—No funds of the district shall be used for any purposes other than the administration of the affairs and business of the district; the construction, care, maintenance, upkeep, operation, and purchase of firefighting and rescue equipment or a fire station; the payment of public utilities; and the payment of salaries of district personnel as the board may from time to time determine to be necessary for the operations and effectiveness of the district.

Section 13. Record of board meetings; authority to adopt rules and regulations; annual reports; budget.—

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

(2) The board shall have the authority to adopt and amend policies and regulations for the administration of the affairs of the district under the terms of this act and chapters 189 and 191, Florida Statutes, which shall include, but not be limited to, the authority to adopt the necessary rules and regulations for the administration and supervision of the property and personnel of the district; for the prevention of fires, fire control, fire hydrant placement, and flow testing in accordance with current NFPA rules; and for rescue work within the district. Said commissioners shall have all the lawful power and authority necessary to carry out the purposes of said fire district; to purchase all necessary real and personal property; to purchase and carry standard insurance policies on all such equipment; to employ such personnel as may be necessary to carry out the purposes of said fire district; to provide adequate insurance for said employees; to purchase and carry appropriate insurance for protection of all firefighters and personnel as well as all equipment and personal property on loan to the district; to sell surplus real and personal property in the same manner and subject to the same restrictions

as provided for such sales by counties; to enter into contracts with qualified service providers, the Glendale Fire District of Walton County, other fire departments, municipalities, and state and federal governmental units for the purpose of obtaining financial aid; and for otherwise carrying out the purposes of the district. The commissioners shall adopt a fiscal year for said fire district, which shall be October 1 to September 30.

(3) Any policies, rules, and regulations adopted and made by the board shall have the force and effect of law after copies thereof, signed by the secretary and chair or vice chair, are posted in three public places within the district in conspicuous locations and advertised by title once per week for 2 consecutive weeks in a newspaper of general paid circulation in the district.

(4) The board shall, on or before November 1, make an annual report of its actions and accounting of its funds as of September of that year and shall file said report in the Office of the Clerk of the Circuit Court of Walton County, whose duty it shall be to receive and file said report and hold and keep the same as a public record.

(5) For the purposes of carrying into effect this act, the board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapters 189 and 191, Florida Statutes. The board shall, at the same time as it makes its annual report, file its estimated budget for the fiscal year beginning October 1, which budget shall show the estimated revenue to be received by the district and the estimated expenditures to be incurred by the district in carrying out its operations.

Section 14. Authority to enact fire prevention ordinances; appoint fire chief, acquire land, enter contracts, establish salaries, general and special powers; authority to provide emergency medical and rescue services.—

(1) The board of commissioners shall have the right and power to enact fire prevention ordinances in the same manner provided for the adoption of policies and regulations in subsection (2) of section 13, and when the provisions of such fire prevention ordinances are determined by the board to be violated, the office of the state attorney, upon written notice of such violation issued by the board, is authorized to prosecute such person or persons held to be in violation thereof. Any person found guilty of a violation may be punished as provided in chapter 775, Florida Statutes, as a misdemeanor of the second degree. The cost of such prosecution shall be paid out of district funds, unless otherwise provided by law.

(2) The board shall have the power to appoint a fire chief, who shall be a person experienced in all types of firefighting and fire prevention and who shall work with the State Fire Marshal in which the district is situated in the prevention of fires of all types. The district fire chief shall be authorized to enter, at all reasonable hours, any building or premises for the purpose of making any inspection or investigation that the State Fire Marshal is authorized to make pursuant to state law and regulation. The owner, lessee, manager, or operator of any building or premises shall permit the district fire chief to enter and inspect the building or premises at all reasonable hours. The district fire chief shall report any violations of state firesafety laws or regulations to the appropriate officials.

(3) The board shall have the power to acquire, by gift or purchase, lands or rights in lands and any other property, real and personal, tangible or intangible, necessary, desirable, or convenient for carrying out the purposes of the district and to pay any and all costs of same out of the funds of the district, provided that prior to the acquisition of the location of a fire station site, an appropriate investigation shall be conducted that shall include, but not be limited to, obtaining the staff recommendation of the Walton County Planning Department.

(4) The board shall have the power to enter into contracts or to otherwise join with the Glendale Fire District of Walton County, or to otherwise join with any other district, city, or town, the United States of America, or any agency or authority thereof, for the purpose of expanding services, providing effective aid, and accomplishing and carrying out the purposes for which the district was created and for the further purpose of specifically obtaining financial aid, assistance, or subsidy.

(5) The salaries of fire department personnel and any other wages shall be determined by the board.

(6) The district is authorized to establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment, subject to the provisions of chapter 401, Florida Statutes.

Section 15. Annexations.—If any municipality or other fire control district annexes any land included in the district, such annexation shall follow the procedures set forth in section 171.093, Florida Statutes, as amended from time to time.

Section 16. Dissolution.—The district shall exist until dissolved in the same manner as it was created. If the Glendale Fire District of Walton County is dissolved or ceases to exist for any reason, or if the board determines that the Glendale Fire District of Walton County is unable to carry out its objectives as stated in subsection (2) of section 2 or the district's published policies, the board shall in its discretion make arrangements for other means of providing fire protection and rescue services.

Section 17. Immunity from tort liability.—

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

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

(3) The district shall defend all claims against the commissioners, officers, agents, and employees that arise within the scope of employment or purposes of the district and shall pay all judgments against said persons,

except where said persons acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 18. District expansion.—

(1) The district boundaries may be extended from time to time as follows:

(a) Land contiguous to the boundaries of the district in unincorporated Walton County may be included in the district when petition for inclusion signed and sworn to by a majority of the owners of the real property within the tract or tracts to be included in the district has been presented to the board of commissioners and the proposal has been approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting.

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

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

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

Section 19. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 20. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 21. On or before December 30, 2006, the Board of County Commissioners of Walton County shall call and the Supervisor of Elections of Walton County shall conduct a referendum of the qualified voters of the Glendale Fire District on the question of whether the Glendale Fire District shall be created by special act of the Legislature with authority to impose impact fees pursuant to section 6 of this act and special assessments pursuant to section 7 of this act.

Section 22. This act shall take effect only if a majority of those qualified electors of the Glendale Fire District voting in a referendum held pursuant to this act approve the referendum question in accordance with section 21, except that this section and section 21 shall take effect upon becoming a law.

Approved by the Governor June 14, 2005.

Filed in Office Secretary of State June 14, 2005.