

AN ORDINANCE 78-11

An ordinance relating to Okaloosa County, creating the East Niceville Fire District; providing for boundary, government, officers, powers, duties, procedures, regulations, and financing of the district to include an ad valorem levy not exceeding one (1) mill; providing for violation to be a misdemeanor of the second degree; and providing an effective date.

* * * * *

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

WHEREAS, that on May 11, 1976 the Board of County Commissioners of Okaloosa County, Florida; authorized an election for the East Niceville Fire District, providing a boundary and a form of government; and

WHEREAS, thereafter on the 15th day of June 1976, an election was held whereby a majority of the people within the district approved the fire district; and

WHEREAS, that since the date of the said election the fire district has operated and collected taxes; and

WHEREAS, it has been discovered that through inadvertance or mistake, the ordinance which created the fire district has been misplaced.

NOW, THEREFORE, the following ordinance is adopted:

SECTION 1. CREATION; BOUNDARIES-

(1) Upon this act becoming a law all of the following area in Okaloosa County, shall be incorporated as a special fire protecton district, which shall be a public municipal corporation for the public benefit, with perpetual existence, to be known as the East Niceville Fire District in which name it may sue and be sued, lease, own, possess, and convey real and personal property, by purchase or gift or otherwise, in order to carry out the purposes of this act.

AREA:

The area includes all sections outside the Niceville

City limits bordered on the North by the Eglin Military Reservation, on the East by Rocky Bayou, on the South by the Choctawhatchee Bay, and on the West by the Valparaiso City Limits.

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

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

SECTION 2. BOARD OF COMMISSIONERS-

The business and affairs of the district shall be conducted and administered by a board of five (5) commissioners, who shall be qualified electors residing in the district. Said Commissioners, upon their appointment or election and qualification as provided in Sec. 3 and annually in January, shall organize by electing from their number a chairman and a vice chairman. The Commissioners shall not receive any compensation for their services. Each commissioner shall, before he enters upon his duties as such commissioner, execute to the governor for the benefit of the district, a good and sufficient bond in the sum of \$100.00 with a qualified corporate surety conditioned to faithfully to perform the duties of such commissioner and to account for all funds to come into his hands as such commissioner. All premiums for such surety on all such bonds shall be paid from the funds of the district.

SECTION 3. SAME; TERMS OF OFFICE-

The members of the Board of Commissioners shall be

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elected and shall hold office for a period of four years as shall be hereinafter provided. They shall qualify for the office in the same manner as is provided for other general county officers. The first board as here before elected shall remain in office until their successors are elected and qualified, two of which shall be done in the general election of 1978 and three shall be elected in 1980. Each commissioner shall hold office until his successor has qualified, unless such commissioner ceases to be qualified to act or is removed for cause.

SECTION 4. OFFICER; MEETINGS-

The officers of the Board of Commissioners shall have the duties usually pertaining to like officers. A record shall be kept of all meetings of the Board and in such meetings concurrence of a majority of the commissioners shall be necessary to any affirmative action by the Board. The meetings of the board and minutes of the meetings shall be open to the public at all times.

SECTION 5. ADUIT-

The books and records of the district shall be audited at least annually, at the expense of the district, by the auditor general. The district shall furnish copies of the audit within ninety (90) days at the close of the calendar year to the Board of County Commissioners.

SECTION 6. POWERS-

(1) The Board of Commissioners shall have authority to:

(a) Acquire by gifts, lease, or purchase, a fire station and station site and such fire-fighting equipment and other equipment and supplies as deemed necessary for the protection of the district and to make and enter into contracts with firms, individuals, or corporations relating to the purposes of the district.

(b) Make reciprocal agreements with the officials of fire departments in adjacent or neighboring areas to provide mutual assistance in fire fighting and fire protection.

(c) Adopt rules and regulations not inconsistent with any portion of this act as it may deem necessary in the transaction of its business and in carrying out the provisions of this action, and may promulgate and enforce reasonable fire

regulations by resolution, copies of the same to be filed with the Board of County Commissioners and posted in three (3) places in the fire district, one (1) of which shall be at the fire station.

SECTION 7. FIRE MARSHAL; FIREMEN-

The Board may hire a fire marshal, special deputies and firemen, at salaries to be determined by the Board, whose duties shall be to inspect property and check and eliminate all fire hazards. The fire marshal shall reside in the district, shall be a person experienced in all types of fire fighting, and shall work with and cooperate with the Florida State Forestry Service in which the district is situated in the prevention of fires of all types. He shall be required to inspect all places of business, apartment houses, hotels, and other buildings within the territorial limits of the district wherein large groups of people might congregate to determine that such places have proper fire extinguishers and fire escapes, at least two (2) times each year and shall submit a report on same to the Board of Commissioners.

SECTION 8. SPECIAL ASSESSMENTS-

(1) The district shall have the authority to levy special assessments against the taxable real estate in the district to provide funds for the purposes of the district. The rate of assessment shall be fixed by resolution of the Board of Commissioners on or before June 1 of each year and shall not in any event exceed one (1) mill.

(2) The Board of Commissioners may adopt by resolution the current tax assessment and collection roll compiled and prepared by the assessor of Okaloosa County and may adopt a resolution fixing the levy on each lot or parcel of land subject to taxation in the district, or may, at its discretion, prepare or cause to be prepared an assessment and collection roll setting forth a description of each lot or parcel of land subject to taxation in the district together with the amount of assessment fixed by resolution, and shall, before June 1 of each year, deliver said roll to the tax assessor for collection. All assessments shall be made against the land subject to such assessment and said

roll shall set forth the names of the respective owners of such lands.

(3) Any property owner in the district shall have the right to file protest in writing between June 10 and June 20 of each year against the proposed assessments, the amount of rate thereof, and to appear before the Board in support of such protest at an opening meeting or meetings which shall be held to hear and consider such protests and made adjustments to the rolls.

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

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

(6) Such special assessments shall be of equal benefit to all property with fire protection being provided by the East Niceville Fire District pursuant to the provisions of this action.

(7) The fiscal year for the district shall be from October 1, to September 30 of each year.

SECTION 9. INDEBTEDNESS-

(1) The Board of Commissioners is authorized to

borrow money fro the purposes of the district, not to exceed fifty per cent (50%) of the total assessment roll, and pledge for the payment thereof, mortgages and collections on such roll, and give tax anticipation notes, which shall be the sole security for such loans. Neither the district nor the commissioners shall be personally or individually liable for the loans or any part thereof. In the event of such pledge, it shall be the duties of the commissioners upon collection of the assessment roll so pledged to apply the first proceeds thereof to the payment of principal and interest payments on such loan for which such assessment or lien was pledged until full payment of the loan.

(2) Except as provided in this section, the Board of Commissioners shall not create indebtedness or incur obligations for any sum or amount which it is unable to pay out of the district funds then in its hands.

SECTION 10. USE OF FUNDS-

No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, for the construction, care, maintenance, upkeep, operation, and purchase of standard fire-fighting equipment which shall meet the requirements of the fire marshal and the underwriters association, fire stations, installation of fire hydrants, payment of public utilities such as electric lights and water, salaries of a fire marshal and one (1) or more firemen, and such other expenses as the board of commissioners may determine to be for the best interests of the district.

SECTION 11. PENALTY-

Any person, firm, or corporation who violates any of the provisions of this law or any of the regulations adopted pursuant to the provisions of this law, upon conviction therefor is guilty of a misdemeanor of the second degree.

SECTION 12.

This Ordinance is being adopted pursuant to the Emergency Enactment procedure of Subsection Three (3) of Section 125.66, Florida Statutes, and shall take effect when a copy has been accepted by the Postal Authorities for Special Delivery by Registered Mail to the Department of State.

DATED this the 8th day of August ,

1978

OKALOOSA COUNTY, BOARD OF
COUNTY COMMISSIONERS

ATTEST

By

[Signature]
Chairman

[Signature]
Clerk

STATE OF FLORIDA
COUNTY OF OKALOOSA

I, Newman C. Brackin, Clerk of Circuit Court and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of an Ordinance which was duly passed and adopted at a regular meeting of the Board of County Commissioners on the 8th day of August, 1978, and appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 8th day of August, 1978.

[Signature]
NEWMAN C. BRACKIN
CLERK OF CIRCUIT COURT

