

CHAPTER 2017-221

Committee Substitute for House Bill No. 1363

An act relating to Santa Rosa County; creating the Pace Fire Rescue District, an independent special district; creating a district charter; providing a short title; providing territorial boundaries of the district; providing purposes and intent; providing for a board of commissioners of the district; providing for qualification, election, membership, and terms of office; providing for the filling of vacancies; providing for meetings; providing rulemaking authority; providing powers and duties of the board; providing for use of district funds; authorizing the district to issue bonds and levy ad valorem taxes, non-ad valorem assessments, impact fees, and user charges; providing planning requirements; providing for modification of district boundaries; providing for amendment of the charter by special act of the Legislature; providing severability; requiring a referendum; providing an effective date.

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

Section 1. Short title.—This act may be cited as the “Pace Fire Rescue District Act,” hereinafter the “charter.”

Section 2. Formation; boundaries.—For the purpose of providing fire prevention and emergency rescue services pursuant to chapter 191, Florida Statutes, an independent special district is hereby created, incorporated, and established pursuant to chapters 189 and 191, Florida Statutes, to be known as the Pace Fire Rescue District, hereinafter the “district,” in Santa Rosa County and shall embrace and include the territory described as:

That portion of Santa Rosa county bounded on the east at the intersection of Avalon Boulevard and Highway 90, on the south by Escambia Bay, on the west by Escambia River, and north to Escambia River on Quintette road and North on Chumuckla Highway to Ten Mile road.

BEGIN AT THE NORTHWEST CORNER OF TOWNSHIP 2 NORTH, RANGE 29 WEST, SANTA ROSA COUNTY, FLORIDA; THENCE PROCEED WEST ALONG THE NORTH LINE OF SAID TOWNSHIP 2 NORTH A DISTANCE OF 5.1 MILES MORE OR LESS TO A POINT OF INTERSECTION WITH DELANEY RIVER; THENCE MEANDER SOUTHERLY ALONG SAID RIVER A DISTANCE OF 1896 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH ESCAMBIA RIVER; THENCE MEANDER SOUTHERLY ALONG SAID ESCAMBIA RIVER A DISTANCE OF 20.7 MILES MORE OR LESS TO A POINT OF INTERSECTION WITH ESCAMBIA BAY; THENCE MEANDER NORTHERLY, EASTERLY AND SOUTHERLY ALONG SAID BAY A DISTANCE OF 6.0 MILES MORE OR LESS TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 31,

TOWNSHIP 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST ALONG SAID SOUTH LINE A DISTANCE OF 2323 FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 31; THENCE PROCEED NORTH ALONG SAID EAST LINE A DISTANCE OF 3916 FEET MORE OR LESS TO THE SOUTH LINE OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST ALONG SAID SOUTH LINE OF SECTION 25 AND SECTION 26 A DISTANCE OF 6003 FEET MORE OR LESS TO THE EAST LINE OF SAID SECTION 26; THENCE PROCEED NORTH ALONG SAID EAST LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 NORTH, RANGE 29 WEST; THENCE PROCEED EAST ALONG SAID SOUTH LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE PROCEED NORTH ALONG SAID EAST LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 27; THENCE PROCEED EAST ALONG SAID NORTH LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE WEST LINE OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 28 WEST; THENCE PROCEED NORTH ALONG SAID WEST LINE A DISTANCE OF 2640 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 18; THENCE PROCEED EAST ALONG SAID SOUTH LINE OF THE NORTH HALF OF SECTION 18 AND THE SOUTH LINE OF THE NORTH HALF OF SECTION 17 A DISTANCE OF 6126 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY LINE OF AVALON BOULEVARD; THENCE PROCEED NORTHEAST ALONG SAID LINE A DISTANCE OF 3030 FEET MORE OR LESS TO THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 90; THENCE PROCEED EAST ALONG SAID SOUTH LINE A DISTANCE OF 433 FEET MORE OR LESS; THENCE PROCEED NORTHWEST TO AND ALONG THE EAST LINE OF PARCEL NUMBER 08-1N-28-0000-01701-0000 A DISTANCE OF 858 FEET MORE OR LESS TO THE NORTH LINE OF SAID PARCEL; THENCE PROCEED WEST ALONG SAID NORTH LINE A DISTANCE OF 245 FEET MORE OR LESS TO THE EAST LINE OF PARCEL NUMBER 08-1N-28-0000-01300-0000; THENCE PROCEED NORTH ALONG SAID EAST LINE A DISTANCE OF 1975 FEET MORE OR LESS TO THE NORTH LINE OF SAID PARCEL; THENCE PROCEED WEST ALONG SAID NORTH LINE A DISTANCE OF 1298 FEET MORE OR LESS TO THE WEST LINE OF PARCEL NUMBER 08-1N-28-0000-02005-0000; THENCE PROCEED NORTH ALONG SAID WEST LINE A DISTANCE OF 820 FEET MORE OR LESS; THENCE PROCEED NORTHEAST ALONG SAID WEST LINE A DISTANCE OF 1102 FEET MORE OR LESS TO THE A POINT OF INTERSECTION WITH POND CREEK; THENCE MEANDER NORTHERLY ALONG SAID CREEK A DISTANCE OF 12.8 MILES MORE OR LESS TO THE AFOREMENTIONED NORTH LINE OF TOWNSHIP 2 NORTH, RANGE 29 WEST; THENCE PROCEED WEST

ALONG SAID NORTH LINE A DISTANCE OF 2.7 MILES MORE OR LESS TO THE POINT OF BEGINNING.

LYING IN AND BEING A PORTION OF TOWNSHIP 2 NORTH, RANGE 29 WEST, TOWNSHIP 2 NORTH, RANGE 30 WEST, TOWNSHIP 1 NORTH, RANGE 30 WEST, TOWNSHIP 1 NORTH, RANGE 29 WEST AND TOWNSHIP 1 NORTH, RANGE 28 WEST, SANTA ROSA COUNTY, FLORIDA AND CONTAINING 84 SQUARE MILES MORE OR LESS.

Section 3. Intent.—The purposes of this act are to:

(1) Provide standards, direction, and procedures concerning the operation and governance of the special fire control district known as the Pace Fire Rescue District.

(2) Provide financing authority of the Pace Fire Rescue District without hampering the efficiency and effectiveness of current authorized and implemented methods and procedures of raising revenues.

(3) Improve communication and coordination between the Pace Fire Rescue District and other local governments with respect to short-range and long-range planning to meet the demands for service delivery while maintaining fiscal responsibility.

(4) Provide uniform procedures for electing members of the governing board of the Pace Fire Rescue District to ensure greater accountability to the public.

Section 4. Board of commissioners; officers; bond; compensation.—

(1) The business affairs of the district shall be conducted and administered, pursuant to chapter 191, Florida Statutes, by the Board of Commissioners of the Pace Fire Rescue District, which is established as a board of five commissioners. Annually, within 60 days after newly elected members have taken office, the board shall organize by electing from its members a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member. The office of each commissioner comprising the Board of Commissioners of the Pace Fire Rescue District is hereby designated as being a seat on the commission, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does not designate a geographical subdistrict of the district.

(2) Each commissioner shall, upon assuming office, take and subscribe to the oath of office prescribed by section 5(b), Article II of the State Constitution and s. 876.05, Florida Statutes. 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 conditioned upon the faithful performance of the duties of the commissioner's office. The premium for such bonds shall be paid from district funds.

(3) Members of the board may be reimbursed for travel and per diem expenses, as provided in s. 112.061, Florida Statutes, but shall not receive a salary.

(4) Members of the board shall comply with the financial disclosure, noticing, and reporting requirements of chapter 112, Florida Statutes, and any other applicable law or regulation.

Section 5. Board of commissioners; terms; election, qualifications, certification of single candidate.—

(1) District elections and referenda shall be held in accordance with chapter 191, Florida Statutes.

(2) Except as provided in this subsection, each of the five commissioners shall hold his or her respective seat on the Board of Commissioners of the Pace Fire Rescue District for a term of 4 years and shall be elected by majority vote of the electors of the district voting at a general election. In the first election following the effective date of this act, seats 1, 3, and 5 shall be designated for 4-year terms, and seats 2 and 4 shall be designated for 2-year terms. All commissioners must be qualified electors within the district and must reside within the district.

(3) Voting for commissioners shall be districtwide and nonpartisan.

(4) If a vacancy occurs on the board due to the resignation, death, or removal of a commissioner, or the failure of anyone to qualify for a board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. The board shall remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.

(5) Each commissioner, whenever elected, shall assume office 10 days after his or her election and shall serve until his or her successor is elected.

(6) All candidates shall qualify with the Supervisor of Elections of Santa Rosa County. All candidates may qualify by paying a filing fee of \$25 or by obtaining the signatures of at least 25 registered electors of the district on petition forms provided by the supervisor of elections, which petitions shall be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to s. 105.035, Florida Statutes.

(7) The names of all candidates qualifying for election to a seat on the board of commissioners shall be included on the ballot or voting machines provided for use in the district, along with the candidates for county office at each regular county election, in such a way as to clearly indicate the respective seat for which each qualified candidate for district commissioner is running.

(8) Any expense of holding elections for commission seats at the regular county elections shall be paid out of the funds of the district, if required by proper authority.

(9) The board shall keep a permanent record book entitled "Record of Proceedings of the Pace Fire Rescue District" in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes, and section 24, Article I of the State Constitution. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located.

(10) All meetings of the board shall be open to the public, consistent with chapter 286, Florida Statutes, s. 189.015, Florida Statutes, and other applicable general laws.

Section 6. Rules and regulations.—The board is authorized to adopt rules and regulations for the prevention of fires, fire control, public safety, and rescue work within the district. Such rules and regulations, after being adopted by the board and copies thereof signed by the president and the secretary, and posted on the district website and in at least three public places within the district, one of which must be the fire station or such similar place wherein the firefighting and rescue equipment is normally kept, after 10 days shall have the force and effect of law.

Section 7. Powers; use of district funds.—

(1) The district shall have, and the board may exercise, all the powers and duties set forth in chapters 189 and 191, Florida Statutes, as they may be amended from time to time, and shall include fire control, fire prevention, and emergency medical, rescue response and public safety services.

(2) 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, public safety and rescue equipment and facilities; the payment of public utilities; and the payment of salaries and related costs of district personnel as the board may from time to time determine to be necessary for the operations and effectiveness of the district.

(3) The board is authorized and empowered to buy, own, lease, and maintain a fire and rescue department within the district and to purchase, acquire by gift, lease, own, and dispose of firefighting and rescue equipment and property, real and personal, that the board may from time to time deem necessary or needful to prevent and extinguish fires within the district.

Section 8. Finances.—

(1) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements, and the methods for financing the district and for collecting non-ad valorem assessments, fees, or service charges, shall be as set forth in this charter, in chapters 170, 189, 191, and 197, Florida Statutes, and in any applicable general or special law except as limited herein.

(2) The district shall have the authority to levy and collect ad valorem taxes in accordance with s. 191.009, Florida Statutes, and chapter 200, Florida Statutes. The taxes levied and assessed by the district shall be a lien upon the land so assessed along with the county taxes assessed against such land until such assessments and taxes have been paid, and if the taxes levied by the district become delinquent, such taxes 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 general law for the collection of such taxes. The maximum ad valorem millage rate that can be levied in any one year shall be 3.75 mills, unless a lower maximum rate is authorized by referendum.

(3) The district shall have the authority to levy non-ad valorem assessments. The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this charter, chapter 170, Florida Statutes, chapter 189, Florida Statutes, chapter 191, Florida Statutes, and chapter 197, Florida Statutes. Pursuant to s. 191.009, Florida Statutes, the first-time levy of non-ad valorem assessments must be approved by a referendum of the electors of the district.

(4) The district shall have the authority to charge and collect impact fees for capital improvements on new construction within the district as prescribed in chapter 191, Florida Statutes, or any other applicable general law. The district shall comply with the requirements in ss. 163.31801 and 191.009(4), Florida Statutes, in its collection and use of impact fees. New facilities and equipment shall be as provided for in s. 191.009(4), Florida Statutes. The district is authorized to enter into agreements regarding the collection of impact fees.

(5) The district shall have the authority to issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, and other evidences of indebtedness to finance all or a part of any proposed improvements in accordance with s. 191.012, Florida Statutes, chapter 189, Florida Statutes, and any other applicable general or special law.

(6) The board shall annually prepare, consider, and adopt a district budget pursuant to the applicable requirements of chapters 189 and 191, Florida Statutes. The fiscal year shall be from October 1 through September 30. The budget shall state the purpose for which the money is required and the amount necessary to be raised by taxation within the district. Such

budget and proposed millage rate shall be noticed, heard, and adopted in accordance with chapters 189, 192, and 200, Florida Statutes.

(7) All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the district board in carrying out the provisions of this charter shall be payable on accounts and vouchers approved by the district board.

Section 9. Planning requirements.—The district shall comply with the planning requirements set forth in part VIII of chapter 189, Florida Statutes.

Section 10. Boundaries.—The boundaries of the district may be modified, extended, or enlarged upon approval or ratification by the Legislature.

Section 11. Amendment of charter.—This charter may be amended only by special act of the Legislature.

Section 12. Severability.—Should any provision of this act be held to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this act.

Section 13. Referendum.—On or before December 31, 2020, the Supervisor of Elections of Santa Rosa County shall conduct a referendum of the qualified electors of the district on the question of whether the district shall be created by special act of the Legislature and authorized to levy ad valorem taxes on real property within the district pursuant to chapter 191, Florida Statutes. The referendum question shall be posed as follows:

“Shall an independent fire control and rescue district known as the Pace Fire Rescue District be created to provide quality fire, rescue, and emergency medical services to the Pace community with authority to levy assessments, fees, charges, and a millage not to exceed 2.50 mills in any one year.”

Section 14. This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the district voting in a referendum no later than December 31, 2020, except that this section and section 13 shall take effect upon becoming a law.

Approved by the Governor June 6, 2017.

Filed in Office Secretary of State June 6, 2017.