

ARTICLE XVI. HOLT FIRE DISTRICT¹

Section 1. Creation; boundaries.

- (1) All of the following area in Okaloosa County is hereby established as a special fire protection district which is created for the purpose of providing fire protection for the benefit of the residents within said district, to be known as the Holt 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 ordinance:

Begin at Yellow River at Okaloosa/Santa Rosa County line, thence northeasterly along Yellow River to Wilkinson Creek; thence northerly along Wilkinson Creek to intersect with west Wilkinson Bluff Road; thence north along west Wilkinson Bluff Road to intersect with Highway 90; thence north along Highway 189 to intersect with Lighthouse Church Road; thence west along Lighthouse Church Road to intersect Penny Creek; thence westerly along Penny Creek to Blackwater River; thence northwesterly along Blackwater River to Okaloosa/Santa Rosa County line; thence south along county line 8 miles to Yellow River and point of beginning.

And that portion of Precinct 3 described as follows:

Commence at the northwest corner of Section 20, Township 3 North, Range 24 west, said corner being the point of beginning. Proceed southwesterly along Keyser Mill Road to intersection of Highway 189; thence south along Highway 189 to intersection of Highway 90; continue south to Interstate 10 and west Wilkinson Bluff Road, continue southerly along west Wilkinson Bluff Road to intersection of Wilkinson Creek; thence south along Wilkinson Creek to Yellow River; thence easterly along channel of Yellow River to Rattlesnake Bluff; thence northerly along channel of Yellow River to the intersection of the south line of Section 28, Township 3 North, Range 24 West; thence west along section lines to the southwest corner of Section 29, Township 3 North, Range 24 West; thence northerly along section lines to the point of beginning.

- (2) Any federal lands or lands within a municipality included in the boundary 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 such 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 to the balance of the territory.

Section 2. Board of fire commissioners [—Generally].

The business and affairs of the district shall be conducted and administered by a governing board of five (5) fire commissioners, who shall be qualified electors residing in the district. Said fire commissioners, upon their appointment or election and qualification as provided in Section 4 and annually in January, shall organize by electing from their number a chairman, vice-chairman, and a secretary-treasurer, or, alternatively, a secretary and a treasurer. The commissioners shall not receive any compensation for their services as such but shall receive

¹Editor's note(s)—This article derives from Ord. No. 84-38, adopted Dec. 18, 1984, as amended.

compensation for out-of-pocket expenses incurred for the conduct of the business and affairs of the district. 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 one thousand dollars (\$1,000.00) with a qualified corporate surety conditioned to faithfully 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 five (5) commissioners hereby appointed for two-year terms are hereby confirmed and shall hold and remain in office until their successors are elected and qualified in the general election in the year 1986, unless such commissioner ceases to be qualified to act or is removed for cause. In the 1986 general election, three (3) commissioners shall be elected for four-year terms and two (2) commissioners shall be elected for two-year terms. The three (3) candidates attaining the highest number of votes shall be elected for the four-year terms and the two (2) candidates receiving the next highest number of votes will be elected for two-year terms. In subsequent elections, each commissioner shall be elected for a period of four (4) years. They shall qualify for office in the same manner as is provided for other general county officers. In the event any commissioner ceases to be qualified to act through resignation, removal for cause, or other compelling reason, the vacancy thereby created shall be filled by appointment by the majority of the remaining members of the board of commissioners of the district until the expiration of the term of the member who has become disqualified.²

Section 4. [Same—] Officers; meetings.

The officers of the board of fire 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. Audit.

The books and records of the district shall be audited at least annually, at the expense of the district, by the auditor general or other qualified auditor retained by the district. The district shall furnish copies of the audit within ninety (90) days of the close of the calendar year to the board of county commissioners.

Section 6. Powers.

- (1) The board of fire commissioners shall have authority to;
 - (a) Acquire by gift, 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, corporations or municipalities 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 act, and may promulgate and

²Editor's note(s)—The names of the original commissioners have been omitted herefrom.

enforce reasonable fire regulations by resolution, copies of the same to be filed with the board of county commissioners and posted in the fire district at the fire station.

[(2) Reserved.]

Section 7. Fire marshal; firemen.

The board of fire commissioners 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 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 may 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 fire commissioners.

Section 8. Funding.

- (1) The board of fire commissioners is hereby authorized to levy and impose an annual assessment or service charge against all property in the district in an amount adequate to fund the operations of the district, and shall advertise and conduct all public hearings necessary for the imposition of the same in the manner required by Florida Statutes prior to adoption of the resolution hereinbelow specified in subsection (2).
- (2) The aforementioned annual assessment shall be levied and imposed by the board of fire commissioners, by resolution, which shall be reduced to writing and a copy of such resolution shall forthwith be forwarded to the property appraiser of Okaloosa County, the tax collector of Okaloosa County, and the board of county commissioners of Okaloosa County, Florida. One (1) copy of such resolution shall be displayed at a prominent location in the courthouse in Crestview, Florida, and one (1) copy shall be published in a newspaper of general circulation throughout the county.
- (3) All assessments to be levied and collected pursuant hereto shall be due, and assessed and certified by the property appraiser of Okaloosa County, and collected by the tax collector of Okaloosa County in the same manner and at the same times and with the same penalties for late payment as municipal property taxes of the various municipalities in Okaloosa County, Florida.
- (4) The annual assessment hereby authorized to be levied, assessed and imposed shall thereupon become a lien upon property within the district on the date when the resolution imposing the same is passed and executed by the board of fire commissioners and enforced in the same manner as liens for ad valorem taxes. Such lien for such district annual assessment shall be a first lien superior in dignity to all other liens except ad valorem property tax liens.

(Ord. No. 94-20, § 1, 5-24-94)

Section 9. Indebtedness.

The board of fire commissioners is authorized to borrow money for the purposes of the district, not to exceed fifty (50) percent of the total assessment roll, and pledge for the payment thereof mortgages and collections on such roll, and give anticipation notes, which shall be the sole security for such loans. However, the board of fire commissioners is authorized to borrow in excess of fifty (50) percent of the total assessment roll to purchase or improve a firehouse and any additional equipment necessary to equip the department. Neither the governing body, the district, nor the commissioners shall be personally or individually liable for the loans or any part thereof. In the event of any such pledge, it shall be the duty 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.

(Ord. No. 88-01, § 1, 1-4-88)

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 fire commissioners may determine to be for the best interest 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. Election ballot.

The board of county commissioners shall cause to be printed on ballots for the election of the board of commissioners of the fire protection district the names of any qualified persons as candidate for the office of the members of the board of commissioners of the fire protection district who shall have qualified as prescribed by law not less than thirty (30) days before such elections. However, blank lines shall be placed on the ballot so that names of persons voted for may be written thereon.