

HB 1033

2012

1 A bill to be entitled
2 An act relating to the Lealman Special Fire Control
3 District, Pinellas County; amending chapter 2000-426,
4 Laws of Florida, as amended; lowering the millage rate
5 for the district; providing for future annexation;
6 providing that lowering the millage rate does not
7 require a referendum; providing an effective date.

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

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11 Section 1. Sections 8, 11, and 15 of chapter 2000-426,
12 Laws of Florida, as amended by chapter 2007-288, Laws of
13 Florida, are amended to read:

14 Section 8. Taxes; non-ad valorem assessments; impact fees;
15 user charges; bond issuance.—

16 (1) The District shall also hold all powers, functions,
17 and duties set forth in this Act and chapters 189, 191, and 197,
18 Florida Statutes, as amended from time to time, including, but
19 not limited to, ad valorem taxation, bond issuance, other
20 revenue-raising capabilities, budget preparation and approval,
21 liens and foreclosure of liens, use of tax deeds and tax
22 certificates as appropriate for non-ad valorem assessments, and
23 contractual agreements; however, an ad valorem tax levied by the
24 Board for operating purposes, exclusive of debt service on
25 bonds, may not exceed 5.75 ~~10~~ mills if approved by a majority
26 vote of qualified electors of the district voting in a
27 referendum election providing for such millage rate. The
28 District may be financed by any method established in this Act,

HB 1033

2012

29 chapter 189, or chapter 191, Florida Statutes, as amended from
30 time to time.

31 (2) The methods for assessing and collecting non-ad
32 valorem assessments, fees, or service charges shall be as set
33 forth in chapter 170, chapter 189, chapter 191, or chapter 197,
34 Florida Statutes, as amended from time to time.

35 Section 11. Annexation of territories by municipalities.-

36 (1) For the purposes and requirements of this Act, after
37 the annexation by a municipality of any unincorporated area
38 within the Lealman Special Fire Control District, the annexed
39 area shall be treated as lying within the corporate boundaries
40 of the annexing municipality and shall not be subject to a levy
41 of the ad valorem tax that is authorized by this Act.

42 (2) Notwithstanding chapter 171, Florida Statutes, or any
43 other applicable general law, special act, or ordinance, if a
44 municipality annexes any unincorporated territory situated
45 within the defined boundaries of the District from the effective
46 date of this Act until July 1, 2016, the District shall continue
47 as the sole provider of fire and rescue services for the annexed
48 territory. Any municipality that annexes such territory may levy
49 any applicable taxes, assessments, or fees on the annexed
50 territory but must, by May 1 of each subsequent year after such
51 annexation, pay the District for its services in an amount equal
52 to the amount of taxes, assessments, or fees which would have
53 been collected by the District from the annexed territory during
54 that year had the territory not been annexed. Such payments
55 shall continue in perpetuity unless the District and annexing
56 municipality agree otherwise. If litigation is required to

HB 1033

2012

57 enforce the provisions of this Act, the prevailing party shall
58 be entitled to an award of attorney fees and costs. This
59 subsection shall not apply to annexations of unincorporated
60 territory situated within the defined boundaries of the District
61 after July 1, 2016.

62 Section 15. Referendum.—

63 (1) The provisions of section 8 which authorize the levy
64 of ad valorem taxation shall take effect only upon express
65 approval by a majority vote of those qualified electors of the
66 district, as required by Section 9, Article VII, of the State
67 Constitution, voting in a referendum to be held in conjunction
68 with the next general election. Such election shall be held in
69 accordance with the provisions of law relating to elections
70 currently in force in the district.

71 (2) This Act does not require a referendum to approve the
72 levy of an ad valorem tax at a millage rate less than a millage
73 rate previously approved by referendum pursuant to this Act.

74 Section 2. This act shall take effect upon becoming a law.