

CHAPTER 2012-251

Committee Substitute for House Bill No. 1033

An act relating to the Lealman Special Fire Control District, Pinellas County; amending chapter 2000-426, Laws of Florida, as amended; lowering the millage rate for the district; providing for future annexation; providing an effective date.

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

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

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

(1) The District shall also hold all powers, functions, and duties set forth in this Act and chapters 189, 191, and 197, Florida Statutes, as amended from time to time, including, but not limited to, 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; however, an ad valorem tax levied by the Board for operating purposes, exclusive of debt service on bonds, may not exceed 5.75 ~~10~~ mills if approved by a majority vote of qualified electors of the district voting in a referendum election providing for such millage rate. The District may be financed by any method established in this Act, chapter 189, or chapter 191, Florida Statutes, as amended from time to time.

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

Section 11. Annexation of territories by municipalities.—

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

(2) Notwithstanding section 171.093, Florida Statutes, if a municipality annexes any unincorporated territory situated within the defined boundaries of the District from the effective date of this Act until July 1, 2016, the District shall continue as the primary provider of fire, rescue, and emergency medical services for the annexed territory. Any municipality that annexes such territory may levy any applicable taxes, assessments, or fees on the annexed territory but must, by May 1 of each subsequent year after such

annexation, pay the District for its services in an amount equal to the amount of taxes, assessments, or fees which would have been collected by the District from the annexed territory during that year had the territory not been annexed, using the millage rate in effect on the effective date of this act, or any lower rate that may be levied by the District. Such payments shall continue in perpetuity unless the District is relieved of all fire, rescue, or emergency medical service responsibility in the annexed territory, with the exception of an isolated response to a local or areawide disaster, such as a hazardous material incident, tornado, hurricane, or major fire. If litigation is required to enforce the provisions of this Act, the prevailing party shall be entitled to an award of attorney fees and costs. This subsection shall not apply to annexations of unincorporated territory situated within the defined boundaries of the District after July 1, 2016.

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

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.