

CHAPTER 2000-426

House Bill No. 1549

An act relating to Pinellas County; creating and establishing an independent special district in said county to be known as the Lealman Special Fire Control District; creating a charter; providing a short title; providing definitions; providing for the boundaries of the Lealman Special Fire Control District; providing the intent and purposes of this act; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of the district; providing for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for issuance of bonds; providing for a 5-year plan; providing for boundaries and merger of the district boundaries; providing for annexation of territory by municipalities; providing for amendment of charter; providing for effect of dissolution; providing for severability; providing for a referendum with respect to taxing authority; providing an effective date.

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

Section 1. The Lealman Special Fire Control District, an independent special district in Pinellas County, is created and established, Pursuant to chapters 189 and 191, Florida Statutes and the charter for such district is created to read:

Section 1. Short title.—This Act may be cited as the “Lealman Special Fire Control District Act.”

Section 2. Definitions.—Unless the context otherwise requires, capitalized terms used herein shall have the following meanings ascribed to them:

(1) “Board” means the Board of Commissioners of the Lealman Special Fire Control District.

(2) “County” means Pinellas County, Florida.

(3) “Elector” means a person who is a resident of the District and is qualified to vote in a general election in Pinellas County.

(4) “Emergency medical service” means basic life support service and advanced life support service, as defined in section 401.23, Florida Statutes.

(5) “Governor” means the Governor of the State of Florida.

(6) “Rescue response service” means an initial response to an emergency or accident situation, including, but not limited to, a plane crash, a trench or building collapse, a swimming or boating accident, or a motor vehicle accident.

Section 3. Formation; boundaries.—

(1) For the purpose of providing fire prevention services pursuant to chapter 191, Florida Statutes, an independent special district is hereby created and incorporated to be known as the Lealman Special Fire Control District, hereinafter the "District," in Pinellas County, which special district shall be a public municipal corporation, and shall embrace and include the territory described as:

An area of unincorporated Pinellas County, Florida, situated within Sections 25, 35 and 36, Township 30 South, Range 15 East; Sections 32, 33, 34, 35 and 36, Township 30 South, Range 16 East; Sections 1 and 2, Township 31 South, Range 15 East, Sections 2, 3, 4, 5 and 6, Township 31 South, Range 16 East, being described as follows:

Begin at the East Quarter Corner of Section 34, Township 30 South, Range 16 East, run N 00-00-37 W, 2645.00 ft.; thence S 89-46-16 E, 2659.93 ft.; thence N 89-53-11 E, 1327.09 ft.; thence S 00-01-18 W, 2645.00 ft.; thence S 89-50-43 E, 3075.76 ft.; thence S 00-01-18 W, 1321.66 ft.; thence N 89-54-07 W, 437.63 ft.; thence, S 00-06-29 W, 662.69 ft.; thence N 89-48-18 W, 523.69 ft.; thence S 00-13-08 W, 662.19 ft.; thence S 89-55-43 W, 1730.03 ft.; thence S 51-00-56 E, 211.06 ft.; thence S 05-07-15 E, 253.48 ft.; thence S 03-48-39 E, 261.42 ft.; thence S 58-50-52 E, 40.72 ft.; thence S 00-20-27 W, 577.85 ft.; thence S 51-41-11 E, 34.73 ft.; thence S 00-45-16 E, 424.79 ft.; thence S 04-36-21 E, 256.08 ft.; thence S 00-38-09 W, 692.67 ft.; thence S 01-49-22 W, 849.77 ft.; thence S 00-23-52 W, 1147.53 ft.; thence N 89-58-34 W, 672.25 ft.; thence S 89-52-44 W, 3002.10 ft.; thence N 89-37-28 W, 756.56 ft.; thence S 45-10-25 E, 34.65 ft.; thence West, 93.00 ft.; thence N 05-09-57 W, 24.53 ft.; thence N 89-50-26 W, 246.01 ft.; thence N 02-00-19 W, 337.59 ft.; thence N 44-33-00 W, 495.08 ft.; thence S 00-03-01 W, 331.74 ft.; thence N 89-30-51 W, 208.84 ft.; thence N 00-29-29 E, 287.67 ft.; thence S 89-48-50 W, 308.00 ft.; thence S 00-33-06 W, 624.60 ft.; thence S 89-58-24 W, 992.27 ft.; thence S 89-53-36 W, 1359.22 ft.; thence N 89-59-21 W, 3336.44 ft.; thence N 89-51-52 W, 2577.51 ft.; thence N 89-21-59 W, 1472.00 ft.; thence N 89-50-56 W, 2466.38 ft.; thence N 00-00-58 W, 664.88 ft.; thence N 89-54-04 W, 669.50 ft.; thence S 00-23-32 W, 661.86 ft.; thence S 89-54-24 W, 1993.32 ft.; thence N 89-18-30 W, 1335.85 ft.; thence N 89-52-30 W, 2391.37 ft.; thence N 89-30-52 W, 1769.72 ft.; thence N 89-10-15 W, 1317.33 ft.; thence N 00-09-20 E, 662.38 ft.; thence N 89-54-22 W, 1107.19 ft.; thence N 01-13-44 E, 168.29 ft.; thence N 89-46-14 W, 148.20 ft.; thence S 03-30-00 W, 296.65 ft.; thence S 60-59-47 E, 225.00 ft.; thence S 55-45-37 E, 580.12 ft.; thence S 56-18-46 E, 179.44 ft.; thence N 89-44-08 W, 145.84 ft.; thence N 55-53-33 W, 110.50 ft.; thence S 33-50-14 W, 70.68 ft.; thence S 89-00-32 W, 147.80 ft.; thence N 89-42-00 W, 161.19 ft.; thence N 89-45-54 W, 1440.29 ft.; thence N 88-05-49 W, 120.46 ft.; thence S 71-14-45 W, 156.10 ft.; thence S 89-35-42 W, 2259.28 ft.; thence N 07-38-32 E, 1824.99 ft.; thence N 06-15-00 E, 1684.26 ft.; thence N 31-02-07 E, 1480.02 ft.; thence N 27-37-21 E, 2993.90 ft.; thence N 25-50-49 E, 2194.33 ft.; thence N 23-11-46 E, 632.37 ft.; thence N 16-14-00 E, 327.98 ft.; thence N 31-03-30 E, 373.00 ft.; thence S 54-18-01 E, 392.01 ft.; thence S 56-24-51 E, 290.42 ft.; thence S 56-38-51 E, 264.76 ft.; thence

S 53-54-44 E, 250.25 ft.; thence S 54-39-31 E, 286.92 ft.; thence S 54-02-49 E, 307.75 ft.; thence S 55-33-46 E, 403.51 ft.; thence S 54-48-57 E, 283.86 ft.; thence S 53-25-06 E, 920.87 ft.; to a point of curvature; thence southerly, 1429.57 ft. along the arc of a curve concave westerly, having a radius of 1230.30 ft., through a central angle of 66-34-32, a chord bearing of S 14-49-13 E, a chord length of 1350.49 ft., to a Point of Non-tangency, a radial to said point being S 71-37-57 E; thence East, 90.41 ft.; thence S 89-45-32 E, 1981.99 ft.; thence S 89-44-25 E, 1324.00 ft.; thence S 89-44-42 E, 2177.63 ft.; thence S 00-46-40 W, 369.05 ft.; thence N 89-39-32 W, 195.04 ft.; thence S 00-46-19 W, 292.19 ft.; thence S 89-45-13 E, 362.68 ft.; thence N 00-38-50 E, 661.62 ft.; thence S 89-37-02 E, 1623.45 ft.; thence S 01-05-09 W, 661.28 ft.; thence S 89-46-29 E, 636.13 ft.; thence S 00-26-00 W, 661.18 ft.; thence East, 325.56 ft.; thence N 00-32-04 E, 535.96 ft.; thence East, 320.56 ft.; thence N 00-47-25 E, 546.02 ft.; thence S 83-22-05 W, 325.24 ft.; thence North, 275.47 ft.; thence S 89-42-49 E, 1619.56 ft.; thence S 00-23-01 W, 181.36 ft.; thence N 89-34-45 E, 287.34 ft.; thence N 00-19-10 W, 181.84 ft.; thence S 89-32-03 E, 393.50 ft.; thence S 00-17-18 W, 659.55 ft.; thence S 89-54-33 E, 673.53 ft.; thence N 00-22-19 E, 659.86 ft.; thence S 89-57-28 E, 1353.00 ft.; thence S 89-54-44 E, 1306.00 ft.; thence S 00-15-04 W, 264.95 ft.; thence S 44-24-09 E, 1479.03 ft.; thence S 89-52-56 E, 135.08 ft.; thence N 00-07-46 E, 259.95 ft.; thence N 89-48-36 E, 1120.82 ft.; thence S 00-29-34 E, 90.85 ft.; thence East, 14.38 ft.; thence S 00-43-42 E, 179.45 ft.; thence N 89-42-52 E, 313.38 ft.; thence N 00-13-01 E, 1320.98 ft.; thence S 89-46-54 E, 3937.50 ft. to the Point of Beginning.

LESS AND EXCEPT:

Lands within the corporate limits of Kenneth City, Florida, described as follows:

Commence at the Southwest corner of Section 4, Township 31 South, Range 16 East, run N 00-24-29 E, 665.39 ft. for a Point of Beginning; thence S 89-21-59 E, 1318.99 ft.; thence N 00-45-58 E, 2012.18 ft.; thence N 00-04-36 E, 1981.56 ft.; thence N 00-09-57 E, 712.25 ft.; thence N 89-27-23 W, 523.74 ft.; thence N 00-58-17 E, 165.90 ft.; thence N 88-24-30 W, 101.26 ft.; thence North, 115.28 ft.; thence N 88-40-55 W, 120.91 ft.; thence North, 160.25 ft.; thence East, 120.88 ft.; thence N 00-50-37 W, 161.30 ft.; thence S 89-55-21 W, 1040.72 ft.; thence N 00-25-13 E, 664.61 ft.; thence West, 650.06 ft.; thence S 00-12-57 W, 1285.51 ft.; thence N 89-10-24 W, 1678.86 ft.; thence S 00-31-09 W, 2676.48 ft.; thence N 89-59-28 W, 1605.56 ft.; thence N 01-15-57 E, 664.79 ft.; thence N 89-56-35 W, 1038.88 ft.; thence S 00-51-59 W, 2021.48 ft.; thence S 89-59-16 E, 2038.91 ft.; thence S 89-54-04 E, 669.50 ft.; thence East, 651.91 ft.; thence N 00-20-50 E, 660.20 ft.; thence S 89-49-17 E, 661.50 ft.; thence N 00-09-04 W, 616.35 ft.; thence N 89-46-38 E, 1261.60 ft.; thence South, 618.53 ft.; thence S 89-50-32 W, 601.47 ft.; thence S 00-24-50 W, 666.39 ft.; thence East, 502.03 ft.; thence S 00-33-58 W, 664.22 ft.; thence S 89-21-59 E, 153.00 ft. to the Point of Beginning.

LESS AND EXCEPT:

Lands within the corporate limits of the City of St. Petersburg, Florida, described as follows:

Commence at the Southwest corner of Section 36, Township 30 South, Range 16 East, run N 00-08-41 E, 658.49 ft. for a Point of Beginning; thence N 00-06-59 E, 332.26 ft.; thence N 88-43-34 E, 49.20 ft.; thence N 00-10-44 W, 130.13 ft.; thence S 87-41-27 E, 7.76 ft.; thence N 00-00-23 E, 274.56 ft.; thence N 88-45-02 W, 27.23 ft.; thence N 00-03-44 E, 518.78 ft.; thence S 89-52-25 W, 838.56 ft.; thence S 16-25-30 E, 42.54 ft.; thence S 19-44-50 E, 379.31 ft.; thence S 24-57-42 E, 123.37 ft.; thence S 19-27-07 E, 398.06 ft.; thence S 30-48-40 E, 108.72 ft.; thence S 23-26-21 E, 300.11 ft.; thence S 89-42-45 E, 308.11 ft. to the Point of Beginning.

Containing 5,197 Acres M.O.L.

(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.

(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 4. 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 Lealman Special Fire Control District.

(2) Provide greater uniformity between the Lealman Special Fire Control District and other independent special fire control districts.

(3) Provide greater uniformity in the financing authority of the Lealman Special Fire Control District without hampering the efficiency and effectiveness of current authorized and implemented methods and procedures of raising revenues.

(4) Improve communication and coordination between the Lealman Special Fire Control 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.

(5) Provide uniform procedures for electing members of the governing Board of the Lealman Special Fire Control District to ensure greater accountability to the public.

Section 5. 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 Lealman Special Fire Control 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 Lealman Special Fire Control 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 section 876.05, Florida Statutes. Each commissioner, within 30 days after assuming office, must give the Governor a good and sufficient surety bond in the sum of \$5,000, conditioned upon the faithful performance of the commissioner's duties and upon the accounting of all funds to come into his or her hands as commissioner. All premiums for each surety on all such bonds shall be paid from the funds of the District.

(3) Members of the Board may each be paid a salary or honorarium to be determined by at least a majority plus one vote of the Board, which salary or honorarium may not exceed \$500 per month for each member. Special notice of any meeting at which the Board will consider a salary change for a Board member shall be published at least once, at least 14 days prior to the meeting, in a newspaper of general circulation in the County. Separate compensation for the Board member serving as treasurer may be authorized by like vote so long as total compensation for the Board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expenses, as provided in section 112.061, Florida Statutes.

(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 6. 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) Each of the five commissioners shall hold his or her respective seat on the Board of Commissioners of the Lealman Special Fire Control District for a term of 4 years and, except as provided in subsection (3) of this section, 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 following the member's election, and shall serve until the commissioner's successor is elected.

(6) All candidates shall qualify with the County Supervisor of Elections. 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 section 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 Lealman FCD," 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, section 189.417, Florida Statutes, and other applicable general laws.

Section 7. Powers.—

(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.

(2) The Board shall exercise the powers described herein in a manner consistent with the policies and regulations of the Pinellas County Fire Protection Authority, which was created pursuant to chapter 73-600, Laws of Florida.

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 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 9. Five-year plan.—The District shall adopt a 5-year plan to identify the facilities, equipment, personnel, and revenue needed by the District during that 5-year period. The plan shall be updated in accordance with section 189.415, Florida Statutes, and shall satisfy the requirement for a public facilities report required by section 189.415(2), Florida Statutes.

Section 10. Boundaries and mergers.—

(1) The boundaries of the District may be modified, extended, or enlarged upon approval or ratification by the Legislature.

(2) The merger of the District with all, or portions of, other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. A District may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the District beyond the maximum established by the District's enabling legislation, unless approved by the electors of the District by referendum.

Section 11. Annexation of territories by municipalities.—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 which is authorized by this Act.

Section 12. Amendment of charter.—This charter may be amended only by special act of the Legislature.

Section 13. Effect of dissolution.—In accordance with section 189.4042, Florida Statutes, the dissolution of the District shall transfer the title to all property owned by the District to Pinellas County, which shall assume all indebtedness of this District.

Section 14. 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 15. Referendum.—The provisions of section 8 which authorize the levy of ad valorem taxation shall take effect only upon express approval by a majority vote of those qualified electors of the district, as required by Section 9, Article VII, of the State Constitution, voting in a referendum to be held in conjunction with the next general election. Such election shall be held in accordance with the provisions of law relating to elections currently in force in the district.

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.