

By Senator Sebesta

20-1076-00

See HB

1 A bill to be entitled
2 An act relating to Pinellas County; creating
3 and establishing an independent special
4 district in said county to be known as the
5 Lealman Special Fire Control District; creating
6 a charter; providing a short title; providing
7 definitions; providing for the boundaries of
8 the Lealman Special Fire Control District;
9 providing the intent and purposes of this act;
10 providing for the election of a district board
11 of commissioners; providing for terms of
12 office; providing for officers and meetings of
13 the board; providing for commissioners'
14 compensation and expenses; requiring a bond;
15 providing general and special powers of the
16 district; providing for the levy of ad valorem
17 taxes, non-ad valorem assessments, user
18 charges, and impact fees; providing for
19 referenda; providing for issuance of bonds;
20 providing for a 5-year plan; providing for
21 boundaries and merger of the district
22 boundaries; providing for annexation of
23 territory by municipalities; providing for
24 amendment of charter; providing for effect of
25 dissolution; providing for severability;
26 providing for a referendum with respect to
27 taxing authority; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

30
31

1 Section 1. The Lealman Special Fire Control District,
2 an independent special district in Pinellas County, is created
3 and established, and the charter for such district is created
4 to read:

5 Section 1. Short title.--This Act may be cited as the
6 "Lealman Special Fire Control District Act."

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

10 (1) "Board" means the Board of Commissioners of the
11 Lealman Special Fire Control District.

12 (2) "County" means Pinellas County, Florida.

13 (3) "Elector" means a person who is a resident of the
14 District and is qualified to vote in a general election in
15 Pinellas County.

16 (4) "Emergency medical service" means basic life
17 support service and advanced life support service, as defined
18 in section 401.23, Florida Statutes.

19 (5) "Governor" means the Governor of the State of
20 Florida.

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

25 Section 3. Formation; boundaries.--

26 (1) For the purpose of providing fire prevention
27 services pursuant to chapter 191, Florida Statutes, an
28 independent special district is hereby created and
29 incorporated to be known as the Lealman Special Fire Control
30 District, hereinafter the "District," in Pinellas County,
31 which special district shall be a public municipal

1 corporation, and shall embrace and include the territory
2 described as:

3
4 An area of unincorporated Pinellas County,
5 Florida, situated within Sections 25, 35 and
6 36, Township 30 South, Range 15 East; Sections
7 32, 33, 34, 35 and 36, Township 30 South, Range
8 16 East; Sections 1 and 2, Township 31 South,
9 Range 15 East, Sections 2, 3, 4, 5 and 6,
10 Township 31 South, Range 16 East, being
11 described as follows:

12
13 Begin at the East Quarter Corner of Section 34,
14 Township 30 South, Range 16 East, run N
15 00-00-37 W, 2645.00 ft.; thence S 89-46-16 E,
16 2659.93 ft.; thence N 89-53-11 E, 1327.09 ft.;
17 thence S 00-01-18 W, 2645.00 ft.; thence S
18 89-50-43 E, 3075.76 ft.; thence S 00-01-18 W,
19 1321.66 ft.; thence N 89-54-07 W, 437.63 ft.;
20 thence, S 00-06-29 W, 662.69 ft.; thence N
21 89-48-18 W, 523.69 ft.; thence S 00-13-08 W,
22 662.19 ft.; thence S 89-55-43 W, 1730.03 ft.;
23 thence S 51-00-56 E, 211.06 ft.; thence S
24 05-07-15 E, 253.48 ft.; thence S 03-48-39 E,
25 261.42 ft.; thence S 58-50-52 E, 40.72 ft.;
26 thence S 00-20-27 W, 577.85 ft.; thence S
27 51-41-11 E, 34.73 ft.; thence S 00-45-16 E,
28 424.79 ft.; thence S 04-36-21 E, 256.08 ft.;
29 thence S 00-38-09 W, 692.67 ft.; thence S
30 01-49-22 W, 849.77 ft.; thence S 00-23-52 W,
31 1147.53 ft.; thence N 89-58-34 W, 672.25 ft.;

1 thence S 89-52-44 W, 3002.10 ft.; thence N
2 89-37-28 W, 756.56 ft.; thence S 45-10-25 E,
3 34.65 ft.; thence West, 93.00 ft.; thence N
4 05-09-57 W, 24.53 ft.; thence N 89-50-26 W,
5 246.01 ft.; thence N 02-00-19 W, 337.59 ft.;
6 thence N 44-33-00 W, 495.08 ft.; thence S
7 00-03-01 W, 331.74 ft.; thence N 89-30-51 W,
8 208.84 ft.; thence N 00-29-29 E, 287.67 ft.;
9 thence S 89-48-50 W, 308.00 ft.; thence S
10 00-33-06 W, 624.60 ft.; thence S 89-58-24 W,
11 992.27 ft.; thence S 89-53-36 W, 1359.22 ft.;
12 thence N 89-59-21 W, 3336.44 ft.; thence N
13 89-51-52 W, 2577.51 ft.; thence N 89-21-59 W,
14 1472.00 ft.; thence N 89-50-56 W, 2466.38 ft.;
15 thence N 00-00-58 W, 664.88 ft.; thence N
16 89-54-04 W, 669.50 ft.; thence S 00-23-32 W,
17 661.86 ft.; thence S 89-54-24 W, 1993.32 ft.;
18 thence N 89-18-30 W, 335.85 ft.; thence N
19 89-52-30 W, 2391.37 ft.; thence N 89-30-52 W,
20 1769.72 ft.; thence N 89-10-15 W, 1317.33 ft.;
21 thence N 00-09-20 E, 662.38 ft.; thence N
22 89-54-22 W, 1107.19 ft.; thence N 01-13-44 E,
23 168.29 ft.; thence N 89-46-14 W, 148.20 ft.;
24 thence S 03-30-00 W, 296.65 ft.; thence S
25 60-59-47 E, 225.00 ft.; thence S 55-45-37 E,
26 580.12 ft.; thence S 56-18-46 E, 179.44 ft.;
27 thence N 89-44-08 W, 145.84 ft.; thence N
28 55-53-33 W, 110.50 ft.; thence S 33-50-14 W,
29 70.68 ft.; thence S 89-00-32 W, 147.80 ft.;
30 thence N 89-42-00 W, 161.19 ft.; thence N
31 89-45-54 W, 1440.29 ft.; thence N 88-05-49 W,

1 120.46 ft.; thence S 71-14-45 W, 156.10 ft.;
2 thence S 89-35-42 W, 2259.28 ft.; thence N
3 07-38-32 E, 1824.99 ft.; thence N 06-15-00 E,
4 1684.26 ft.; thence N 31-02-07 E, 1480.02 ft.;
5 thence N 27-37-21 E, 2993.90 ft.; thence N
6 25-50-49 E, 2194.33 ft.; thence N 23-11-46 E,
7 632.37 ft.; thence N 16-14-00 E, 327.98 ft.;
8 thence N 31-03-30 E, 373.00 ft.; thence S
9 54-18-01 E, 392.01 ft.; thence S 56-24-51 E,
10 290.42 ft.; thence S 56-38-51 E, 264.76 ft.;
11 thence S 53-54-44 E, 250.25 ft.; thence S
12 54-39-31 E, 286.92 ft.; thence S 54-02-49 E,
13 307.75 ft.; thence S 55-33-46 E, 403.51 ft.;
14 thence S 54-48-57 E, 283.86 ft.; thence S
15 53-25-06 E, 920.87 ft.; to a point of
16 curvature; thence southerly, 1429.57 ft. along
17 the arc of a curve concave westerly, having a
18 radius of 1230.30 ft., through a central angle
19 of 66-34-32, a chord bearing of S 14-49-13 W, a
20 chord length of 1350.49 ft., to a Point of
21 Non-tangency, a radial to said point being S
22 71-37-57 E; thence East, 90.41 ft.; thence S
23 89-45-32 E, 1981.99 ft.; thence S 89-44-25 E,
24 324.00 ft.; thence S 89-44-42 E, 2177.63 ft.;
25 thence S 00-46-40 W, 369.05 ft.; thence N
26 89-39-32 W, 195.04 ft.; thence S 00-46-19 W,
27 292.19 ft.; thence S 89-45-13 E, 362.68 ft.;
28 thence N 00-38-50 E, 661.62 ft.; thence S
29 89-37-02 E, 1623.45 ft.; thence S 01-05-09 W,
30 661.28 ft.; thence S 89-46-29 E, 636.13 ft.;
31 thence S 00-26-00 W, 661.18 ft.; thence East,

1 325.56 ft.; thence N 00-32-04 E, 535.96 ft.;
2 thence East, 320.56 ft.; thence N 00-47-25 E,
3 546.02 ft.; thence S 83-22-05 W, 325.24 ft.;
4 thence North, 275.47 ft.; thence S 89-42-49 E,
5 1619.56 ft.; thence S 00-23-01 W, 181.36 ft.;
6 thence N 89-34-45 E, 287.34 ft.; thence N
7 00-19-10 W, 181.84 ft.; thence S 89-32-03 E,
8 393.50 ft.; thence S 00-17-18 W, 659.55 ft.;
9 thence S 89-54-33 E, 673.53 ft.; thence N
10 00-22-19 E, 659.86 ft.; thence S 89-57-28 E,
11 1353.00 ft.; thence S 89-54-44 E, 1306.00 ft.;
12 thence S 00-15-04 W, 264.95 ft.; thence S
13 44-24-09 E, 1479.03 ft.; thence S 89-52-56 E,
14 135.08 ft.; thence N 00-07-46 E, 259.95 ft.;
15 thence N 89-48-36 E, 1120.82 ft.; thence S
16 00-29-34 E, 90.85 ft.; thence East, 14.38 ft.;
17 thence S 00-43-42 E, 179.45 ft.; thence N
18 89-42-52 E, 313.38 ft.; thence N 00-13-01 E,
19 1320.98 ft.; thence S 89-46-54 E, 3937.50 ft.
20 to the Point of Beginning.

21
22 LESS AND EXCEPT:

23
24 Lands within the corporate limits of Kenneth
25 City, Florida, described as follows:

26
27 Commence at the Southwest corner of Section 4,
28 Township 31 South, Range 16 East, run N
29 00-24-29 E, 665.39 ft. for a Point of
30 Beginning; thence S 89-21-59 E, 1318.99 ft.;
31 thence N 00-45-58 E, 2012.18 ft.; thence N

1 00-04-36 E, 1981.56 ft.; thence N 00-09-57 E,
2 712.25 ft.; thence N 89-27-23 W, 523.74 ft.;
3 thence N 00-58-17 E, 165.90 ft.; thence N
4 88-24-30 W, 101.26 ft.; thence North, 115.28
5 ft.; thence N 88-40-55 W, 120.91 ft.; thence
6 North, 160.25 ft.; thence East, 120.88 ft.;
7 thence N 00-50-37 W, 161.30 ft.; thence S
8 89-55-21 W, 1040.72 ft.; thence N 00-25-13 E,
9 664.61 ft.; thence West, 650.06 ft.; thence S
10 00-12-57 W, 1285.51 ft.; thence N 89-10-24 W,
11 1678.86 ft.; thence S 00-31-09 W, 2676.48 ft.;
12 thence N 89-59-28 W, 1605.56 ft.; thence N
13 01-15-57 E, 664.79 ft.; thence N 89-56-35 W,
14 1038.88 ft.; thence S 00-51-59 W, 2021.48 ft.;
15 thence S 89-59-16 E, 2038.91 ft.; thence S
16 89-54-04 E, 669.50 ft.; thence East, 651.91
17 ft.; thence N 00-20-50 E, 660.20 ft.; thence S
18 89-49-17 E, 661.50 ft.; thence N 00-09-04 W,
19 616.35 ft.; thence N 89-46-38 E, 1261.60 ft.;
20 thence South, 618.53 ft.; thence S 89-50-32 W,
21 601.47 ft.; thence S 00-24-50 W, 666.39 ft.;
22 thence East, 502.03 ft.; thence S 00-33-58 W,
23 664.22 ft.; thence S 89-21-59 E, 153.00 ft. to
24 the Point of Beginning.

25
26 LESS AND EXCEPT:

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

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1 Commence at the Southwest corner of Section 36,
2 Township 30 South, Range 16 East, run N
3 00-08-41 E, 658.49 ft. for a Point of
4 Beginning; thence N 00-06-59 E, 332.26 ft.;
5 thence N 88-43-34 E, 49.20 ft.; thence N
6 00-10-44 W, 130.13 ft.; thence S 87-41-27 E,
7 7.76 ft.; thence N 00-00-23 E, 274.56 ft.;
8 thence N 88-45-02 W, 27.23 ft.; thence N
9 00-03-44 E, 518.78 ft.; thence S 89-52-25 W,
10 838.56 ft.; thence S 16-25-30 E, 42.54 ft.;
11 thence S 19-44-50 E, 379.31 ft.; thence S
12 24-57-42 E, 123.37 ft.; thence S 19-27-07 E,
13 398.06 ft.; thence S 30-48-40 E, 108.72 ft.;
14 thence S 23-26-21 E, 300.11 ft.; thence S
15 89-42-45 E, 308.11 ft. to the Point of
16 Beginning.

17
18 Containing 5,197 Acres M.O.L.

19
20 (2) Any lands within a municipality included in the
21 boundaries of the District, as described herein, shall be
22 excluded from the District and its jurisdiction. If any area,
23 tract, or parcel of land within the boundaries of the District
24 shall hereafter become annexed to a municipality, such area,
25 tract, or parcel of land shall be excluded from the District
26 effective the next January 1 following such annexation by a
27 municipality.

28 (3) Should any part of the territory covered in this
29 Act be held not to be included herein, then this Act shall
30 continue in effect as to the balance of the territory.

31 Section 4. Intent.--The purposes of this Act are to:

1 (1) Provide standards, direction, and procedures
2 concerning the operation and governance of the special fire
3 control district known as the Lealman Special Fire Control
4 District.

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

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

13 (4) Improve communication and coordination between the
14 Lealman Special Fire Control District and other local
15 governments with respect to short-range and long-range
16 planning to meet the demands for service delivery while
17 maintaining fiscal responsibility.

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

21 Section 5. Board of Commissioners--officers; bond;
22 compensation.--

23 (1) The business affairs of the District shall be
24 conducted and administered by the Board of Commissioners of
25 the Lealman Special Fire Control District, which is
26 established as a Board of five commissioners. Annually, within
27 60 days after newly elected members have taken office, the
28 Board shall organize by electing from its members a chair, a
29 vice chair, a secretary, and a treasurer. The positions of
30 secretary and treasurer may be held by one member. The office
31 of each commissioner comprising the Board of Commissioners of

1 the Lealman Special Fire Control District is hereby designated
2 as being a seat on the Commission, distinguished from each of
3 the other seats by a numeral: 1, 2, 3, 4, or 5. The
4 numerical seat designation does not designate a geographical
5 subdistrict of the District.

6 (2) Each commissioner shall, upon assuming office,
7 take and subscribe to the oath of office prescribed by Section
8 5(b), Article II, of the State Constitution, and section
9 876.05, Florida Statutes. Each commissioner, within 30 days
10 after assuming office, must give the Governor a good and
11 sufficient surety bond in the sum of \$5,000, conditioned upon
12 the faithful performance of the commissioner's duties and upon
13 the accounting of all funds to come into his or her hands as
14 commissioner. All premiums for each surety on all such bonds
15 shall be paid from the funds of the District.

16 (3) Members of the Board may each be paid a salary or
17 honorarium to be determined by at least a majority plus one
18 vote of the Board, which salary or honorarium may not exceed
19 \$500 per month for each member. Special notice of any meeting
20 at which the Board will consider a salary change for a Board
21 member shall be published at least once, at least 14 days
22 prior to the meeting, in a newspaper of general circulation in
23 the County. Separate compensation for the Board member
24 -serving as treasurer may be authorized by like vote so long as
25 total compensation for the Board member does not exceed \$500
26 per month. Members may be reimbursed for travel and per diem
27 expenses, as provided in section 112.061, Florida Statutes.

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

1 Section 6. Board of Commissioners--terms; election;
2 qualifications; certification of single candidate.--

3 (1) Each of the five commissioners shall hold his or
4 her respective seat on the Board of Commissioners of the
5 Lealman Special Fire Control District for a term of 4 years
6 and, except as provided in subsection (3) of this section,
7 shall be elected by majority vote of the Electors of the
8 District voting at a general election. In the first election
9 following the effective date of this Act, seats 1, 3, and 5
10 shall be designated for 4-year terms, and seats 2 and 4 shall
11 be designated for 2-year terms. All commissioners must be
12 qualified electors within the District and must reside within
13 the District.

14 (2) Voting for commissioners shall be Districtwide and
15 nonpartisan.

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

26 (4) Each commissioner, whenever elected, shall assume
27 office 10 days following the member's election, and shall
28 serve until the commissioner's successor is elected.

29 (5) All candidates shall qualify with the County
30 Supervisor of Elections. All candidates may qualify by paying
31 a filing fee of \$25 or by obtaining the signatures of at least

1 25 registered Electors of the District on petition forms
2 provided by the Supervisor of Elections, which petitions shall
3 be submitted and checked in the same manner as petitions filed
4 by nonpartisan judicial candidates pursuant to section
5 105.035, Florida Statutes.

6 (6) The names of all candidates qualifying for
7 election to a seat on the Board of Commissioners shall be
8 included on the ballot or voting machines provided for use in
9 the district, along with the candidates for County office at
10 each regular County election, in such a way as to clearly
11 indicate the respective seat for which each qualified
12 candidate for District commissioner is running.

13 (7) Any expense of holding elections for commission
14 seats at the regular County elections shall be paid out of the
15 funds of the District, if required by proper authority.

16 (8) The Board shall keep a permanent record book
17 entitled "Record of Proceedings of Lealman FCD," in which the
18 minutes of all meetings, resolutions, proceedings,
19 certificates, bonds given by commissioners, and corporate acts
20 shall be recorded. The record book shall be open to
21 inspection in the same manner as state, county, and municipal
22 records are open under chapter 119, Florida Statutes, and
23 Section 24, Article I, of the State Constitution. The record
24 book shall be kept at the office or other regular place of
25 business maintained by the Board in the county or municipality
26 in which the District is located.

27 (9) All meetings of the Board shall be open to the
28 public, consistent with chapter 286, Florida Statutes, section
29 189.417, Florida Statutes, and other applicable general laws.

30 Section 7. Powers.--
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1 (1) The District shall have, and the Board may
2 exercise, all the powers and duties set forth in chapters 189
3 and 191, Florida Statutes, as they may be amended from time to
4 time.

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

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

11 (1) The District shall also hold all powers,
12 functions, and duties set forth in this Act and chapters 189,
13 191, and 197, Florida Statutes, as amended from time to time,
14 including, but not limited to, ad valorem taxation, bond
15 issuance, other revenue-raising capabilities, budget
16 preparation and approval, liens and foreclosure of liens, use
17 of tax deeds and tax certificates as appropriate for non-ad
18 valorem assessments, and contractual agreements; however, an
19 ad valorem tax levied by the Board for operating purposes,
20 exclusive of debt service on bonds, may not exceed 10 mills if
21 approved by a majority vote of qualified electors of the
22 district voting in a referendum election providing for such
23 millage rate. The District may be financed by any method
24 established in this Act, chapter 189, or chapter 191, Florida
25 Statutes, as amended from time to time.

26 (2) The methods for assessing and collecting non-ad
27 valorem assessments, fees, or service charges shall be as set
28 forth in chapter 170, chapter 189, chapter 191, or chapter
29 197, Florida Statutes, as amended from time to time.

30 Section 9. Five-year plan.--The District shall adopt a
31 5-year plan to identify the facilities, equipment, personnel,

1 and revenue needed by the District during that 5-year period.
2 The plan shall be updated in accordance with section 189.415,
3 Florida Statutes, and shall satisfy the requirement for a
4 public facilities report required by section 189.415(2),
5 Florida Statutes.

6 Section 10. Boundaries and mergers.--

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

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

18 Section 11. Annexation of territories by

19 municipalities.--For the purposes and requirements of this
20 Act, after the annexation by a municipality of any
21 unincorporated area within the Lealman Special Fire Control
22 District, the annexed area shall be treated as lying within
23 the corporate boundaries of the annexing municipality, and
24 shall not be subject to a levy of the ad valorem tax which is
25 authorized by this Act.

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

28 Section 13. Effect of dissolution.--In accordance with
29 section 189.4042, Florida Statutes, the dissolution of the
30 District shall transfer the title to all property owned by the
31

1 District to Pinellas County, which shall assume all
2 indebtedness of this District.
3 Section 14. Severability.--Should any provision of
4 this Act be held to be unconstitutional, inoperative, or void,
5 such holding or invalidity shall not affect the remaining
6 portions of this Act.
7 Section 15. Referendum.--The provisions of section 8
8 which authorize the levy of ad valorem taxation shall take
9 effect only upon express approval by a majority vote of those
10 qualified electors of the district, as required by Section 9,
11 Article VII, of the State Constitution, voting in a referendum
12 to be held in conjunction with the next general election. Such
13 election shall be held in accordance with the provisions of
14 law relating to elections currently in force in the district.
15 Section 2. This act shall take effect upon becoming a
16 law.
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