

By Senator Jones

13-01212A-10

20102760__

1 A bill to be entitled
2 An act relating to Pinellas Park Water Management
3 District Authority, Pinellas County; amending chapter
4 2001-325, Laws of Florida; reducing the ad valorem
5 millage cap, subject to a referendum; specifying that
6 the authority is housed within the City of Pinellas
7 Park for administrative purposes; increasing and
8 revising membership of the authority; increasing the
9 term for each member; deleting provisions requiring a
10 secretary and treasurer to be elected and the
11 treasurer to post a surety bond; deleting other
12 provisions to conform to changes made by the act;
13 providing for a referendum; providing effective dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 1, and sections 3 and 8 of section 3, of
18 chapter 2001-325, Laws of Florida, are amended to read:

19 Section 1. Pursuant to section 189.429, Florida Statutes,
20 this act constitutes the codification of all special acts
21 relating to Pinellas Park Water Management District Authority.
22 It is the intent of the Legislature to provide a single,
23 comprehensive special act charter for the authority including
24 all current legislative authority granted to it by its several
25 legislative enactments and any additional authority granted by
26 this act and chapter 189, Florida Statutes, as it may be amended
27 from time to time. It is further the intent of this act to
28 preserve all authority powers, including the power to annually
29 assess and levy against the taxable property in the district a

13-01212A-10

20102760__

30 tax not to exceed 1.5 ~~3~~ mills on the dollar of assessed
31 valuation.

32 Section 3. Pinellas Park Water Management District
33 Authority.—

34 (1) The Pinellas Park Water Management District Authority
35 was created as the Pinellas Park Water Management District by
36 special act of the Legislature in 1975. Its charter may be
37 amended only by special act of the Legislature. The authority
38 shall be housed within the City of Pinellas Park for
39 administrative purposes.

40 (2) The governing body of the authority shall consist of
41 five ~~three~~ members, ~~serving and selected as provided herein.~~
42 Three members shall be selected by the Mayor and City Council of
43 the City of Pinellas Park from the members of the council, one
44 member shall be selected by the Mayor and City Council of the
45 City of St. Petersburg from among the members of the council,
46 ~~Two members shall be appointed by the City Council of Pinellas~~
47 ~~Park and one member shall be selected~~ appointed by the Pinellas
48 County Board of County Commissioners from the members of the
49 commission. The term of each appointed member shall be for 4 ~~3~~
50 years, or the balance of the member's term as mayor, city
51 council member, or county commission member under the Charter of
52 the City of Pinellas Park, the Charter of Pinellas County, or
53 the Charter of the City of St. Petersburg, respectively. Each
54 selected ~~appointed~~ member shall hold office until his or her
55 successor has been selected ~~appointed~~ and qualified. A vacancy
56 occurring during a term shall be filled only for the balance of
57 the unexpired term. ~~If any selection is not made by the~~
58 ~~municipality as provided herein, the county commissioners shall~~

13-01212A-10

20102760__

59 ~~appoint an eligible person to the authority with like effect as~~
60 ~~if the selection were made by the municipality. Any member of~~
61 ~~the authority shall be eligible for reappointment.~~

62 ~~(3) Each appointed member of the authority shall be a~~
63 ~~person who is a qualified elector of the district with an~~
64 ~~outstanding reputation for civic pride, interest, integrity,~~
65 ~~responsibility, and business ability. No person who is an~~
66 ~~officer or employee of any city or of the county in any~~
67 ~~capacity, except elected officials, shall be an appointed member~~
68 ~~of the authority.~~

69 ~~(3)~~(4) The authority shall annually elect one of its
70 members as chair of the authority and one as a vice chair. ~~At~~
71 ~~the same time, a secretary and treasurer shall be elected who~~
72 ~~may or may not be members of the authority, and they shall serve~~
73 ~~at the will of the authority. The treasurer shall post a good~~
74 ~~and sufficient surety bond in an amount approved by the Board of~~
75 ~~County Commissioners. Three ~~Two~~ members shall constitute a~~
76 ~~quorum and the vote of two members shall be necessary for any~~
77 ~~action taken by the authority. No vacancy in the authority shall~~
78 ~~impair the right of a quorum of the authority to exercise all of~~
79 ~~the rights and perform all of the duties of the authority. Upon~~
80 ~~the effective date of his or her appointment or, as soon~~
81 ~~thereafter as possible, each appointed member of the authority~~
82 ~~shall enter upon his or her duties.~~

83 ~~(4)~~(5) The district may ~~shall~~ appoint an engineer who shall
84 be a person of recognized ability and experience to serve at the
85 pleasure of the authority. The district may also appoint or
86 employ such employees as may be necessary for the proper
87 performance of its duties and functions, and may determine the

13-01212A-10

20102760__

88 qualifications and fix the compensation of such persons; also,
89 the authority may contract for the services of attorneys,
90 engineers, consultants, and agents for any purpose of the
91 authority, including engineering, management feasibility, and
92 other studies concerning the acquisition, construction,
93 extension, operation, maintenance, regulation, consolidation,
94 and financing of the system in the area.

95 (5)~~(6)~~ Members of the authority shall be entitled to
96 receive from the authority their traveling and other necessary
97 expenses incurred in connection with the business of the
98 authority, as provided in section 112.061, Florida Statutes, but
99 they shall receive no salaries or other compensation, with the
100 exception of the benefits described in subsection (6) ~~(7)~~.

101 ~~During the unexpired term of any member of the authority, that~~
102 ~~member may be removed for misconduct, malfeasance, misfeasance,~~
103 ~~or nonfeasance in office by a two-thirds vote of both appointing~~
104 ~~governing bodies.~~

105 (6)~~(7)~~ Words importing singular number shall include the
106 plural number in each case and vice versa, and the words
107 importing persons shall include firms and corporations.

108 Section 8. Independent special district taxation.—The
109 Pinellas Park Water Management District shall be deemed an
110 independent special district and is authorized to levy ad
111 valorem tax on the taxable real property in the district at a
112 rate sufficient to produce an amount that may be necessary for
113 the purposes of this act, not to exceed 1.5 ~~3~~ mills, provided
114 such millage limit is approved by a vote of the electors who are
115 not wholly exempt from taxation. Property taxes determined and
116 levied under this section shall be certified by the authority to

13-01212A-10

20102760

117 the county auditor, extended, assessed, and collected in like
118 manner as provided by law for regular property taxes for the
119 county or municipalities and in accordance with chapter 200,
120 Florida Statutes. The proceeds under this section shall be
121 remitted by the tax collector to the treasurer of the authority
122 who shall credit them to the funds of the authority for use of
123 the purposes of this law. At any time after making a tax levy
124 under this section and certifying the same to the county, the
125 authority may issue tax anticipation notes of indebtedness in
126 anticipation of the collection of such taxes. If property in the
127 district is not receiving or will not receive any benefit from
128 the district's works or activities, such property may be removed
129 from the district by amendment to section 5 of the district's
130 enabling act, pursuant to the requirements of section 11.02,
131 Florida Statutes, and section 10, Article III of the State
132 Constitution.

133 Section 2. The amendments to section 1, and section 8 of
134 section 3, of chapter 2001-325, Laws of Florida, which lower the
135 cap on the levy of ad valorem taxation to 1.5 mills shall take
136 effect only upon approval to lower the millage cap by a majority
137 vote of those qualified electors of the Pinellas Park Water
138 Management District Authority voting in a referendum to be held
139 by the Pinellas County Board of County Commissioners in
140 conjunction with the November 2010 general election. The
141 question presented to the electors voting in that referendum
142 shall be expressed as an option to approve either the lowering
143 of the millage cap to 1.5 mills or the retaining of the current
144 millage cap of 3 mills.

145 Section 3. Except as otherwise provided by this act, this

13-01212A-10

20102760__

146 act shall take effect upon becoming a law.