

RESOLUTION 2022-02

A RESOLUTION OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT BOARD OF COMMISSIONERS, PINELLAS COUNTY, FLORIDA, CALLING FOR AN ELECTION ON NOVEMBER 8, 2022, TO SUBMIT TO THE ELECTORATE OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT, A BALLOT QUESTION ASKING WHETHER THE DISTRICT IS AUTHORIZED TO LEVY AD VALOREM TAXATION AT A MILLAGE RATE NOT TO EXCEED 0.67 MILLS, TO IMPROVE FIRE AND RESCUE SERVICES, INCLUDING IMPROVEMENTS TO AND CONSTRUCTION OF NEW DISTRICT PUBLIC SAFETY FACILITIES, TECHNOLOGY, AND EQUIPMENT.

WHEREAS, in 1953, the Indian Rocks Fire District was created, which was subsequently recreated and renamed as the Pinellas Suncoast Fire & Rescue District (“District”) by Chapter 2000-436, Laws of Florida (“Special Act”); and

WHEREAS, the District’s purpose is to provide quality emergency services to all residents under its protection, as well as visitors or travelers, who may encounter natural or man-made disasters, and emergencies; such as medical, fire, vehicle, hazardous materials, boats and water; and

WHEREAS, Section 191.008, Florida Statutes, authorizes independent special fire control districts to provide for fire suppression and prevention by establishing and maintaining fire stations and fire substations and acquiring and maintaining such firefighting and fire protection equipment deemed necessary to prevent or fight fires as well as provide emergency and medical response services; and

WHEREAS, Section 9(2) of the District’s charter found in Section 3 of the Special Act (“Charter”) grants the District the powers as provided for in the Charter, and all powers, functions, and duties set forth in Chapters 189 and 191, Florida Statutes, 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; and

WHEREAS, Section 9, Article VII of the Florida Constitution, provides that a special district may levy a millage rate authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; and

WHEREAS, Section 191.006(14), Florida Statutes, authorizes the District to assess and impose ad valorem taxes on real property; and

WHEREAS, Section 191.009(1), Florida Statutes, authorizes independent special fire control districts the authority to levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, with such millage rate not exceeding 3.75 mills unless a higher amount has been previously authorized by law, subject to a referendum as required by the Florida Constitution and Chapter 191, Florida Statutes; and

WHEREAS, Section 191.009(1), Florida Statutes, requires a referendum when the proposed levy of ad valorem taxes exceeds the amount authorized by prior special act, general law of local application, or county ordinance approved by referendum and that the ballot question must state the currently authorized millage rate and the year of its approval by referendum; and

WHEREAS, Section 9(2) of the Charter provides that the District may be financed by any method established in the Charter, Chapter 189 or Chapter 191, Florida Statutes, or any other applicable general or special law; and

WHEREAS, Section 7 of the Charter provides that the District, in addition to or in lieu of non-ad valorem assessments, has the authority to levy an ad valorem tax not to exceed 3 mills, pursuant to Article VII, Section 9 of the Florida Constitution, and as provided by Chapter 191, Florida Statutes; and

WHEREAS, the Board of Commissioners has determined that it will have insufficient non-ad valorem assessment revenues to address the immediate and future needs of the District, including improvements to existing facilities, the construction of new fire stations, and the purchase of apparatus, equipment, and technology; and

WHEREAS, the Board of Commissioners desires to levy an ad valorem tax against taxable property within the District in order to address the District's needs; and

WHEREAS, in accordance with the Florida Constitution and Section 191.009(1), Florida Statutes, the first time levy of an ad valorem millage rate, as well as an increase to any voter-approved maximum millage rate, must be approved by a majority of votes cast at an election; and

WHEREAS, only if the referenda is approved by the electors will the District have the authority to levy a millage rate up to 0.67 mills; and

WHEREAS, the Board of Commissioners acknowledges that if approved, the District is not required to levy the full millage rate of 0.67 mills, rather it will have the flexibility to levy *up to* such rate depending on the needs and demands of the District; and

WHEREAS, if the referenda is approved by the electors, the Florida Constitution and Section 191.009(1), Florida Statutes, prohibits the District from increasing the approved millage rate above 0.67 mills without receiving approval of the electors at a subsequent referendum; and

WHEREAS, it is deemed advisable and necessary to provide for the submission to the qualified electors of the District at the general election to be scheduled for November 8, 2022, of such a question for the levy of an ad valorem tax to meet the District's need for additional funding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT, PINELLAS COUNTY, FLORIDA.

Section 1. The preceding "WHEREAS" clauses are ratified and confirmed as true and correct and incorporated in this Resolution.

Section 2. The District hereby finds, determines, and declares that the District needs to levy an ad valorem tax as it has insufficient funds to pay for necessary improvements to existing facilities and equipment as well to construct needed new fire stations, and purchase equipment and technology with its existing non-ad valorem revenues.

Section 3. Subject to the referendum and the provisions of this Resolution, the District is authorized to levy a millage rate up to 0.67 mills starting with the Fiscal Year 2024.

Section 4. Under the general laws of the State of Florida, an election is now called and directed to be held in the Pinellas Suncoast Fire & Rescue District, Pinellas County, Florida, on Tuesday, November 8, 2022, to submit to the electorate the question set forth below (Election).

Section 5. The Pinellas County election officials shall conduct the Election, with acceptance of the certification of the election results to be performed by the Election Commission.

Section 6. The voting precincts in the Pinellas Suncoast Fire & Rescue District for this Election shall be established by the proper and appropriate Pinellas County election officials. All electors shall vote at the polling places and the voting precincts as determined by the Pinellas County election officials.

Section 7. Under the requirements of Section 100.342, Florida Statutes, notice of a referendum outlined in this Resolution shall be given at least thirty days in advance of the Election and shall be presented in a newspaper of general circulation published in Pinellas County. The notice shall be posted at least twice, once in the fifth week and once in the third week prior to the week the Election is to be held.

Section 8. The official ballot to be used in the Election to be held on Tuesday, November 8, 2022, shall be in substantially the following form:

OFFICIAL BALLOT

Referendum to Approve a New Pinellas Suncoast Fire & Rescue District Ad Valorem Tax

To improve fire, emergency medical, and rescue services, including but not limited to construction of and improvements to new and existing fire stations and facilities, and the purchase of apparatus and equipment, shall the District be authorized to levy an annual ad valorem tax at a millage rate not to exceed 0.67 mills (\$0.67 for every \$1,000.00 of assessed value), with the authorized millage currently being 0 mills?

____ Yes

____ No

Section 9. The District shall pay all expenses for conducting the Election and pay to Pinellas County or directly to all persons or firms upon receipt of the invoice or statement of approval by the Supervisor of Elections, Pinellas County.

Section 10. If any word, phrase, clause, sentence, or paragraph of this Resolution shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph hereof.

Section 11. If the referendum is approved, the Fire Chief, or designee, shall report the levy of ad valorem taxes approved by referendum to the Department of Economic Opportunity within sixty days after the vote.

Section 12. This Resolution shall be in full force and immediate effect upon its passage and adoption.

We, the undersigned hereby, certify that the Pinellas Suncoast Fire & Rescue District Board of Commissioners is comprised of five members, of whom _____, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 19th day of July, 2022, and that the foregoing Resolution was duly adopted at said meeting by the affirmative vote of ____ members, and opposed by ____ members, and that said Resolution has been duly recorded in the Official Records and is in full force and effect.

PASSED AND ADOPTED on the 19th day of July, 2022.

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

Board of Commissioners:

ATTEST:

Louis Snelling, Vice Chair

Lawrence G. Schear, Secretary/Treasurer