

ORDINANCE NO. 20—____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REPEALING ARTICLE II (PUBLIC LAKE IMPROVEMENTS) OF CHAPTER 130 (WATERWAYS) AND BY REVISING CHAPTER 110 (SPECIAL ASSESSMENTS); PROVIDING FOR LAKE IMPROVEMENTS AND OTHER CAPITAL IMPROVEMENTS TO BE ASSESSED USING THE UNIFORM NON-AD VALOREM COLLECTION METHOD UNDER CHAPTER 110; PROVIDING FOR OTHER REVISIONS TO CHAPTER 110 THAT ARE CONSISTENT WITH THE UNIFORM NON-AD VALOREM COLLECTION METHOD; PROVIDING FOR OTHER REVISIONS TO CHAPTER 110 FOR STYLE AND CLARITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 130 (Waterways), Article II (Public Lake Improvements) of the Pinellas County Code (the “Code”) provides a process to fund lake improvements via special assessment;

WHEREAS, Chapter 130, Article II of the Code was adopted in 1976 prior to State adoption of the Uniform Method for Collection of Non-Ad Valorem Assessments codified at F.S. §§ 197.3632, 197.3635 (the “Uniform Method”);

WHEREAS, the Uniform Method—which authorizes non-ad valorem assessment inclusion on tax bills—offers a highly convenient and effective method to collect special assessments;

WHEREAS, the Board of County Commissioners (the “Board”) utilizes the Uniform Method to collect special assessments for surface water management pursuant to Chapter 58 (Environment), Article XVII (Surface Water Management) of the Code, as well as street, drainage, and dredging improvements pursuant to Chapter 110 of the Code (Special Assessments);

WHEREAS, the Board similarly wishes to utilize the Uniform Method to collect special assessments for lake improvements;

WHEREAS, the Board accordingly wishes to repeal Chapter 130, Article II of the Code and amend Chapter 110 of the Code to authorize special assessments for lake improvements to be collected via the Uniform Method;

WHEREAS, the Board wishes to collect special assessments for all (capital) improvements—not just street, drainage, dredging, and lake improvements—via the Uniform Method;

WHEREAS, the Board accordingly wishes to strike the subsections referencing specific improvements in Chapter 110 and instead refer to improvements generally therein; and

WHEREAS, the Board also wishes to delete language in Chapter 110 of the Code that is superfluous or unnecessary.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THAT:

Section 1. Chapter 130 (Waterways), Article II (Public Lake Improvements) of the Pinellas County Code is hereby repealed. Chapter 130 (Waterways), Article III (Boats and Water Safety) of the Pinellas County Code is hereby renumbered Chapter 130 (Waterways), Article II (Boats and Water Safety) of the Pinellas County Code.

Section 2. Chapter 110 (Special Assessments), Article II (Street Improvements, Storm Sewers, and Dredging) is hereby amended as follows:

Chapter 110 – SPECIAL ASSESSMENTS

Article II. –IMPROVEMENTS

Sec. 110-31. - Initial proceedings.

- (a) By a written petition setting forth the legal description of the boundaries of the proposed special improvement district, the owners of 60 percent of the land area of the proposed district, abutting upon the proposed improvements or otherwise specially benefited thereby, may request the board of county commissioners to establish a special improvement district for the construction of any improvement, or combination thereof, including but not limited to road, sidewalk, streetlighting, drainage, dredging, lake, and beach improvements.
- (b) The board, upon finding that the petition for improvements under this section is sufficient in form, substance and execution, and finding a public purpose for the proposed improvements, may adopt a non-ad valorem assessment roll, pursuant to the Uniform Assessment Collection Act codified in F.S. ch. 197, for the construction of the proposed improvements.
- (c) All assessments levied pursuant to this section shall be levied and collected as non-ad valorem assessments pursuant to and in compliance with the Uniform Assessment Collection Act.

Sec. 110-32. - Initiation of programs without petition.

- (a) The board of county commissioners may, at any time, without the filing of the petition provided for in section 110-31, adopt a non-ad valorem assessment roll, pursuant to the Uniform Assessment Collection Act codified in F.S. ch. 197, for the construction of any improvement, or combination thereof, including but not limited to road, sidewalk, streetlighting, drainage, dredging, lake, and beach improvements. To adopt such a roll, the board must find that there is a public purpose for said improvements, and must establish a

special improvement district, which shall include the properties abutting upon said improvements or otherwise specially benefited thereby.

- (b) All assessments levied pursuant to this section shall be levied and collected pursuant to and in compliance with the Uniform Assessment Collection Act.

Sec. 110-33. - Lien of improvement assessment.

Non-ad valorem assessments levied under this article shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall attach to the property included on the district assessment roll as of the prior January 1, the lien date for ad valorem taxes.

Sec. 110-34 through Sec. 110-41. - Reserved.

Sec. 110-42. - Revolving fund.

In order to carry out the provisions of this article, the board of county commissioners may create with general funds of the county a revolving fund. If moneys on deposit in such revolving fund are advanced to pay the cost of all or any part of improvements constructed under this article, the board shall reimburse such revolving fund with the proceeds of bonds issued under this article or from the collections of non-ad valorem assessments relating to the improvement for which such funds were advanced. The board may also levy a tax not to exceed five mills annually to set up sufficient moneys in the revolving fund for the purpose of this article.

Sec. 110-43. - Bonds.

The board of county commissioners may by resolution authorize an issue of revenue bonds of the county for the payment of any costs assessed pursuant to this article and for the reimbursement of any fund of the county from which any part of such costs shall heretofore have been paid. The amount of such bonds authorized to be issued under this article shall not exceed in the aggregate the total amount of the assessment liens pledged for their payment.

Sec. 110-44 through Sec. 110-53. - Reserved.

Sec. 110-54. - Powers cumulative.

The powers conferred by this article shall be cumulative and in addition to any existing powers and shall not be subject to any restriction or limitation appearing in any other law, nor shall anything in this article be construed as being in derogation of authority existing by virtue of any other special, local or general law. Nothing in this article prevents the board of county commissioners from imposing a special assessment under legal authority separate and apart from this article and the Uniform Assessment Collection Act.

Sec. 110-55. - Severability.

If any section, subsection, clause, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 110-56. - Areas embraced.

For an improvement that does not further one of the special powers of the county listed in Section 2.04 of the County Charter, all parcels within the special improvement district must lie wholly in unincorporated areas of the county. Notwithstanding, if any such parcel lies in an incorporated area of the county, the board of county commissioners shall be authorized to assess such parcel, so long as the governing body of the affected incorporated area consents at public hearing to the assessing of such parcel.

For an improvement that furthers one of the special powers of the county listed in Section 2.04 of the County Charter, parcels may lie in unincorporated areas of the county, incorporated areas of the county, or both. No action by the governing body of an incorporated area of the county is required for the board of county commissioners to assess a parcel in that incorporated area for a special improvement authorized under section 110-31(a)(3).

Section 3. Severability.

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, nor nullify the remainder of this Ordinance, and the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 4. Inclusion in Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing with the Department of State.