

ORDINANCE NO. 23-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA ESTABLISHING A MUNICIPAL SERVICES TAXING UNIT TO PROVIDE RECREATION IN THE UNINCORPORATED SEMINOLE AREA; PROVIDING FOR THE BOUNDARIES OF THE UNINCORPORATED SEMINOLE SPORTS DISTRICT; PROVIDING FOR MANAGEMENT OF THE DISTRICT; PROVIDING FOR LIMITATIONS ON THE USES OF FUNDING; PROVIDING FOR POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEVY OF AN AD VALOREM TAX FOR RECREATION; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1980 the Florida Legislature created the Greater Seminole Area Special Recreation District (“GSASRD”) by Ch. 80-584, Laws of Florida; and

WHEREAS, GSASRD was granted *ad valorem* taxing authority for three years by which the funds raised were used to buy property used for sports fields managed by the Seminole Youth Athletic Association and the Seminole Junior Warhawks; and

WHEREAS, by request of the district the Florida Legislature dissolved the GSASRD by Ch. 2023-343, Laws of Florida, effective June 21, 2023; and

WHEREAS, the property of the GSASRD was by operation of Ch. 2023-343, Laws of Florida transferred to Pinellas County for recreation purposes; and

WHEREAS, in conjunction with the other sports facilities in the area, Pinellas County is seeking to maximize the utility and flexibility of the property and facilities of the former GSASRD for the benefit of the citizens of the unincorporated Seminole area; and

WHEREAS, the County has prepared a master plan for the County recreation fields within the district to maximize field availability and collaboration among the associations utilizing the existing facilities; and

WHEREAS, the Board of County Commissioners is authorized by Article VII section 9(b) of the Florida Constitution and sections 125.01(1)(q) and 125.01(1)(r), Florida Statutes, to create Municipal Services Taxing Units (MSTUs) within all or portions of the unincorporated county and levy taxes for municipal purposes including recreation services and facilities; and

WHEREAS, the Board of County Commissioners finds that it is necessary and appropriate to create a MSTU to provide resources to serve the recreational needs of the unincorporated Seminole area.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this 12th day of December, 2023, that:

Section 1. The following provisions are adopted and Chapter 114 of the Pinellas County Code is hereby amended by creating Article XIV, Unincorporated Seminole Sports Municipal Services Taxing District, Sections 114-400 through 114-405, which read as follows:

ARTICLE XIV. Unincorporated Seminole Sports District

Sec. 114-400. Established.

There is hereby established a municipal servicing taxing unit under the name of "Unincorporated Seminole Sports District." The district will exist until dissolved by law.

Sec. 114-401. Boundaries.

All of the lands hereinafter described will be part of a municipal services taxing unit recreational district having the powers and duties set forth under the name of Unincorporated Seminole Sports District. The land so to be incorporated into such district being described as follows:

All lands and territory lying within the boundaries as set forth below:

From the Northeast corner the Southeast ¼ of the Southeast 1/4 of Section 11, Township 30, Range 15 East, thence run S 0°35'14" West a distance of 1,323.54 feet along the centerline of Starkey Road, to the point of beginning; thence run S 0°07'47" West a distance of 22,678.01 feet; thence run N 89°04'47" West a distance of 14,739.12 feet; thence run N 46°15'40" West a distance of 5,704.39 feet; thence run N 77°11'45" West a distance of 2,995.96 feet; thence run N 80°58'50" West a distance of 941.19 feet; thence run N 49°14'11" West a distance of 564.94 feet; thence run N 29°50'45" West a distance of 1,037.67 feet; thence run N 37°51'39" West a distance of 1,316.62 feet; thence run N 2°36'09" West a distance of 1,418.05 feet; thence run N 34°54'09" West a distance of 1,688.02 feet; thence run N 8°58'21" West a distance of 1,857.86 feet; thence run N 14°55'53" West a distance of 2,998.82 feet; thence run N 22°46'13" West a distance of 2,828.24 feet; thence run N 19°58'59" West a distance of 1,130.51 feet; thence run N

3°56'43" West a distance of 1,871.76 feet; thence run N 14°02'11" East a distance of 1,061.95 feet; thence run N 44°48'29" East a distance of 1,744.71 feet; thence run N 89°55'05" East a distance of 26,728.72 feet to the point of beginning, all in Pinellas County, Florida, less any incorporated areas.

Sec. 114-402. Governing body; program management.

The board of county commissioners is the governing body of the district. The board of county commissioners may contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the district within a reasonable time after the effective date of sections 114-405 of this article. The articles of the nonprofit corporation referenced above must provide:

- (1) For a board of directors, to be comprised of the following:
 - a. One director who is nominated by the Cross Bayou Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector;
 - b. One director who is nominated by the Seminole Junior Warhawks Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector.
 - c. One director who is nominated by the Seminole Youth Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector.
 - d. Four at-large directors appointed by the Board of County Commissioners, each of whom is a qualified Pinellas County elector and resides within the Unincorporated Seminole Youth Sports District and are not associated as board members with the Cross Bayou Athletic Association, Seminole Youth Athletic Association, or Seminole Junior Warhawks Athletic Association.
- (2) Each director will serve at the pleasure of the Board of County Commissioners. The terms of office of the board of directors will be for two years each from the date of their appointment. A director may serve no more than four successive two-year terms. Notwithstanding the foregoing, the initial directors appointed to the board of directors pursuant to section 1(a), 1(b) and 1(c) will serve an initial term of one year. A director who has served four successive terms may be reappointed to the board of directors following a separation of service of no less than a complete two-year term. If any director ceases to reside within the required municipal services taxing unit, resigns from office, or is removed for cause from office, the director's office will be declared vacant, the director will be disqualified from further service for that term, and an interim director must be appointed as provided in subsection (1) of this section to fill the unexpired term of office. An interim appointment will not be deemed a regular term of appointment and the unexpired term will not be considered in calculating term limits. Except in cases of a vacancy as described herein, each director will hold office until a successor is appointed and qualified.
- (3) A record must be kept of all meetings of such corporation, and in such meetings the concurrence of a majority of such directors will be necessary to any affirmative action

by such corporation. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval by the board of county commissioners.

- (4) The board of directors must, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chair, a vice-chair, and a secretary-treasurer.
- (5) That directors will receive no compensation for their services but will be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the district subject to the limitations provided in F.S. § 112.061, and subject to approval by the board of directors.

Sec. 114-403. Limitations on uses of funding.

Funds derived from the levy of ad valorem taxes must be utilized only to provide for the maintenance and operation of recreational facilities or make capital improvements to recreation facilities within the boundaries of the district. No funds derived from the tax provided in section 114-405, may be used for any purposes other than the administration and operation of the affairs and business of the district pertaining to the purposes set forth in this subsection, which permitted uses include but are not limited to, the construction, care, maintenance, upkeep, lease of real property, and operation of recreational facilities, and as the board of directors may determine to be in the best interest of the district and pursuant to its contract with the board of county commissioners.

Sec. 114-404. Powers and duties of board of commissioners.

- (a) The board of county commissioners has the power and authority to:
 - (1) Establish, by resolution, reasonable rules and regulations for the operation of the program authorized by this article and funded pursuant to section 114-405;
 - (2) Acquire by gift, lease or purchase such equipment and real property within the district as deemed necessary for the operation of programs authorized by this article and funded pursuant to section 114-405;
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to section 114-405;
 - (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the district authorized by this article and funded pursuant to section-405;
 - (5) Borrow money for the purposes of the district authorized by this article and funded pursuant to section 114-405, not to exceed the total assessment roll certified pursuant to section 114-405, and to pledge for the payment thereof collections on such roll and give tax anticipation notes, which will be the sole security for such loans; provided, however, that in no event may the funds derived from the tax provided in section 114-405 be pledged or expended or otherwise committed other than for those purposes provided in such respective sections or for a period in excess of one year without referendum approval.

- (b) Except as provided in subsection (a)(5) of this section, the board of county commissioners may not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable to pay out of district funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.
- (c) The board of county commissioners will require an annual report of the district's actions and the nonprofit board of directors must file an accounting of funds each year with the Board of County Commissioners.
- (d) The board of county commissioners will require the preparation and submittal of separate annual budgets for funds derived pursuant to section 114-405. No annual budget of the district will be deemed final, and no expenditure may be made pursuant thereto, unless and until approved by the necessary vote of the board of county commissioners.

Sec. 114-405. Ad valorem tax levy for Recreation.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII of the state constitution, the board of county commissioners is authorized to levy ad valorem taxes not to exceed one-fourth mill within the district created by this article for the maintenance and operation of recreational facilities or make capital improvements to recreation facilities within the boundaries of the district. Property taxes determined and levied under this section will be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section must be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Inclusion in the Pinellas County Code. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. 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 (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

DOC 456017

APPROVED AS TO FORM
By: Donald S. Crowell
Office of the County Attorney