

BILL

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1                   A bill to be entitled

2       An act relating to Palm Beach County; providing that a

3       municipal service taxing unit whose primary purpose is

4       to provide fire rescue and emergency medical services

5       to residents in unincorporated areas of the county

6       remains the service provider for a specified length of

7       time to real properties that are annexed into a

8       municipality; providing that the geographical

9       boundaries of the municipal service taxing unit shall

10      contract following the annexation under certain

11      circumstances; prohibiting Palm Beach County from

12      levying ad valorem taxes through the municipal service

13      taxing unit on annexed real properties following the

14      annexation; requiring the annexing municipality to pay

15      the county an annual service price for up to a

16      specified length of time; providing that the county,

17      through the municipal service taxing unit, remains the

18      authority having jurisdiction and may continue to

19      collect certain fees from annexed real properties;

20      providing for transfer of services to the annexing

21      municipality and the cessation of the county

22      jurisdiction to collect fees; providing circumstances

23      under which such transfer and cessation may not occur;

24      requiring good faith discussions and negotiations

25      between the annexing municipality and the county

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26        regarding the transition of services and the  
27        expenditure of assets for capital and operational  
28        purposes in the areas proposed to be annexed;  
29        authorizing the annexing municipality and the county  
30        to enter into an agreement on the length of time for  
31        the provision of county services, the retention of  
32        county jurisdiction regarding fees, and the annual  
33        service price payments under certain circumstances;  
34        providing an effective date.

35  
36    Be It Enacted by the Legislature of the State of Florida:

37  
38        **Section 1.**    To ensure a smooth transition of services, and  
39        to avoid fiscal constraints that could occur in a municipal  
40        service taxing unit the primary purpose of which is to provide  
41        fire rescue and emergency medical services when tax revenue-  
42        generating real properties are annexed into a municipality and  
43        out of the aforesaid municipal service taxing unit, the  
44        following procedures shall be imposed on the real property being  
45        annexed:

46        (1)    The municipal service taxing unit whose primary  
47        purpose is to provide fire rescue and emergency medical services  
48        shall remain the fire rescue and emergency medical services  
49        provider for a period of eight years to real property annexed  
50        after January 1, 2027, notwithstanding s. 125.01, Florida

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51 Statutes, or any other general law, special act, municipal  
52 charter, or ordinance of a local government to the contrary.

53 (2) Following the annexation by a municipality that does  
54 not have a charter provision, an ordinance, or an interlocal  
55 agreement with Palm Beach County that includes the entirety of  
56 the municipality within the Palm Beach County municipal service  
57 taxing unit whose primary purpose is to provide fire rescue and  
58 emergency medical services, the geographical boundaries of the  
59 municipal service taxing unit shall contract to exclude the  
60 annexed real property, and Palm Beach County may not levy ad  
61 valorem taxes through the municipal service taxing unit on the  
62 annexed real property.

63 (3) Annually, such annexing municipality shall pay Palm  
64 Beach County, for the benefit of the municipal service taxing  
65 unit, a service price for a period of not more than eight years  
66 which shall be the lesser of either what would have been  
67 collected annually by the county in ad valorem taxes and  
68 assessments on the real properties prior to annexation, or what  
69 would be collected annually by the annexing municipality in ad  
70 valorem taxes and assessments on the real properties following  
71 annexation for the municipality's respective fire rescue and  
72 emergency medical services.

73 (4) Palm Beach County, through the municipal service  
74 taxing unit, remains the authority having jurisdiction and may  
75 continue to collect the same impact fees from the annexed real

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76 property that were collected prior to the annexation.

77 (5) The transfer of all fire rescue and emergency medical  
78 services to the annexing municipality, the cessation of annual  
79 service price payments, and the cessation of county jurisdiction  
80 to collect impact fees relative to the annexed real property  
81 shall automatically occur at the conclusion of the eight-year  
82 term unless:

83 (a) The annexing municipality advises the county that it  
84 will not provide such services;

85 (b) The county and the annexing municipality enter into an  
86 interlocal agreement providing for fire rescue and emergency  
87 medical services in the annexed area; or

88 (c) The data from the analysis established by the good  
89 faith negotiations required by subsection (6) demonstrates that  
90 the transfer for fire rescue and emergency medical services to  
91 the annexing municipality should occur prior to the eight-year  
92 term or the eight-year term should be extended.

93 (6) In conjunction with the annexation process, the  
94 annexing municipality and the county shall enter into good faith  
95 negotiations and discussions regarding the time period for  
96 transitioning fire rescue and emergency medical services, as  
97 well as the expenditure of assets for capital and operational  
98 purposes by both the county and the annexing municipality in the  
99 annexed areas.

100 (a) The purpose of such negotiations and discussions is to

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101 ensure that the residents of the annexed areas enjoy appropriate  
102 levels of service without the inefficient expenditure of both  
103 county and municipal assets by preventing duplicative and  
104 unnecessary expenditures and duplicative collection of impact  
105 fees and other fees. Through a written agreement approved by the  
106 Palm Beach County Board of County Commissioners and the  
107 applicable annexing municipality, based upon the required good  
108 faith negotiations and discussions, and if supported by data and  
109 analysis that are substantiated by the county and the annexing  
110 municipality and that establish a measurable, objective benefit  
111 to the public for a different transition period, Palm Beach  
112 County and the annexing municipality may agree to shorten or  
113 lengthen the eight-year term for the provision of county  
114 services, the retention of county jurisdiction regarding impact  
115 fees and other fees, and the making of annual service price  
116 payments.

117 (b) In order to determine whether to shorten or extend the  
118 eight-year term, the county and annexing municipality shall rely  
119 on the following data related to cost and levels of services:

120 1. Both the county and municipality shall calculate the  
121 cost based upon the actual operational and capital expenses  
122 necessary to provide the annexed area with at least the same  
123 level of service as the level of service provided prior to the  
124 annexation.

125 2. The level of service to the annexed area will be

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determined by the county's and annexing municipality's ability  
to comply with service levels established by National Fire  
Protection Association Standard 1710.

(c) The transfer of fire rescue and emergency medical  
services to the annexing municipality shall not occur until data  
demonstrates that fire rescue and emergency medical services in  
the annexed area can be provided by the annexing municipality at  
most at the same cost and at least at the same level of service  
regardless of the eight-year term. If the data demonstrates that  
fire rescue and emergency medical services can be provided at  
most at the same cost while maintaining at least the same level  
of service as the level of service prior to the expiration of  
the eight-year term, the services shall transition at that time.

**Section 2.** This act shall take effect upon becoming a law.