



ORDINANCE NO.: 2008-15

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES PROVIDING FOR REPEAL OF THE SPRING HILL FIRE AND RESCUE DISTRICT MUNICIPAL SERVICES BENEFIT UNIT AND CONSOLIDATION OF AUTHORITY WITHIN THE SPRING HILL FIRE AND RESCUE MUNICIPAL SERVICES TAXING UNIT, BY ENACTMENT OF NEW PROVISIONS AND REPEAL OF OTHER PROVISIONS OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO THE DISTRICT, AND REPEAL OF ORDINANCES FROM WHICH SUCH PROVISIONS ARE DERIVED; PROVIDING THEREIN FOR CLARIFICATION OF LEGAL AUTHORITY, BUDGETARY AND ADMINISTRATIVE CONTROL OF THE CONSOLIDATED UNIT; PROVIDING FOR THE CREATION OF THE SPRING HILL FIRE DEPARTMENT; PROVIDING FOR DISPOSITION OF ASSETS AND LIABILITIES OF THE SPRING HILL FIRE AND RESCUE DISTRICT AND FOR ASSUMPTION OF DEBTS; PROVIDING FOR A NON-BINDING, SPECIAL REFERENDUM ELECTION; PROVIDING FOR BALLOT QUESTION; PROVIDING FOR BALLOT TITLE; PROVIDING FOR PRECINCTS ALLOWED TO VOTE IN SPECIAL ELECTION; PROVIDING FOR ADVERTISING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODIFIED HERNANDO COUNTY ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. INTENT.

It is the intent of the Hernando County Board of County Commissioners hereby to repeal the legal authority for the Spring Hill Fire and Rescue District Municipal Services Benefit Unit and to provide for performance of the district's duties by the Spring Hill Fire and Rescue Municipal Services Taxing Unit in order to clarify the authority for and budgetary and administrative control of fire, rescue, and emergency medical services in the area encompassed by the former district, to the end that these essential services can be provided economically and efficiently to residents of Hernando County.

1 It is further declared to be the intent of the Hernando County Board of County
2 Commissioners that fire protection in the unincorporated areas of Hernando County be
3 under the control and authority of county government and this Ordinance shall be liberally
4 construed to give effect to said intent.

5 **SECTION 2. REPEALING CHAPTER 12, ARTICLE IV, DIVISION 4,**
6 **HERNANDO COUNTY CODE OF ORDINANCES, RELATING**
7 **TO THE SPRING HILL FIRE AND RESCUE DISTRICT MSBU,**
8 **AND THE ENUMERATED ORDINANCES AND PARTS**
9 **THEREOF FROM WHICH SUCH PROVISIONS ARE**
10 **DERIVED.**

- 11 A. The provisions of Chapter 12, Article IV, Division 4, Hernando County Code of
12 Ordinances, constituting sections 12-116 through 12-129, inclusive, relating to the
13 Spring Hill Fire and Rescue District MSBU, are hereby repealed *en toto*.
- 14 B. Ordinance Numbers 73-12, 80-5, 85-7, 90-31, 91-26, 2004-15, and 2005-09 are
15 hereby repealed; provided however that, to the extent of prior repeal of any portion
16 of any of such ordinances, this repeal shall not be construed to revive any such prior
17 repealed ordinances or portions thereof.
- 18 C. The assets and liabilities of the Spring Hill Fire and Rescue District shall be assumed
19 by Hernando County as provided in Section 4 of this ordinance.

20 **SECTION 3. AMENDMENT AND REVISION OF CHAPTER 12, ARTICLE**
21 **IV, DIVISION 11, SECTIONS 12-251 THROUGH 12-259,**
22 **INCLUSIVE, AND ORDINANCES FROM WHICH SUCH**
23 **SECTIONS ARE DERIVED.**

1 Chapter 12, Article IV, Division 11, sections 12-251 through 12-259, inclusive, and prior
2 ordinances from which such sections were derived as indicated below, are hereby amended
3 to read as follows, with struck-through material deleted and underlined material added:

4 Sec. 12-251. Findings of fact and purpose.

5 It is hereby found by the Board of County Commissioners of Hernando County, Florida, that
6 fire protection, rescue and ambulance services are essential services for the benefit of health,
7 safety and welfare of the public. It is further the finding of the board of county
8 commissioners that the legislature has in section 125.01(1)(q), Florida Statutes, provided for
9 the creation of a municipal service taxing unit as a taxing vehicle to grant to all counties that
10 taxing flexibility to levy ad valorem taxes within the limits fixed for municipal purposes for
11 the furnishing of municipal services within those areas receiving the benefit of such
12 municipal services in order to solve the controversy of double taxation between residents of
13 the incorporated and unincorporated areas and in order to provide a needed and necessary
14 service. It is the purpose of this division to create a county municipal service taxing unit for
15 the purpose of creating, establishing, maintaining and operating a fire protection and rescue
16 and ambulance system within the areas described in section 12-252.

17 ~~This unit shall enter into an interlocal agreement to fund the Spring Hill Fire and Rescue~~
18 ~~District as existing under chapter 12, article IV, section 12-116, of the Hernando County~~
19 ~~Code, which said district had an ad valorem tax levy authority of up to two and three-fourths~~
20 ~~(2 3/4) mills as approved by referendum.~~

21 Sec. 12-252. Creation of unit; Spring Hill Fire and Rescue Department Created; Service
22 outside jurisdictional territory

1 ~~For the purpose of creating, establishing, maintaining and operating a fire protection rescue~~
2 ~~and ambulance system within the area described in Exhibit "A," [there is hereby created a~~
3 ~~municipal service taxing unit to be known as the "Spring Hill Fire and Rescue Municipal~~
4 ~~Service Taxing Unit District," which shall be all the property within the boundaries described~~
5 ~~at Exhibit "A" attached to Ordinance No. 96-10.]~~

6 (a) Pursuant to Fla. Stat. § 125.01(q), there is hereby created a municipal service taxing
7 unit known as the "Spring Hill Fire and Rescue Municipal Services Taxing Unit."

8 (b) The geographic boundaries of the Spring Hill Fire and Rescue Municipal Services
9 Taxing Unit shall include all of the property situated within the boundaries described
10 in Exhibit "A," which is attached hereto and hereby incorporated into this section by
11 reference herein.

12 (c) The MSTU created in subsection (a) shall operate a fire service unit which shall be
13 known as the Spring Hill Fire and Rescue Department, hereafter "Department,"
14 which shall assume fire and rescue responsibility in a geographic area territory
15 consisting of all property located within the jurisdictional boundaries of the MSTU.

16 (d) The Department shall also be empowered to provide fire and rescue services outside
17 its jurisdictional territory upon authorization of the Board of County Commissioners,
18 provided that those services are funded by sources other than properties contained
19 within the jurisdictional boundaries of the MSTU within the Department's service
20 area. Under no circumstances shall properties within the Department be assessed to
21 finance fire services provided to areas outside its territory.

22 Sec. 12-253. Governing body.

23 The governing body of the Spring Hill Fire and Rescue Municipal Service Taxing Unit

1 District shall be the Board of County Commissioners of Hernando County, Florida.

2 Sec. 12-254. Duties of the board of county commissioners.

3 The board of county commissioners shall have the ~~discretion~~ authority to fund fire
4 protection, rescue and ambulance services within the MSTU through levy of such amounts
5 of ad valorem tax not exceeding two and three-quarters mills.

6 Sec. 12-255. Powers of the board of county commissioners.

7 The board of county commissioners as governing authority of the MSTU is authorized and
8 empowered as follows:

9 (1) To make rules and regulations for its own government and proceedings and to adopt an
10 official seal for the unit.

11 (2) To employ engineers, attorneys, accountants, financial and other experts and such other
12 agents and employees as said board may require as deemed necessary to effectuate the
13 purposes of this division or to contract for any such service authorized by this division.

14 (3) To ~~enter into interlocal agreements with the Spring Hill Fire and Rescue District to~~
15 ~~provide for the rendering of fire protection, rescue and ambulance services to residents of~~
16 ~~the MSTU, directly or through such agreements as may be authorized by law or ordinance~~
17 with any other entity.

18 (4) To designate the official address of the unit and where the records and seal shall be kept.

19 (5) To designate the bank or proper institution for the deposit and care of any funds and
20 negotiable documents of the unit not required to be deposited with the clerk of the court.

21 (6) To sue and be sued in its own name, plead and be impleaded.

22 (7) ~~To determine the rate of ad valorem taxes, the rate and other charges for operation of~~
23 ~~the system and/or for the use of the above services.~~

1 ~~(8)~~ To determine the rate of ad valorem taxes, the rate of special assessments, fees, and
2 other charges for operation of the system and/or for the use of the above services subject to
3 the provisions of section 12-256, ~~paragraph, B herein.~~

4 (8) To acquire by purchase, lease, gift or the exercise of the right of eminent domain such
5 lands and rights and interests therein as it may deem necessary in connection with the
6 furnishing of services authorized by this division and to hold and dispose of all real and
7 personal property under its control;

8 ~~(9)~~ The powers herein granted shall be exercised by the board of county commissioners

9 ~~(4)~~ To designate the official address of the district and where the records and seal shall be
10 kept.

11 ~~(5)~~ To designate the bank or proper institution for the deposit and care of any funds and
12 negotiable documents of the district not required to be deposited with the county treasurer.

13 ~~(6)~~ To sue and be sued in its own name, plead and be impleaded.

14 (9) To acquire, lease as lessee or lessor, construct, reconstruct, improve, enlarge, equip,
15 repair, maintain and operate firefighting equipment and units, and rescue and ambulance
16 service units within the jurisdiction of the district.

17 (10) To acquire by gift or purchase such other personal property as it may deem necessary
18 in connection with the acquisition, construction, reconstruction, improvement, extension,
19 enlargement or operation of firefighting and rescue equipment and units within the district,
20 and to hold and dispose of all real and personal property under its control.

21 (11) To accept grants of money or materials or property of any kind from any federal or state
22 agency, political subdivision, or other public body or from any private agency or individual,
23 upon such terms and conditions as may be imposed.

1 (12) To do all acts and things necessary or convenient to carry out the powers and duties
2 granted by this division.

3 Sec. 12-256. Budget and millage.

4 The board of county commissioners shall annually adopt a budget for the MSTU pursuant
5 to chapter 129 and chapter 200, Florida Statutes. The MSTU shall have the authority to levy
6 up to, but not to exceed, two and three-fourths (2 3/4) mills on all property within the MSTU
7 subject to ad valorem taxes. The MSTU shall not levy any millage in excess of two and
8 three-fourths (2 3/4) mills unless approved by a referendum of electors residing within the
9 area MSTU.

10 Sec. 12-257. Capital reserves.

11 The commissioners are empowered to set up reserves in their budget in excess of their
12 estimated expenditures for the ensuing fiscal year, for the purpose of creating reasonable
13 reserves for the purchase of equipment and making other necessary capital expenditures.

14 ~~Sec. 12-258. Fire protection, rescue and ambulance contracts.~~

15 ~~The Spring Hill Fire and Rescue District may enter into contracts with said unit for the~~
16 ~~operation of firefighting, rescue and ambulance equipment or for the furnishing of fire~~
17 ~~protection, rescue and ambulance service within said unit and said unit may enter into~~
18 ~~contracts with said fire district MSTU for furnishing fire protection in said MSTU.~~

19 Sec. 12-259. Administration.

20 The county administrator shall be responsible for ensuring the administration of the unit in
21 compliance with all applicable law, including but not limited to maintaining separate
22 accounting of MSTU funding from any other similar unit. Employees of the unit shall be
23 county employees for all purposes, and all other ordinances, rules, regulations or policies

1 applicable generally to the county and its departments and offices shall be applicable to the
2 unit.

3 **SECTION 4. DISPOSITION OF ASSETS AND LIABILITIES AND**
4 **ASSUMPTION OF DEBT.**

5 All real and personal property titled in the Spring Hill Fire and Rescue District shall
6 be and become property of Hernando County, to be held for the benefit of the Spring Hill Fire
7 and Rescue Municipal Service Taxing Unit and the citizens therein whose taxes have funded
8 acquisition of such property, as required by Florida law. All debts and contracts of the Spring
9 Hill Fire and Rescue District shall be deemed assigned to Hernando County, to the extent that
10 such may be legally assigned.

11 **SECTION 5. HOLDING A NON-BINDING, SPECIAL REFERENDUM**
12 **ELECTION.**

13 The Supervisor of Elections of Hernando County is hereby directed to hold a special,
14 non-binding referendum election on November 4, 2008, in conjunction with the 2008
15 General Election.

16 **SECTION 6. BALLOT SUMMARY.**

17 The Supervisor of Elections of Hernando County shall cause the following ballot
18 summary to be placed on the ballot of the referendum election held as required by this
19 ordinance:

20 Pursuant to the "Independent Special Fire Control District Act," Chapter 191,
21 Florida Statutes, the Florida Legislature has the power to create independent
22 fire control districts by special act. Independent fire control districts have the
23 power to levy special assessments, issue bonds, levy impact fees, and levy ad
24 valorem property taxes.

1 **SECTION 7. BALLOT QUESTION.**

2 The Supervisor of Elections of Hernando County shall cause the following ballot
3 question to be placed on the ballot of the referendum election held as required by this
4 ordinance:

5 Based on the foregoing, should the Florida Legislature enact a special act
6 creating an independent fire control district to encompass the geographic region
7 of Hernando County commonly known as “Spring Hill?”

8 _____ YES - FOR THE CREATION OF THE DISTRICT

9 _____ NO - AGAINST THE CREATION OF THE DISTRICT

10 **SECTION 8. BALLOT TITLE**

11 The Supervisor of Elections shall ensure that the referendum question contained in
12 Section 7, *supra*, shall have the following ballot title, “Non-Binding Referendum Seeking
13 Community Opinion on the Creation of Independent Fire District for Spring Hill.”

14 **SECTION 9. SCOPE OF NON-BINDING, SPECIAL REFERENDUM**
15 **ELECTION**

16 The Supervisor of Elections shall ensure that the referendum question contained in
17 Section 7, *supra*, shall appear on the ballot in all precincts that currently have the ability to vote
18 in Spring Hill Fire and Rescue District Fire Commission elections.

19 **SECTION 10. ADVERTISEMENT.**

20 The County Administrator shall ensure that a Notice of the Special Election shall be
21 advertised in accordance with Section 100.342, Florida Statutes, and any other applicable
22 provisions of the Florida Statutes.

23 **SECTION 11. SEVERABILITY.**

24 If any subsection, sentence, clause phrase or portion of these sections is for any reason

1 held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be
2 deemed a separate, distinct, and independent provision and such holding shall not affect the
3 validity of the remainder of the chapter.

4 **SECTION 12. EFFECTIVE DATE.**

5 With the exception of Sections 2, 3, & 4, herein, this Ordinance shall be effective
6 immediately. The effective date of Sections 2, 3, & 4 of this Ordinance shall depend on the
7 outcome of the special referendum election. If a majority of the voters vote "Yes," Sections 2,
8 3, & 4 of this Ordinance shall take effect on July 1, 2009. If a majority of the voters vote "No,"
9 this Sections 2, 3, & 4 of this Ordinance shall take effect of December 1, 2008.

10 **SECTION 13. INCLUSION.**

11 It is the intention of the Board of County Commissioners of Hernando County,
12 Florida, and it is hereby provided, that the provisions of this Ordinance shall become and
13 be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
14 section of this Ordinance may be renumbered or relettered to accomplish such intention,
15 and that the word "ordinance" may be changed to "section, "article," or other appropriate
16 designation.

17 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
18 HERNANDO COUNTY in Regular Session this 17 day of June 2008.

19 **BOARD OF COUNTY COMMISSIONERS**
20 **HERNANDO COUNTY, FLORIDA**

21
22
23
24 Attest: Karen Nicolai
25 KAREN NICOLAI
26 Clerk

By: Christopher A. Kingsley
CHRISTOPHER A. KINGSLEY
Chairman

