

ORDINANCE NO.: 2002-08

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR THE CREATION OF THE HERNANDO COUNTY EMERGENCY MEDICAL SERVICES MUNICIPAL SERVICE TAXING UNIT, WHICH PROVIDES FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR FINDINGS OF FACT AND PURPOSE; PROVIDING FOR THE BOUNDARIES OF THE UNIT; PROVIDING FOR A BUDGET; PROVIDING FOR ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County ("County") provides Emergency Medical Services throughout much of the unincorporated areas of the County; and

WHEREAS, Spring Hill Fire and Rescue District also provides Emergency Medical Services throughout a limited area of the County; and

WHEREAS, the Spring Hill Fire and Rescue District is funded through its own funding sources; and

WHEREAS, the County may lawfully use general tax funds payable by all residents of the County to support Emergency Medical Services; and

WHEREAS, it may be fundamentally unfair to the residents of the Spring Hill Fire and Rescue District to have its taxes pay for Emergency Medical Services when they are already being taxed to provide for such in their respective area; and

WHEREAS, the Hernando County Fire Rescue District provides the Emergency Medical Services (Advanced Life Support - Transport Ambulance) to both the City of Brooksville and the City of Weeki Wachee; and

WHEREAS, the City of Brooksville and the City of Weeki Wachee have adopted or will adopt ordinances consenting that their respective municipalities be included within the proposed Emergency Medical Services Municipal Services Taxing Unit.

WHEREAS, Section 125.01(1)(q), Florida Statutes, provides for the establishment of Municipal Service Taxing or Benefit Units which in part were designed to avoid problems of double taxation; and

FILED
2002 JUN 21 4:48
DEPT. OF HEALTH & SAFETY
TALLAHASSEE, FLORIDA

WHEREAS, it is fundamentally fair that the people receiving Emergency Medical Services bear the burden of financing such services; and

WHEREAS, due to enactment of Section 125.271, Florida Statutes, it is doubtful whether Municipal Service Benefit Units can be lawfully used to fund emergency medical services operations in Hernando County. There is no such uncertainty as to the use of Municipal Service Taxing Units to fund Emergency Medical Services; and

WHEREAS, for all the foregoing reasons, it is entirely proper and appropriate that the Hernando County Board of County Commissioners adopt the following MSTU.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida ("Board") that emergency medical services are essential services for the benefit of the health, safety, and welfare of the public. It is further the finding of the Board that the Legislature has in Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time, provided for the creation of an MSTU as a taxing vehicle granting to all counties the taxing flexibility to levy ad valorem taxes within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services. In this instance, the creation of such a MSTU will avoid double taxation of certain County residents and provide a needed and necessary service in other areas of the County. It is the purpose of this ordinance to create an MSTU for the purpose of funding the operations of an emergency medical services system within the areas described in Section II.

SECTION II. CREATION AND BOUNDARIES OF UNIT

The Hernando County Emergency Medical Services Municipal Service Taxing Unit ("Unit") is hereby created for the purpose of funding the operations of an emergency medical services system within the area described in composite Exhibit "A" attached hereto and incorporated herein. The Unit may be described by a legal description or a map. Where there is a conflict or discrepancy between the map and the legal description, the legal description shall prevail.

SECTION III. BUDGET AND MILLAGE

The Board shall annually adopt the budget for the Unit pursuant to Chapter 129 and Chapter

200, Florida Statutes, as they may be amended from time to time. The Board shall establish the ad valorem rate for this Unit by resolution pursuant to the provisions of the Florida Statutes.

SECTION IV. DUTIES OF THE BOARD OF COUNTY COMMISSIONERS

The Board shall have the discretion to fund emergency medical services within the MSTU up to the limits established by the Florida Constitution and Florida Statutes. Besides funding emergency medical services by an MSTU other methods of funding may be used as allowed by law. The Board has full authority to levy ad valorem taxes up to the limits permitted by the Florida Constitution and the laws of Florida and to use the funds for the operation of the Unit.

SECTION V. CAPITAL RESERVES

The Board is empowered to set up reserves in the budget for emergency medical services in excess of its estimated expenditures for any fiscal year, for the purpose of creating reasonable reserves for the purchase of equipment and making other necessary capital expenditures or for any other lawful purposes for which reserves may be used.

SECTION VI. CONSENT OF MUNICIPALITIES

The provisions of this ordinance creating an MSTU shall not be effective within any municipality in Hernando County unless and until such municipality consents by ordinance in accordance with the provisions of Section 125.01(1)(q), Florida Statutes, as it may be amended from time to time to the imposition of the MSTU within the municipality.

SECTION VII. ADMINISTRATION

The County Administrator shall be responsible for ensuring the administration of the Unit.

SECTION VIII. SEVERABILITY

It is declared to be the intent of the Board that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION XI. INCLUSION IN THE CODE

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

SECTION X. EFFECTIVE DATE

This ordinance shall take effect upon being filed with the Department of State.

ADOPTED in Regular Session this 11th day of June 2002.



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

Attest:

Judy A. Nicolai, Deputy

KAREN NICOLAI
Clerk

Hannah M. Robinson

HANNAH M. ROBINSON
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *William S. King* 06/12/02
County Attorney's Office