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R-Room 131

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FILE# 2003-000707
HERNANDO COUNTY, FLORIDA

ORDINANCE 2002-25

511

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "CENTRAL HERNANDO COUNTY FIRE PROTECTION DISTRICT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING THAT THE UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR THE RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING FOR THE LEVY OF A PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION, AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION ION THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

RCD 01M 07 2003 08:05a
KAREN NICOLAI, CLERK

Now, Therefore, Be it Ordained by the Board of County Commissioners of Hernando County:

SECTION 1. FINDING OF FACT AND PURPOSE.

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that fire protection is an essential service for the benefit of health, safety, and welfare of the public. It is further the finding of the Board of County Commissioners that the legislature has in section 125.01(1)(q), Florida Statutes, provided for the creation of a municipal service taxing and benefit unit as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges and special assessments within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas and in order to provide a needed and necessary service. It is the purpose of this division to create a county municipal service benefit unit for the purpose of creating, establishing, maintaining, and operating a fire protection system within the area described as Township 22 South, Range 19 East, Hernando County, Florida, excepting the incorporated limits of the City of Brooksville.

SECTION 2. CREATION OF UNIT.

For the purpose of creating, establishing, maintaining, and operating a fire protection system within the area described as Township 22 South, Range 19 East, Hernando County, Florida, excepting the incorporated limits of the City of Brooksville, there is hereby created a municipal service benefit unit to be known as the "Central Hernando County Fire Protection District", which shall be all the property within the boundaries described as Township 22 South, Range 19 East, Hernando County, Florida, excepting the incorporated limits of the City of Brooksville.

SECTION 3. GOVERNING BODY.

The governing body of the Central Hernando County Fire Protection District shall be the Board of County Commissioners of Hernando County, Florida.

SECTION 4. DUTIES OF BOARD OF COUNTY COMMISSIONERS.

The board of county commissioners shall perform all duties necessary for the establishment, operation, maintenance, training and control of firefighting units, fire control units, and first responders.

SECTION 5. POWERS OF THE BOARD OF COUNTY COMMISSIONERS.

The board of county commissioners is authorized and empowered as follows:

- (a) To make rules and regulations for its own government and proceedings and to adopt an official seal for the unit.
- (b) To employ engineers, attorneys, accountants, financial and other experts, and such other agents and employees as said board may require or deem necessary to effectuate the purposes of this division or to contract for any such service authorized by this division.
- (c) To acquire in the name of the district by purchase, lease, gift, or the exercise of the right of eminent domain such lands and rights and interest therein as it may deem necessary in connection with the furnishing of services authorized by this division and to hold and dispose of all real and personal property under its control; provided, however, nothing herein contained shall authorize the power of eminent domain to be exercised beyond the limits of the district.
- (d) To designate the official address of the unit and where the records and seal shall be kept.
- (e) To designate the bank or proper institution for the deposit and care of any funds and negotiable documents of the unit not required to be deposited with the county treasurer.
- (f) To sue and be sued in its own name, plead and be impleaded.
- (g) To acquire, lease as lessee or lessor, construct, reconstruct, improve, enlarge, equip, repair, maintain, and operate firefighting equipment and units within the jurisdiction of the unit.
- (h) To determine the rate of special assessments, fees, and other charges for operation of the system and/or for the use of the above services.
- (i) To acquire in the name of the unit by gift or purchase of any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of firefighting and rescue equipment and units within the district, and to hold and dispose of all real and personal property under its control.

- (j) To accept grants of money or materials or property of any kind for the district from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
- (k) To do all acts and things necessary or convenient to carry out the powers and duties granted by this division.
- (l) To borrow money to enable the unit to carry out the provisions of this division.
- (m) The powers granted herein shall be exercised by the Board of County Commissioners.

SECTION 6. BUDGET.

Within the time set by general law for county budgets, the board of county commissioners shall adopt a budget for the ensuing fiscal year showing the following information:

- (a) Cash balances to be carried over; current special assessments, fees, charges and proceeds received from the sale or exchange of property of the district or for special services or by gift.
- (b) An estimate of all ordinary and special and extraordinary expenditures which are contemplated and are deemed necessary to be made during the ensuing fiscal year.
- (c) Actual receipts and disbursements for the past fiscal year.

Upon approval of the budget, the county commissioners shall cause to be levied a sufficient annual special assessment levy on all real property within said unit to raise said budget, and such levy shall be assessed on a regular annual basis. The special assessment shall be assessed and collected by the proper county officers. Said funds shall be deposited in a county depository in fund designated as "Board of County Commissioners—Central Hernando County Fire Protection District." The assessments shall be determined according to the provisions in section 12-158.

SECTION 7. SPECIAL ASSESSMENTS, LEVY AND LIEN PROVISIONS.

(a) General provisions. It being recognized that the value of the benefits accrued by virtue of this division directly benefits all real property within the unit, the county commission is hereby authorized to levy an annual special assessment against each lot, parcel, or piece of real property however designated within the unit for the purposes set forth herein. The special assessment imposed shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If the annual assessment levied on a lot is not paid, a

tax certificate pertaining to the property may be sold by the tax collector as set forth in chapter 197, Florida Statutes.

(b) Special provisions. For property requiring special services from the unit, the unit shall be authorized and empowered to enter into service contracts for the providing of such special service to any property. The charges to be made for such special service contracts shall be reflected in the contract pursuant to standards promulgated by the unit.

SECTION 8. **BOARD OF ADJUSTMENT AND APPEALS.**

On or before December thirty-first of each year, a property owner may appeal by filing a petition of an appeal of the special assessment to the Hernando County Board of County Commissioners, sitting as a board of adjustment and appeals.

SECTION 9. **CAPITAL RESERVES.**

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

SECTION 10. **FISCAL AND OTHER REGULATIONS.**

The board of county commissioners may by proper resolution establish rules and regulations regarding the operation of the district.

SECTION 11. **DECLARATION OF SPECIAL BENEFIT.**

It is hereby declared and determined by the Hernando County Board of County Commissioners that the establishment and maintenance of the unit, as aforesaid, will confer special benefits upon the lands within said unit for which a special assessment may be assessed or collected by Hernando County, Florida, within the provisions of Florida law.

SECTION 12. **FIRE PROTECTION CONTRACTS.**

Municipalities within Hernando County may enter into contracts with said unit for the operation of firefighting equipment or for the furnishing of fire protection within said unit, and said unit may enter into contracts with municipalities, with other fire districts or units or private organizations for furnishing fire protection in said units.

SECTION 13. **ADMINISTRATION.**

The county administrator shall be responsible for ensuring the administration of the unit.

SECTION 14. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners 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 15. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. 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 16. EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS
in Regular Session this 17th day of December, 2002.

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

Attest: Karen Nicolai
Karen Nicolai
Clerk

By: Mary E. Whitehouse
Mary E. Whitehouse
Vice Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: Kent E. Higley
County Attorney's Office

12-19-02