

ORDINANCE NO. 83-2

AN ACT CREATING A MUNICIPAL SERVICE TAXING UNIT TO BE KNOWN AS THE "HERNANDO BEACH MUNICIPAL FIRE SERVICE UNIT"; PROVIDING THAT THE PURPOSE OF THE UNIT IS TO PROVIDE FIRE PROTECTION SERVICE TO ALL PERSONS RESIDING IN OR DOING BUSINESS WITHIN SAID UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF A FIRE PROTECTION SYSTEM WITHIN SAID UNIT; PROVIDING FOR THE BOUNDARIES OF SAID UNIT; PROVIDING FOR THE LEVY OF A SPECIAL ASSESSMENT TO COVER THE EXPENSES OF CREATION, MAINTENANCE AND OPERATION OF THE SAID UNIT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF THE AFORESAID SPECIAL ASSESSMENT; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT THE SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY FLORIDA; PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
HAROLD W. BROWN, CLERK
HERNANDO COUNTY, FLA.

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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, that fire protection is an essential service for the benefit of the 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 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 means of furnishing municipal services to unincorporated areas of Hernando County, Florida. It is the purpose of this Ordinance to create a County Municipal Service Taxing Unit for the purpose of creating, establishing, maintaining and operating a fire protection system within the areas described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining and operating a fire protection system within the area described

SECRETARY OF STATE
HAROLD W. BROWN
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heretofore, there is hereby created a Municipal Service Taxing Unit to be known as the "Hernando Beach Municipal Fire Service Unit", which shall be all the property within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference, located in Hernando County, Florida.

SECTION III. GOVERNING BODY

The Governing Body of the Hernando County Municipal Fire Service Unit shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The Hernando Beach Municipal Fire Service Unit shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.
- B. The Hernando Beach Municipal Fire Service Unit shall have the following duties:
1. Purchase fire equipment necessary to implement the purposes of this Ordinance;
 2. Provide fire protection services and/or equipment to improved and unimproved property within the benefited area.
 3. Provide funding to liquidate the debt on fire stations within the area of the unit.
- C. The County Administrator shall be responsible for administering the Hernando Beach Municipal Fire Service Unit and shall be responsible for the following to the extent necessary to implement the purposes of this Ordinance:
1. Negotiate and recommend to the County Commission contracts for acquiring or transferring and/or paying for real property, easements and rights-of-way within the area of the unit which said property may be owned by or transferred to any non-profit volunteer Fire Department operating within the area of the unit upon the termination of the unit.

2. Negotiate and recommend to the County Commission contracts for purchase of such equipment and facilities as are necessary which said equipment may be owned by or transferred to any non-profit volunteer Fire Department operating within the area of the unit upon the termination of the unit.
3. Construct and maintain buildings and/or liquidate the debt on any such buildings for fire station purposes;
4. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule;
5. Negotiate contracts with duly incorporated or organized volunteer groups for the purpose of providing mutual assistance and cooperative uses of fire equipment and personnel for fighting fires; and to provide for transfer of buildings and equipment to said voluntary groups upon termination of the unit.
6. Negotiate contracts with the fire departments of other fire protection agencies of cities or unincorporated areas for the purpose of providing mutual assistance and cooperative use of equipment and personnel for the fighting of fires;
7. Hire such personnel as are necessary to implement the purposes of this Ordinance;
8. Perform such other acts as are necessary to implement the purposes of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by the Hernando Beach Municipal Fire Service Unit are specifically made subject to all applicable State and County laws.

SECTION V. ASSESSMENTS, LEVY AND LIEN PROVISIONS

It being recognized that the value of the benefits accrued by virtue of this Ordinance is directly proportional to the value of the property benefited, the County Commission is hereby authorized to levy a special assessment on real property within the unit for

the purposes set forth herein in the amount of \$50.00 which said special assessment may be paid either in a lump sum or in two equal annual installments. The special assessment shall constitute a lien against each lot or parcel of land lying within the boundaries of the district. If the special assessment is not paid within 120 days from the due date for the second annual installment of the special assessment, the lien may be foreclosed upon in accordance with the provisions of Florida Statutes pertaining to foreclosure.

SECTION VI. REPEAL

Any Ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION VII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION VIII. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, and shall take effect on April 27, 1983. The effective date of the Ordinance is subject to a petition of 10% of the (registered voters) residing within the unit boundaries supporting the creation of the unit.

SECTION IX. DURATION OF UNIT

The Hernando Beach Municipal Fire Service Unit shall exist for a two year period beginning on April 27, 1983, and ending on April 27, 1985. Upon termination of the unit, all assets of the District shall be transferred and conveyed to the Hernando Beach Volunteer Fire Department.

ADOPTED THIS 27th day of April, 1983.

Attest:

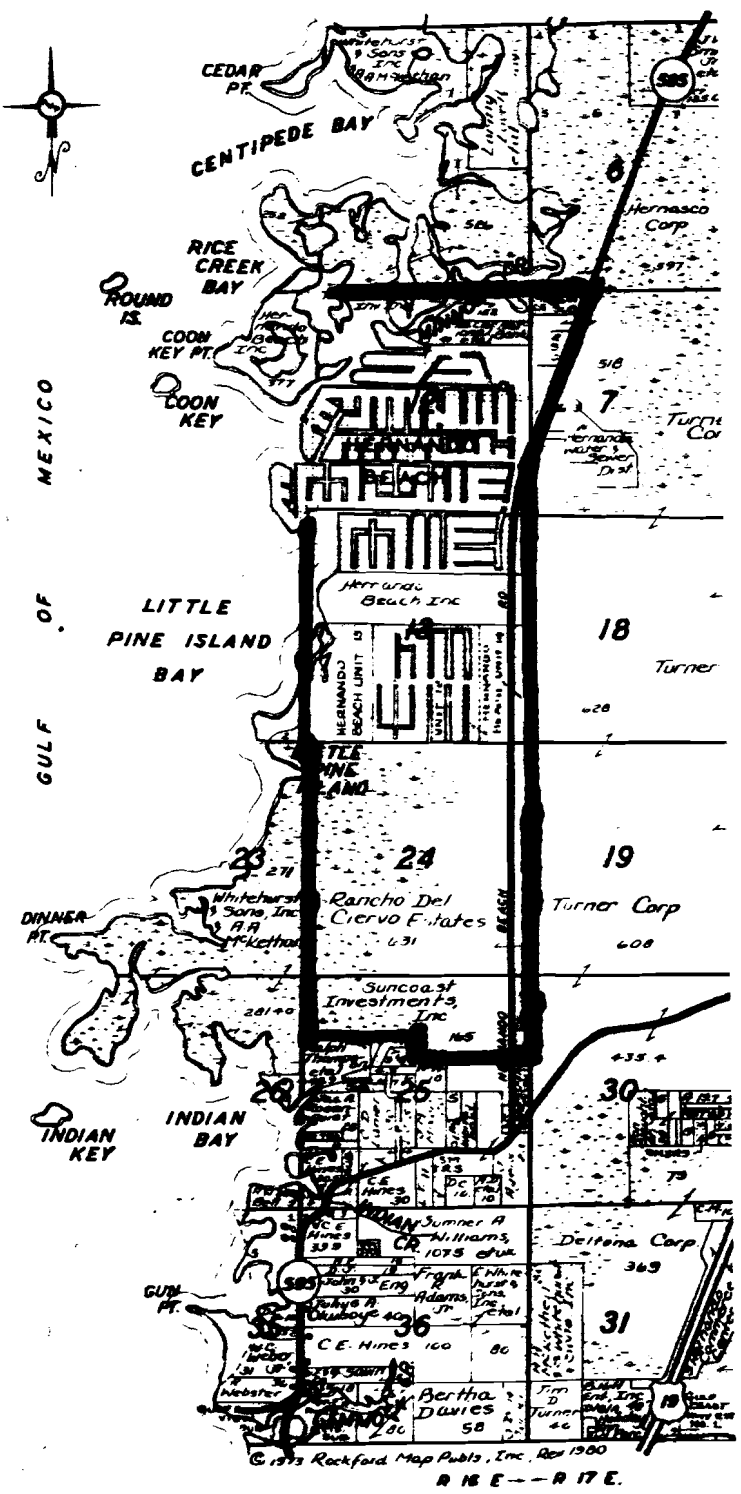
By Harold William Brown
HAROLD WILLIAM BROWN, CLERK

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA
By Henry Ledbetter
HENRY LEDBETTER, CHAIRMAN

Exhibit "A"

Description of proposed Hernando Beach Municipal Fire Service Unit geographical area.

Sections 11, 12, 13, and 24, plus the north ½ of Section 25, less the south ½ of the west ½ thereof, all of Township 23 south, Range 16 east; plus that part of Section 7, Township 23 south, Range 17 east, lying west of Hernando Beach Road (595-C). See shaded area on adjacent map.



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