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ORDINANCE NO.: 90- 31

AN ORDINANCE TO CREATE THE SPRING HILL FIRE AND RESCUE MUNICIPAL SERVICE TAXING UNIT DISTRICT; PROVIDING FOR A GOVERNING BOARD; PROVIDING FOR SELECTION OF BOARD MEMBERS; PRESCRIBING THE JURISDICTION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR AN OPERATIONS COUNCIL; PROVIDING FOR THE LEVY OF TAXES; PROVIDING FOR CAPITAL RESERVES; PROVIDING FOR FISCAL REGULATIONS BY THE COUNTY COMMISSION; DECLARATION OF SPECIAL BENEFITS; PERMITTING FIRE PROTECTION CONTRACTS; PROVIDING FOR AMENDMENTS TO ORDINANCE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

Dec 21 1990

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FILED FOR RECORD  
KAREN NICOLAI, CLERK  
HERNANDO COUNTY, FL

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

SECTION I. FINDINGS OF FACT AND PURPOSE.

It is hereby found by the Board of County Commissioner 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 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 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 Ordinance to create a County Municipal Service Taxing Unit for the purpose of creating, establishing,

maintaining and operating a fire protection and rescue and ambulance system within the areas described in Section II.

This unit shall replace and succeed the Spring Hill Fire and Rescue District as existing under Chapter 12, Article IV, Section 12-116, of the Hernando County Code which said unit had an ad valorem tax levy authority of up to 2 3/4 mills as approved by referendum.

SECTION II. CREATION OF UNIT.

For the purpose of creating, establishing, maintaining and operating a fire protection and rescue and ambulance system within the area described, to-wit:

All of Section 36, Township 23 South, Range 17 East, Hernando County, Florida.

The portions of Sections 13, 22, 24, 25, 27, 32 and 35 of Township 23 South, Range 17 East, Hernando County, Florida, which are not presently within the boundaries of Spring Hill Fire and Rescue District.

The portions of Sections 9, 14, 16, 17, the West 1/2 of 23, 27, 32, 33 and 34 (except Arkay's Park Subdivision) of Township 23 South, Range 18 East, Hernando County, Florida, which are not presently within the boundaries of Spring Hill Fire and Rescue District.

Rolling Oaks Subdivision

Quail Meadow Subdivisions

That portion of Springwood Estates Subdivision which is not presently within the boundaries of Spring Hill Fire and Rescue District.

there is hereby created a Municipal Service Taxing Unit to be known as the "Spring Hill Fire and Rescue Municipal Service Taxing Unit District", which shall be all the property within the boundaries described herein.

SECTION III. GOVERNING BODY.

The Governing Body of the Spring Hill Fire and Rescue Municipal Service Taxing Unit District shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. 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 fire fighting units, fire control units, and first responder, rescue units and ambulance units.

SECTION V. 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 to deem necessary to effectuate the purposes of this Ordinance or to contract for any such service authorized by this Ordinance.
- 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 Ordinance 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 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 fire fighting equipment and units within the jurisdiction of the unit.
- H. To determine the rate of ad valorem taxes, 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 fire fighting, rescue and ambulance 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 Ordinance.

L. To borrow money to enable the unit to carry out the provisions of this Ordinance.

M. The powers herein granted shall be exercised by the Board of County Commissioners.

SECTION VI. BUDGET; MILLAGE RETROACTIVE.

A. Prior to June thirtieth of each year, the Operations Council of the district created by this division shall adopt and submit to the Board of County Commissioners for their approval and the proposed district a budget for the ensuing fiscal year, verified upon information and belief by the district and showing the following information:

1. Cash balances to be carried over; current ad valorem taxes and proceeds received from the sale or exchange of property of the district or for special services or by gift.
2. 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.

3. Actual receipts and disbursements for the past fiscal year.

B. It shall be the duty of the Board of County Commissioners to consider such proposed budget and to certify to the Operations Council on or before the thirty first (31st) day of July of each year the district budget of estimated receipts and expenditures as fixed and determined by the Board of County Commissioners. Upon request of the council, the County Commissioners may at any time during the year authorize budget transfer from one item to another item, and cash transfers from one fund to another fund. Upon the approval of the budget, the County Commissioners shall cause to be levied a sufficient ad valorem tax not to exceed two and three quarters (2 3/4) mils on all real property and tangible personal property within the district to raise such budget, and such taxes shall be included in the taxes assessed on the regular County tax roll. They shall be assessed and collected by the proper County officers who shall be entitled to collect from such district funds the usual fees allowable by law for the assessment and collection of other special district taxes. Such funds shall be deposited in a County depository in a fund designated as "Board of County Commissioners - Spring Hill Fire and Rescue District Fund;" provided that, funds budgeted for purchase of supplies and equipment may be placed in a fund designated as "Board of County Commissioners - Spring Hill Fire and Rescue District Fund."

SECTION VII. OPERATIONS COUNCIL

A. The Spring Hill Fire and Rescue Municipal Service Taxing Unit District shall have an Operations Council which shall consist of five (5) members.

B. The Operations Council shall be appointed by the Hernando County Board of County Commissioners. Members of said Board

shall be appointed for a term of two (2) years.

C. Members of the Board shall be residents and registered electors of the District.

The Hernando County Board of County Commissioners shall have the power to remove a member of the Council for nonfeasance, misfeasance, malfeasance, or change of residence from within the District. Vacancies created by the resignation, death or removal from said Council shall be filled by the Hernando County Board of County Commissioners to fill the balance of the term of office of such member.

SECTION VIII. DUTIES OF THE OPERATION COUNCIL.

The Council shall perform under the direction and approval of the Board of County Commissioners, all duties necessary for the establishment, operation, maintenance, and control of fire fighting units, fire control units, and rescue and ambulance service units and such duties listed under Section IV, as delegated to the Council by the Board of County Commissioners.

SECTION IX. 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 X. COUNTY COMMISSIONERS - FISCAL AND OTHER REGULATIONS.

The Board of County Commissioners may by proper resolution establish rules and regulations regarding the operation of the district.

SECTION XI. 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 an ad valorem tax may be assessed or collected by Hernando County, Florida, within the provisions of Florida Law.

SECTION XII. FIRE PROTECTION RESCUE AND AMBULANCE CONTRACTS.

Municipalities and other governmental entities within Hernando County may enter into contracts with said unit for the operation of fire-fighting rescue and ambulance equipment or for the furnishing of fire protection rescue and ambulance service 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 XIII. ADMINISTRATION.

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

SECTION XIV. REPEAL.

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

SECTION XV. 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 XVI. 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 XVII. EFFECTIVE DATE.

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

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 18<sup>th</sup> day of December, 1990, A.D.

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA.



Attest: Judy S. Korbus, Deputy  
KAREN NICOLAI  
Clerk

By: Harold D. Varvel  
HAROLD D. VARVEL  
Chairman