

R-3750

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ORDINANCE NO.: 90-35

AN ORDINANCE TO CREATE THE EAST HERNANDO COUNTY FIRE PROTECTION DISTRICT; PROVIDING FOR A GOVERNING BOARD; PROVIDING FOR SELECTION OF BOARD MEMBERS; PRESCRIBING THE JURISDICTION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE PREPARATION OF AN ANNUAL BUDGET; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS AND A PROCEDURE FOR LEVYING AND COLLECTING SAID SPECIAL ASSESSMENTS; 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.

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 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 Ordinance to create a County Municipal Service Benefit 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.

COMMISSIONERS
CLERK

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SECTION II. CREATION OF UNIT.

For the purpose of creating, establishing, maintaining and operating a fire protection system within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "East Hernando County Fire Protection District", 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 East Hernando County Fire Protection 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.

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 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 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 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.

N. The Board of County Commissioners will appoint an Advisory Board of seven (7) members.

SECTION VI. 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 for 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 a fund designated as "Board of County Commissioners - East Hernando County Fire Protection District Fund". The assessments shall be determined according to the provisions in Section VIII.

SECTION VII. 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 lots within the unit, the county commission is hereby authorized to levy an annual service charge against each lot within the unit for the purposes set forth herein.

The service charge imposed hereunder 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 service charges 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.

C. FEE CAP

The assessment for this fire district will not exceed thirty five (\$35.00) dollars per residency; fifteen (\$15.00) dollars per unimproved lot; twenty five (25) cents per acre for acreage (\$15.00 minimum); eight (8) cents per square foot for commercial and thirteen (13) cents per square foot for high risk commercial/industrial. These assessments will be capped at these figures for five (5) years.

SECTION VIII. BOARD OF ADJUSTMENT AND APPEALS.

On or before December 31st of each year, a property owner may 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 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 a special assessment may be assessed or collected by Hernando County, Florida, within the provisions of Florida Law.

SECTION XII. FIRE PROTECTION CONTRACTS.

Municipalities within Hernando County may enter into contracts with said unit for the operation of fire-fighting 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 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.

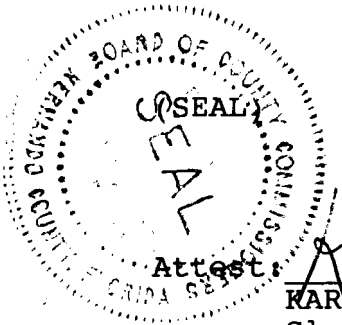
SECTION XVI. INCLUSION IN THE CODE.

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 20th day of December, 1990, A.D.



Karen Nicolai
KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By: Harold D. Varvel
HAROLD D. VARVEL
Chairman

EXHIBIT "A"
EAST HERNANDO COUNTY FIRE PROTECTION DISTRICT

Range 19 East Township 23 South, Sections 1, 12, 13, 24, 25, 36

All of Range 20 East Township 23 South

Range 20 East Township 22 South, Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and sections 7, 8, 9, 10, 11, and 12 lying south of Croom Road and less that portion contained within the Dogwood Estates Fire Protection MSBU.

Range 21 East Township 22 South, Sections 7, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and sections 8, 16, 15, 14, and 13 lying south of the Little Withlacoochee River/Withlacoochee River

Range 21 East Township 23 South, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18

Range 22 East Township 23 South, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18

Range 22 East Township 22 South, Sections 30, 31, 32 and those portions of Sections 29, 33, 34, 35, 36, 28, 20, 19, and 18 lying south of the Little Withlacoochee River