

ORDINANCE NO. 88-15

**FILED**  
88 MAY 16 PM 2:46  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

AN ORDINANCE CREATING A MUNICIPAL SERVICE TAXING UNIT TO BE KNOWN AS THE "POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF STREET LIGHTING SYSTEM WITHIN SAID UNIT; PROVIDING FOR THE BOUNDARIES OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF THE AFORESAID 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 FOR INCLUSION IN THE COUNTY CODE; PROVIDING AN EFFECTIVE DATE.

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 a lighting system 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 municipal service taxing and benefit unit as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges 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. 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 lighting system within the area 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 lighting system within the area described herein, there is hereby created a Municipal Service Taxing Unit to be known as the "POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING UNIT", which shall be all the property located in Hernando County, Florida within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING UNIT shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

- A. The POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING 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 POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING UNIT shall have the following duties:
1. To establish, maintain and operate such street lighting as is necessary to implement the purpose of this Ordinance.
  2. To provide a lighting system to improved and unimproved property within the benefitted area.
- C. The County Administrator shall be responsible for administering the POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING UNIT and shall be responsible for the following to the extent necessary to implement the purpose of this Ordinance:
1. Negotiate and recommend to the Board of County Commissioners contracts for providing specific maintenance services.
  2. Negotiate and recommend to the Board of County Commissioners contracts for purchase of such capital equipment as necessary.

3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.
  4. Negotiate contracts with power companies for the purpose of providing a lighting system.
  5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
  6. 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 POTTERFIELD GARDEN ACRES MUNICIPAL SERVICE TAXING 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 directly benefits equally 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 October 1st of each year.

#### SECTION VI. REPEAL

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

#### SECTION VII. 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 VIII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, 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 IX. EFFECTIVE DATE

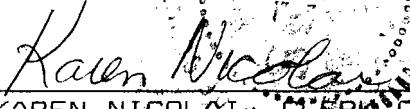
This ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

ADOPTED THIS 11<sup>th</sup> DAY OF May, 1988, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By: 

DAVID D. RUSSELL, SR., CHAIRMAN

Attest: 

KAREN NICOLAI, CLERK OF COURT

EXHIBIT "A"

POTTERFIELD GARDEN ACRES, Section "M" First Addition, known as Midway Estates, according to the plat recorded in Plat Book 6, page 2, public records of Hernando County, Florida.