

Return Justice

ORDINANCE NO. 88-24

FILED IN THE STATE  
TALLAHASSEE, FLORIDA  
SEP 22 1988

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FILED FOR RECORD  
KAREN M. CLERK  
HERNANDO COUNTY, FLA

'88 SEP 22 PM 3 45

AN ORDINANCE OF HERNANDO COUNTY PROVIDING FOR THE CREATION OF THE EAST HERNANDO MUNICIPAL FIRE SERVICE UNIT; ESTABLISHING BOUNDARIES FOR SAID UNIT; PROVIDING FOR GOVERNING BODY; PROVIDING DUTIES OF THE GOVERNING BODY; PROVIDING FOR THE PREPARATION OF A BUDGET; PROVIDING FOR SPECIAL ASSESSMENTS, LEVIES AND LIENS; PROVIDING FOR THE DURATION OF THE UNIT; PROVIDING FOR A BOARD OF ADJUSTMENTS AND APPEALS; PROVIDING FOR CAPITAL RESERVES; PROVIDING FOR DECLARATION OF SPECIAL BENEFIT; PROVIDING FOR FIRE PROTECTION CONTRACTS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR REFERENDUM; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

~~026709~~

FILED FOR RECORD  
KAREN M. CLERK  
HERNANDO COUNTY, FLA.

SEP 15 AM 11 40

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 Commissioners of Hernando County, Floirda, that fire protection is an essential service for the benefit of the health, safety and welfare of the public. It is further the findings of the Board of County Commissioners that the Legislature has in §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 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

PBH-8-2-88

O.R. 706 PG 1969

~~O.R. 702 PG 1972~~

\*\* This document being re-recorded to include Exhibit A.

fire control and rescue services 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 fire control and rescue services within the area described herein, there is hereby created a municipal service taxing unit to be known as the "EAST HERNANDO MUNICIPAL FIRE SERVICE 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 East Hernando Municipal Fire Service Unit shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV DUTIES OF THE GOVERNING BODY.

The Board of County Commissioners shall perform all duties necessary for the establishment, operation, maintenance, training and control of the East Hernando Municipal Fire Service Unit.

SECTION V POWERS OF THE GOVERNING BOARD.

The Board of County Commissioners is authorized and empowered to:

(a) Make rules and regulations for its government and proceedings and to adopt an official seal for the unit.

(b) 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 Ordinance or to contract for any such services authorized by this Ordinance.

(c) Acquire in the name of the unit by purchase, lease, gift, or the exercise of the right of eminent domain, such

O.R. 702 PG 0728

O.R. 706 PG 1970

lands and rights and interest therein, as may be deemed necessary in connection with the furnishings 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 authorized the power of eminent domain to be exercised beyond the limits of the unit.

(d) Designate the official address of the unit and where the records and seal shall be kept.

(e) 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 finance office.

(f) Sue and be sued in its own name, plead and be impleaded.

(g) 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) Determine the rate of special assessments, fees and other charges for operation of the unit and/or for the use of the above services, and to adopt budgets related thereto.

(i) 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 may be deemed necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of fire fighting and rescue equipment within the unit, and to hold and dispose of all real and personal property under its control.

(j) Accept grants or money or materials or property of any kind for the unit 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) Do all acts and things necessary or convenient to carry out the powers and duties granted by this Ordinance.

O. R. 702 PG 0729

O. R. 706 PG 1971

(l) Borrow money to enable the unit to carry out the provisions of this Ordinance.

(m) Establish rules and regulations regarding the issuance of requisitions and purchase orders and the payment of bills.

(n) Establish rules and regulations regarding the operation of the unit.

SECTION VI BUDGET.

1. 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 unit or for special services or by gift.

(b) An estimate of all ordinary, 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.

2. Upon the 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 support 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 Municipal Fire Service Unit Fund". The assessments shall be determined according to the provisions in Section VII.

SECTION VII SPECIAL ASSESSMENTS - COUNTY BOARD'S INTENTION GENERALLY.

O.R. 702 PG 0730

O.R. 706 PG 1972

It is the declared intention of the Board of County Commissioners that the unit created hereunder shall assess and levy a special assessment each year. The special assessment imposed hereunder shall constitute a lien on all real property of the unit as of October 1st of each year and shall become delinquent as of April 1st of the following year. All assessments, fees or service charges of the unit shall have and be entitled to the same priority as any other tax lien or levy of a political subdivision of the State of Florida. Assessments which become delinquent and which remain delinquent for more than ninety (90) days may be foreclosed upon by the County Attorney. Interest shall accrue at the rate of twelve percent (12%) per annum for delinquent payments. In the event of foreclosure, the property owner shall be obligated to pay all court costs and attorney fees of any foreclosure action in addition to the assessment and any accrued interest.

SECTION VIII SPECIAL ASSESSMENTS - LEVY AND LIEN PROVISIONS.

1. During each year the unit created by this division shall have the right, power and authority to levy special assessments against real property within the territorial bounds in order to provide funds for the purpose of such unit. The amount of and method of such special assessment shall be determined annually by resolution. Only governmentally owned parcels shall be exempt from such assessment.

2. For property requiring special services from the unit, the unit shall be authorized and empowered to enter into service contracts to provide 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 IX DURATION OF UNIT.

O.R. 702 PG 0731

O.R. 706 PG 1973

The duration of the unit shall be perpetual; provided, however, such unit may be terminated upon expenditure of all the funds of the unit. Upon termination of the unit, all assets of the unit may be transferred to any other special district or unit established for the purposes of fire protection, or may be transferred and conveyed to the East Hernando Fire Association, Inc.; provided, however, that any such conveyance shall contain a restriction that the assets are to be used solely by said Fire Association and if at any time such assets are attempted to be transferred or conveyed, such assets shall revert to the County. The transfer and conveyance of such assets shall further be conditioned upon a provision in such transfer and conveyance that in the event of the cessation of the East Hernando Fire Association, Inc. as a viable entity, the assets of the unit created by this division and transferred to the Fire Association shall revert to the County.

SECTION X BOARD OF ADJUSTMENT AND APPEALS.

On or before December 31st of each year, a property owner may petition for an appeal of the special assessment to the Hernando County Board of County Commissioners sitting as a Board of Adjustment and Appeals.

SECTION XI CAPITAL RESERVES.

The Commissioners of the unit are empowered to set up reservations in the budget in excess of the 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 XII DECLARATION OF SPECIAL BENEFIT.

It is hereby declared and determined by the Hernando County Board of County Commissioners tha 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 XIII FIRE PROTECTION CONTRACTS.

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

SECTION XIV REFERENDUM.

A referendum is hereby authorized to be held on the 8th day of November, 1988, on the question of whether or not the imposition of the municipal service taxing unit is to be approved by the registered electors of said affected area as required by §336.021, Florida Statutes. The question to be submitted to the voters on the referendum ballot shall be as follows:

Shall there be created a Municipal Service Taxing Unit for fire and rescue services, with the authority to levy special assessments on real property within the unit?

Yes - \_\_\_\_\_  
No - \_\_\_\_\_

SECTION XV ADMINISTRATION.

The County Administrator or his designee shall be responsible for ensuring the administration of the unit created by 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,

O.R. 702 PG 0733

O.R. 706 PG 1975

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 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 XVIII REPEAL.

In the event the referendum herein authorized fails to pass by a majority vote of the electors voting in said referendum, then this Ordinance shall automatically stand repealed. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XIX EFFECTIVE DATE.

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

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 3rd day of August, 1988.

(SEAL)

Attest:

Karen Nicolai  
Karen Nicolai  
Clerk

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA.

By:

David D. Russell Sr.  
David D. Russell Sr.  
Chairman

O.R. 702 PG 0734



EXHIBIT A

All of Township 22 South, Range 20 East.

All of Township 23 South, Range 20 East.

Sections 1, 12, 13, 24, 25, and 36 of Townships 23 South, Range 19 East.

Sections 6, 7, 8, 18, 17, 15, 14, 13, 20, 19, 22, 23, 24, 25, 26, 29, 30, 31, and 32 of Township 22 South, Range 21 East.

The portions of Sections 21, 27, 33, and 34 lying to the West of the Withlacoochee River in Township 22 South, Range 21 East.

Sections 5, 6, 7, 8, 16, 17, and 18 of Township 23 South, Range 21 East.

The portions of Sections 4, 9, and 15 of Township 23 South, Range 21 East lying to the West of the Withlacoochee River.