

FILED  
JAN 23 07 PM '74  
RICHARD (DICK) STONE  
SECRETARY OF STATE

ORDINANCE NO. 73-12

An Ordinance to create the Spring Hill Fire and Rescue District; establishing boundaries for said district; providing for a governing board; providing for election of a governing board; providing for dismissal of members of said board; prescribing the jurisdiction, powers and duties of said board; providing for the preparation of an annual budget; providing for tax liability during year of creation of the district; providing for levy of special assessment; providing for capital reserves; providing for fiscal regulations by the County Commission; declaration of special benefits; permitting fire and ambulance protection contracts; setting meetings and salary of said board; requiring a referendum to be held within the boundaries of the district to determine if the district shall have the power to levy ad valorem taxation not to exceed 1-3/4 mills for a period of two years; providing a severance provision; providing a repealer provision; providing for an effective date.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1: The Hernando County Board of County Commissioners is hereby authorized to create and there is hereby created a special fire and rescue protection taxing district, consisting of all property in Hernando County located in all units of Spring Hill, a subdivision in Hernando County, Florida, as per plats thereof recorded in the public records of Hernando County, Florida. Said district shall be designated as "Spring Hill Fire and Rescue District."

Section 2: (a) The Spring Hill Fire and Rescue District shall be governed by a board of commissioners, which shall

consist of three (3) members.

(b) Initially the board of commissioners shall be appointed by the Hernando County Board of County Commissioners, who shall serve until the 1st day of July, 1974. Members of said board shall thereafter be elected for a term of two (2) years each by a vote of the district at large, at an election to be held on the Tuesday following the first Monday in May of each even numbered year.

(c) Members of the board shall be residents and registered electors of the district. Candidates or incumbents of the office shall qualify by filing with the Clerk of the Circuit Court of Hernando County, between the dates of March 1 and March 15 of each year in which an election is to be held. The election of commissioners shall be conducted in accordance with the existing election laws of the State of Florida. The term of the newly-elected commissioner shall begin on the 1st day of July following said election and shall extend for two (2) years, or until his successor shall have been duly elected and qualified. Each member of the board shall, before assuming office, be required to make and execute to the Governor of the State a good and sufficient surety bond in the amount of not less than Two Thousand Five Hundred Dollars (\$2,500.00) conditioned on the faithful performance of the duties of his office and bond shall be approved by and filed with the Clerk of the Circuit Court of Hernando County, the expense of said bond to be borne by the district.

The Hernando County Board of County Commissioners shall have the power to remove a member of the commission for nonfeasance, misfeasance, or malfeasance, or change of residence

from within the district. Vacancies created by the resignation, death or removal from said board of commissioners shall be filled by the Hernando County Board of County Commissioners to fill the balance of the term of office of such member.

Section 3: Election; Ballots. The Board of County Commissioners of Hernando County shall make the necessary arrangements for setting up the elections of the board of commissioners of the district and shall supply the necessary ballots and do all other things necessary for said elections. The district shall bear the costs of said elections.

Section 4: Duties of the Board of Commissioners. The board of commissioners shall perform all duties necessary for the establishment, operation, maintenance, and control of fire fighting units, fire control units, and rescue and ambulance service units.

Section 5: Powers of the Board of Commissioners. The board of said district is authorized and empowered to:

(a) To make rules and regulations for its own government and proceedings and to adopt an official seal for the district.

(b) To 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) 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 be exercised beyond the limits of the district.

(d) To designate the official address of the district 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 district 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, and rescue and ambulance service units within the jurisdiction of the district.

(h) To determine the rate of tax, 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 district 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 in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) for a period of time not to exceed two (2) years, and to issue negotiable promissory notes and bonds in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00), to enable it to carry out the provisions of this Ordinance.

Section 6: Budget—Millage Retroactive. Prior to June 30th of each year, the board of commissioners of the district shall adopt and submit to the Hernando County 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:

(a) 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.

(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. And it shall be the duty of the Board of County Commissioners to consider said proposed budget and to certify to the district commissioners on or before the 31st day of July of each year the district budget of estimated receipts and expenditures as fixed and determined by said Board of County Commissioners. Upon request of the district commission, 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 tax not to exceed one-and-three-quarters (1-3/4) mills on all real property within said district to raise said 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 said district funds the usual fees allowable by law for the assessment and collection of other special district taxes. Said 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 Commissioners Fund."

Section 7: It is the declared intention of the Hernando County Board of County Commissioners that the district created hereunder and submitting a budget prior to June 30th of the year of its creation under Section 6 above shall be assessed and placed upon the County Tax Roll for that year. The millage imposed hereunder shall constitute a lien on all real property of the district as of January 1st of the year in which the district is created, the date of creation of the district and the levy of said millage notwithstanding, provided the budget is submitted by June 30th.

Section 8: Special Assessment. During the calendar year of 1974 only, said district shall have the right, power and authority to levy special assessments against taxable real estate lying within its territorial bounds in order to provide

funds for the purpose of said district. The rate of such assessment shall be fixed by a Resolution of the Board of County Commissioners upon the advice of the board of commissioners of the district, as hereinafter provided, but shall in no event exceed the sum of:

- \$ 35.00 per annum on any one business firm, excluding industrial manufacturing;
- \$150.00 per annum on any one industrial manufacturer;
- \$ 10.00 per annum on each dwelling and the land upon which it is located if not in excess of one acre;
- \$ .50 per annum on each subdivided cleared lots;
- \$ 1.00 per annum on each subdivided uncleared lots;
- \$ .10 per annum per acre or fraction thereof on unsubdivided acreage, but not to exceed the sum of \$15.00 for any one unsubdivided parcel of more than one-hundred-fifty (150) acres.

Apartment buildings, rental duplexes, and motels shall be construed as one business firm. The term "business firm" wherever used in this Section refers to each separate location and the fact that several business locations are owned by the same party shall not make them one business. The term "dwelling" as used in this Section shall include mobile homes or trailers where same are being used for a residence and each mobile home or trailer shall be considered a separate building.

The County Tax Assessor shall furnish to the Hernando County Board of County Commissioners a tax roll covering all taxable properties within the territorial limits of said district upon which roll said County Commissioners will place the levy for each parcel of property shown thereon on or before the first day of February of 1974 and any property owner in said district shall have the right during the period between the tenth day of February and the twentieth day of February of said year to file written protest of the proposed assessments, the amount and rate thereof and to appear before said Board in support of such protest; and the Board of County Commissioners shall hold a meeting or meetings during said period to consider and act upon any such protest.

Immediately after the expiration of the period last mentioned, the Board of County Commissioners shall adopt a Resolution fixing the rate of assessments and shall return the said tax roll to the County Tax Assessor, having noted thereon the levy against each parcel of property described thereon, on or before the first day of March of 1974. The assessments shall then be collected by the Hernando County Tax Collector during the months of March and April of 1974 in the same manner as County taxes are collected. The County Tax Assessor and the County Tax Collector shall be entitled to their respective statutory fees for providing the above services.

The special assessment shall constitute a lien upon all real property of the district as of the 1st day of May, 1974.

Section 9: 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 10: County Commissioners—Fiscal Regulations.

The Board of County Commissioners may by proper resolution establish rules and regulations regarding the issuance of requisitions and purchase orders and the payment of bills, but the following regulations shall be included:

(a) The board of commissioners may designate the Fire Chief or another employee as its agent in issuing requisitions or purchase orders and/or the commissioners' board.

(b) Before bills are paid, they shall have been approved on behalf of the commission by the one who signed the requisition or purchase order and by the chairman or vice-chairman, or, if designated, the commissioners' board through its designated agent.

(c) Warrants shall be issued and signed as regular County Warrants.

(d) The duty of deciding as to what expenditures shall be made shall be upon the commission, provided, however, any and all single expenditures in excess of Fifteen Hundred Dollars (\$1,500.00) regardless of their purpose, must first be approved by resolutions of both the district commission and the County Commissioners.

Section 11: 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 Fire and Rescue District, as aforesaid, will confer special benefits upon the lands within said district for which a special assessment or an ad valorem tax for special benefits may be

assessed or collected by Hernando County, Florida, within the provisions of Florida law.

Section 12: Fire Protection Contracts. Municipalities within the said County may enter into contracts with said district for the operation of fire-fighting equipment or for the furnishing of fire protection within said district and said districts may enter into contracts with municipalities, with other fire and rescue districts or private organizations for furnishing fire protection and rescue services in said districts, and may contract to furnish protection to individuals outside their respective districts.

Section 13: Meetings. The board of the district shall hold meetings monthly which shall be open to the public.

Section 14: Salary. The members of the board shall receive no salary for services of said board.

Section 15: The Board of County Commissioners of Hernando County is authorized and directed to provide for and hold a referendum election of such district on or before the 30th day of March, 1974. Only those persons who are qualified electors and residents in said district on the day of such election, and who were so qualified prior to the closing of the voter registration books by the Hernando County Supervisor of Elections, shall be qualified to vote in such election. The election will be held to determine if such a district, as herein authorized, shall be created and whether there will be authorized the levy of a special assessment as herein set forth and the levy of ad valorem tax up to, but not to exceed, one-and-three-quarters (1-3/4) mills upon each dollar of valuation of taxable property in the district for fire fighting and control purposes and

for rescue and ambulance service purposes. If a majority of those voting in said election vote against the creation of the Spring Hill Fire and Rescue District with ad valorem taxing powers, and upon certification of such results, then this Ordinance shall be void.

If the majority of the electors voting at such election vote for the creation of the district, with ad valorem taxing powers, and upon certification of such results by the County Canvassing Board, this Ordinance shall immediately become law.

The question or matter to be determined by said electors at such election shall be stated on the ballot used in such election, as follows:

- A. For creation of a special fire and rescue protection taxing district, with powers of taxation up to 1-3/4 mills
- B. Against creation of a special fire and rescue protection taxing district with powers of taxation up to 1-3/4 mills.

Section 16: If the referendum above carries, the ad valorem power shall extend for a period of two (2) years, at which time it shall expire, and the district shall not have ad valorem taxing powers unless approved by a referendum authorizing the extension of the ad valorem taxing power beyond the two-year limit herein established.


Section 17: Severability. If any section, or part of any section, of this Ordinance is proved to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity or force or effect of any other section or part of section hereof, unless it appears that the other section or

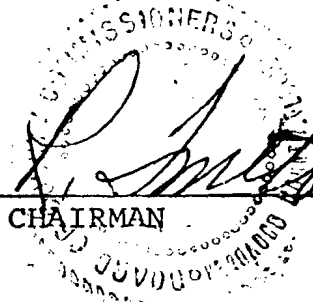
part of section is greatly or necessarily dependent upon a section or part of section so held to be unconstitutional and invalid.

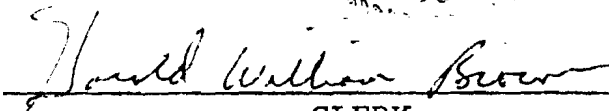
Section 18: Repeals. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 19: Subject to the referendum herein required, this Ordinance shall become effective as provided by law.

Duly adopted this 27<sup>th</sup> day of December, 1973.

  
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CHAIRMAN



ATTEST:   
\_\_\_\_\_  
CLERK

Certificate of Canvassing Board

State of Florida  
Hernando County

We the undersigned, Monroe Trieman, County Judge, Neil T. Kinross, Jr., Supervisor of Elections, and J.R. Underwood, Member of the Board of County Commissioners, constituting the County Board of Canvassers, in and for the said County, do hereby certify that we met in the office of the Supervisor of Elections on the 27<sup>th</sup> day of January, A.D., 1974, and proceeded to publicly canvass the votes cast in the Special Election held in the community of Spring Hill in the 15th precinct on the 29th day of January, A.D., 1974.

SHALL THERE BE CREATED A SPECIAL FIRE DISTRICT WITH THE POWER OF AD VALOREM TAXATION UP TO ONE AND THREE QUARTERS (1 3/4) MILLS.

FOR FIRE DISTRICT 1192 VOTES  
AGAINST FIRE DISTRICT 192 VOTES

Monroe W. Trieman  
(County Judge)

Neil T. Kinross, Jr.  
(Supervisor of Elections)

J.R. Underwood  
(Member, Board of County Commissioners)

FILED FOR RECORD  
HAROLD W. TERRY, CLERK  
HERNANDO COUNTY, FLA.  
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Neil T. Kinnear, Jr.

SUPERVISOR of ELECTIONS

Hernando County

TELEPHONE 736-2566  
BROOKSVILLE, FLORIDA 33512

ABSENTEE CANVASS  
SPRING HILL ELECTION  
29 JANUARY 1974

FOR FIRE DISTRICT

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AGAINST FIRE DISTRICT

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