

R-28.50

ORDINANCE NO.: 90-32

R Lauka
Room 131

AN ORDINANCE TO CREATE THE HERNANDO FIRE TAX DISTRICT MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR A GOVERNING BOARD; PROVIDING FOR SELECTION OF BOARD MEMBERS; PRESCRIBING THE JURISDICTION, POWERS AND DUTIES OF SAID BOARD; PROVIDING FOR THE POWER TO CONTRACT; PROVIDING FOR THE LEVY OF TAXES; PROVIDING FOR CAPITAL RESERVES; PROVIDING FOR FISCAL REGULATIONS BY THE COUNTY COMMISSION; DECLARATION OF SPECIAL BENEFITS; 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.

000411

FILED FOR RECORD
KAREN NICOLA, CLERK
HERNANDO COUNTY, FL
91 JAN -7 PM 3:10

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, attached hereto and made a part hereof by reference. This unit shall replace and succeed the "Hernando Fire Tax District" as existing under Laws of Florida, Chapter 67-1453, which said unit had an ad valorem tax levy authorized of up to three (3) mills as approved by referendum.

SECTION II. CREATION OF UNIT.

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

Township 22 South, Range 19 East, Hernando County, Florida, excepting the incorporated limits of the City of Brooksville.

there is hereby created a Municipal Service Taxing Unit to be known as the "Hernando Fire Tax District Municipal Service Taxing Unit," which shall be all the property within the boundaries described in Section II, located in Hernando County, Florida.

SECTION III. GOVERNING BODY.

The Governing Body of the Hernando Fire Tax District Municipal Service Taxing Unit, 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 be 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, ambulance 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.

SECTION VI. POWER TO CONTRACT.

The Board is vested with the power and authority to contract with the City of Brooksville for fire protection within the district and to pay the city a reasonable compensation for such fire protection. The City of Brooksville is authorized and empowered to contract as herein set forth and to use its fire fighting equipment in such district beyond the boundary of the city.

SECTION VII. POWER - ANNUAL APPROPRIATION AND TAXATION.

The Board of County Commissioners as the Board of Directors is hereby authorized and empowered to make an annual appropriation of moneys for the operation of the Brooksville Fire Tax Unit, for the payment of compensation for fire protection within the district and to levy an ad valorem tax up to but not to exceed three (3) mils upon each dollar of valuation of taxable real property and tangible personal property in the district for such purposes.

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

SECTION XI. ADMINISTRATION.

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

SECTION XII. REPEAL.

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

SECTION XIII. 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 XIV. 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.

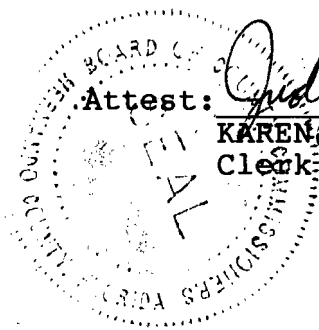
SECTION XV. EFFECTIVE DATE.

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 18th day of December, 1990, A.D.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.



Attest:

Judy S. Kobus, Deputy
KAREN NICOLAI
Clerk

By:

Harold D. Varvel
HAROLD D. VARVEL
Chairman