

ORDINANCE NO.: 91-26

AN ORDINANCE PROVIDING FOR THE REPEAL OF CERTAIN PORTIONS OF HERNANDO COUNTY ORDINANCE 73-12, SPRING HILL FIRE AND RESCUE DISTRICT; AS AMENDED; PROVIDING FOR THE REPEAL OF SECTION 12-117(h), HERNANDO COUNTY CODE OF ORDINANCES, CONCERNING THE POWER OF THE BOARD OF COUNTY COMMISSIONERS TO REMOVE AND APPOINT FIRE DISTRICT COMMISSIONERS; PROVIDING FOR THE REPEAL OF SECTION 12-118, ELECTIONS, HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR REPEAL OF PROVISION OF SECTION 12-123, HERNANDO COUNTY CODE OF ORDINANCES THAT GIVES THE BOARD OF COUNTY COMMISSIONERS BUDGETARY CONTROL OVER THE FIRE DISTRICT BUDGET; PROVIDING FOR THE REPEAL OF ANY REFERENCE TO THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS IN SECTION 12-125, FISCAL REGULATIONS, HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY REFERENCE TO THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS IN SECTION 12-128, ANNEXATION, HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

JUN 22 3 46 PM '91

FILED

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

The 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 the county located in all units of Spring Hill, a subdivision in the county, as per plats thereof recorded in the public records of the county, including all property annexed into said district. Such district shall be designated as "Spring Hill Fire and Rescue District."

SECTION I.

Section 12-117(h) of the Code of Ordinances of Hernando County is repealed and declared null and void and of no effect.

SECTION II.

Section 12-117(h), is hereby amended to read as follows:

The Governor of the State of Florida shall have the power to remove a member of the commission for nonfeasance, misfeasance, malfeasance, or change of residence from within the district, or for any reason authorized by Chapter 114, Florida Statutes, the Florida Constitution or other applicable provision of general law. Vacancies created by the resignation, death or removal from such board of commissioners shall be filled by the Governor of the State of Florida to fill the balance of the term of office of such member.

SECTION III.

Section 12-222(12) of the Code of Ordinances of Hernando County is hereby amended to read as follows:

(12) To borrow money and to issue negotiable promissory notes and bonds in an amount authorized by the Board of Commissioners to enable it to carry out the purposes and function of the district.

SECTION IV.

Section 12-123 of the Code of Ordinances of Hernando County is repealed and declared null and void and of no effect.

SECTION V.

The Code of Ordinances of Hernando County is hereby amended by adding a new section to be numbered §12-123, to read as follows:

A. MANNER OF TAXATION

1. The millage authorized by referendum for district purposes shall be levied only by the district as set forth in this ordinance.

2. The district may levy ad valorem taxes not to exceed two and three quarters (2-3/4) mills on all property within the district (subject to ad valorem taxation) solely for the purposes of this ordinance.

3. The maximum millage assessed for district purposes shall not exceed two and three quarters (2-3/4) mills.

B. DISTRICTS BUDGET AND EXPENSE REPORTS; AUDITS

The district shall furnish a detailed copy of its budget and past year's expenditures to the Governor, the Legislature, and

the governing body of Hernando County. The district shall make provision for an annual postaudit of its financial accounts. These postaudits shall be made in accordance with the rules of the Auditor General promulgated pursuant to §166.241 and 11.47, Florida Statutes. At such time as the district becomes independent as defined in Chapter 189, Florida Statutes, the district shall by April 1, 1993, cause its books, records and finances to be audited so as to provide for a final audit of the books, records and finances of the district as a dependent district as defined in Chapter 189, Florida Statutes.

C. DISTRICT BUDGET AND HEARING THEREON

1. The fiscal year of the district created under the provisions of this Ordinance shall extend from October 1 of one year through September 30 of the following year. The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. The tentative budget shall be adopted in accordance with the provisions of §200.065, Florida Statutes; however, if the mailing of the notice of proposed property taxes is delayed beyond September 3, the district shall advertise its intention to adopt a tentative budget and millage rate, pursuant to §200.065(3)(g), Florida Statutes, in a newspaper of general paid circulation in the county. The budget shall set forth, classified by object and purpose and by fund if so designated, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land, for operation and maintenance of the district works, for the conduct of the affairs of the district generally, and for other purposes, to which may be added an amount to be held as a reserve.

2. The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised

by district taxes and from other sources for meeting the requirements of the district.

3. As provided in §200.065(2)(d), Florida Statutes, the board shall publish one or more notices of its intention to finally adopt a budget for the district for the ensuing fiscal year. The notice shall appear adjacent to an advertisement which shall set forth the tentative budget in full. The notice and advertising shall be published in a newspaper qualifying for legal advertisements within Hernando County.

4. The hearing to finally adopt a budget and millage rate shall be by and before the governing board of the district as provided in §200.065, Florida Statutes, and may be continued from day to day until terminated by the board. The final budget for the district will thereupon be the operating and fiscal guide for the district for the ensuing year; however, transfers of funds may be made within the budget by action of the governing board at a public meeting of the governing board. Should the district receive unanticipated funds after the adoption of the final budget, the final budget may be amended by including such funds, so long as notice of intention to amend is published one time in one or more newspapers qualified for legal advertisements within Hernando County. The notice shall set forth the proposed amendment and shall be published at least ten (10) days prior to the public meeting of the board at which the proposed amendment is to be considered. However, in the event of a disaster or of an emergency arising to prevent or avert the same, the governing board shall not be limited by the budget but shall have authority to apply such funds as may be available therefor or as may be procured for such purpose.

5. In adopting its budget and levying its ad valorem taxes the district shall comply with all requirements of general law.

D. IMPOSITION OF TAXES

1. Each year the governing board of the district shall certify to the property appraiser of the county, timely for the

preparation of the tax roll, the tax rate to be applied in determining the amount of the district's annual tax, and the property appraiser shall extend on his county tax roll the amount of such tax, determined at the rate certified to him by the governing board, and shall certify the same to the tax collector at the same time and in like manners as for county taxes.

2. Collection of district taxes, the issuance of tax sale certificates for nonpayment thereof, the redemption or sale of said certificates, the vesting of title by tax forfeiture, and the sale of the land and other real estate so forfeited shall be at the same time, in conjunction with, and by like procedure and of like effect as is provided by law with respect to county taxes, nor may either the county or the district taxes be paid or redemption effected without the payment or redemption of both. The title to district tax forfeited land shall vest in the county on behalf of said district along with that of the county for county tax forfeited land, said district tax forfeited land to be held, sold, or otherwise disposed of by said county for the benefit of said district. The proceeds therefrom, after deducting costs, shall be paid to the district in amounts proportionate to the respective tax liens thereon.

3. The district tax liens shall be of equal dignity with those of the county.

4. The tax officers of the county are hereby authorized and directed to perform the duties devolving upon them under this ordinance and under general law, and to receive compensation therefor at such rates or charges as are provided by law with respect to similar services or charges in other cases.

E. TREASURER OF THE BOARD; DEPOSITORIES

1. The governing board shall designate a treasurer who shall be custodian of all funds belonging to the board and to the district, and such funds shall be disbursed upon the order of, or in the manner prescribed by, the governing board by warrant or check signed by the treasurer or assistant treasurer and countersigned by the chairman or vice chairman of the board. The

board is authorized to establish procedures for disbursement of funds in such amounts and in such manner as the board may prescribe, except that disbursement of funds prior to specific board approval may only be authorized upon certification by its chief executive officer or his designated assistant to the treasurer or assistant treasurer and to the chairman or vice chairman of the board that such disbursement is proper and in order and is within budgetary limits. Any such disbursements shall be reported to the board at its next regular meeting.

2. The board is authorized to select as depositories in which the funds of the board and of the district shall be deposited in any qualified public depository as defined in §280.02, Florida Statutes, and such deposits shall be secured in the manner provided in Chapter 280, Florida Statutes.

F. INVESTMENT OF FUNDS

The governing board of the district may, in its discretion, invest funds of the district in the following manner:

1. That portion of the funds of the district which the board anticipates will be needed for emergencies may be invested in bonds or other obligations, either bearing interest or sold on a discount basis, of the United States, or the United States Treasury, or those for the payment of the principal and interest of which the faith and credit of the United States is pledged.

2. All other funds of the district may be invested in securities named in subsection (1) hereof, or in bonds or other interest-bearing obligations of any incorporated county, city, town, school district or road and bridge district located in the state, for which the full faith and credit of such political subdivision has been pledged; provided, such political subdivision or its successor, through merger, consolidation or otherwise, has not within five (5) years previous to the making of such investment, defaulted for more than six (6) months in the payment of any part of the principal or interest of its bonded indebtedness; and, provided, the securities purchased under the provisions of this subsection shall have a maturity date on or

before the anticipated date of need for the funds represented thereby.

G. AUDIT BY AUDITOR GENERAL

At the direction of the Governor, audit of the district's accounts may be made from time to time by the Auditor General, and such audit shall be within the authority of said Auditor General, to make. Copy of such audit shall be furnished the Governor and the governing board of the district, and a copy shall be filed with the Clerk of the Circuit Court of Hernando County. The expense of said audit shall be paid by the district upon a statement thereof rendered to the district by the Auditor General. Payment of the amount thereof shall be made to the State Department of Banking and Finance to be entered in and to reimburse the account of the Auditor General so as not to reduce the legislative appropriation for said Auditor General.

SECTION VI.

Section 12-125 of the Code of Ordinances of Hernando County is repealed and declared null and void and of no effect.

SECTION VII.

The Code of Ordinances of Hernando County is hereby amended by adding a new section to be numbered §12-125, to read as follows:

A. The governing board of the district 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:

1. The governing board of the district may designate the fire chief or another employee as its agent in issuing requisitions or purchase orders and/or the commissioner's board.

2. Before bills are paid, they shall have been approved on behalf of the governing board of the district by the one who signed the requisition or purchase order and by the chairman or vice chairman, or, if designated, the governing board through its designated agent.

3. District warrants shall be issued and signed in the same fashion as county warrants are issued and signed.

SECTION VIII.

Section 12-126 of the Code of Ordinances of Hernando County, is repealed and declared null and void and of no effect.

SECTION IX.

The Code 2 of Ordinances of Hernando County is hereby amended by adding a new section to be numbered §12-126, to read as follows:

It is hereby declared and determined by the Board of County Commissioners that the establishment and maintenance of the fire and rescue district, as provided in this division will confer special benefits upon the lands within such district for which a special assessment or an ad valorem tax for special benefits may be assessed or collected by the district within the provisions of state law.

SECTION X.

Section 12-128(f) of the Code of Ordinances of Hernando County is repealed and declared null and void and of no effect.

SECTION XI.

The Code of Ordinances of Hernando County is hereby amended by adding a new section to be numbered §12-128(f), to read as follows:

Apportionment of debts and taxes in annexations or contractions. The area annexed to the district shall be subject to the taxes and debts of the district upon the effective date of the annexation. However, the annexed area shall not be subject to district ad valorem taxation for the current year if the effective date of the annexation falls after the Board of Commissioners levies such tax.

SECTION XII. SUNSET

This Ordinance shall sunset on the 2nd day of January 1993, unless the voters residing within the district approve the district as being an independent special district as defined in Chapter 189, Florida Statutes, at a referendum, to be held on the general election, 3rd day of November, 1992.

In the event this Ordinance sunsets, then immediately upon its sunset the district shall exist under the provisions of §12-116 through §12-128 of the Hernando County Code, as it existed

immediately prior to the effective date of this Ordinance.

SECTION XIII. REFERENDUM

A Referendum shall be held on the 3rd day of November, 1992, for the purpose of determining whether or not the district shall become an independent special district. The language on the referendum shall be as follows:

Shall the Spring Hill Fire and Rescue District be permanently converted to an independent special district as defined in Chapter 189, Florida Statutes, with the continuing authority to levy an ad valorem tax (real estate and tangible personal property taxes) of 2.75 mills on all property within the district subject to ad valorem tax?

_____ Yes

_____ No

The Referendum shall be conducted pursuant to the provisions of Chapter 100, Florida Statutes, specifically including Sections 100.151 and 100.342, Florida Statutes.

SECTION XIV. TRANSITION

Upon the district becoming an independent district, the independent district shall be the successor of the prior district and shall be the owner of all assets of the district. Furthermore, the successor district shall remain obligated and liable for all debts, obligations, and liabilities of the district.

SECTION XV. 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 re-numbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XVI. SEVERABILITY

If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, or administrative agency, such portion shall be deemed a separate, distinct and independent provision, and except as otherwise

expressly provided herein, such holding shall not affect the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

SECTION XVII. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment 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 July, 1991, A.D.



Attest: Judith S. Korbus, Deputy
KAREN NICOLAI
Clerk of Court

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: Harold D. Varvel
HAROLD D. VARVEL
Chairman

RBS/pv/07/19/91