

ORDINANCE NO. 18-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, REPEALING ORDINANCE NOS. 86-05, 88-04, and 90-01; CREATING A MUNICIPAL SERVICES BENEFIT UNIT THAT CONSIST OF THE UNINCORPORATED AREAS OF HOLMES COUNTY FOR THE PURPOSE OF PROVIDING FIRE SERVICES WITHIN THE BENEFIT UNIT; NAMING THE BENEFIT UNIT THE HOLMES COUNTY FIRE PROTECTION SERVICE DISTRICT; PROVIDING FOR THE INCLUSION OF MUNICIPALITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES TO LEVY AND COLLECT; PROVIDING FOR THE CREATION OF AN ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, *Florida Statutes*, and specifically Section 125.01, *Florida Statutes*, grants the Holmes County Board of County Commissioners the power to establish a Municipal Services Benefit Unit which may include both incorporated and unincorporated areas of Holmes County, subject to the approval of the governing body of the incorporated areas affected, within which may be provided fire services from funds derived from service charges and special assessments collected within such Unit; and,

WHEREAS, the Holmes County Board of County Commissioners, desire to establish a Municipal Services Benefit Unit for the entire unincorporated area of Holmes County, Florida, and for those municipalities within Holmes County which, by approval of their governing body, elect to be included for the purposes of providing fire services within the Unit; and,

WHEREAS, The Holmes County Board of County Commissioners elects to name said Municipal Services Benefit Unit as the HOLMES COUNTY FIRE PROTECTION SERVICE DISTRICT.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, that:

SECTION 1. SHORT TITLE: This Ordinance shall be known as and may be referred to as the "Holmes County Fire Protection Service District Ordinance."

SECTION 2. DEFINITIONS: For the purpose of this Ordinance, the definitions contained in this Section shall apply unless otherwise specifically stated.

2.1. BOARD: The term "Board" shall refer to the Board of County Commissioners of Holmes County, Florida.

2.2. District: The term "District" shall refer to the unincorporated area of Holmes County, Florida, and those municipalities which elect to be included as provided herein.

2.3. ADVISORY BOARD: The term "Advisory Board" shall refer to the Holmes County Fire and Rescue Services Advisory Board established as provided by this Ordinance.

2.4. FIRE SERVICES: The term "Fire Services" shall include, but not be limited to, all services, and related services, within the scope of: fire protection, fire prevention, fire inspection, fire investigation, rescue, extraction, and all other related services.

SECTION 3. CREATION OF THE DISTRICT AND BOUNDARIES: Pursuant to the powers granted to the Board, by the Florida Constitution and Section 125.01, Florida Statutes, the Board hereby creates a Municipal Services Benefit Unit within Holmes County, Florida, to be known as the "HOLMES COUNTY FIRE PROTECTION SERVICE DISTRICT", the boundaries of which shall include all the unincorporated area of Holmes County, and the geographic boundaries of those municipalities which, by approval of their governing body, elect to be included within the District.

SECTION 4. PURPOSE: The purpose of the District shall be limited to providing fire services to the above described District.

SECTION 5. TERM: The District shall exist until terminated by the Board.

SECTION 6. GOVERNING BODY: The Board shall be the designated Governing body of the District.

SECTION 7. GENERAL POWERS: The Governing body shall have all the powers necessary or convenient to carry out the purposes of this Ordinance and such additional rights and powers as are provided by law.

SECTION 8. LEVY: The governing body shall have the right, power and authority to levy service charges and special assessments against the benefited real property within the District to provide for the purpose of said District as described above.

8.1. The rate of such levy will be an annual tax millage as set by the Board.

8.2. Said annual tax millage shall not exceed one-half (1/2) mill, against each parcel of real property within the District, subject to Florida law.

8.3. Prior to October 1st of each year, the Board shall certify to the Holmes County Tax Collector the amount of millage, not to exceed one-half (1/2) mill, to be levied against each parcel of real property, subject to Florida law, within the District for that year.

8.4. It shall be the duty of the Holmes County Tax Collector to collect said assessments of millage against all parcels of real property within the District appearing on the Holmes County Tax Roll, subject to Florida law and, specifically, the provisions of Section 125.01(r), *Florida Statutes*, and to deliver the whole of such proceeds, less the Tax Collector's statutory collection fee, if any, to the Board.

SECTION 9. COLLECTION OF LEVIES: The levies provided for herein shall constitute liens against real property subject to said levies. The levies may be collected by the Board as provided by law.

SECTION 10. DISCRETION OF THE BOARD TO EXCLUDE CERTAIN AREAS: The Board shall have the power each year to exclude particular and certain parcels of real property within the boundaries of the District from the levies of this Ordinance or to reduce the amount of the levy that is to be assessed against a particular parcel of real property in the event the Board determines that the size or peculiar geographic configuration of any particular parcel is unique when compared to other parcels of real property within the boundaries of the District so that such particular parcel is either not benefited from the services to be provided by the imposition of the levy or is not a benefit to the same degree as other parcels of real property within the boundaries of the District.

SECTION 11. DISPOSITION OF PROCEEDS: Those funds obtained from the levy provided for in this Ordinance shall be maintained in a separate account used solely for the purpose of providing such services, operations, facilities or need as determined to be appropriate by the Board within the boundaries of the District. This Section shall not, however, prohibit the Board from entering into interlocal agreements with any municipalities as to the distribution of monies collected from within the municipalities, and for fire services to be provided by the municipalities.

SECTION 12. ADVISORY BOARD: The business and affairs of the District shall be conducted and administered by the Board, and the Board shall establish an Advisory Board from which to receive advice and recommendations, said Advisory Board to be created by Resolution of the Board.

SECTION 13. FUND ALLOCATION: No funds of the District shall be used for any purpose other than for fire services with Holmes County, Florida, including facilities, equipment, supplies, salaries and expenses in connection therewith.

SECTION 14. VOTER REFERENDUM: Any special assessment or tax to be imposed by this Ordinance shall become effective only after approval by the electors of Holmes

County, Florida, in a Referendum to be placed on the ballot for the August 28, 2018, Primary Election.

SECTION 15. REPEAL: All prior Ordinances of the Board creating a Municipal Services Benefit Unit for purposes of levying special assessments for fire services in Holmes County, Florida, are hereby repealed. Specifically, but not limited to, Holmes County Ordinance No. 86-05, Holmes County Ordinance No. 88-04 and Holmes County Ordinance 90-01 are hereby repealed and superseded by this Ordinance.

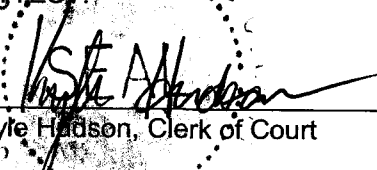
SECTION 16. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 17. ENFORCEMENT/PENALTY: This Ordinance is enforceable by all means provided by Florida law. Additionally, the Board may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Holmes County. Any violation of any portion of this Ordinance shall be punishable as provided by Florida law.

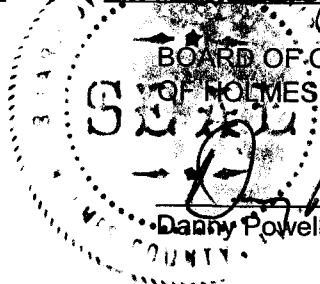
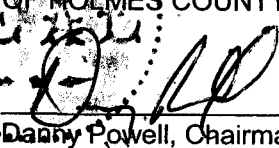
SECTION 18. CAPTIONS: The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

SECTION 19. EFFECTIVE DATE: This Ordinance shall become effective as provided by law, except that no levy of millage hereunder shall be made until and unless the same has been approved by the electors of Holmes County, Florida, in a Referendum to be placed on the ballot for the August 28, 2018, Primary Election.

APPROVED and **ADOPTED** by a majority of the Board of County Commissioners of Holmes County, Florida this 13th day of February, 2018.

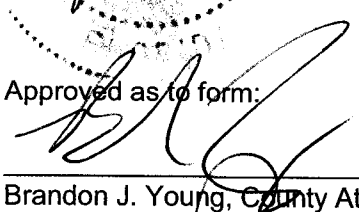
ATTEST:


Kyle Hudson, Clerk of Court


BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA


Danny Powell, Chairman

Approved as to form:



Brandon J. Young, County Attorney