

ORDINANCE NO. 88-04

AN ORDINANCE REPEALING COUNTY ORDINANCE NO. 86-05; ESTABLISHING THE HOLMES COUNTY SPECIAL DISTRICT FOR FIRE PROTECTION SERVICES; DEFINING THE BOUNDARIES OF SAID DISTRICT; PROVIDING THAT ALL INCORPORATED AREAS WITHIN HOLMES COUNTY MAY BE INCLUDED IN SAID DISTRICT, SUBJECT TO APPROVAL OF THE GOVERNING BODY OF EACH INCORPORATED AREA; PROVIDING FOR FUNDING OF FIRE PROTECTION SERVICES BY THE SPECIAL DISTRICT; AUTHORIZING THE IMPOSITION OF MILLAGE TO BE APPROVED BY VOTE OF THE ELECTORS OF HOLMES COUNTY; PROVIDING MEANS OF ASSESSMENT AND COLLECTION OF SAID MILLAGE; PROVIDING FOR THE ALLOCATION OF SAID MILLAGE AMONG THE INCORPORATED AREAS AND UNINCORPORATED AREAS; PROVIDING FOR LIENS UPON LANDS FOR ENFORCEMENT PURPOSES; PROVIDING FOR A GOVERNING BOARD OF SAID SPECIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, pursuant to the constitution of the State of Florida and laws of the State of Florida, the Board of County Commissioners of Holmes County, Florida, (hereinafter called the "County") has all powers of local self-government to perform County functions and to render County Services in a manner not inconsistent with general or special law and such power may be exercised by the enactment of County Ordinances, and

WHEREAS, Florida Statute 125.01 (5)(a)(b) and (c) specifically authorizes and requires that Special Districts can include both the unincorporated and incorporated areas of a county, requires the approval of the incorporated areas affected, and requires that any millage designated in the ordinance be approved by vote of the electors of said county; and

WHEREAS, the citizens of Holmes County, Florida, are in need of county wide fire protection services to protect the health, safety and general welfare of the public,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY AS FOLLOWS:

Section 1. Pursuant to the laws of the State of Florida, there is hereby created in Holmes County, Florida, a special fire protection district to be known as "Holmes County Fire Protection Service District." (hereinafter called the "District"). Said District shall embrace and include all the lands lying within the unincorporated areas of Holmes County, and all the lands lying within those incorporated areas which elect, by approval of their governing body, to become a part of the District.

Section 2. The business and affairs of said District shall be conducted and administered by the County. The Commissioners of the County shall not receive any additional compensation for their services as such. The County may also include elected officials of the governing body of those incorporated areas included in the District on the governing body of the District.

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Section 3. The District shall have the right, power and authority to levy an annual special tax millage, subject to the approval of the electors of Holmes County, Florida, said tax millage not to exceed one-half ($\frac{1}{2}$) mill, against each parcel of real property in Holmes County, Florida.

Section 4. For the Tax year 1988, the County shall, prior to November 10, 1988, set the amount of millage to be levied and certify the amount to the Holmes County Tax Collector. This section shall be subject to approval by the electors in a special referendum to be placed on the ballot for the November 8, 1988, general election. In all future tax years, the District shall set the amount of millage to be levied and certify the amount to the Holmes County Tax Collector prior to October 1 of each year.

Section 5. All special assessments of millage hereunder shall be based on property ownership as of January 1 of each year. The taxes levied each year shall be for the tax year beginning January 1 and ending December 31.

Section 6. It shall be the duty of the County Tax Collector to collect said assessments of millage against all parcels of real property appearing on the Holmes County Tax Roll, and to deliver the whole of such proceeds of such collection, less his statutory collection fee, if any, to the County.

Section 7. Such special millage levy shall be a lien upon the lands so assessed prior in dignity to all other liens and assessments against said lands, save and except general County taxes and other special millages levied prior to the date of this assessment, until said

assessments are paid. Said assessments shall become a lien on said lands from October 1, of the year for which that assessment is made and shall be payable on or after November 1 of the same year without discounts to the Tax Collector, but shall not become delinquent unless unpaid on April 1, of the following year. The County Tax Collector shall, upon payment of the county taxes against any property subject to said special assessments, collect such special assessments, unless such special assessments shall have been sooner paid.

Section 8. In the event any special assessment levied hereunder is not paid on or before the first day of April of the year following that for which said assessment is made, said delinquent assessments shall bear interest from said date at the same rate per annum provided by law upon county taxes until paid, may be foreclosed in like manner as provided by law for the foreclosure of mortgages or other liens, and any one or more of said delinquent assessments and liens may be foreclosed in one suit. The suit may be instituted and maintained by the governing body of the District, which shall be the County. In the event of the institution of a suit for foreclosure, the County shall be entitled to a reasonable attorney's fee for the services of its attorney in the suit, which attorney's fee shall be deemed part of the cost of said suit, and the District shall have a lien upon said property for the amount of said fee to be allowed by the Court.

Section 9. That portion of the special tax levied and collected on property lying within the incorporated limits of a municipality shall be distributed to the governing body of said municipality to be used for providing fire protection within said municipality , and within that certain unincorporated area surrounding said municipality which area shall be designated in an inter-local agreement to be entered into between the County and said municipality. That portion of the special tax levied and collected on property ling within the unincorporated area of Holmes County shall be used to provide fire protection anywhere in Holmes County, Florida, at the discretion of the District.

Section 10. No funds of said District shall be used for any purpose other than fire protection, including facilities, equipment,

supplies, salaries and expenses in connection therewith.

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Section 11. The County, as the governing body of the District, shall have the power and authority to acquire by gift, lease or purchase any property, real or personal, as is deemed necessary for the purpose of said District, and to make and enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the District, except that the various municipalities shall have the authority to hire personnel to provide the services within the municipalities.

Section 12. The County may provide for exemption from such assessments certain indigents who apply for the exemption and who meet the financial criteria hereinafter established by the County. Any person seeking an exemption based on indigencies shall apply to the County prior to October 1 of each year and shall furnish the County such financial information and data as may be required by the County in order for it to make a determination of the eligibility of the applicant for the exemption.

Section 13. Any special tax millage to be imposed by this ordinance shall become effective only after approved by the electors of Holmes county is a referendum to be placed on the ballot of the general election to be held November 8, 1988.

Section 14. If any clause, section or provision of this Ordinance shall be declared to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance, and the remaining portion of said Ordinance shall be in force and effect and shall be followed as if such invalid portion had not been incorporated herein.

Section 15. This Ordinance shall become effective as provided by law, except that no levy of millage hereunder shall be made until and unless the same shall be approved by the electors of Holmes County in a referendum to be placed on the ballot of the general election to be held on November 8, 1988.

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ADOPTED in Regular Session this 17th day of
October, 1988.

BOARD OF COUNTY COMMISSIONERS OF
HOLMES COUNTY, FLORIDA,

ATTEST:
Cady Taylor (ATTEST)
Clerk

BY: *Donald Morrison*
Chairman

