

ORDINANCE NO. 90-01

AN ORDINANCE CREATING A MUNICIPAL SERVICES BENEFIT UNIT THAT CONSISTS OF THE UNINCORPORATED AREA OF HOLMES COUNTY FOR THE PURPOSE OF PROVIDING COUNTY FIRE/RESCUE SERVICES WITHIN THE BENEFIT UNIT; PROVIDING FOR THE INCLUSION OF MUNICIPALITIES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES TO LEVY AND COLLECT SERVICE CHARGES AND SPECIAL ASSESSMENTS; PROVIDING FOR THE CREATION OF AN ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, and specifically 125.01(5), grants the Board of County Commissioners the power to establish a Municipal Services Benefit Unit which may include both incorporated and unincorporated areas, subject to the approval of the governing body of the incorporated areas affected, within which may be provided fire/rescue services from funds derived from service charges and special assessments collected within such Unit, and

WHEREAS, the Board of County Commissioners of Holmes County, Florida, desires to establish a Municipal Services Benefit Unit for the entire unincorporated area of Holmes County, Florida, and for those municipalities within said county, which, by approval of their governing board, elect to be included, for the purpose of providing fire/rescue services within the Unit,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida:

SECTION 1. SHORT TITLE: This Ordinance shall be known as and may be referred to as the "Holmes County Fire/Rescue Municipal Services Benefit Unit 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 UNIT: The term "Unit" shall refer to the unincorporated area of Holmes County, Florida, and those municipalities which elect to be included as provided herein, defined herein as the boundaries of the Municipal Services Benefit Unit.

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

2.4 FIRE/RESCUE SERVICES: The term "Fire/Rescue Services" shall include , but not be limited to, all services, and related services, within the scope of: Fire prevention, fire inspection, fire investigation, rescue, extrication, and all services and related services within the scope of emergency medical services including ambulance, rescue and any related services in providing for the protection from loss of life or injury and protection from loss of property or damage thereto.

SECTION 3. CREATION OF THE UNIT AND BOUNDARIES: Pursuant to the powers granted to the Board of County Commissioners of Holmes County, Florida, by the Florida Constitution and the State of Florida, including Section 125.01 , Florida Statutes, the Board of County Commissioners of Holmes County, Florida, hereby creates a Municipal Services Benefit Unit within Holmes County, Florida, to be known as the "HOLMES COUNTY FIRE/RESCUE MUNICIPAL SERVICES BENEFIT UNIT", the boundaries of which shall include all the unincorporated area of Holmes County, Florida, and the geographic boundaries of these municipalities, which, by approval of their governing body, elect to be included within the Unit.

SECTION 4. PURPOSE: The purpose of this Unit shall be limited to providing fire/rescue services to the above described Unit.

SECTION 5. TERM: This unit shall exist until terminated by the Board of County Commissioners of Holmes County, Florida.

SECTION 6. GOVERNING BODY: The Governing body shall consist of the Board of County Commissioners of Holmes County, Florida.

SECTION 7. GENERAL POWERS: The governing body shall have all powers necessary or convenient to carry out the purposes of this Ordinance and such additional rights and powers as are provided by the Constitution of the State of Florida and the laws of the State of Florida as granted to counties.

SECTION 8. LEVIES: The governing body shall have the right, power and authority to levy service charges and special assessments against the benefited real property within said Unit to provide for the purpose of said Unit as provided by law.

8.1 The rate of such levy shall be reasonable and shall be fixed by a resolution of the governing body based upon the determination of the governing body as to the benefit to the real property.

8.2 The rate of such levies shall be set by reference to the use of the land and acreage in question in accordance with the amount of benefit received by the property in question.

SECTION 9. COLLECTION OF LEVIES: The levies provided for herein shall constitute liens against real property subject to said levies, which may be provided.

9.1 The levies authorized herein may be collected as provided by law.

SECTION 10. DISCRETION OF 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 Unit 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 unit 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 Unit.

SECTION 11. DISPOSITION OF PROCEEDS: Those funds obtained from the levy provided for by 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 Unit. This section shall not prohibit the Board from entering into interlocal agreement with any included municipalities as to the distribution of monies collected from within the municipalities, and for the services to be provided by the municipalities.

SECTION 12. ADVISORY BOARD: The business and affairs of the Unit 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. LIBERAL CONSTRUCTION: The provisions of this Ordinance shall be liberally construed in order to effectively carry out the purpose of this Ordinance in the interest of the public health, morale, welfare and safety of the citizens encompassed within the Unit.

SECTION 14. SEVERABILITY: The provisions of this Ordinance are severable, and it is in the intent to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any Court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and such

unconstitutional provision not included herein.

SECTION 15. REPEAL: This Ordinance shall become effective upon notification of the receipt of same in the Office of the Secretary of the State of Florida.

DULY PASSED AND ADOPTED in regular session of the Board of County Commissioners of Holmes County, Florida, this 15th day of January, 19 90.

BOARD OF COUNTY COMMISSIONERS OF  
HOLMES COUNTY, FLORIDA,

BY: Wayne Marsh  
Chairman

ATTEST AS TO FORM:

Gerald Holley  
GERALD HOLLEY, ATTORNEY

ATTEST: Cody Taylor  
Clerk

