

ORDINANCE NO. 87-2

FRANKLIN COUNTY, FLORIDA

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA, CREATING A MUNICIPAL SERVICE BENEFIT DISTRICT PURSUANT TO SECTION 125.01 OF THE FLORIDA STATUTES FOR THE PURPOSE OF PROVIDING FIRE PROTECTION SERVICES; PROVIDING CREATION OF THE DISTRICT AND BOUNDARIES; PROVIDING PURPOSE; PROVIDING TERM OF UNIT; PROVIDING A GOVERNING BODY; PROVIDING FOR FIRE PROTECTION SERVICE ASSESSMENTS, COLLECTIONS AND FUND; PROVIDING FOR CONTRACTING FOR SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined that a need exists for fire protection services, and all services related thereto, in the unincorporated areas of the County; and

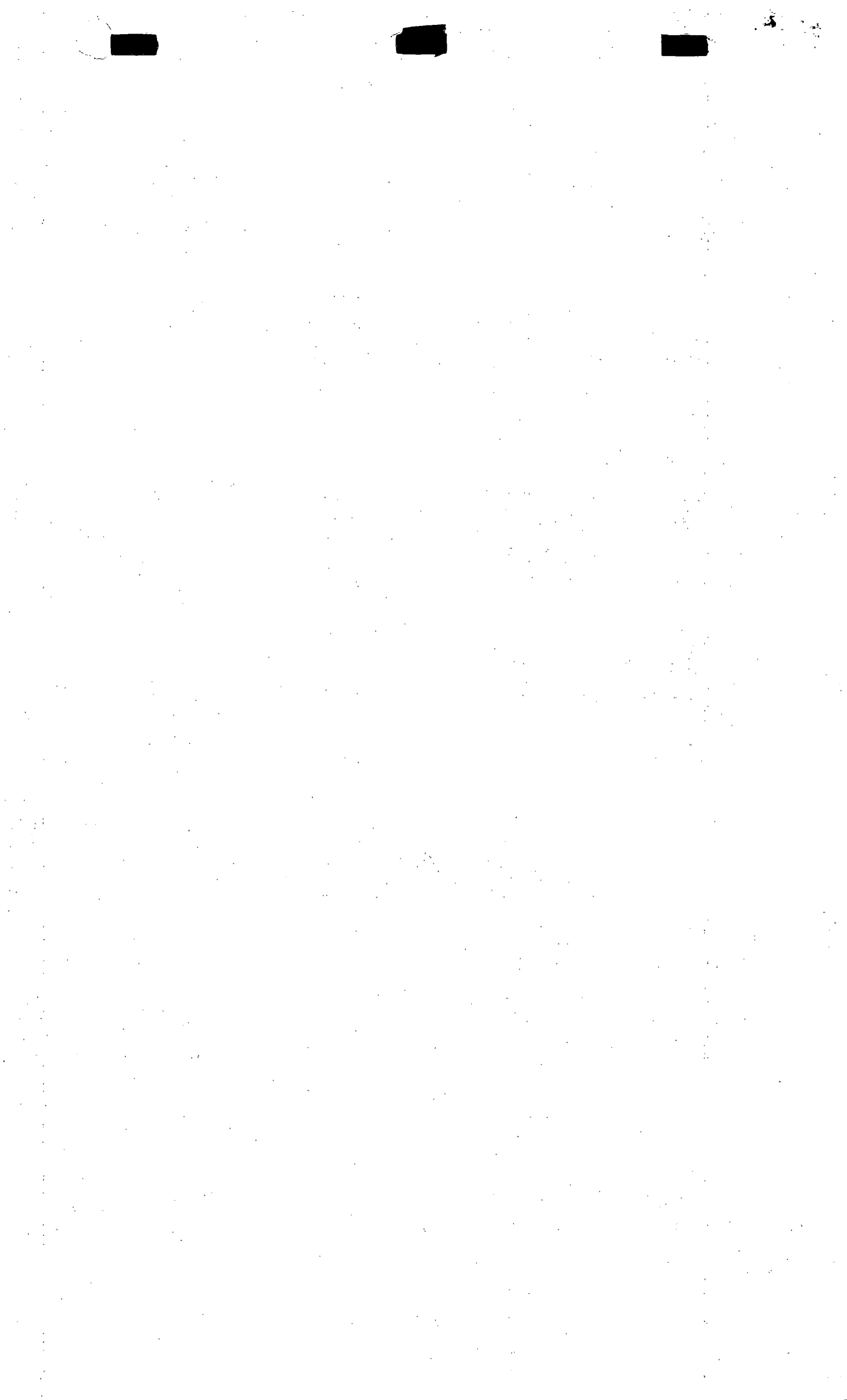
WHEREAS, Franklin County is authorized by Chapter 125 of the Florida Statutes, to provide fire protection services to unincorporated areas of the County and to establish a Municipal Service Benefit Unit for the provision of such services; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida resolves that it would be in the common interest of Franklin County citizens that fire protection services be provided for the unincorporated areas of Franklin County; and

WHEREAS, the furnishing of protection against fire in accordance with the purpose of this municipal service benefit unit has been determined to be a special benefit to all real property within the territorial bounds of the unit; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida desires to promote orderly, safe and healthy development of property through the provision of fire protection services; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida finds it a valid government purpose and a public necessity to establish a municipal service benefit unit for the purpose of providing fire protection services to the unincorporated areas of Franklin County.



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

Section 1. CREATION OF THE UNIT AND BOUNDARIES. Pursuant to the powers granted to the Board of County Commissioners of Franklin County, Florida by the Constitution of the State of Florida and the Florida Statutes, in particular, Florida Statutes §125.01, the Board of County Commissioners of Franklin County, Florida hereby creates a Municipal Service Benefit Unit to be known as, "FIRE PROTECTION UNIT", hereinafter referred to as the "Unit", and more particularly described as:

All unincorporated areas of Franklin County, Florida.

Section 2. PURPOSE. The purpose of this Unit is to provide the unincorporated areas of Franklin County with Fire Protection.

Section 3. TERM. This Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Section 4. THE GOVERNING BODY. The Board of County Commissioners of Franklin County, Florida, shall be the Governing Body of this Unit.

Section 5. GENERAL POWERS. The Governing Body shall have all powers necessary or convenient to carry out the purpose 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.

Section 6. SPECIAL ASSESSMENTS.

a. The Governing body shall have the right, power and authority to levy special assessments against the taxable benefited real property within said Unit to provide funds for the purpose of said Unit.

b. The rate of such assessments 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 of real property.

c. The rate of such assessments shall be set by reference to the acreage and use of the land in question.



in accordance with the amount of benefit received by the property in question.

d. The Governing Body shall adopt a resolution fixing the rate of assessment.

Section 7. COLLECTION OF SPECIAL ASSESSMENTS.

a. The special assessment is due and payable not later than January 1 of each year, and shall become delinquent as of April 1 of each year, except the initial year of assessment.

b. In each year subsequent to the initial year of assessment, at any time after April 1 of any year if the annual special assessment has not been paid, the special assessment shall be considered a lien and if the County shall cause to be filed, in the office of the Clerk of the Circuit Court of Franklin County, a Notice of Assessment Lien showing a legal description of the property against which the lien is claimed, the name of the property owner, as reflected by the County, and an accurate statement of the total unpaid and delinquent special assessment claimed to be due. However, prior to said lien, the County shall first send the property owner a notice of delinquency and assessment lien. Such notice of lien shall be filed in the official records maintained by the Clerk of the Circuit Court for such purposes.

c. Such liens, when filed, may be discharged when satisfied by payment to the County of the aggregate amount specified in the lien, together with interest from the date the assessment became delinquent until payment date, with interest computed at twelve percent (12%) per annum, together with an additional sum of all recording costs incurred with respect to the lien and its discharge as determined by the Clerk of the Court of Franklin County. When such lien has been fully paid or discharged, the County shall promptly cause evidence of the satisfaction and discharge of said lien to be entered into the official records. Any person, firm, corporate or legal entity, other than the present owner



of the property involved, who pays any such assessment lien shall be entitled to receive an assignment of the assessment lien held by the County and shall be subrogated to the rights of the County to the enforcement of the lien; provided, however, no person, corporation, firm or legal entity shall be subrogated to the rights of the County to the enforcement of the lien until fifteen (15) days following publication, in a newspaper of general circulation within the county, of legal notice reasonably describing the land to which the lien has attached, prior to which time the legal owner or owners of the property shall have the exclusive right to satisfy and discharge said lien.

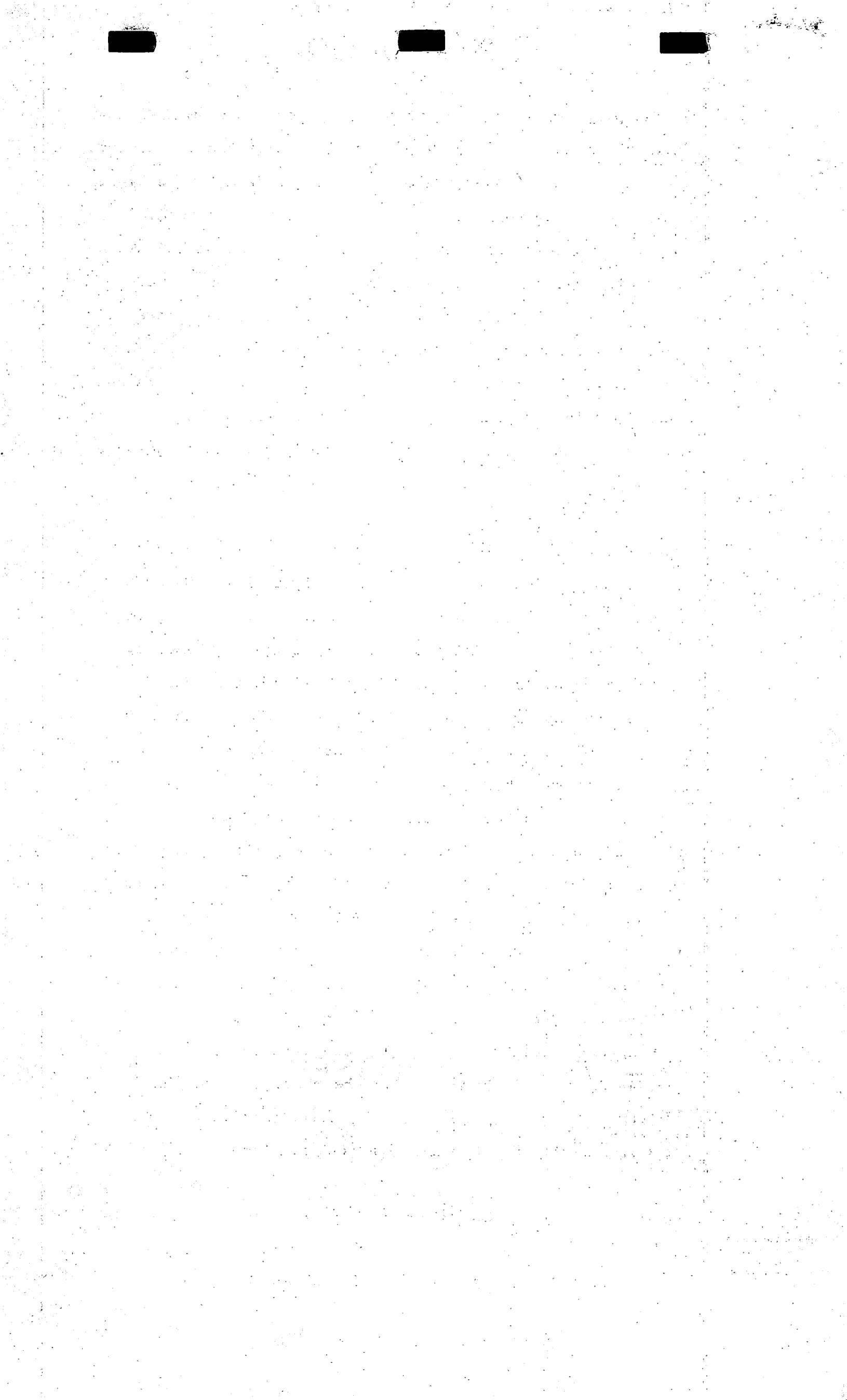
d. Delinquent special assessments, after recordation of the lien, may be collected by appropriate civil action; and in addition to collection of the lien, interest, as called for in the ordinance, shall be collected together with attorney's fees and costs of collection of the same.

Section 8. FRANKLIN COUNTY FIRE PROTECTION FUND.

There is hereby created and established a fund to be known as the "Franklin County Fire Protection Fund", from which the costs of fire protection may be paid, either in whole or in part. All funds collected as special assessments for the Unit shall be timely deposited to the "Franklin County Fire Protection Fund". The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided in Section 2 of this Ordinance.

Section 9. CONTRACTING FOR SERVICES. Any municipality or other unit of local government may contract for the provision of Fire Protection services with the Governing Body.

Section 10. SEVERABILITY. The provisions of this Ordinance are severable, and it is the intention 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 remaining provisions of this Ordinance. It is hereby declared to be



the legislative intent that this Ordinance would have been adopted has such unconstitutional provision not been included therein.

Section 11. EFFECTIVE DATE. This Ordinance shall become effective upon receipt of notice of filing from the Secretary of State of the State of Florida.

This Ordinance adopted in open regular session this 19th day of May, 1987, after notice of intent to consider the same has been made and kept in the Ordinance Book of the clerk of the Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

This Ordinance shall take effect when notice of receipt of a certified copy of same is returned from the Secretary of State.

THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: *James H. Morrison*  
Its Chairman

Attest:

*Lee R. P. Rivers*  
Clerk

(SEAL)

