

ORDINANCE 2013-1

AN ORDINANCE AMENDING
ORDINANCE 96-8 TO CREATE SEVEN MUNICIPAL SERVICE BENEFIT
DISTRICTS PURSUANT TO SECTION 125.01 OF THE FLORIDA STATUTE FOR
THE PURPOSE OF PROVIDING FIRE PROTECTION AND RESCUE SERVICES,
CREATING SEVEN FIRE PROTECTION AND RESCUE DISTRICTS AND THEIR
BOUNDARIES, PROVIDING A PURPOSE; PROVIDING A TERM OF EACH UNIT,
PROVIDING A GOVERNING BODY FOR EACH DISTRICT, PROVIDING FOR
FIRE PROTECTION AND RESCUE SERVICE ASSESSMENTS; PROVIDING THAT
FIRE PROTECTION AND RESCUE SERVICE ASSESSMENTS MAY DIFFER
AMONG THE DISTRICTS BASED ON THE REASONABLE COST OF PROVIDING
FIRE PROTECTION AND RESCUE SERVICES WITHIN EACH FIRE AND RESCUE
DISTRICT, COLLECTIONS AND FUND, PROVIDING FOR CONTRACTING FOR
SERVICES, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE,
AND AMENDING ORDINANCE 98-8 WHICH PROVIDED FOR EXPIRATION AND
RENEWAL OF LIENS ASSESSED AGAINST PROPERTY AND AN EFFECTIVE
DATE.

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

WHEREAS, the Board of County Commissioners of Franklin County, Florida is authorized by Chapter 125, Florida Statutes, to provide fire protection and rescue services to the unincorporated areas of Franklin County and to establish one or more Municipal Service Benefit Units for the provision of such services; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined, without limitation, that the development of residential structures within Franklin County, Florida has not been uniform, with coastal development, and development in flood prone areas, on pilings increasing the height at which fire protection and rescue services are provided; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined, without limitation, that the costs associated with the provision of fire protection and rescue services along the coast and in flood prone areas on pilings are higher than those areas where the predominate development is at grade and not on pilings; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined that the provision of fire protection and rescue services in the unincorporated area of Franklin County, Florida is in the best interests of the public's health, safety and welfare; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined that the furnishing of fire protection and rescue services in accordance with the purpose of these municipal service benefit units has been determined to be a special benefit to all real property within the territorial bounds of the units; and

WHEREAS, the Board of County Commissioners of Franklin County, Florida has determined that the special assessment rates within each district may, but will not necessarily, differ from the special assessment rates in other districts,

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

Franklin County Ordinance 96-8 and 98-9 are hereby amended as follows:

**PART ONE: CREATION OF THE
APALACHICOLA FIRE PROTECTION
AND RESCUE SERVICES UNIT AND
BOUNDARIES:**

**Paragraph 1: CREATION OF THE APALACHICOLA FIRE PROTECTION AND
RESCUE SERVICES 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 Services Benefit Unit to be known as the "Apalachicola Fire Protection and Rescue Services Unit" hereafter described by the attached composite Exhibit "A," hereinafter referred to as the "Apalachicola Unit.

The Apalachicola Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 2: PURPOSE:

The purpose of the Apalachicola Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 3: TERM:

The Apalachicola Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 4: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Apalachicola Unit (Hereinafter "Governing Body.").

Paragraph 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.

Paragraph 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 the Apalachicola Unit (excluding incorporated areas) to provide funds for the purpose of said unit.
- b. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- c. 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.
- d. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- e. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 6(b), adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 7: COLLECTION OF SPECIAL ASSESSMENTS:

- a. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- b. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- d. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- e. 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 of the Clerk of Courts of Franklin County, Florida.
- f. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- g. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 8: APALACHICOLA FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Apalachicola Fire Protection and Rescue Services Fund,” from which the costs of fire protection and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Apalachicola Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 9: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body

**PART TWO: CREATION OF THE
EASTPOINT FIRE PROTECTION AND
RESCUE SERVICES MUNICIPAL
BENEFIT UNIT**

Paragraph 10: CREATION OF THE EASTPOINT FIRE PROTECTION AND RESCUE SERVICES 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 Services Benefit Unit to be known as the “Eastpoint Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “Eastpoint Unit.

The Eastpoint Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 11: PURPOSE:

The purpose of the Eastpoint Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 12: TERM:

The Eastpoint Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 13: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Eastpoint Unit (Hereinafter "Governing Body.").

Paragraph 14: 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.

Paragraph 15: SPECIAL ASSESSMENTS:

- f. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within said Eastpoint Unit (excluding incorporated areas) to provide funds for the purpose of the Eastpoint Unit.
- g. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- h. 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.
- i. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- j. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 15(g), adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 16: COLLECTION OF SPECIAL ASSESSMENTS:

- h. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- i. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- j. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- k. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- l. 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 of the Clerk of Courts of Franklin County, Florida.
- m. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- n. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 17: EASTPOINT FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Eastpoint Fire Protection and Rescue Services Fund,” from which the costs of fire protection and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Apalachicola Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

**PART THREE: CREATION OF THE
CARRABELLE FIRE PROTECTION
AND FIRE RESCUE SERVICES UNIT**

**Paragraph 18: CREATION OF THE CARRABELLE FIRE PROTECTION AND
RESCUE SERVICES 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 Services Benefit Unit to be known as the “Carrabelle Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “Carrabelle Unit.

The Carrabelle Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 19: PURPOSE:

The purpose of the Carrabelle Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 20: TERM:

The Carrabelle Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 21: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Carrabelle Unit (Hereinafter “Governing Body.”).

Paragraph 22: 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.

Paragraph 23: SPECIAL ASSESSMENTS:

- k. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within the Carrabelle Unit (excluding incorporated areas) to provide funds for the purpose of said unit.
- l. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- m. 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.
- n. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- o. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 23(l), adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 24: COLLECTION OF SPECIAL ASSESSMENTS:

- o. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- p. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- q. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- r. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- s. 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 of the Clerk of Courts of Franklin County, Florida.
- t. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- u. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 25: CARRABELLE FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Carrabelle Fire Protection and Rescue Services Fund,” from which the costs of fire protection and

rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Carrabelle Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 26: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body.

**PART FOUR: CREATION OF THE
LANARK ST. JAMES MUNICIPAL
BENEFIT UNIT**

Paragraph 27: CREATION OF THE LANARK ST. JAMES FIRE PROTECTION AND RESCUE SERVICES 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 Services Benefit Unit to be known as the “Lanark St. James Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “Lanark St. James Unit.

The Lanark St. James Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 28: PURPOSE:

The purpose of the Lanark St. James Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 29: TERM:

The Lanark St. James Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 30: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Lanark St. James Unit (Hereinafter “Governing Body.”).

Paragraph 31: 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.

Paragraph 32: SPECIAL ASSESSMENTS:

- p. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within said unit (excluding incorporated areas) to provide funds for the purpose of said unit.
- q. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- r. 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.
- s. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- t. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 32(q), adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 33: COLLECTION OF SPECIAL ASSESSMENTS:

- v. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- w. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- x. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- y. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- z. 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 of the Clerk of Courts of Franklin County, Florida.
- aa. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- bb. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 34: LANARK ST. JAMES FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Lanark St. James Fire Protection and Rescue Services Fund,” from which the costs of fire protection

and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Lanark St. James Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 35: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body.

**PART FIVE: CREATION OF
THE ALLIGATOR POINT ST. TERESA
MUNICIPAL BENEFIT SERVICES
UNIT**

**Paragraph 36: CREATION OF THE ALLIGATOR POINT ST. THERESA FIRE
PROTECTION AND RESCUE SERVICES 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 Services Benefit Unit to be known as the “Alligator Point St. Teresa Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “Alligator Point St. Teresa Unit.

The Alligator Point St. Teresa Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 37: PURPOSE:

The purpose of the Alligator Point St. Teresa Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 38: TERM:

The Alligator Point St. Teresa Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 39: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Apalachicola Unit (Hereinafter “Governing Body.”).

Paragraph 40: 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.

Paragraph 41: SPECIAL ASSESSMENTS:

- u. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within the Alligator Point St. Teresa Unit (excluding incorporated areas) to provide funds for the purpose of said unit.
- v. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- w. 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.
- x. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- y. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 41(v) adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 42: COLLECTION OF SPECIAL ASSESSMENTS:

- cc. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- dd. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- ee. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- ff. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- gg. 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 of the Clerk of Courts of Franklin County, Florida.
- hh. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- ii. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 43: ALLIGATOR POINT ST. THERESA FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Alligator Point St. Teresa Unit Fire Protection and Rescue Services Fund,” from which the costs of fire protection and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Alligator Point St. Teresa Unit Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 44: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body.

PART SIX: CREATION OF THE DOG ISLAND FIRE PROTECTION AND RESCUE SERVICES MUNICIPAL BENEFIT UNIT

Paragraph 45: CREATION OF THE DOG ISLAND FIRE PROTECTION AND RESCUE SERVICES 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 Services Benefit Unit to be known as the “Dog Island Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “Dog Island Unit.

The Dog Island Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 46: PURPOSE:

The purpose of the Dog Island Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 47: TERM:

The Dog Island Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 48: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the Dog Island Unit (Hereinafter "Governing Body.").

Paragraph 49: 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.

Paragraph 50: SPECIAL ASSESSMENTS:

- z. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within the Dog Island Unit (excluding incorporated areas) to provide funds for the purpose of the Dog Island Unit.
- aa. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- bb. 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.
- cc. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- dd. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 50(aa) adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 51: COLLECTION OF SPECIAL ASSESSMENTS:

- jj. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- kk. If after April 1s of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- ll. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- mm. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- nn. 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 of the Clerk of Courts of Franklin County, Florida.
- oo. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- pp. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 52: DOG ISLAND FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “Dog Island Fire Protection and Rescue Services Fund,” from which the costs of fire protection and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “Dog Island Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 53: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body.

**PART SEVEN: CREATION OF THE
ST. GEORGE ISLAND FIRE
PROTECTION AND RESCUE
SERVICES MUNICIPAL BENEFIT
UNIT**

Paragraph 54: CREATION OF THE ST. GEORGE ISLAND FIRE PROTECTION AND RESCUE SERVICES 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 Services Benefit Unit to be known as the “St. George Island Fire Protection and Rescue Services Unit” hereafter described by the attached composite Exhibit “A,” hereinafter referred to as the “St. George Island Unit.

The St. George Island Unit shall exclude any incorporated area of Franklin County, Florida.

Paragraph 55: PURPOSE:

The purpose of the St. George Island Unit is to provide fire protection and rescue services in the unincorporated area of said unit.

Paragraph 56: TERM:

The St. George Island Unit shall exist until terminated by the Board of County Commissioners of Franklin County, Florida.

Paragraph 57: THE GOVERNING BODY:

The Board of County Commissioners of Franklin County, Florida shall be the governing body of the St. George Island Unit (Hereinafter "Governing Body.").

Paragraph 58: 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.

Paragraph 59: SPECIAL ASSESSMENTS:

- ee. The Governing Body shall have the right, power and authority to levy special assessments against the taxable benefited real property within the St. George Island Unit (excluding incorporated areas) to provide funds for the purpose of the Dog Island Unit.
- ff. Except for the initial assessment established by this ordinance, all special assessments shall require a majority vote of all of the property owners in the unit.
- gg. 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.
- hh. The rate of such assessments shall be set by reference to the acreage and use of the land in questions in accordance with the amount of benefit received by the property in question.
- ii. The Resolution passed August 18, 2009 shall remain in force and affect until the Governing Body shall, after the election required by paragraph 59(ff) adopt a resolution fixing the rate of assessment. A copy of which is attached hereto as Exhibit "B."

Paragraph 60: COLLECTION OF SPECIAL ASSESSMENTS:

- qq. The special assessment is due and payable not later than January 1st of each year, and shall become delinquent as of April 1st of each year.
- rr. If after April 1st of any year the annual special assessment had not been paid, the special assessment shall be a lien in the County shall caused to be filed, in the Official Records of the Office of the Clerk of the Courts of Franklin County, Florida, 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 Court for such purposes.

- ss. 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 reasonable recording costs incurred with respect to the lien and its discharge as determined by the Clerk of Courts of Franklin County, Florida.
- tt. 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 other 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 Franklin County, Florida, 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. Such person, firm, corporation or other legal entity shall be responsible for payment of the reasonable fees of the Clerk and the newspaper for such assignment and publication.
- uu. 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 of the Clerk of Courts of Franklin County, Florida.
- vv. 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 this ordinance, shall be collected together with reasonable attorney fees and costs of collection.
- ww. Liens created by this ordinance shall expire twenty (20) years after the date on which the lien was recorded. Provided, however, that such lien may be extended an additional twenty (20) year one time only extension by re-recording it in the Official Records of the Office of the Clerk of Courts of Franklin County, Florida. Provided further, that a lien shall not expire during any enforcement proceeding filed under this ordinance.

Paragraph 61: ST GEORGE ISLAND FIRE PROTECTION AND RESCUE SERVICES FUND:

There is hereby created and established a fund to be known as the “St. George Island Fire Protection and Rescue Services Fund,” from which the costs of fire protection and rescue services with said Unit may be paid, either in whole or in part. All funds collected as special assessments for the said Unit shall be timely deposited to the “St. George Island Fire Protection and Rescue Services Fund.” The Governing Body shall not expend funds received as special assessments by the Unit for any purpose other than as provided herein.

Paragraph 62: CONTRACTING FOR SERVICES:

Any person, corporation, municipality or other unit of local government may contract for the provision of Fire Protection and Rescue Services with the Governing Body.

PART EIGHT: GENERAL PROVISIONS APPLICABLE TO ALL PARTS OF THIS ORDINANCE

Paragraph 63: 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 provision or provisions of this ordinance shall be held by a court of competent jurisdiction to be invalid, 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 had such invalid provision not been included therein. Provided further, that prior to declaring any provision of this ordinance invalid, the court shall first attempt to interpret said provision as if it were valid.

Paragraph 64: EFFECTIVE DATE:

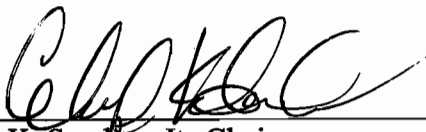
This ordinance shall take affect as provided by law.

This ordinance adopted in regular open session this the 15th day of January 2013 after notice of intent to consider this ordinance has been made and kept in the Ordinance Book of the Clerk of the Courts of Franklin County, Florida for at least 10 days, exclusive of Sundays and legal holidays, and the title and substance hereof published according to law.

Paragraph 65: REPEAL:

Any ordinance of Franklin County in conflict with or inconsistent with this ordinance shall stand repealed.

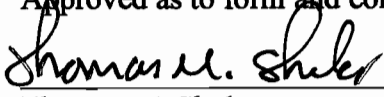
FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS

By: 
Cheryl K. Sanders, Its Chairman

ATTEST:

By: 
Marcia M. Johnson, Clerk of Courts

Approved as to form and content:


Thomas M. Shuler
Franklin County Attorney