

**FRUITLAND PARK CITY COMMISSION  
SPECIAL MEETING AGENDA**

**December 17, 2020**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**6:00 p.m.**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Pledge of Allegiance – Police Chief Erik Luce

**2. ROLL CALL**

**3. RECESS TO THE COMMUNITY REDEVELOPMENT AGENCY** (city clerk)

As soon as practical at 6:05 p.m., recess to the Community Redevelopment Agency.

**PUBLIC HEARING**

**4. SPECIAL AGENDA**

**Second Reading and Public Hearing – Ordinance 2020-014 MSTU** (city attorney/city manager)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS HISTORIC FRUITLAND PARK AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE. (The first reading was held on December 10, 2020.)

**END OF PUBLIC HEARING**

**5. UNFINISHED BUSINESS**

**6. PUBLIC COMMENTS**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**7. COMMISSIONERS' COMMENTS**

**(a) Commissioner Mobilian**

**(b) Commissioner DeGrave**

**(c) Commissioner Bell**

**(d) Vice Mayor Gunter, Jr.**

**8. MAYOR'S COMMENTS**

-December 24, 2020, City Commission Regular at 6:00 p.m. – Cancelled;  
-December 24, 2020, Christmas Eve – City Hall Closed;  
-December 25, 2020, Christmas Day - City Hall Closed;

-January 1, 2021, New Year's Eve – City Hall Closed;  
-January 14, 2021, City Commission Regular at 6:00 p.m.;  
-January 18, 2021, Dr. Martin Luther King Jr., Day– City Hall Closed, and  
-January 28, 2021, City Commission Regular at 6:00 p.m.

**9. ADJOURNMENT**

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE**

**CITY OF FRUITLAND PARK  
AGENDA ITEM SUMMARY SHEET  
Item Number: 3**

**ITEM TITLE:** Community Redevelopment Agency (CRA)  
Special Meeting

**For the Meeting of:** December 17, 2020

**Submitted by:** City Clerk

**Date Submitted:** December 11, 2020

**Funds Required:** No

**Attachments:** Yes, CRA Establishment

**Item Description:** CRA Establishment Ordinance 95-001,  
Resolution 2019-050, §163.362, §163.386, §163.387 and Chapter 189,  
Florida Statutes

**Action to be Taken:** As soon as practical, recess to the  
Community Redevelopment Agency special  
meeting.

**Staff's Recommendation:** N/A

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

ORDINANCE NO. 95-001

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF A COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR THE DESIGNATION OF THE COMMUNITY REDEVELOPMENT TRUST FUND AS THE RECIPIENT OF FUNDS PURSUANT TO SECTION 163.387, FLORIDA STATUTES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park has, by resolution, established a finding of blight; and,

WHEREAS, the City Commission desires to provide for the removal of such blighted areas and redevelop such areas, pursuant to the Community Redevelopment Act of 1969, hereafter referred to as the "CRA", as contained in Florida Statutes, Chapter 163, Part III; and,

WHEREAS, the City Commission has, by resolution, approved a Community Redevelopment Plan for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, as follows:

SECTION 1. There is hereby established and created, in accordance with the provisions of Section 163.387, Florida Statutes, a Community Redevelopment Trust Fund, hereafter referred to as "the Fund".

SECTION 2. The monies allocated to and deposited into the Fund are hereby appropriated to the City of Fruitland Park Community Redevelopment Agency, hereafter referred to as "the Agency", to finance projects within the Community Redevelopment Project Area, hereafter referred to as "the Project". The Agency shall utilize the monies and the revenue paid into and earned by the Fund for all and every community development purpose delegated to it by the established Community Redevelopment Plan, hereafter referred to as "the Plan", and as further provided by law. The Fund is to exist for the duration of the Project programs or until legally terminated by ordinance. The monies shall be held by the City for and on behalf of the Agency and distributed to the Agency in accordance with a subsequent agreement to be established between the City and the Agency.

**SECTION 3.** There shall be paid into the Fund each year by all taxing authorities within the Project Area, except those authorities excluded by state law, the incremental increase in ad valorem taxes levied each year by the above-referenced taxing authorities over the amount of ad valorem taxes levied each year by the above-referenced taxing authorities over the amount of ad valorem taxes levied by the referenced taxing authorities in the base year, as established in Section 5 below.

**SECTION 4.** The tax roll used in connection with the taxation of such property for the base year shall be the Tax Roll of 1994 in Lake County. All deposits into the Fund shall begin with the incremental increases in ad valorem tax revenues received subsequent to November 1, 1995.

**SECTION 5.** The tax increment shall be determined and appropriated annually in an amount equal to the difference between:

a. the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Community Redevelopment Area; and

b. the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any amount from any debt service millage, upon the total of the assessed value of the taxable real property in the Community Redevelopment Area, as shown upon the 1994 assessment roll used in connection with the taxation of such property by each taxing authority. If any conflict occurs between the provisions of this Ordinance and the provisions of Chapter 163, Part III, Florida Statutes, concerning tax increment financing, the statutory provisions shall control and apply to this Ordinance.

**SECTION 6.** Each taxing authority will annually appropriate to the Fund the aforestated sum at the beginning of their fiscal year. Payment of the sum shall be in accordance with state law.

**SECTION 7.** The Agency, with the approval of the City Commission, is directed to establish the Fund and to develop and promulgate rules, regulations and criteria whereby the Fund may be promptly and effectively administered, including the establishment and the maintenance of books and records and adoption of procedures whereby the Agency may, expeditiously and without undue delay, utilize the monies received for their allocated statutory purpose.

**SECTION 8.** The Agency shall accept full responsibility for the receipt, custody, disbursement, accountability, management and proper application of all monies paid into the fund subject to the provisions of Section 2 of this Ordinance.

SECTION 9. Any and all ordinances or parts of ordinances that are in conflict herewith are hereby repealed.

SECTION 10. If any part of this Ordinance is held to be invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of the remainder, which shall remain in full force and effect.

SECTION 11. This ordinance shall take effect immediately upon its final adoption.

PASSED AND ORDAINED this 16th day of March, 1995, by the City Commission of the City of Fruitland Park, Florida.

William R. White  
William R. White, Mayor  
City of Fruitland Park

Attest:

Linda S. Rodrick  
Linda S. Rodrick, City Clerk  
City of Fruitland Park

First Reading: March 2, 1995

Second Reading: March 16, 1995

Approved as to form:

Gary J. Cooney  
Gary J. Cooney  
City Attorney

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Select Year:

## The 2018 Florida Statutes

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[Title XI](#)  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

[Chapter 163](#)  
INTERGOVERNMENTAL  
PROGRAMS

[View Entire  
Chapter](#)

**163.340 Definitions.**—The following terms, wherever used or referred to in this part, have the following meanings:

(1) “Agency” or “community redevelopment agency” means a public agency created by, or designated pursuant to, s. [163.356](#) or s. [163.357](#).

(2) “Public body” means the state or any county, municipality, authority, special district as defined in s. [165.031\(7\)](#), or other public body of the state, except a school district.

(3) “Governing body” means the council, commission, or other legislative body charged with governing the county or municipality.

(4) “Mayor” means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) “Clerk” means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) “Federal Government” includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) “Slum area” means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;

(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or

(c) The existence of conditions that endanger life or property by fire or other causes.

(8) “Blighted area” means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) Unsanitary or unsafe conditions.

- (e) Deterioration of site or other improvements.
- (f) Inadequate and outdated building density patterns.
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- (h) Tax or special assessment delinquency exceeding the fair value of the land.
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality.
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- (o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, “blighted area” means an area as defined in this subsection.

(9) “Community redevelopment” or “redevelopment” means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) “Community redevelopment area” means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality.

(11) “Community redevelopment plan” means a plan, as it exists from time to time, for a community redevelopment area.

(12) “Related activities” means:

- (a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.



- (b) The functions related to the acquisition and disposal of real property pursuant to s. [163.370\(4\)](#).
  - (c) The development of affordable housing for residents of the area.
  - (d) The development of community policing innovations.
- (13) “Real property” means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.
- (14) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (15) “Obligee” means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.
- (16) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.
- (17) “Area of operation” means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.
- (18) “Housing authority” means a housing authority created by and established pursuant to chapter 421.
- (19) “Board” or “commission” means a board, commission, department, division, office, body or other unit of the county or municipality.
- (20) “Public officer” means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.
- (21) “Debt service millage” means any millage levied pursuant to s. 12, Art. VII of the State Constitution.
- (22) “Increment revenue” means the amount calculated pursuant to s. [163.387\(1\)](#).
- (23) “Community policing innovation” means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.
- (24) “Taxing authority” means a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

**History.**—s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243; s. 33, ch. 91-45; s. 1, ch. 93-286; s. 1, ch. 94-236; s. 1447, ch. 95-147; s. 2, ch. 98-201; s. 1, ch. 98-314; s. 2, ch. 2002-294; s. 7, ch. 2006-11; s. 1, ch. 2006-307; s. 20, ch. 2013-15; s. 7, ch. 2015-30.

Select Year:  

## The 2017 Florida Statutes

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[Title XI](#)  
 COUNTY ORGANIZATION AND INTERGOVERNMENTAL  
 RELATIONS

[Chapter 163](#)  
 INTERGOVERNMENTAL  
 PROGRAMS

[View Entire  
 Chapter](#)

### **163.356**     **Creation of community redevelopment agency.—**

(1) Upon a finding of necessity as set forth in s. [163.355](#), and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a “community redevelopment agency.” A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority’s governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and

employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

**History.**—s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307.

**RESOLUTION 2019-050**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE CONTINUED EXISTENCE OF THE COMMUNITY REDEVELOPMENT AGENCY AND TRUST FUND; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Community Redevelopment Agency was established and the initial CRA plan was adopted by the City Commission of the City of Fruitland Park on March 16, 1995; and

**WHEREAS**, consistent with s. 163.362, Florida Statutes, the initial CRA plan provides a 30 year term to complete all redevelopment financed by increment revenues; therefore, completion of all redevelopment must occur by the end of the fiscal year 2025, unless the continued existence is approved by a majority vote of the members of the governing body; and

**WHEREAS**, because the CRA was created before July 1, 2002, the City Commission may extend the CRA for an additional 30 years, for a total of 60 years; and

**WHEREAS**, the City Commission, at a duly noticed public hearing, in accordance with Sec. 163.361, Florida Statutes, has considered the purpose of the Community Redevelopment Agency, its accomplishments and finds that it is in the best interests of the City of Fruitland Park and its residents and businesses to provide for its continued existence for an additional 30 year period.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. The Community Redevelopment Agency and Trust Fund established March 16, 1995, shall continue in existence for a total of 60 years, thereby having a termination date of September 30, 2055.

Section 2. This resolution shall take effect immediately upon its adoption by the city Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 19<sup>th</sup> day of September 2019, by the City Commission of the City of Fruitland Park, Florida.

**SEAL**

**CITY COMMISSION OF THE CITY OF  
FRUITLAND PARK, FLORIDA**



CHRIS CHESHIRE, MAYOR

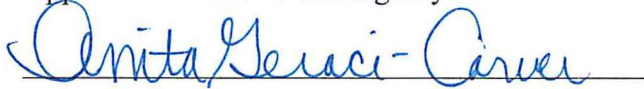
ATTEST:



ESTHER COULSON, CITY CLERK

Mayor Cheshire	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Vice Mayor Gunter	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner Bell	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner DeGrave	<input checked="" type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input type="checkbox"/>	(Absent)
Commissioner Mobilian	<input type="checkbox"/>	(Yes),	<input type="checkbox"/>	(No),	<input type="checkbox"/>	(Abstained),	<input checked="" type="checkbox"/>	(Absent)

Approved as to form and legality:



Anita Geraci-Carver, City Attorney

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 4**

**ITEM TITLE:** Second Reading and Public Hearing - Ordinance  
2020-014 MSTU

**For the Meeting of:** December 17, 2020

**Submitted by:** City Attorney/City Manager

**Date Submitted:** December 11, 2020

**Funds Required:** \$91.16

**Account Number:** 01514 30492

**Amount Required:**

**Balance Remaining:**

**Attachments:** Proposed ordinance, rates, advertisement receipt  
and proof of advertisement affidavit

**Item Description:** Proposed Ordinance 2020-014 MSTU. (The first  
reading was held on December 10, 2020.)

**Action to be Taken:** Enact Ordinance 2020-014

**Staff's Recommendation:** Approval

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2020-014**

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS “HISTORIC FRUITLAND PARK” AND AS SET FORTH HEREIN, WITHIN THE ‘LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION’ IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of the County (the “County”) has enacted ordinances authorizing the County to create or identify a municipal service taxing unit within which the County imposes and collects ad valorem taxes for fire rescue services within incorporated and unincorporated areas of the County; and

**WHEREAS**, the County has accordingly established the ‘Lake County Municipal Service Taxing Unit for Fire Protection’; and

**WHEREAS**, the City Commission of the City of Fruitland Park has determined that the inclusion of the incorporated area of Fruitland Park within such municipal service taxing unit by the County for the purpose of providing fire rescue service is in the best interest of the owners of property within the incorporated area of Fruitland Park; and

**WHEREAS**, the Council adopted ordinances authorizing the County to impose and collect fire rescue assessments for fire rescue service within incorporated and unincorporated areas of the County; and

**WHEREAS**, the County has imposed a fire rescue assessment program within the geographic area of the County, coterminous with the boundaries of the Lake County Municipal Service Taxing Unit for Fire Protection; and

**WHEREAS**, the City Commission of the City of Fruitland Park has determined that the County’s imposition and collection of fire rescue assessments pursuant to the procedures provided by Lake County Ordinance 1998-63, as amended, is in the best interest of the owners of property within the incorporated area of Fruitland Park known as “Historic Fruitland Park” and that the properties to be assessed will receive a special benefit from the County’s provision of fire rescue services, facilities and programs.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct and are hereby adopted by the City Commission as the legislative findings and intent pertaining to this Ordinance.

**Section 2.** Article II in Chapter 92 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby created to read as follows:

**Article II. INCLUSION IN MSTU, FIRE RESCUE ASSESSMENTS.**

**Section 92.15. – Lake County Municipal Service Taxing Unit – Fire Rescue Services, Facilities and Programs.**

- (1) The City Commission requests and consents to the inclusion of a portion of the incorporated area of the City of Fruitland Park, known as Historic Fruitland Park, within the ‘Lake County Municipal Service Taxing Unit for Fire Protection’ to provide fire rescue services, facilities, and programs and to the imposition of a tax by Lake County to fund such fire rescue services, facilities, and programs. The City Commission finds that the provision of fire rescue services is an essential municipal purpose. For purposes of this ordinance, Historic Fruitland Park includes all incorporated areas within Fruitland Park excluding The Villages of Fruitland Park. The Villages of Fruitland Park consists of properties within the following plats: P.B. 66, Pg 42, P.B. 66, Pg 45, P.B. 66, Pg 47, P.B. 66, Pg 54, P.B. 66, Pg 56, P.B. 66, Pg 59, P.B. 66, Pg 64, P.B. 66, Pg 69, P.B. 66, Pg 71, P.B. 66, Pg 74, P.B. 67, Pg 5, P.B. 67, Pg 34, P.B. 67, Pg 41, P.B. 67, Pg 46, P.B. 67, Pg 53-56, P.B. 67, Pg 70, P.B. 67, Pg74, P.B. 67, Pg 79, all recorded in the Public Records of Lake County, Florida.
- (2) Request and consent of the City Commission given to Lake County by Ordinance 2020-014 shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue services taxes are levied by Lake County within the incorporated area of Fruitland Park. Fruitland Park may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to Lake County prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**Section 92-16. – Lake County Provision of Fire Rescue Services, Facilities, and Programs – Fire Rescue Assessment.**

- (1) The City Commission requests and consents to the imposition of fire rescue assessments by Lake County, pursuant to the procedures provided by Lake County Ordinance 1998-63, as amended, within a portion of the incorporated are of the City of Fruitland Park, known as Historic Fruitland Park (located in the ‘Lake County Municipal Service Taxing Unit for Fire Protection’) in order



to fund fire rescue services, facilities, and programs provided by Lake County. Such consent shall become effective upon adoption of this ordinance for the upcoming fiscal year. The City Commission finds that the provision of fire rescue service is an essential municipal purpose and that the properties to be assessed will receive a special benefit from Lake County's provision of fire rescue services, facilities, and programs.

- (2) Request and consent of the City Commission given to Lake County by Ordinance 2020-014 shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue assessments are levied by Lake County within the incorporated area of Fruitland Park. Fruitland Park may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to the county prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**Section 3. Conflicts.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of the City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the peoples shall prevail.

**Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

**Section 5. Inclusion in Code.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

**Section 6. Effective Date.** This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Fruitland Park, Florida.

\_\_\_\_\_

Chris Cheshire, Mayor

Attest:

\_\_\_\_\_  
Esther B. Coulson, City Clerk, MMC

Mayor Cheshire \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Vice Mayor Gunter \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Bell \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

DEPARTMENT OF  
TALLAHASSEE, FLORIDA  
2003 NOV 24 AM 11:04  
FILED

ORDINANCE NO. 2003 - 99

1  
2  
3  
4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
5 LAKE COUNTY, FLORIDA, AMENDING CHAPTER 22, LAKE  
6 COUNTY CODE ENTITLED IMPACT FEES; REPEALING CHAPTER  
7 22, ARTICLE IV, SECTIONS 22-46 THROUGH 22-55 OF THE LAKE  
8 COUNTY CODE ENTITLED FIRE SERVICE IMPACT FEES IN ITS  
9 ENTIRETY; AMENDING SECTION 22-4 OF CHAPTER 22, LAKE  
10 COUNTY CODE PROVIDING DEFINITIONS; AMENDING SECTION  
11 22-6 OF CHAPTER 22, LAKE COUNTY CODE PROVIDING FOR AN  
12 IMPACT FEE EVALUATION AND REVIEW COMMITTEE;  
13 AMENDING SECTION 22-11 OF CHAPTER 22, LAKE COUNTY CODE  
14 PROVIDING FOR PREPAYMENT OF IMPACT FEES; CREATING A  
15 NEW CHAPTER 22, ARTICLE IV OF THE LAKE COUNTY CODE  
16 ENTITLED FIRE RESCUE IMPACT FEES; PROVIDING LEGISLATIVE  
17 FINDINGS; PROVIDING FOR THE IMPOSITION OF FIRE RESCUE  
18 IMPACT FEES; PROVIDING FOR THE PAYMENT AND USE OF FIRE  
19 RESCUE IMPACT FEES COLLECTED; PERMITTING AN  
20 ALTERNATIVE CALCULATION OF FIRE RESCUE IMPACT FEES;  
21 PROVIDING FOR AN INDIVIDUAL CALCULATION OF FIRE IMPACT  
22 FEES; PROVIDING FOR CHANGES IN SIZE AND USE; PROVIDING  
23 FOR DONATIONS AND CREDITS FOR DEVELOPER  
24 CONTRIBUTIONS; CREATING A NEW CHAPTER 22, ARTICLE V OF  
25 THE LAKE COUNTY CODE ENTITLED PARK IMPACT FEES;  
26 PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR THE  
27 IMPOSITION OF PARK IMPACT FEES; PROVIDING FOR THE  
28 PAYMENT AND USE OF PARK IMPACT FEES COLLECTED;  
29 PERMITTING AN ALTERNATIVE CALCULATION OF PARK IMPACT  
30 FEES; PROVIDING FOR CHANGES IN SIZE AND USE; PROVIDING  
31 FOR DONATIONS AND CREDITS FOR DEVELOPER  
32 CONTRIBUTIONS; CREATING A NEW CHAPTER 22, ARTICLE VI OF  
33 THE LAKE COUNTY CODE ENTITLED LIBRARY IMPACT FEES;  
34 PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR THE  
35 IMPOSITION OF LIBRARY IMPACT FEES; PROVIDING FOR THE  
36 PAYMENT AND USE OF LIBRARY IMPACT FEES COLLECTED;  
37 PERMITTING AN ALTERNATIVE CALCULATION OF LIBRARY  
38 IMPACT FEES; PROVIDING FOR CHANGES IN SIZE AND USE;  
39 PROVIDING FOR DONATIONS AND CREDITS FOR DEVELOPER  
40 CONTRIBUTIONS; ADOPTING CERTAIN IMPACT FEE STUDIES;  
41 REQUIRING REVIEW OF THE IMPACT FEE STUDIES AND THE  
42 IMPACT FEE ORDINANCE; DECLARATION OF EXCLUSION FROM  
43 ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR  
44 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND  
45 PROVIDING AN EFFECTIVE DATE.  
46  
47

1  
2           **WHEREAS**, Section 125.01, Florida Statutes, grants the Lake County Board of County  
3 Commissioners, hereinafter the “Board”, all powers necessary to carry on County government;  
4 and

5  
6           **WHEREAS**, Section 163.3202(3), Florida Statutes, encourages the use of innovative  
7 land development regulations which include the use of impact fees to implement the goals,  
8 objectives and policies of a county’s comprehensive plan; and

9  
10           **WHEREAS**, the court in Contractors & Builders Ass’n v. City of Dunedin, 329 So.2d  
11 314 (Fla. 1976), first upheld the imposition of impact fees and the court in Hollywood, Inc. v.  
12 Broward County, 431 So.2d 606 (Fla. 4<sup>th</sup> DCA 1983) set forth that impact fee ordinances may be  
13 upheld where there is a showing of “rational nexus” between the expenditure of the funds  
14 collected and the benefits accruing to the proposed development; and

15  
16           **WHEREAS**, the Lake County Comprehensive Plan supports the implementation of  
17 impact fees and impact fee exemptions through the Capital Improvements Element, Policy 10B-  
18 1.3, Policy 10-5.5, Objective 10-9, Policy 10-9.3, Policy 10-9.4, and Policy 10-9.5; and

19  
20           **WHEREAS**, the Board publicly submitted a Request for Proposal (RFP), #01-016, for  
21 procurement of services under the Consultants’ Competitive Negotiation Act, section 287.055,  
22 Florida Statutes, following the guidelines set forth under such Act, for a consultant to evaluate  
23 various impact fee programs, which resulted in a contract with Nabors, Giblin & Nickerson,  
24 P.A., who subcontracted with Henderson Young & Company; and

25  
26           **WHEREAS**, based upon the studies prepared by Henderson Young & Company entitled  
27 “Impact Fees for Library Facilities in Lake County, Florida” dated July 23, 2003, “Impact Fees  
28 for Fire and Rescue Services in Lake County, Florida” dated July 21, 2003, and “Impact Fees for  
29 Parks and Recreational Facilities in Lake County, Florida” dated July 23, 2003, the Board now  
30 desires to amend the Fire Services Impact Fee and implement impact fees for Library Facilities  
31 and Parks Facilities; and

32  
33           **WHEREAS**, the Board has determined that such amendment and implementations are in  
34 the best interests of the citizens of Lake County, Florida.

35  
36           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
37 Lake County, Florida, that:

38  
39           **Section 1.    Recitals.**       The foregoing recitals are true and correct, and  
40 incorporated herein by reference.

41  
42           **Section 2.    Repealer.**     Chapter 22, Article IV, of the Lake County Code entitled  
43 Fire Service Impact Fees, including sections 22-46 through 22-55, is hereby repealed in its  
44 entirety.

45  
46           **Section 3.    Amendment.**   Section 22-4, Lake County Code, is hereby amended to  
47 read as follows:

1  
2 **Sec. 22-4. Definitions.** The following words, terms and phrases, when used in Chapter 22,  
3 shall have the meaning ascribed to them in this section, except where the context clearly  
4 indicates a different meaning. For words, terms and phrases not listed in this section, reference  
5 shall be made to Chapter 2, Lake County Code, Appendix E, Land Development Regulations.  
6

7 (1) *Accessory Building or Structure* is a detached, subordinate building, the use of  
8 which is clearly indicated and related to the use of the principal Building or use of the land and  
9 which is located on the same lot as the principal Building or use.  
10

11 (2) *Active Adult Community* is defined as:  
12

13 a. A deed-restricted community with site-built single-family detached homes; and  
14

15 b. That either (i) specifically limits occupancy of the homes to persons over the age  
16 of fifty (50), or (ii) limits occupancy to at least eighty (80) percent over the age of  
17 fifty (50), and not more than twenty (20) percent between the ages of eighteen  
18 (18) and fifty (50), or (iii) requires at least one (1) resident to be over the age of  
19 fifty (50); and  
20

21 c. Specifically markets itself as an "active adult community"; and  
22

23 d. Includes such amenities as clubhouses, golf courses, tennis courts, and/or other  
24 sports or activity facilities for use by the residents.  
25

26 (3) *Alternative Fire Rescue Impact Fee* shall mean any alternative fee calculated by  
27 an applicant and approved by the County Manager pursuant to Section 22-49 of the Lake County  
28 Code.  
29

30 (4) *Alternative Fire Rescue Impact Fee Study* shall mean a study prepared by an  
31 applicant and submitted to the County Manager pursuant to Section 22-49 of the Lake County  
32 Code.  
33

34 (5) *Alternative Library Impact Fee* shall mean any alternative fee calculated by an  
35 applicant and approved by the County Manager pursuant to Section 22-62 of the Lake County  
36 Code.  
37

38 (6) *Alternative Library Impact Fee Study* shall mean a study prepared by an applicant  
39 and submitted to the County Manager pursuant to Section 22-62 of the Lake County Code.  
40

41 (7) *Alternative Park Impact Fee* shall mean any alternative fee calculated by an  
42 applicant and approved by the County Manager pursuant to Section 22-56 of the Lake County  
43 Code.  
44

45 (8) *Alternative Park Impact Fee Study* shall mean a study prepared by an applicant  
46 and submitted to the County Manager pursuant to Section 22-56 of the Lake County Code.  
47

1           (9) ~~(3)~~       *Ancillary Plant* includes the Buildings, sites and site improvements  
2 necessary to provide support services to educational programs and shall include, but not be  
3 limited to, such facilities as vehicle maintenance, warehouses, maintenance or administrative  
4 Buildings not located at Educational Plants. Any such Building, site or site improvement may be  
5 independently referred to as an Ancillary Facility.  
6

7           (10) ~~(4)~~       *Apartment* is a rental Dwelling Unit located within the same Building as  
8 other Dwelling Units.  
9

10          (11) ~~(5)~~       *Assisted Living Facilities* are any Building or Buildings licensed as an  
11 Assisted Living Facility pursuant to Part III, Chapter 400, Florida Statutes, or its statutory  
12 successor in function.  
13

14          (12) ~~(6)~~       *Auxiliary Facilities* shall mean those portions of an Educational Plant  
15 which are not designated for student occupant stations.  
16

17          (13) ~~(7)~~       *Building* is any structure, either temporary or permanent, designed or built  
18 for the support, enclosure shelter or protection of persons, chattels or property of any kind. This  
19 term shall include trailers, mobile homes or any other vehicles serving in any way the function of  
20 a Building. This term shall not include temporary construction sheds or trailers erected to assist  
21 in construction and maintained during the term of a construction.  
22

23          (14) ~~(8)~~       *Capital Equipment* is equipment with a life expectation of three (3) years  
24 or more.  
25

26          (15) ~~(9)~~       *Capital Improvement* includes expenditures for facility planning, land  
27 acquisition, site improvements, construction, necessary off-site improvements, acquisition of, or  
28 additions to Buildings and capital equipment, but excludes maintenance and operation.  
29

30          (16) ~~(10)~~       *Condominium* is a Dwelling Unit that has at least one other similar unit  
31 within the same Building structure. The term "Condominium" includes all fee-simple or titled  
32 multi-unit structures, including townhouses and duplexes.  
33

34          (17) *County Fire Rescue System* shall mean the Buildings, apparatus, and capital  
35 equipment provided by the County that are used for suppression and prevention of fires,  
36 responses to medical emergencies or other disasters and the handling of incidents involving  
37 hazardous materials.  
38

39          (18) *County Library System* shall mean the Buildings, books, periodicals, audio and  
40 video resources and equipment, computer equipment and facilities and other collection items  
41 provided by the County and/or a municipal member of the public library cooperative.  
42

43          (19) *County Park System* shall include all parks owned and operated by the County,  
44 including active parks, passive parks, water access sites, and associated recreational facilities and  
45 Buildings, but does not include those parks and recreational facilities that are owned and  
46 operated by a municipal corporation within the County or those parks that are owned and  
47 operated by the State of Florida.

1  
2           (20) ~~(11)~~       *Development* means the carrying out of any building activity or mining  
3 operation, the making of any material change in the use or appearance of any structure or land, or  
4 the dividing of land into three (3) or more parcels.  
5

6           (21) ~~(12)~~       *Development Order/Permit* means any order granting, denying, or  
7 granting with conditions an application to carry out development.  
8

9           (22) ~~(13)~~       *Dwelling Unit* is a Building, or a portion thereof, which is designed for  
10 Residential occupancy, consisting of one or more rooms which are arranged, designed or used as  
11 living quarters for one family only, but excluding, Time-Share Property. For purposes of the  
12 Educational Impact Fee only, the term *Dwelling Unit* also excludes Assisted Living Facilities.  
13

14           (23) ~~(14)~~       *Educational Facilities* shall mean the Building, furniture and equipment  
15 that are built, installed or established to serve educational purposes and are designated for  
16 student occupant stations or to facilitate the delivery of educational services.  
17

18           (24) ~~(15)~~       *Educational Plant* shall mean the land, Building, furniture, equipment and  
19 site improvements necessary to accommodate students, faculty, administrators, staff and the  
20 activities of the educational programs and services for each student and shall include both the  
21 Educational Facilities and Auxiliary Facilities.  
22

23           (25) ~~(16)~~       *Educational System* shall mean the Educational Plants and Ancillary  
24 Plants which are used to provide instruction within the Public Schools or the administrative or  
25 support activities related thereto.  
26

27           (26) ~~(17)~~       *Educational System Impact Fee* shall mean the fee imposed pursuant to  
28 Section 22-22 of the Lake County Code, as it may be amended from time-to-time.  
29

30           (27) ~~(18)~~       *Educational System Impact Fee Trust Account* shall mean the separate  
31 trust account created pursuant to Section 22-23 of the Lake County Code.  
32

33           (28)       *Fire Rescue Impact Construction* shall mean construction designed or intended to  
34 permit a use of the land which will contain more Dwelling Units, Buildings or floor space than  
35 the existing use of land, or to otherwise change the use of the land in a manner that increases the  
36 impact upon the County Fire Rescue System.  
37

38           (29)       *Fire Rescue Impact Fee* shall mean the Fire Rescue Impact Fee imposed by the  
39 County pursuant to Section 22-47 of the Lake County Code, as it may be amended from time-to-  
40 time.  
41

42           (30)       *Fire Rescue Impact Fee Land Use Category* shall mean those categories of land  
43 use incorporated in the Fire Impact Fee Rate Schedule in Section 22-47 of the Lake County  
44 Code.  
45

46           (31)       *Fire Rescue Impact Fee Study* shall mean that certain study entitled "Impact Fees  
47 for Fire and Rescue Services in Lake County, Florida," dated as of July 21, 2003, prepared by

1 Henderson Young & Company, as adopted by the Board of County Commissioners in Section 9  
2 of this Ordinance.

3  
4 ~~(32)~~ (19) *Housing for Older Persons* shall mean Residential Dwelling Units that (1)  
5 are within a community or subdivision that is operated as Housing for Older Persons in  
6 compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil  
7 Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing  
8 for Older Persons Act of 1995, 42 U.S.C. §§ 3601-19, or its statutory successor in function; and  
9 (2) prohibit any person under the age of 18 years of age from residing within any Dwelling Unit  
10 on the property as a permanent resident, as evidenced by a recorded declaration of covenants and  
11 restrictions that runs with the land and is not subject to revocation or amendment for a period of  
12 at least 30 years from the date of recording.

13  
14 ~~(33)~~ (20) *Level of Service C* shall have the same meaning as set forth in the  
15 Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as  
16 follows:

17  
18 Level of Service "C" is in the range of stable flow, but marks the beginning of the range  
19 of flow in which the operation of individual users becomes significantly affected by  
20 interactions with others in the traffic stream. The selection of speed is affected by the  
21 presence of others, and maneuvering within the traffic stream requires substantial  
22 vigilance on the part of the user. The general level of comfort and convenience declines  
23 noticeably at this level. On urban arterials, Level of Service "C" represents restrictions in  
24 the ability to maneuver and change lanes in midblock locations and longer queues or  
25 adverse signal coordination, or both, which may contribute to lower average travel speeds  
26 of about fifty (50) percent of the average free-flow speed for the arterial class. Urban  
27 motorists will experience an appreciable tension while driving.

28  
29 ~~(34)~~ (21) *Level of Service D* shall have the same meaning as set forth in the  
30 Transportation Research Board Special Report #209, "Highway Capacity Manual", (1985), as  
31 follows:

32  
33 Level of Service "D" represents high-density but stable flow. Speed and freedom to  
34 maneuver are severely restricted, and the driver or pedestrian experiences a generally  
35 poor level of comfort and convenience. Small increases in traffic flow will generally  
36 cause operational problems at this level. On urban arterials, Level of Service "D" borders  
37 on a range on which small increases in flow may cause substantial increases in approach  
38 delay and, hence, decreases in arterial speed. This may be due to adverse signal  
39 progression, inappropriate signal timing, high volumes, or some combination of these.  
40 Average travel speeds are about fifty (50) percent of free flow speed.

41  
42 ~~(35)~~ *Library Impact Fee* shall mean the fee imposed pursuant to Section 22-60 of the  
43 Lake County Code, as it may be amended from time-to-time.

44  
45 ~~(36)~~ *Library Impact Fee Study* shall mean that certain study entitled "Impact Fees for  
46 Library Facilities in Lake County, Florida," dated as of June 17, 2003, prepared by Henderson



1 Young & Company, as adopted by the Board of County Commissioners in Section 9 of this  
2 Ordinance.

3  
4 ~~(37)~~(22) *Maximum Service Volume* means the maximum number of vehicles which  
5 can reasonably be expected to pass over a fixed point or section of roadway during a given time  
6 period under prevailing roadway, traffic and control conditions while maintaining a designated  
7 level of service, expressed in passenger car equivalents (PCE).

8  
9 ~~(38)~~(23) *Mobile Home* is a structure transportable in one (1) or more sections,  
10 which structure is eight (8) body feet or more in width and over thirty-five (35) feet in length,  
11 and which structure is built on an integral chassis and designed to be used as a Dwelling Unit  
12 when connected to the required utilities, and includes the plumbing, heating, air conditioning,  
13 and electrical systems contained therein. The term Mobile Home includes manufactured homes  
14 designed to be used as a Dwelling Unit, as defined in Chapter 553, Florida Statutes.

15  
16 ~~(39)~~(24) *Multi-Family Dwelling Unit* shall mean a Building or a portion of a  
17 Building, regardless of ownership, containing more than one Dwelling Unit designed for  
18 occupancy by a single family, which units are not customarily offered for rent for one day, and  
19 shall include Apartments and Condominiums.

20  
21 ~~(40)~~(25) *Nonsite-Related Improvements* are improvements that are required by the  
22 permitting authority as part of the development approval process which are beyond what is  
23 mandated by federal, state or local codes or regulations to provide safe and adequate ingress and  
24 egress to the site. These may include, but are not limited to, additional lanes, deceleration lanes,  
25 left-turn lanes, signalization and widening of roads not at or near the site. Nonsite-related  
26 improvements improve the transportation system of the area over and above the improvements  
27 required based on criteria outlined in applicable federal, state or local codes or regulations as part  
28 of the Development approval and can be credited against Road Impact Fees.

29  
30 ~~(41)~~(26) *Owner of Record* means the most recent owner of a parcel of property  
31 appearing in the Official Records of Lake County, Florida.

32  
33 ~~(42)~~ *Park Impact Fee* shall mean the fee imposed pursuant to Section 22-54 of the  
34 Lake County Code, as it may be amended from time-to-time.

35  
36 ~~(43)~~ *Park Impact Fee Study* shall mean that certain study entitled “Impact Fees for  
37 Parks and Recreational Facilities in Lake County, Florida,” dated as of July 2, 2003, prepared by  
38 Henderson Young & Company, as adopted by the Board of County Commissioners in Section 9  
39 of this Ordinance.

40  
41 ~~(44)~~(27) *Public Schools* are all kindergarten classes; elementary, middle and high  
42 school grades and special classes; and all adult, part-time, vocational and evening schools,  
43 courses or classes operated by law under the control of the School Board.

44  
45 ~~(45)~~(28) *Residential* means Multi-Family Dwelling Units, Mobile Homes and  
46 Single-Family Detached Houses.

1           (46) (29)       *Residential Construction* is land development designed or intended to  
2 permit more Dwelling Units than the existing use or non-use of land contains.

3  
4           (47) (30)       *School Board* is the School Board of Lake County, Florida, which is the  
5 governing body of the School District of Lake County, Florida.

6  
7           (48) (31)       *Single-Family Detached House* is a Dwelling Unit on an individual lot.

8  
9           (49) (32)       *Site-Related Improvements* are those improvements that are mandated by  
10 federal, state or local codes or regulations to provide safe and adequate ingress and egress to the  
11 site. These may include but are not limited to additional lanes, deceleration lanes, left-turn lanes,  
12 signalization, widening of adjacent roadways and resurfacing. These improvements are designed  
13 to improve safety for the increased traffic generated from the site, prevent the development of the  
14 site from causing physical deterioration of the existing adjacent roadways, and accommodate  
15 increased traffic generation caused by the development of the site.. Site-related improvements  
16 that are so required as part of a development approval based on criteria outlined in applicable  
17 federal, state or local codes or regulation shall not be credited against Road Impact Fees.

18  
19           (50) (33)       *Student Occupant Station* shall mean the area necessary for a student to  
20 engage in educational activities, excluding ancillary and auxiliary spaces.

21  
22           (51) (34)       *Superintendent* shall mean the chief administrative officer of the Public  
23 Schools or the designee of such Person.

24  
25           (52)       *Square Footage* shall mean the gross area measured in square feet from the  
26 exterior faces of exterior walls or other exterior boundaries of the Building, including all floors  
27 and mezzanines within said Building, but excluding areas within the interior of the Building that  
28 are utilized for parking. This definition applies to Article IV, Fire Impact Fees only.

29  
30           (53) (35)       *Time-Share Property* means the facilities and accommodations offered in  
31 a time-share plan that are classified as time-share estates and time-share licenses as those terms  
32 are defined in Chapter 721, Florida Statutes.

33  
34           (54) (36)       *Unit* for Residential and Motel uses means each entity of occupancy  
35 within a Building and not the entire Building. For land uses calculated using units of one  
36 thousand (1000) square feet, the rate is to be calculated on total square feet. For land uses  
37 expressed in acres, the rate is to be calculated on number of acres in production during a typical  
38 five (5) year period.

39  
40           **Section 4.       Amendment.** Section 22-6, Lake County Code, is hereby amended to  
41 read as follows:

42  
43           **Sec. 22-6.       Impact Fee Evaluation and Review Committee.** The "Lake County Impact Fee  
44 Evaluation and Review Committee" is hereby created.

45  
46           A.       Purpose. The Lake County Impact Fee Evaluation and Review Committee is  
47 hereby created in order to review impact fees adopted by the Board of County

1 Commissioners, to evaluate the expenditure of funds collected via impact fees,  
2 and to make recommendations to the Board of County Commissioners.  
3

4 B. Duties. The Lake County Impact Fee Evaluation and Review Committee shall  
5 have the following duties and obligations:  
6

- 7 1. Review impact fee revenues and expenditures.  
8
- 9 2. Annually review this Chapter and make recommendations regarding the  
10 same to the Board of County Commissioners.  
11
- 12 3. Investigate alternative funding for capital facilities and equipment required  
13 by the County because of demands placed on capital facilities and  
14 equipment by new growth.  
15
- 16 4. Recommendations to the Board of County Commissioners shall be made  
17 by July 1 of each year in order to allow the Board of County  
18 Commissioners to budget for the following fiscal year.  
19
- 20 5. Review expenditures of funds collected via impact fees to ensure local,  
21 state and federal funds relating to the provision of capital facilities and  
22 equipment are expended in the most cost effective and efficient manner.  
23

24 C. Membership.  
25

- 26 1. Members of the Lake County Impact Fee Evaluation and Review  
27 Committee shall be appointed by the Board of County Commissioners.  
28 The Committee shall consist of eleven (11) members, as follows:  
29
  - 30 a. One (1) County Commissioner.  
31
  - 32 b. One (1) member of the Chamber of Commerce.  
33
  - 34 c. One (1) member of the County/City impact fee benefit district  
35 committee who is an elected official and represents the League of  
36 Cities.  
37
  - 38 d. One (1) member of the Home Builders Association.  
39
  - 40 e. One (1) member of the Lake County Conservation Council or other  
41 organized environmental group if necessary.  
42
  - 43 f. One (1) representative from the ~~Lake County Industrial~~  
44 ~~Development Authority.~~ industrial community.  
45
  - 46 g. The superintendent of schools or designee.  
47

1 h. One (1) representative from the agricultural industry.

2  
3 i. Three (3) citizens at-large

4  
5 2. The term of office for each member shall be for two (2) years.

6  
7 3. Members may be removed from membership on the Lake County Impact  
8 Fee Evaluation and Review Committee by the Board of County  
9 Commissioners at any time.

10  
11 D. Procedure.

12  
13 1. The appointed County Commissioner shall serve as Chairman.

14  
15 2. The members of the Lake County Impact Fee Evaluation and Review  
16 Committee shall elect a Vice-Chairman for a term of one (1) year at its  
17 organizational meeting to serve in the absence of the Chairman, and  
18 annually thereafter. The same person may be elected for successive one  
19 (1) year terms.

20  
21 3. The members of the Lake County Impact Fee Evaluation and Review  
22 Committee may elect a secretary for a term of one (1) year. The same  
23 person may be elected for successive one (1) year terms.

24  
25 4. The Lake County Impact Fee Evaluation and Review Committee may  
26 appoint subcommittees to perform specific duties provided for herein,  
27 subject to final approval and recommendation to the Board of County  
28 Commissioners, by the full Lake County Impact Fee Evaluation and  
29 Review Committee. The subcommittees shall be subject to the same  
30 meeting requirements provided for in this section.

31  
32 5. The Lake County Impact Fee Evaluation and Review Committee shall  
33 meet at least quarterly, or more often, as determined by the Committee.

34  
35 a. All meetings are public meetings and shall be held in a public  
36 place and shall be open to the public.

37  
38 b. The approval by the Review Committee of its final  
39 recommendations must be made by affirmative vote of a majority  
40 of the membership of the Review Committee taken at a public  
41 hearing.

42  
43 c. All meetings shall be noticed and minutes recorded in accordance  
44 with Florida's Sunshine Law.

45  
46 d. Robert's Rules of Order, Newly Revised, shall be the final  
47 authority on all questions of parliamentary procedure

- 1  
2 e. A quorum for conducting business shall be a majority of the  
3 members of the Committee.  
4  
5 f. The Lake County Department of Planning and Development  
6 Services shall serve as staff to the Review Committee.  
7  
8  
9

10 **Section 5. Creation.** Chapter 22, Article IV of the Lake County Code, entitled  
11 Fire Rescue Impact Fees, is hereby created to read as follows:  
12

13 **ARTICLE IV. FIRE RESCUE IMPACT FEES**

14 **Sec. 22-46. Legislative Findings.** The Board of County Commissioners of Lake  
15 County, Florida, hereby finds, determines and declares that:  
16

17 A. The County Fire Rescue System benefits all residents of the County and,  
18 therefore, the Fire Rescue Impact Fees shall be imposed in all unincorporated areas of the  
19 County and within all municipalities that consent to the imposition of the Fire Rescue Impact  
20 Fees within their municipal boundaries and which participate in the County Fire Rescue System.  
21

22 B. Development necessitated by the growth contemplated in the Comprehensive Plan  
23 and the Fire Rescue Impact Fee Study will require improvements and additions to the County  
24 Fire Rescue System to accommodate the new development generated by such growth and  
25 maintain the standards of service provided by the County.  
26

27 C. Future growth, as represented by Fire Rescue Impact Construction, should  
28 contribute its fair share to the cost of improvements and additions to the County Fire Rescue  
29 System that are required to accommodate the impact generated by such growth.  
30

31 D. The required improvements and additions to the County Fire Rescue System  
32 needed to eliminate any deficiencies shall be financed by revenue sources of the County other  
33 than Fire Rescue Impact Fees.  
34

35 E. Implementation of the Fire Rescue Impact Fees to require Fire Rescue Impact  
36 Construction within the County to contribute its fair share to the cost of required capital  
37 improvements is an integral and vital element of the regulatory plan of growth management of  
38 the County.  
39

40 F. The Board of County Commissioners expressly finds that the improvements and  
41 additions to the County Fire Rescue System to be funded by the Fire Rescue Impact Fee provide  
42 a benefit to all Fire Rescue Impact Construction within the County that is in excess of the actual  
43 Fire Rescue Impact Fees.  
44

45 G. The purpose of this Article is to require payment of Fire Rescue Impact Fees by  
46 those who engage in Fire Rescue Impact Construction and to provide for the cost of capital

1 improvements to the County Fire Rescue System which are required to accommodate such  
2 growth. This Article shall not be construed to permit the collection of Fire Rescue Impact Fees  
3 in excess of the amount reasonably anticipated to offset the demand on the County Fire Rescue  
4 System generated by such applicable Fire Rescue Impact Construction.

5  
6 I. The revision and re-imposition of a Fire Impact Fee is to provide a source of  
7 revenue to fund the construction or improvement of the County Fire System necessitated by  
8 growth as delineated in the capital improvement element of the Comprehensive Plan.

9  
10 **Sec. 22-47. Imposition.**

11  
12 A. All Fire Rescue Impact Construction occurring within the County, both within the  
13 unincorporated area and within the municipal boundaries of any municipality that has consented  
14 to the imposition of Fire Rescue Impact Fees and which participates in the County Fire Rescue  
15 System, shall pay the Fire Rescue Impact Fee, as established in this Article, at the time of  
16 issuance of a building permit, or if no building permit is required, at the time of approval of the  
17 final development order, as provided in Section 22-8 of the Lake County Code.

18  
19 B. The provisions of this Article shall not apply within a municipality unless the  
20 County and the municipality have entered into an interlocal agreement setting forth the terms and  
21 conditions under which the provisions of this Article shall be implemented within the  
22 municipality.

23  
24 C. All Fire Rescue Impact Construction occurring within the County, both within the  
25 unincorporated area and within the municipal boundaries of any consenting municipality, shall  
26 pay the following Fire Rescue Impact Fees:

27

Fire	01/15/04 (60%)	01/15/05 (70%)	01/15/06 (80%)	01/15/07 (90%)	01/15/08 (95%)
Single-Family Detached House	\$ 246.00	\$ 287.00	\$ 328.00	\$ 369.00	\$ 390.00
Multi-Family Dwelling Unit	\$ 154.00	\$ 180.00	\$ 205.00	\$ 231.00	\$ 244.00
Mobile Home	\$ 96.00	\$ 112.00	\$ 128.00	\$ 144.00	\$ 152.00
Commercial	\$ 822.00	\$ 959.00	\$1,096.00	\$1,233.00	\$ 1,301.00
Industrial/Manufacturing	\$ 66.00	\$ 77.00	\$ 88.00	\$ 99.00	\$ 104.00
Warehouse	\$ 48.00	\$ 56.00	\$ 64.00	\$ 72.00	\$ 76.00
Governmental Building	\$ 1,050.00	\$1,225.00	\$1,400.00	\$1,575.00	\$ 1,662.00
Educational Building	\$ 1,014.00	\$1,183.00	\$1,352.00	\$1,521.00	\$ 1,605.00
Religious Building	\$ 156.00	\$ 182.00	\$ 208.00	\$ 234.00	\$ 247.00
Other Institutional	\$ 228.00	\$ 266.00	\$ 304.00	\$ 342.00	\$ 361.00

28  
29  
30  
31  
32  
33  
34  
35

1           D. The payment of the Fire Rescue Impact Fee shall be in addition to all other fees,  
2 charges or assessments due for the issuance of a building permit or final development order.

3  
4           E. The obligation for payment of the Fire Rescue Impact Fee shall run with the land.

5  
6  
7           Sec. 22-48. Payment and Use of Monies.

8  
9           A. The Board of County Commissioners hereby establishes a separate trust account  
10 for the Fire Rescue Impact Fees, to be designated as the "Fire Rescue Impact Fee Trust  
11 Account," which shall be maintained separate and apart from all other accounts of the County.

12  
13           B. All Fire Rescue Impact Fees shall be deposited into such trust account  
14 immediately upon receipt.

15  
16           C. Funds on deposit in the Fire Rescue Impact Fee Trust Account shall not be used  
17 for any expenditure that would be classified as a maintenance or repair expense. The monies  
18 deposited into the Fire Rescue Impact Fee Trust Account shall be used solely for the purpose of  
19 constructing or improving the County Fire Rescue System, including, but not limited to:

- 20  
21           1. design and construction plan preparation;  
22  
23           2. permitting and fees;  
24  
25           3. land acquisition, including any costs of acquisition or condemnation;  
26  
27           4. construction and design of new fire and rescue facilities;  
28  
29           5. design and construction of new drainage facilities required by the  
30 construction of improvements and additions to the County Fire Rescue  
31 System;  
32  
33           6. relocating utilities required by the construction of improvements and  
34 additions to the County Fire Rescue System;  
35  
36           7. landscaping;  
37  
38           8. construction management and inspection;  
39  
40           9. surveying, soils and materials testing;  
41  
42           10. acquisition of apparatus or equipment utilized by the County in the  
43 suppression and prevention of fires, responses to medical emergencies or  
44 other disasters and the handling of incidents involving hazardous  
45 materials;  
46

1           11. repayment of monies transferred or borrowed from any budgetary fund of  
2           the County after January 1, 2004, which were used to fund any growth  
3           impacted construction or improvements as herein defined;

4  
5           12. costs related to the administration, collection and implementation of the  
6           Fire Rescue Impact Fee; and

7  
8           13. payment of principal and interest, necessary reserves and costs of issuance  
9           under any bonds or other indebtedness issued by the County to provide  
10           funds to construct or acquire growth necessitated capital improvements or  
11           additions as provided herein.

12  
13           D. The monies deposited into the Fire Rescue Impact Fee Trust Account shall be  
14           used solely to provide improvements or additions to the County Fire Rescue System required to  
15           serve new growth as projected in the Fire Rescue Impact Fee Study.

16  
17           E. Any monies on deposit which are not immediately necessary for expenditure shall  
18           be invested in accordance with the County's Investment Policy and applicable Florida Statutes.  
19           All income derived from such investments shall be deposited in the Fire Rescue Impact Fee  
20           Trust Account and used as provided herein.

21  
22           **Sec. 22-49. Alternative Fire Rescue Impact Fee.**

23  
24           A. In the event an applicant believes that the impact to the County Fire Rescue  
25           System caused by Fire Rescue Impact Construction is less than the impact established under the  
26           applicable Fire Rescue Impact Fee Land Use Category specified in Section 22-47 such applicant  
27           may, prior to issuance of a building permit for such Fire Rescue Impact Construction, or, if no  
28           building permit is required, prior to the time of approval of the final development order, file an  
29           Alternative Fire Rescue Impact Fee Study with the County Manager or designee. The County  
30           Manager or designee shall review the alternative calculations and make a determination within  
31           sixty (60) days of submittal as to whether such calculations comply with the requirements of this  
32           Section.

33  
34           B. For purposes of any Alternative Fire Rescue Impact Fee calculation, the Fire  
35           Rescue Impact Construction shall be presumed to have the maximum impact on the County Fire  
36           Rescue System for the appropriate Fire Rescue Impact Fee Land Use Category.

37  
38           C. The Alternative Fire Rescue Impact Fee calculation shall be based on data,  
39           information or assumptions contained in this Article and the Fire Rescue Impact Fee Study, or  
40           independent sources, provided that:

41  
42           1. The independent source is a generally accepted standard source of  
43           planning information and cost impact analysis performed pursuant to a  
44           generally accepted methodology of planning and cost impact analysis  
45           which is consistent with the impact fee study; or



1           2.     The independent source is a local study supported by a data base adequate  
2                 for the conclusions contained in such study performed pursuant to a  
3                 generally accepted methodology of planning and cost impact analysis  
4                 which is consistent with the impact fee study.  
5

6           D.     If the County Manager or designee determines that the data, information and  
7                 assumptions utilized by the applicant comply with the requirements of this Section and that the  
8                 calculation of the Alternative Fire Rescue Impact Fee was by a generally accepted methodology,  
9                 then the Alternative Fire Rescue Impact Fee shall be paid in lieu of the fees adopted in Section  
10                22-47.  
11

12           E.     If the County Manager or designee determines that the data, information and  
13                 assumptions utilized by the applicant to compute an Alternative Fire Rescue Impact Fee do not  
14                 comply with the requirements of this Section, then the County Manager or designee shall provide  
15                 to the applicant by certified mail, return receipt requested, written notification of the rejection  
16                 and the reasons therefore.  
17

18           **Sec. 22-50.     Individual Calculation of Fire Rescue Impact Fees.**  
19

20           A.     In the event Fire Rescue Impact Construction involves a land use not  
21                 contemplated under the Fire Rescue Impact Fee Land Use Categories set forth in Section 22-47  
22                 herein, the County Manager or desigee shall determine the impact to be generated by the  
23                 proposed Fire Rescue Impact Construction and shall calculate the appropriate Fire Rescue  
24                 Impact Fees utilizing the methodology contained in the Fire Rescue Impact Fee Study. The  
25                 County Manager or designee shall utilize as a standard in this determination the impact assumed  
26                 in the most similar Fire Rescue Impact Fee Land Use Category or any other generally accepted  
27                 standard source of planning and cost impact analysis.  
28

29           B.     In the event a Fire Rescue Impact Construction involves more than one Fire  
30                 Rescue Impact Fee Land Use Category, the County Manager or designee shall calculate the Fire  
31                 Rescue Impact Fees based upon the impact to be generated by each separate Fire Rescue Impact  
32                 Fee Land Use Category included in the proposed Fire Rescue Impact Construction.  
33

34           **Sec. 22-51.     Changes in Size and Use.**     A Fire Rescue Impact Fee shall be imposed  
35                 and calculated for the alteration, expansion or replacement of a building or dwelling unit or the  
36                 construction of an accessory building or structure if the alteration, expansion or replacement of  
37                 the building or dwelling unit or the construction of an accessory building or structure results in a  
38                 land use determined to generate greater impact than the present use under the applicable Fire  
39                 Rescue Impact Fee rate schedules adopted in Section 22-47. The Fire Rescue Impact Fee  
40                 imposed shall be calculated as follows:  
41

42           A.     If the Fire Rescue Impact Fee is calculated on a residential land use and not  
43                 square footage, the Fire Rescue Impact Fee imposed shall be the amount due under the  
44                 applicable Fire Rescue Impact Fee rate schedule for the Fire Rescue Impact Fee Land Use  
45                 Category resulting from the alteration, expansion or replacement, less the Fire Rescue Impact  
46                 Fee that would have been imposed under the applicable Fire Rescue Impact Fee rate for the Fire  
47                 Rescue Impact Fee Land Use Category prior to the alteration, expansion or replacement.

1  
2 B. In the event the square footage of a building is increased, the Fire Rescue Impact  
3 Fee due for the increased square footage represented by the Fire Rescue Impact Construction  
4 shall be calculated by determining the Fire Rescue Impact Fee due according to the square  
5 footage resulting from the alteration, expansion or replacement, less the Fire Rescue Impact Fee  
6 that would have been imposed under the applicable square footage prior to the alteration,  
7 expansion or replacement.

8  
9 C. If a Fire Rescue Impact Fee is imposed for an accessory building or structure  
10 because such accessory building or structure is determined to generate a greater impact than the  
11 present use, the fee shall be that applicable under the Fire Rescue Impact Fee rate schedule for  
12 the land use for the primary Building.

13  
14 **Sec. 22-52 Donations and Credits.**

15  
16 A. In order to provide lands to meet the need for County Fire Rescue System sites  
17 created by Fire Rescue Impact Construction or to provide necessary County Fire Rescue System  
18 capital equipment or facilities, a developer of Fire Rescue Impact Construction may dedicate  
19 suitable land, capital equipment or facilities to the County in lieu of paying the Fire Rescue  
20 Impact Fee imposed in Section 22-47, as agreed to by the County.

21  
22 B. Any land, capital equipment or facilities dedicated to the County in lieu of paying  
23 the Fire Rescue Impact Fee imposed in Section 22-47 must be acceptable to the County in terms  
24 of suitable size, dimension, soil type, topography, dimensions, location, accessibility and general  
25 character, type and specifications.

26  
27 C. Subject to the terms and conditions of this Section credit shall be granted against  
28 the Fire Rescue Impact Fee imposed by Section 22-47 for the donation of land, capital equipment  
29 or facilities that is required pursuant to a development order or permit or made voluntarily in  
30 connection with Fire Rescue Impact Construction. Such donations, equipment or facilities shall  
31 be subject to the approval and acceptance of the County Manager. No credit shall be given for  
32 the donation of land, capital equipment or construction of facilities unless such property is  
33 conveyed in fee simple to the County without consideration.

34  
35 D. Prior to issuance of a building permit, or if no building permit is required, prior to  
36 the issuance of the final development order, the applicant shall submit a proposed plan for  
37 donations or contributions to the County Fire Rescue System to the County Manager. The  
38 proposed plan shall include:

- 39  
40 1. a designation of the Fire Rescue Impact Construction for which the plan is  
41 being submitted;  
42  
43 2. a legal description of any land proposed to be donated and a written  
44 appraisal prepared in conformity with Subsection G of this section;  
45  
46 3. a list of the contemplated contributions to the County Fire Rescue System  
47 and an estimate of the proposed construction costs certified by a

1 professional architect or engineer or an estimate of the proposed value of a  
2 proposed donation of capital equipment; and

3  
4 4. a proposed time schedule for completion of the proposed plan.

5  
6 E. Within sixty (60) days after receipt, the County Manager shall approve or deny  
7 the proposed plan in accordance with Subsection F of this section and, if approved, establish the  
8 amount of credit in accordance with Subsection G of this section.

9  
10 F. In reviewing the proposed plan, the County Manager shall determine:

11  
12 1. if such proposed plan is in conformity with contemplated improvements  
13 and additions to the County Fire Rescue System;

14  
15 2. if the proposed donation of land or capital equipment and construction by  
16 the applicant is consistent with the public interest; and

17  
18 3. if the proposed time schedule is consistent with the capital improvement  
19 program for the County Fire Rescue System.

20  
21 G. The amount of developer contribution credit shall be determined as follows:

22  
23 1. The value of donated land shall be based upon a written appraisal of fair  
24 market value as determined by an M.A.I. Appraiser who was selected and  
25 paid for by the applicant, and who used generally accepted appraisal  
26 techniques. If the appraisal does not conform to the requirements of this  
27 Section and the applicable administrative regulations, the appraisal shall  
28 be corrected and resubmitted. In the event the County Manager or  
29 designee accepts the methodology of the appraisal but disagrees with the  
30 appraised value, he may engage another M.A.I. Appraiser at the County's  
31 expense and the value shall be an amount equal to the average of the two  
32 appraisals. If either party does not accept the average of the two  
33 appraisals, a third appraisal shall be obtained, with the cost of said third  
34 appraisal being shared equally by the County and the owner or applicant.  
35 The third appraiser shall be selected by the first two appraisers and the  
36 third appraisal shall be binding on the parties.

37  
38 2. The value of the construction of an improvement to the County Fire  
39 Rescue System or the value of donated capital equipment shall be based  
40 upon the actual cost of construction or acquisition of said improvement or  
41 capital equipment as certified by a professional architect or engineer or as  
42 shown by a manufacturer's or supplier's invoice. However, as to the  
43 construction of improvements to the County Fire Rescue System, in no  
44 event shall any credit be granted in excess of the estimated construction  
45 costs provided by a professional architect or engineer and approved by the  
46 County unless the construction project is competitively bid, in which case,  
47 the credit shall be limited to the actual cost of construction. The cost of

1 professional services shall be competitively bid in accordance with section  
2 287.055, Florida Statutes, in order to be eligible for impact fee credits; and

3  
4 3. The land donations, construction and capital equipment contributions shall  
5 only provide improvements or additions to the County Fire Rescue System  
6 required to accommodate growth.

7  
8 H. If a proposed plan is approved for credit by the County Manager or designee, the  
9 applicant or owner and the County shall enter into a credit agreement which shall provide for the  
10 timing of the action to be taken by the applicant and the obligations and responsibilities of the  
11 applicant, including, but not limited to:

12  
13 1. The timing of actions to be taken by the applicant and the obligations and  
14 responsibilities of the applicant, including, but not limited to, the  
15 construction standards and requirements to be complied with;

16  
17 2. The obligations and responsibilities of the Board of County  
18 Commissioners, including but not limited to inspection of the project; and

19  
20 3. The amount of the credit as determined in accordance with Subsection G  
21 of this section.

22  
23 I. A credit for the donation of land shall be granted at such time as the property  
24 which is the subject of the donation has been conveyed to and accepted by the County. A credit  
25 for the construction of an improvement or donation of capital equipment to the County Fire  
26 Rescue System shall be granted at such time as the construction is completed, approved and  
27 accepted by the County or the time the capital equipment is approved and accepted by the  
28 County. The administration of said contribution credits shall be the responsibility of the County  
29 Manager or designee.

30  
31 J. Any applicant or owner who submits a proposed plan pursuant to this section and  
32 desires the immediate issuance of a building permit or other final development order prior to  
33 approval of the proposed plan shall pay the applicable Fire Rescue Impact Fee pursuant to  
34 Section 22-47. Any difference between the amount paid and the amount due, should the County  
35 Manager or designee approve and accept the proposed plan, shall be refunded to the applicant or  
36 owner.

37  
38 K. Credits provided pursuant to this Section 22-52 shall not be transferable from one  
39 Fire Rescue Impact Construction to another.

40  
41 **Section 6. Creation.** Chapter 22, Article V of the Lake County Code, entitled  
42 Park Impact Fees, is hereby created to read as follows:

43  
44 **ARTICLE V. PARK IMPACT FEES**

45  
46 **Sec. 22-53. Legislative Findings.** The Board of County Commissioners of Lake  
47 County, Florida, hereby finds, determines and declares that:

1  
2 A. The County Park System benefits all residents of the County and, therefore, the  
3 park impact fee shall be imposed in all unincorporated areas of the County.  
4

5 B. Development necessitated by the growth contemplated in the Comprehensive Plan  
6 will require improvements and additions to the County Park System to accommodate the  
7 development generated by such growth and maintain the standards of service currently provided  
8 by the County.  
9

10 C. Future growth, as represented by residential construction, should contribute its  
11 fair share to the cost of improvements and additions to the County Park System that are required  
12 to accommodate such growth and the use of such County Park System by such growth.  
13

14 D. Implementation of a Park Impact Fee to require future residential construction to  
15 contribute its fair share to the cost of required park capital improvements and additions is an  
16 integral and vital element of the regulatory plan of growth management incorporated in the  
17 Comprehensive Plan of the County.  
18

19 E. The imposition of a Park Impact Fee is to provide a source of revenue to fund the  
20 construction or improvement of the County Park System necessitated by growth as delineated in  
21 the capital improvement element of the Comprehensive Plan.  
22

23 F. The County expressly finds that the maintenance of the standards for the County  
24 Park System as contained in the Park Impact Fee Study provides a benefit to all residential  
25 construction within the County in excess of the Park Impact Fee.  
26

27 G. The County has the responsibility to provide parks and recreational facilities in  
28 the County Park System. Residential construction occurring within the County impacts upon the  
29 County Park System; therefore, residential construction should pay its fair share of the cost of  
30 maintaining the County's existing standard of service.  
31

32 H. The purpose of this Article is to require payment of Park Impact Fees by those  
33 who engage in residential construction and to provide for the cost of capital improvements to the  
34 County Park System which are required to accommodate such growth. This Article shall not be  
35 construed to permit the collection of Park Impact Fees in excess of the amount reasonably  
36 anticipated to offset the demand on the County Park System generated by such Residential  
37 Construction.  
38

39  
40 **Sec. 22-54. Imposition.**  
41

42 A. All residential construction occurring within the unincorporated area of the  
43 County shall pay the Park Impact Fee, as established in this Section at the time of issuance of a  
44 building permit, or if no building permit is required, at the time of approval of the final  
45 development order, as provided in Section 22-8 of the Lake County Code.  
46

1 B. The Board of County Commissioners hereby establishes three (3) park districts, as  
2 provided in Appendix A, for purposes of collection and expenditure of the Park Impact Fee.

3  
4 C. All residential construction occurring within the unincorporated area of the  
5 County shall pay the following Park Impact Fees:

<u>Single-Family Detached House</u>	<u>\$222.00</u>	<u>per Dwelling Unit</u>
<u>Multi-family</u>	<u>\$171.00</u>	<u>per Dwelling Unit</u>
<u>Mobile Home</u>	<u>\$177.00</u>	<u>per Dwelling Unit</u>

6  
7  
8  
9  
10  
11 D. The payment of the Park Impact Fee shall be in addition to all other fees, charges  
12 or assessments due for the issuance of a building permit or final development order.

13  
14 E. The obligation for payment of the Park Impact Fee shall run with the land.

15  
16 **Sec. 22-55. Payment and Use of Monies.**

17  
18 A. The Board of County Commissioners hereby establishes three (3) separate trust  
19 accounts to correspond to the three (3) park districts, which accounts shall be maintained  
20 separate and apart from all other accounts of the County.

21  
22 B. All Park Impact Fees shall be deposited into the appropriate trust account for the  
23 park district from which the fees were collected immediately upon receipt.

24  
25 C. Funds on deposit in the either of the three (3) park district trust accounts shall not  
26 be used for any expenditure that would be classified as a maintenance or repair expense. The  
27 monies deposited into any of the three (3) park district trust accounts shall be used solely for the  
28 purpose of constructing or improving the County Park System within the corresponding park  
29 district, including, but not limited to:

- 30  
31 1. design and construction plan preparation;
- 32  
33 2. permitting and fees;
- 34  
35 3. land and materials acquisition including any costs of acquisition or  
36 condemnation;
- 37  
38 4. construction and design of recreational facilities;
- 39  
40 5. design and construction of new drainage facilities in conjunction with  
41 parks and recreational facilities;
- 42  
43 6. landscaping;
- 44  
45 7. construction management and inspection;
- 46  
47 8. surveying, soils and material testing;

- 1  
2           9. acquisition of capital equipment for parks;  
3  
4           10. repayment of monies transferred or borrowed from any budgetary fund of  
5           the County after January 1, 2004, which were used to fund any of the  
6           construction or improvements herein defined;  
7  
8           11. payment of principal and interest, necessary reserves and costs of issuance  
9           under any bonds or other indebtedness issued by the County to provide  
10           funds to construct or acquire contemplated capital parks and recreational  
11           facilities improvements;  
12  
13           12. costs related to the administration, collection and implementation of the  
14           Park Impact Fees; and  
15  
16           13. relocating utilities to accommodate new park construction.  
17

18           C. The monies deposited into any of the three (3) park district trust accounts shall be  
19 used solely to provide improvements and additions to the County Park System within the  
20 corresponding park district required to accommodate growth as projected in the Park Impact Fee  
21 Study.  
22

23           D. Any monies on deposit which are not immediately necessary for expenditure shall  
24 be invested in accordance with the County's Investment Policy and applicable Florida Statutes.  
25 All income derived from such investments shall be deposited in the appropriate park district trust  
26 account and used as provided herein.  
27

28           **Sec. 22-56. Alternative Park Impact Fee.**  
29

30           A. In the event an applicant believes that the impact to the County Park System  
31 caused by the residential construction is less than the impact established in the Park Impact Fee  
32 Study and the fee provided in Section 22-54 such applicant may, prior to issuance of a building  
33 permit for such residential construction, or if no building permit is required, prior to the time of  
34 approval of the final development order, file an Alternative Park Impact Fee Study with the  
35 County Manager or designee. The County Manager or designee shall review the alternative  
36 calculations and make a determination within sixty (60) days of submittal as to whether such  
37 calculations comply with the requirements of this Section.  
38

39           B. For purposes of any Alternative Park Impact Fee calculation, residential  
40 construction shall be presumed to have the maximum impact on the County Park System.  
41

42           C. The Alternative Park Impact Fee calculation shall be based on data, information  
43 or assumptions contained in this Article and the Park Impact Fee Study or independent sources,  
44 provided that:  
45

- 46           1. The independent source is a generally accepted standard source of  
47 planning information and cost impact analysis performed pursuant to a

1 generally accepted methodology of planning and cost impact analysis  
2 which is consistent with the impact fee study; or  
3

4 2. The independent source is a local study supported by a data base adequate  
5 for the conclusions contained in such study performed pursuant to a  
6 generally accepted methodology of planning and cost impact analysis  
7 which is consistent with the impact fee study.  
8

9 D. If the County Manager or designee determines that the data, information and  
10 assumptions utilized by the applicant comply with the requirements of this Section and that the  
11 calculation of the Alternative Park Impact Fee was by a generally accepted methodology, then  
12 the Alternative Park Impact Fee shall be paid in lieu of the fees adopted in Section 22-54.  
13

14 E. If the County Manager or designee determines that the data, information and  
15 assumptions utilized by the applicant to compute an Alternative Park Impact Fee do not comply  
16 with the requirements of this Section, then the County Manager or designee shall provide to the  
17 applicant by certified mail, return receipt requested, written notification of the rejection and the  
18 reasons therefore.  
19

20 **Sec. 22-57. Changes in Size and Use.** Park Impact Fees shall be imposed and  
21 calculated for the alteration, expansion or replacement of a building or dwelling unit or the  
22 construction of an accessory building or structure if the alteration, expansion or replacement of  
23 the building or dwelling unit or the construction of an accessory building or structure results in a  
24 land use determined by the County Manager or designee to increase the number of dwelling  
25 units. The Park Impact Fee imposed shall be the Park Impact Fee imposed in Section 22-54 for  
26 the building, dwelling unit or accessory building or structure after construction, alteration,  
27 expansion or replacement, less the Park Impact Fee that would have been imposed for the  
28 dwelling unit type prior to such alteration, expansion, replacement or construction.  
29

30 **Sec. 22-58 Dedication of Land and Credits.**

31  
32 A. In order to provide lands to meet the need for County Park System sites created  
33 by residential construction or to provide necessary County Park System capital equipment or  
34 facilities, a developer of residential construction may dedicate suitable land, facilities, or capital  
35 equipment to the County in lieu of paying the Park Impact Fee imposed in Section 22-54, as  
36 agreed to by the County.  
37

38 B. Any land, capital equipment or facilities dedicated to the County in lieu of paying  
39 the Park Impact Fee imposed in Section 22-54 must be acceptable to the County in terms of  
40 suitable size, dimension, soil type, topography, dimensions, location, accessibility and general  
41 character, type and specifications.  
42

43 C. Subject to the terms and conditions of this Section, credit shall be granted against  
44 the Park Impact Fee imposed by Section 22-54 for the donation of land, capital equipment or  
45 facilities that is required pursuant to a development order or permit or made voluntarily in  
46 connection with residential construction. Such donations, equipment or construction shall be  
47 subject to the approval and acceptance of the County Manager or designee. No credit shall be



1 given for the donation of land, capital equipment or construction of facilities unless such  
2 property is conveyed in fee simple to the County without consideration.

3  
4 D. Prior to issuance of a building permit, or if no building permit is required, prior to  
5 the issuance of the final development order, the applicant shall submit a proposed plan for  
6 donations or contributions to the County Park System to the County Manager or designee. The  
7 proposed plan shall include:

- 8  
9 1. a designation of the residential construction for which the plan is being  
10 submitted;  
11  
12 2. a legal description of any land proposed to be donated and a written  
13 appraisal prepared in conformity with Subsection G of this section;  
14  
15 3. a list of the contemplated contributions to the County Park System and an  
16 estimate of the proposed construction costs certified by a professional  
17 architect or engineer or an estimate of the proposed value of a proposed  
18 donation of capital equipment; and  
19  
20 4. a proposed time schedule for completion of the proposed plan.

21  
22 E. Within sixty (60) days after receipt, the County Manager or designee shall  
23 approve or deny the proposed plan in accordance with Subsection F of this section and, if  
24 approved, establish the amount of credit in accordance with Subsection G of this section.

25  
26 F. In reviewing the proposed plan, the County Manager or designee shall determine:

- 27  
28 1. if such proposed plan is in conformity with contemplated improvements  
29 and additions to the County Park System;  
30  
31 2. if the proposed donation of land or capital equipment and construction by  
32 the applicant is consistent with the public interest; and  
33  
34 3. if the proposed time schedule is consistent with the capital improvement  
35 program for the County Park System.

36  
37 G. The amount of developer contribution credit shall be determined as follows:

- 38  
39 1. The value of donated land shall be based upon a written appraisal of fair  
40 market value as determined by an M.A.I. appraiser who was selected and  
41 paid for by the applicant, and who used generally accepted appraisal  
42 techniques. If the appraisal does not conform to the requirements of this  
43 Section and the applicable administrative regulations, the appraisal shall  
44 be corrected and resubmitted. In the event the County Manager or  
45 designee accepts the methodology of the appraisal but disagrees with the  
46 appraised value, he may engage another M.A.I. appraiser at the County's  
47 expense and the value shall be an amount equal to the average of the two

1 appraisals. If either party does not accept the average of the two  
2 appraisals, a third appraisal shall be obtained, with the cost of said third  
3 appraisal being shared equally by the County and the owner or applicant.  
4 The third appraiser shall be selected by the first two appraisers and the  
5 third appraisal shall be binding on the parties.  
6

7 2. The value of the construction of an improvement to the County Park  
8 System or the value of donated capital equipment shall be based upon the  
9 actual cost of construction or acquisition of said improvement or capital  
10 equipment as certified by a professional architect or engineer or as shown  
11 by a manufacturer's or supplier's invoice. However, as to the construction  
12 of improvements to the County Park System, in no event shall any credit  
13 be granted in excess of the estimated construction costs provided by a  
14 professional architect or engineer and approved by the County unless the  
15 construction project is competitively bid, in which case, the credit shall be  
16 limited to the actual cost of construction. The cost of professional services  
17 shall be competitively bid in accordance with section 287.055, Florida  
18 Statutes, in order to be eligible for impact fee credits ; and  
19

20 3. The land donations, construction and capital equipment contributions shall  
21 only provide improvements or additions to the County Park System  
22 required to accommodate growth and such land donations, construction or  
23 capital equipment contributions must be provided within the same park  
24 district as the subject residential construction.  
25

26 H. If a proposed plan is approved for credit by the County Manager or designee, the  
27 applicant or owner and the County shall enter into a credit agreement which shall provide for the  
28 timing of the action to be taken by the applicant and the obligations and responsibilities of the  
29 applicant, including, but not limited to:  
30

31 1. The timing of actions to be taken by the applicant and the obligations and  
32 responsibilities of the applicant, including, but not limited to, the  
33 construction standards and requirements to be complied with;  
34

35 2. The obligations and responsibilities of the Board of County  
36 Commissioners, including but not limited to inspection of the project; and  
37

38 3. The amount of the credit as determined in accordance with Subsection G  
39 of this section.  
40

41 I. A credit for the donation of land shall be granted at such time as the property  
42 which is the subject of the donation has been conveyed to and accepted by the County. A credit  
43 for the construction of an improvement or donation of capital equipment to the County Park  
44 System shall be granted at such time as the construction is completed, approved and accepted by  
45 the County or the time the capital equipment is approved and accepted by the County. The  
46 administration of said contribution credits shall be the responsibility of the County Manager or  
47 designee.

1  
2 J. Any applicant or owner who submits a proposed plan pursuant to this section and  
3 desires the immediate issuance of a building permit or other final development order prior to  
4 approval of the proposed plan shall pay the applicable Park Impact Fee pursuant to Section 22-  
5 54. Any difference between the amount paid and the amount due, should the County Manager or  
6 designee, approve and accept the proposed plan, shall be refunded to the applicant or owner.

7  
8 K. Credits provided pursuant to this Section 22-58 shall not be transferable from one  
9 residential construction to another nor from one park district to another.

10  
11 **Section 8. Creation.** Chapter 22, Article VI of the Lake County Code, entitled  
12 Library Facility Impact Fees, is hereby created to read as follows:

13  
14  
15 **ARTICLE VI LIBRARY IMPACT FEES**

16  
17 **Sec. 22-59. Legislative Findings.** The Board of County Commissioners of  
18 Lake County, Florida, hereby finds, determines and declares that:

19  
20 A. The County Library System benefits all residents of the County and, therefore, the  
21 Library Impact Fee shall be imposed in all unincorporated areas of the County and within all  
22 municipalities that have consented to the imposition of the Library Impact Fee and which  
23 participate in the County Library System.

24  
25 B. Development necessitated by the growth contemplated in the Comprehensive Plan  
26 will require improvements and additions to the County Library System to accommodate the  
27 development generated by such growth and maintain the standards of service currently provided  
28 by the County.

29  
30 C. Future growth, as represented by residential construction, should contribute its  
31 fair share to the cost of improvements and additions to the County Library System that are  
32 required to accommodate such growth and the use of such County Library System by such  
33 growth.

34  
35 D. Implementation of a Library Impact Fee to require those who engage in future  
36 residential construction to contribute its fair share to the cost of required library capital  
37 improvements and additions is an integral and vital element of the regulatory plan of growth  
38 management incorporated in the Comprehensive Plan of the County.

39  
40 E. The imposition of a Library Impact Fee is to provide a source of revenue to fund  
41 the construction or improvement of the County Library System necessitated by growth as  
42 delineated in the capital improvement element of the Comprehensive Plan.

43  
44 F. The County expressly finds that the maintenance of the standards for the County  
45 Library System as contained in the Library Impact Fee Study provides a benefit to all residential  
46 construction within the County in excess of the Library Impact Fee.

1 G. The County has the responsibility to provide library facilities in the County  
2 Library System. Residential construction occurring within the County impacts upon the County  
3 Library System; therefore, residential construction should pay its fair share of the cost of  
4 maintaining the County's existing standard of service.

5  
6 H. The purpose of this Article is to require payment of Library Impact Fees by  
7 residential construction and to provide for the cost of capital improvements to the County  
8 Library System which are required to accommodate such growth. This Article shall not be  
9 construed to permit the collection of Library Impact Fees in excess of the amount reasonably  
10 anticipated to offset the demand on the County Library System generated by such residential  
11 construction.

12  
13 I. Any required improvements and additions to the County Library System needed  
14 to eliminate any deficiencies shall be financed by revenue sources of the County other than  
15 Library Impact Fees.

16  
17 **Sec. 22-60. Imposition.**

18  
19 A. All residential construction occurring within the unincorporated area of the  
20 County and within the municipal boundaries of any municipality that has consented to the  
21 imposition of the Library Impact Fee and which participates in the County Library System shall  
22 pay the Library Impact Fee, as established in this Section at the time of issuance of a building  
23 permit, or if no building permit is required, at the time of approval of the final development  
24 order, as provided in Section 22-8 of the Lake County Code.

25  
26 B. The provisions of this Article shall not apply within a municipality until the  
27 County and the municipality enter into an interlocal agreement setting forth the terms and  
28 conditions under which the provisions of this Article shall be implemented within the  
29 municipality.

30  
31 C. All residential construction occurring within the unincorporated area of the  
32 County and within the municipal boundaries of any consenting municipalities, shall pay the  
33 following Library Impact Fees:

34

<u>Single-Family Detached House</u>	<u>\$191.00</u>	<u>per Dwelling Unit</u>
<u>Multi-family</u>	<u>\$146.00</u>	<u>per Dwelling Unit</u>
<u>Mobile Home</u>	<u>\$152.00</u>	<u>per Dwelling Unit</u>

35  
36  
37  
38

39 D. The payment of the Library Impact Fee shall be in addition to all other fees,  
40 charges or assessments due for the issuance of a building permit or final development order.

41  
42 E. The obligation for payment of the Library Impact Fee shall run with the land.

43  
44 **Sec. 22-61. Payment and Use of Monies.**

1           A. The Board of County Commissioners hereby establishes a separate trust account  
2 for the Library Impact Fees, to be designated as the "Library Impact Fee Trust Account," which  
3 shall be maintained separate and apart from all other accounts of the County.  
4

5           B. All Library Impact Fees shall be deposited into such trust account immediately  
6 upon receipt.  
7

8           C. Funds on deposit in the Library Impact Fee Trust Account shall not be used for  
9 any expenditure that would be classified as a maintenance or repair expense. The monies  
10 deposited into the Library Impact Fee Trust Account shall be used solely for the purpose of  
11 constructing or improving the County Library System, including, but not limited to:  
12

- 13           1. design and construction plan preparation;
- 14
- 15           2. permitting and fees;
- 16
- 17           3. land acquisition, including any costs of acquisition or condemnation;
- 18
- 19           4. construction and design of new library facilities;
- 20
- 21           5. design and construction of new drainage facilities required by the  
22 construction of improvements and additions to the County Library  
23 System;
- 24
- 25           6. relocating utilities required by the construction of improvements and  
26 additions to the County Library System;
- 27
- 28           7. landscaping;
- 29
- 30           8. construction management and inspection;
- 31
- 32           9. surveying, soils and materials testing;
- 33
- 34           10. acquisition of collection items, public access computers and other capital  
35 equipment utilized by the County to provide library services within the  
36 County Library System;
- 37
- 38           11. repayment of monies transferred or borrowed from any budgetary fund of  
39 the County after January 1, 2004, which were used to fund any growth  
40 impacted construction or improvements as herein defined;
- 41
- 42           12. costs related to the administration, collection and implementation of the  
43 Library Impact Fee; and
- 44
- 45           13. payment of principal and interest, necessary reserves and costs of issuance  
46 under any bonds or other indebtedness issued by the County to provide

1 funds to construct or acquire growth necessitated capital improvements or  
2 additions as provided herein.

3  
4 D. The monies deposited into the Library Impact Fee Trust Account shall be used  
5 solely to provide improvements or additions to the County Library System required to serve new  
6 growth as projected in the Library Impact Fee Study.

7  
8 E. Any monies on deposit which are not immediately necessary for expenditure shall  
9 be invested in accordance with the County's Investment Policy and applicable Florida Statutes.  
10 All income derived from such investments shall be deposited in the Library Impact Fee Trust  
11 Account and used as provided herein.

12  
13  
14 **Sec. 22-62. Alternative Library Impact Fee.**

15  
16 A. In the event an applicant believes that the impact to the County Library System  
17 caused by the residential construction is less than the impact established in the Library Impact  
18 Fee Study and the fee provided in Section 22-60 such applicant may, prior to issuance of a  
19 building permit for such residential construction, or if no building permit is required, prior to the  
20 time of approval of the final development order, file an Alternative Library Impact Fee Study  
21 with the County Manager or designee. The County Manager or designee shall review the  
22 alternative calculations and make a determination within sixty (60) days of submittal as to  
23 whether such calculations comply with the requirements of this Section.

24  
25 B. For purposes of any Alternative Library Impact Fee calculation, the residential  
26 construction shall be presumed to have the maximum impact on the County Library System.

27  
28 C. The Alternative Library Impact Fee calculation shall be based on data,  
29 information or assumptions contained in this Article and the Library Impact Fee Study or  
30 independent sources, provided that:

- 31  
32 1. The independent source is a generally accepted standard source of  
33 planning information and cost impact analysis performed pursuant to a  
34 generally accepted methodology of planning and cost impact analysis  
35 which is consistent with the impact fee study; or  
36  
37 2. The independent source is a local study supported by a data base adequate  
38 for the conclusions contained in such study performed pursuant to a  
39 generally accepted methodology of planning and cost impact analysis  
40 which is consistent with the impact fee study.

41  
42 D. If the County Manager or designee determines that the data, information and  
43 assumptions utilized by the applicant comply with the requirements of this Section and that the  
44 calculation of the Alternative Library Impact Fee was by a generally accepted methodology, then  
45 the Alternative Library Impact Fee shall be paid in lieu of the fees adopted in Section 22-60.

1        E. If the County Manager or designee determines that the data, information and  
2 assumptions utilized by the applicant to compute an Alternative Library Impact Fee do not  
3 comply with the requirements of this Section, then the County Manager or designee shall provide  
4 to the applicant by certified mail, return receipt requested, written notification of the rejection  
5 and the reasons therefore

6  
7        **Sec. 22-63. Changes in Size and Use.** Library Impact Fees shall be imposed and  
8 calculated for the alteration, expansion or replacement of a building or dwelling unit or the  
9 construction of an accessory building or structure if the alteration, expansion or replacement of  
10 the building or dwelling unit or the construction of an accessory building or structure results in a  
11 land use determined by the County Manager or designee to increase the number of dwelling  
12 units. The Library Impact Fee imposed shall be the Library Impact Fee imposed in Section 22-60  
13 for the building, dwelling unit or accessory building or structure after construction, alteration,  
14 expansion or replacement, less the Library Impact Fee that would have been imposed for the  
15 dwelling unit type prior to such alteration, expansion, replacement or construction.

16  
17        **Sec. 22-64. Dedication of Land and Credits.**

18  
19        A. In order to provide lands to meet the need for County Library System sites created  
20 by residential construction or to provide necessary County Library System capital equipment or  
21 facilities, a developer of residential construction may dedicate suitable land, facilities or capital  
22 equipment to the County in lieu of paying the Library Impact Fee imposed in Section 22-60, as  
23 agreed to by the County.

24  
25        B. Any land, capital equipment or facilities dedicated to the County in lieu of paying  
26 the Library Impact Fee imposed in Section 22-60 must be acceptable to the County in terms of  
27 suitable size, dimension, soil type, topography, dimensions, location, accessibility and general  
28 character, type and specifications.

29  
30        C. Subject to the terms and conditions of this Section, credit shall be granted against  
31 the Library Impact Fee imposed by Section 22-60 for the donation of land, capital equipment or  
32 facilities that is required pursuant to a development order or permit or made voluntarily in  
33 connection with residential construction. Such donations or constructions shall be subject to the  
34 approval and acceptance of the County Manager or designee. No credit shall be given for the  
35 donation of land, capital equipment or construction of facilities unless such property is conveyed,  
36 in fee simple to the County without consideration.

37  
38        D. Prior to issuance of a building permit, or if no building permit is required, prior to  
39 the issuance of the final development order, the applicant shall submit a proposed plan for  
40 donations or contributions to the County Library System to the County Manager or designee.  
41 The proposed plan shall include:

42  
43        1. a designation of the residential construction for which the plan is being  
44 submitted;

45  
46        2. a legal description of any land proposed to be donated and a written  
47 appraisal prepared in conformity with Subsection G of this section;

1  
2 3. a list of the contemplated contributions to the County Library System and  
3 an estimate of the proposed construction costs certified by a professional  
4 architect or engineer or an estimate of the proposed value of a proposed  
5 donation of capital equipment; and  
6

7 4. a proposed time schedule for completion of the proposed plan.  
8

9 E. Within sixty (60) days after receipt, the County Manager or designee shall  
10 approve or deny the proposed plan in accordance with Subsection F of this section and, if  
11 approved, establish the amount of credit in accordance with Subsection G of this section.  
12

13 F. In reviewing the proposed plan, the County Manager or designee shall determine:  
14

15 1. if such proposed plan is in conformity with contemplated improvements  
16 and additions to the County Library System;  
17

18 2. if the proposed donation of land or capital equipment and construction by  
19 the applicant is consistent with the public interest; and  
20

21 3. if the proposed time schedule is consistent with the capital improvement  
22 program for the County Library System.  
23

24 G. The amount of developer contribution credit shall be determined as follows:  
25

26 1. The value of donated land shall be based upon a written appraisal of fair  
27 market value as determined by an M.A.I. appraiser who was selected and  
28 paid for by the applicant, and who used generally accepted appraisal  
29 techniques. If the appraisal does not conform to the requirements of this  
30 Section and the applicable administrative regulations, the appraisal shall  
31 be corrected and resubmitted. In the event the County Manager or  
32 designee accepts the methodology of the appraisal but disagrees with the  
33 appraised value, he may engage another M.A.I. appraiser at the County's  
34 expense and the value shall be an amount equal to the average of the two  
35 appraisals. If either party does not accept the average of the two  
36 appraisals, a third appraisal shall be obtained, with the cost of said third  
37 appraisal being shared equally by the County and the owner or applicant.  
38 The third appraiser shall be selected by the first two appraisers and the  
39 third appraisal shall be binding on the parties.  
40

41 2. The value of the construction of an improvement to the County Library  
42 System or the value of donated capital equipment shall be based upon the  
43 actual cost of construction or acquisition of said improvement or capital  
44 equipment as certified by a professional architect or engineer or as shown  
45 by a manufacturer's or supplier's invoice. However, as to the construction  
46 of improvements to the County Library System, in no event shall any  
47 credit be granted in excess of the estimated construction costs provided by



1 a professional architect or engineer and approved by the County unless the  
2 construction project is competitively bid, in which case, the credit shall be  
3 limited to the actual cost. The cost of professional services shall be  
4 competitively bid in accordance with section 287.055, Florida Statutes, in  
5 order to be eligible for impact fee credits; and  
6

7 3. The land donations, construction and capital equipment contributions shall  
8 only provide improvements or additions to the County Library System  
9 required to accommodate growth.  
10

11 H. If a proposed plan is approved for credit by the County Manager or designee, the  
12 applicant or owner and the County shall enter into a credit agreement which shall provide for the  
13 timing of the action to be taken by the applicant and the obligations and responsibilities of the  
14 applicant, including, but not limited to:  
15

16 1. The timing of actions to be taken by the applicant and the obligations and  
17 responsibilities of the applicant, including, but not limited to, the  
18 construction standards and requirements to be complied with;  
19

20 2. The obligations and responsibilities of the Board of County  
21 Commissioners, including but not limited to inspection of the project; and  
22

23 3. The amount of the credit as determined in accordance with Subsection G  
24 of this section.  
25

26 I. A credit for the donation of land shall be granted at such time as the property  
27 which is the subject of the donation has been conveyed to and accepted by the County. A credit  
28 for the construction of an improvement or donation of capital equipment to the County Library  
29 System shall be granted at such time as the construction is completed, approved and accepted by  
30 the County or the time the capital equipment is approved and accepted by the County. The  
31 administration of said contribution credits shall be the responsibility of the County Manager or  
32 designee.  
33

34 J. Any applicant or owner who submits a proposed plan pursuant to this section and  
35 desires the immediate issuance of a building permit or other final development order prior to  
36 approval of the proposed plan shall pay the applicable Library Impact Fee pursuant to Section  
37 22-60. Any difference between the amount paid and the amount due, should the County Manager  
38 or designee approve and accept the proposed plan, shall be refunded to the applicant or owner.  
39

40 K. Credits provided pursuant to this Section 22-64 shall not be transferable from one  
41 residential construction to another.  
42

### 43 **Section 9. Adoption of Impact Fee Studies.**

44

45 A. The Board of County Commissioners hereby adopts and incorporates by  
46 reference, the study entitled "Impact Fees for Fire and Rescue Services in Lake County, Florida,"  
47 dated July 21, 2003, prepared by Henderson Young & Company, including the assumptions,

1 conclusions and findings in such study as to the determination of anticipated costs of the  
2 additions to the County Fire Rescue System required to accommodate growth.

3  
4 B. The Board of County Commissioners hereby adopts and incorporates by  
5 reference, the study entitled "Impact Fees for Parks and Recreational Facilities in Lake County,  
6 Florida," dated July 23, 2003, prepared by Henderson Young & Company, including the  
7 assumptions, conclusions and findings in such study as to the determination of anticipated costs  
8 of the additions to the County Park System required to accommodate growth.

9  
10 C. The Board of County Commissioners hereby adopts and incorporates by  
11 reference, the study entitled "Impact Fees for Library Facilities in Lake County, Florida," dated  
12 July 23, 2003, prepared by Henderson Young & Company, including the assumptions,  
13 conclusions and findings in such study as to the determination of anticipated costs of the  
14 additions to the County Library System required to accommodate growth.

15  
16 **Section 10. Review Requirement.** This Ordinance and the impact fee studies adopted  
17 in Section 9 of this Ordinance shall be reviewed by the County at least once every three (3)  
18 years. The initial and each subsequent review shall consider but not be limited to all components  
19 of the impact fee studies accepted in Section 9 herein. Said review shall also include detailed  
20 analyses of the economic impacts of this Ordinance. The purpose of this review is to demonstrate  
21 that the impact fees do not exceed reasonably anticipated costs associated with growth  
22 necessitated capital improvements. In the event the review of the Ordinance and the impact fee  
23 studies required by this section alters or changes the assumptions, conclusions and findings in the  
24 one or more of the impact fee studies accepted by reference in Section 9 then said study or  
25 studies shall be amended and updated to reflect the assumptions, conclusions and findings of  
26 such reviews and the respective impact fee shall be amended in accordance therewith.

27  
28 **Section 11. Declaration of Exclusion from Administrative Procedures Act.**  
29 Nothing contained in this Ordinance shall be construed or interpreted to include the County in  
30 the definition of agency contained in Section 120.52, Florida Statutes, or to otherwise subject the  
31 County to the application of the Administrative Procedures Act, Chapter 120, Florida Statutes.

32  
33 **Section 12. Severability.** If any clause, section or provision of this Ordinance shall be  
34 declared unconstitutional or invalid for any reason or cause, the remaining portion of said  
35 Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not  
36 been incorporated herein.

37  
38 **Section 13. Inclusion in the Code.** It is the intention of the Board of County  
39 Commissioners and it is hereby provided that the provisions of this Ordinance shall be made a  
40 part of the Lake County Code; that the sections of this ordinance may be renumbered or  
41 relettered to accomplish such intention; and that the word "ordinance" may be changed to  
42 "section," "article," or other appropriate designation.

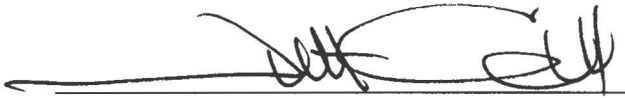
43  
44 **Section 14. Effective Date.** A certified copy of this Ordinance shall be filed in  
45 the Department of State by the Clerk of the Board of County Commissioners within ten (10) days  
46 after enactment by the Board and shall take effect on January 15, 2004. All fire impact fees due  
47 and owing prior to January 15, 2004 shall be collected, distributed and used in the manner set

1 forth in the current code provisions, even after such current code provisions are repealed, until  
2 such fees are exhausted.

3  
4  
5  
6  
7  
8 Ordinance No. 2003 - 99 regarding Fire, Parks and Library Impact Fees.

9  
10  
11 DULY ADOPTED in regular session, this 18<sup>th</sup> day of November, 2003.

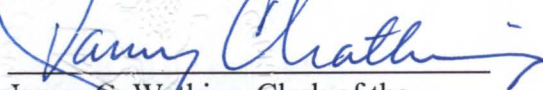
12 BOARD OF COUNTY COMMISSIONERS  
13 OF LAKE COUNTY, FLORIDA

14  
15  
16 

17 Welton G. Cadwell, Chairman

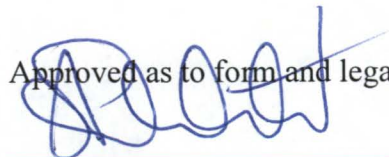
18  
19 This 20<sup>th</sup> day of November, 2003.

20  
21  
22 ATTEST:

23  
24 

25 James C. Watkins, Clerk of the  
26 Board of County Commissioners  
27 of Lake County, Florida

28  
29  
30  
31  
32  
33 Approved as to form and legality:

34  
35 

36 Sanford A. Minkoff  
37 County Attorney

1992-03

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**LAKE COUNTY, FLORIDA**

=====

**FIRE RESCUE ASSESSMENT ORDINANCE**

=====

**ADOPTED AUGUST 4, 1998**

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
98 AUG 14 PM 1:48

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TALLAHASSEE, FLORIDA

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA:

ARTICLE I

INTRODUCTION

**SECTION 1.01. DEFINITIONS.** As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

**"Annual Rate Resolution"** means the resolution described in Section 2.08 hereof, establishing the rate at which a Fire Rescue Assessment for a specific Fiscal Year will be computed. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which a Fire Rescue Assessment is imposed or reimposed.

**"Assessed Property"** means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the fire rescue services, programs or facilities identified in the Initial Assessment Resolution or a subsequent Preliminary Rate Resolution.

**"Assessment Roll"** means the special assessment roll relating to a Fire Rescue Assessment approved by a Final Assessment Resolution pursuant to Section 2.06 hereof or an Annual Rate Resolution pursuant to Section 2.08 hereof.

**"Board"** means the Board of County Commissioners of Lake County, Florida.

**"Building"** means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

**"Certificate of Occupancy"** means the written certification issued by the County that a Building is ready for occupancy for its intended use. For the purposes of this Ordinance, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a Certificate of Occupancy.

**"Clerk"** means the Clerk of the Circuit Court for Lake County, Florida, as ex-officio Clerk of the Board.

**"County"** means Lake County, Florida.

**"County Manager"** means the chief administrative officer of the County, designated by the Board to be responsible for coordinating Fire Rescue Assessments, or such person's designee.

**"Final Assessment Resolution"** means the resolution described in Section 2.06 hereof which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the initial imposition of Fire Rescue Assessments.

**"Fire Rescue Assessment"** means a special assessment lawfully imposed by the Board against Assessed Property to fund all or any portion of the cost of the provision of fire rescue services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

**"Fire Rescue Assessed Cost"** means the amount determined by the Board to be assessed in any Fiscal Year to fund all or any portion of the cost of the provision of fire rescue services, facilities, or programs which provide a special benefit to Assessed Property, and shall include, but not be limited to, the following components: (A) the cost



of physical construction, reconstruction or completion of any required facility or improvement; (B) the costs incurred in any required acquisition or purchase; (C) the cost of all labor, materials, machinery, and equipment; (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (E) the cost of computer services, data processing, and communications; (F) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (G) the cost of any indemnity or surety bonds and premiums for insurance; (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (I) the cost of uniforms, training, travel, and per diem; (J) the cost of construction plans and specifications, surveys and estimates of costs; (K) the cost of engineering, financial, legal, and other professional services; (L) the costs of compliance with any contracts or agreements entered into by the County to provide fire rescue services; (M) all costs associated with the structure, implementation, collection, and enforcement of the Fire Rescue Assessments, including any service charges of the Tax Collector, or Property Appraiser and amounts necessary to off-set discounts received for early payment of Fire Rescue Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Fire Rescue Assessments collected pursuant to Section 3.02 herein; (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire rescue services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the Board by subsequent resolution; (O) a reasonable amount for contingency and anticipated delinquencies and uncollectible Fire Rescue Assessments; and (P) reimbursement to the County or any other Person for any moneys advanced for

any costs incurred by the County or such Person in connection with any of the foregoing components of Fire Rescue Assessed Cost. In the event the County also imposes an impact fee upon new growth or development for fire rescue related capital improvements, the Fire Rescue Assessed Cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees.

**"Fiscal Year"** means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the County.

**"Government Property"** means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

**"Initial Assessment Resolution"** means the resolution described in Section 2.02 hereof which shall be the initial proceeding for the identification of the Fire Rescue Assessed Cost for which an assessment is to be made and for the imposition of a Fire Rescue Assessment.

**"Maximum Assessment Rate"** means the highest rate of a Fire Rescue Assessment established by the Board in an Initial or Preliminary Assessment Resolution and confirmed by the Board in the Final or Annual Rate Resolution.

**"Ordinance"** means this Fire Rescue Assessment Ordinance.

**"Owner"** shall mean the Person reflected as the owner of Assessed Property on the Tax Roll.

**"Person"** means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

**"Preliminary Rate Resolution"** means the resolution described in Section 2.08 hereof initiating the annual process for updating the Assessment Roll and directing the reimposition of Fire Rescue Assessments pursuant to an Annual Rate Resolution.

**"Property Appraiser"** means the Lake County Property Appraiser.

**"Tax Collector"** means the Lake County Tax Collector.

**"Tax Roll"** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**"Uniform Assessment Collection Act"** means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 1.02. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

**SECTION 1.03. GENERAL FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of County ordinances.

(B) The Board derives its authority to impose Fire Rescue Assessments as provided in the Ordinance from the home rule power of counties in Article VIII, section 1(f), Florida Constitution, and sections 125.01 and 125.66, Florida Statutes. More specifically, section 125.01(1)(q), Florida Statutes, provides the Board's authority for the imposition of Fire Rescue Assessments in all or a portion of the County which includes incorporated areas within a municipality through the creation of a municipal service taxing or benefit unit. The creation of a municipal service taxing or benefit unit which consists in part of some property situated within an incorporated area requires the consent of the affected municipality pursuant to section 125.01(1)(q), Florida Statutes. Supplementally and alternatively, the Board has the power to impose Fire Rescue Assessments throughout all or a part of the County, both within and outside of the incorporated areas, without creating a municipal service taxing or benefit unit. Such authority is derived from the specifically enumerated county power to levy special assessments in section 125.01(1)(r), Florida Statutes. Further, the Board has the home rule power to impose Fire Rescue Assessments both within and outside of an incorporated area where the County provides fire rescue services, facilities and programs within such incorporated area. No municipal purpose is served by a municipal ordinance that attempts to opt out or negate the effect of such Fire Rescue Assessment within the municipality where the property subject to such Fire Rescue

Assessments receives a special benefit from the County's provision of such fire rescue services, facilities and programs.

(C) The principal purposes of the Ordinance are to authorize and prescribe supplemental and alternative procedures for the imposition of Fire Rescue Assessments and the funding of fire rescue services, facilities, or programs providing a special benefit to property within the County.

(D) The Ordinance authorizes the Board to impose Fire Rescue Assessments on benefited property within the County. Pursuant to the Ordinance, the Board may impose Fire Rescue Assessments via the municipal service taxing unit heretofore created in Ordinance No. 1990-24 and Ordinance No. 1991-18, as amended by Ordinance No. 1998-64. Such municipal service taxing or benefit unit is designated as the "Lake County Municipal Service Taxing Unit for Fire Protection." The Ordinance also authorizes the imposition of Fire Rescue Assessments through a municipal service benefit unit hereafter created in an Initial or Preliminary Rate Resolution adopted pursuant to the Ordinance. Additionally and alternatively, the Ordinance authorizes the imposition of a Fire Rescue Assessment throughout a geographic area designated by the Board in an Initial or Preliminary Rate Resolution, without requiring the creation of a new, or the use of an existing, municipal service taxing or benefit unit. The Ordinance authorizes the Board to designate a geographic area to include all or a portion of the unincorporated area, and either (1) to include incorporated areas or (2) to exclude all incorporated areas. Further, the Ordinance allows the Board to designate a geographic area to be coterminous with a

municipal service taxing or benefit unit or to ignore the boundaries of a municipal service taxing or benefit unit altogether.

(E) The annual Fire Rescue Assessments to be imposed using the procedures provided in this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(F) The Fire Rescue Assessments to be imposed using the procedures provided in this Ordinance are imposed by the Board, not the Clerk, Property Appraiser, or Tax Collector. The duties of the Clerk, Property Appraiser, and Tax Collector under the Uniform Assessment Collection Act are ministerial.

**SECTION 1.04. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT.**

It is hereby ascertained and declared that the fire rescue services, facilities, and programs provide a special benefit to property that is improved by the existence or construction of a Building based upon the following legislative determinations:

(A) Fire rescue services possess a logical relationship to the use and enjoyment of improved property by: (1) protecting the value of the improvements and structures through the provision of available fire rescue services; (2) protecting the life and safety of intended occupants in the use and enjoyment of improvements and structures within improved parcels; (3) lowering the cost of fire insurance by the presence of a professional and comprehensive fire rescue program within the County; and (4) containing the spread of fire incidents occurring on vacant property with the potential to spread and endanger the structures and occupants of improved property.

(B) The combined fire control and first response emergency medical services of the County under its existing consolidated fire rescue program enhances and strengthens the relationship of such services to the use and enjoyment of Buildings within improved parcels of property within the areas served by the County.

(C) Within the areas served by the County, the combined fire control and first response emergency medical services of the County under its existing consolidated fire rescue program enhance the value of business and commercial property that is improved by the existence or construction of a Building which enhanced value can be anticipated to be reflected in the rental charge or value of such business or commercial property.

## **ARTICLE II**

### **ANNUAL FIRE RESCUE ASSESSMENTS**

#### **SECTION 2.01. GENERAL AUTHORITY.**

(A) The Board is hereby authorized to impose an annual Fire Rescue Assessment to fund all or any portion of the Fire Rescue Assessed Cost upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the County's provision of fire rescue services, facilities, or programs. All Fire Rescue Assessments shall be imposed in conformity with the procedures set forth in this Article II.

(B) The amount of the Fire Rescue Assessment imposed in a Fiscal Year against a parcel of Assessed Property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the Fire Rescue Assessed Cost among properties on a basis

reasonably related to the special benefit provided by fire rescue services, facilities, or programs funded with assessment proceeds.

(C) Nothing contained in this Ordinance shall be construed to require the imposition of Fire Rescue Assessments against Government Property.

**SECTION 2.02. INITIAL PROCEEDINGS.**

(A) The initial proceeding for the imposition of a Fire Rescue Assessment shall be the adoption of an Initial Assessment Resolution by the Board, (1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided, (2) determining the Fire Rescue Assessed Cost to be assessed, (3) describing the method of apportioning the Fire Rescue Assessed Cost and the computation of the Fire Rescue Assessment for specific properties, (4) establishing an estimated assessment rate for the upcoming Fiscal Year, (5) establishing a Maximum Assessment Rate, if desired by the Board, and (6) directing the County Manager to (a) prepare the initial Assessment Roll, as required by Section 2.03 hereof, (b) publish the notice required by Section 2.04 hereof, and (c) mail the notice required by Section 2.05 hereof using information then available from the Tax Roll.

(B) The Initial Assessment Resolution shall also sufficiently identify property that may be subject to the imposition of Fire Rescue Assessments by designating a geographic area within the County where the Board provides fire rescue services, facilities and programs as follows:

- (1) Such Board designated geographic area may consist of all or a portion of the unincorporated area, all or a portion of the



incorporated area, or any combination of the foregoing. Such Board designated geographic area may be conterminous with the Lake County Municipal Service Taxing Unit for Fire Protection, created pursuant to Ordinance No. 1990-24 and Ordinance No, 1991-18, as amended by Ordinance No. 1998-64. The Board may designate such geographic area by creating a new municipal service taxing or benefit unit, which contains a description of the property to be included.

(2) Alternatively, the Board shall identify such property by providing a summary description of the parcels, conforming to the description on the Tax Roll, located within the County that receive a special benefit from the provision of fire rescue services, facilities or program.

**SECTION 2.03. INITIAL ASSESSMENT ROLL.**

(A) The County Manager shall prepare, or direct the preparation of, the initial Assessment Roll, which shall contain the following:

(1) A summary description of all Assessed Property conforming to the description contained on the Tax Roll.

(2) The name of the Owner of the Assessed Property.

(3) The amount of the Fire Rescue Assessment to be imposed against each such parcel of Assessed Property.

(B) The initial Assessment Roll shall be retained by the County Manager and shall be open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Fire Rescue Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

**SECTION 2.04. NOTICE BY PUBLICATION.** Upon completion of the initial Assessment Roll, the County Manager shall publish, or direct the publication of, once in a newspaper of general circulation within the County a notice stating that at a meeting of the Board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the Board will hear objections of all interested persons to the Final Assessment Resolution which shall establish the rate of assessment and approve the aforementioned initial Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Fire Rescue Assessment; (B) a brief and general description of the fire rescue services, facilities, or programs to be provided; (C) the rate of assessment including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (D) the procedure for objecting provided in Section 2.06 hereof; (E) the method by which the Fire Rescue Assessment will be collected; and (F) a statement that the Initial Assessment Roll is available for inspection at the office of the County Manager and all interested persons may ascertain the amount to be assessed against a parcel of Assessed Property at the office of the County Manager.

**SECTION 2.05. NOTICE BY MAIL.** In addition to the published notice required by Section 2.04, the County Manager shall provide notice, or direct the provision of notice, of the proposed Fire Rescue Assessment by first class mail to the Owner of each parcel of property (except Government Property) subject to the Fire Rescue Assessment. Such notice shall include (A) the purpose of the Fire Rescue Assessment; (B) the rate of assessment to be levied against each parcel of property including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (C) the unit of measurement applied to determine the Fire Rescue Assessment; (D) the number of such units contained in each parcel of property; (E) the total revenue to be collected by the County from the Fire Rescue Assessment; (F) a statement that failure to pay the Fire Rescue Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected Owners have a right to appear at the hearing and to file written objections with the Board within 20 days of the notice; and (H) the date, time, and place of the hearing. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each Owner at such address as is shown on the Tax Roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The County Manager may provide proof of such notice by affidavit. Failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board pursuant to this Ordinance.

**SECTION 2.06. ADOPTION OF FINAL ASSESSMENT RESOLUTION.** At the day and time named in such notice, or to which an adjournment or continuance may be taken by the Board, the Board shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the Board adopt the Final Assessment Resolution which shall (A) confirm, modify, or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (B) establish the rate of assessment to be imposed in the upcoming Fiscal Year; (C) establish a Maximum Assessment Rate that may be imposed in the event such rate was included in the Initial Assessment Resolution; (D) approve the initial Assessment Roll, with such amendments as it deems just and right; and (E) determine the method of collection. The adoption of the Final Assessment Resolution by the Board shall constitute a legislative determination that all parcels assessed derive a special benefit from the fire rescue services, facilities, or programs to be provided or constructed and a legislative determination that the Fire Rescue Assessments are fairly and reasonably apportioned among the properties that receive the special benefit. All written objections to the Final Assessment Resolution shall be filed with the County Manager at or before the time or adjourned time of such hearing. The Final Assessment Resolution shall constitute the Annual Rate Resolution for the initial Fiscal Year in which Fire Rescue Assessments are imposed or reimposed hereunder.

**SECTION 2.07. EFFECT OF FINAL ASSESSMENT RESOLUTION.** The Fire Rescue Assessments for the initial Fiscal Year shall be established upon adoption of the Final Assessment Resolution. The adoption of the Final Assessment Resolution shall be

the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property; the method of apportionment and assessment; the initial rate of assessment; the Maximum Assessment Rate, if any; the initial Assessment Roll; and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action on the Final Assessment Resolution. The initial Assessment Roll, as approved by the Final Assessment Resolution, shall be delivered to the Tax Collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Fire Rescue Assessments, such other official as the Board by resolution shall designate.

**SECTION 2.08. ADOPTION OF ANNUAL RATE RESOLUTION.**

(A) The Board shall adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year following the initial Fiscal Year for which a Fire Rescue Assessment is imposed hereunder.

(B) The initial proceedings for the adoption of an Annual Rate Resolution shall be the adoption of a Preliminary Rate Resolution by the Board (1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided; (2) determining the Fire Rescue Assessed Cost to be assessed for the upcoming Fiscal Year; (3) establishing the estimated assessment rate for the upcoming Fiscal Year; (4) establishing or increasing a Maximum Assessment Rate, if desired by the Board; (5) authorizing the date, time, and place of a public hearing to receive and consider comments

from the public and consider the adoption of the Annual Rate Resolution for the upcoming Fiscal Year; and (6) directing the County Manager to (a) update the Assessment Roll, (b) provide notice by publication and first class mail to affected Owners in the event circumstances described in subsection (F) of this Section so require, and (c) directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the County.

(C) The Annual Rate Resolution shall (1) establish the rate of assessment to be imposed in the upcoming Fiscal Year and (2) approve the Assessment Roll for the upcoming Fiscal Year with such adjustments as the Board deems just and right. The Assessment Roll shall be prepared in accordance with the method of apportionment set forth in the Initial Assessment Resolution, or any subsequent Preliminary Rate Resolution, together with modifications, if any, that are provided and confirmed in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(D) Nothing herein shall preclude the Board from providing annual notification to all Owners of Assessed Property in the manner provided in either or both Sections 2.04 or 2.05 hereof.

(E) The Board may establish or increase a Maximum Assessment Rate Assessment in an Initial or Preliminary Rate Resolution and confirm such Maximum Assessment Rate in the event notice of such Maximum Rate Assessment has been included in the notices required by Section 2.04 and 2.05 hereof.

(F) In the event (1) the proposed Fire Rescue Assessment for any Fiscal Year exceeds the rates of assessment adopted by the Board including a Maximum Assessment

Rate, if any, that were listed in the notices previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (2) the purpose for which the Fire Rescue Assessment is imposed or the use of the revenue from the Fire Rescue Assessment is substantially changed from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, (3) Assessed Property is reclassified or the method of apportionment is revised or altered resulting in an increased Fire Rescue Assessment from that represented by notice previously provided to the Owners of Assessed Property pursuant to Sections 2.04 and 2.05 hereof, or (4) an Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice shall be provided by publication and first class mail to the Owners of such Assessed Property as provided by law. Such notice shall substantially conform with the notice requirements set forth in Sections 2.04 and 2.05 hereof and inform the Owner of the date, time, and place for the adoption of the Annual Rate Resolution. The failure of the Owner to receive such notice due to mistake or inadvertence, shall not affect the validity of the Assessment Roll nor release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board pursuant to this Ordinance.

(G) As to any Assessed Property not included on an Assessment Roll approved by the adoption of the Final Assessment Resolution or a prior year's Annual Rate Resolution, the adoption of the succeeding Annual Rate Resolution shall be the final adjudication of the issues presented as to such Assessed Property (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed

Property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a Maximum Assessment Rate, the Assessment Roll, and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the Board action on the Annual Rate Resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any Fire Rescue Assessment not challenged within the required 20 day period for those Fire Rescue Assessments previously imposed against Assessed Property by the inclusion of the Assessed Property on an Assessment Roll approved in the Final Assessment Resolution or any subsequent Annual Rate Resolution.

(H) The Assessment Roll, as approved by the Annual Rate Resolution, shall be delivered to the Tax Collector as required by the Uniform Assessment Collection Act, or if the alternative method described in Section 3.02 hereof is used to collect the Fire Rescue Assessments, such other official as the Board by resolution shall designate. If the Fire Rescue Assessment against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the Assessment Roll.

**SECTION 2.09. LIEN OF FIRE RESCUE ASSESSMENTS.** Upon the adoption of the Assessment Roll, all Fire Rescue Assessments shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Fire Rescue Assessment shall be deemed perfected upon adoption by the Board of the Final Assessment Resolution or the Annual Rate Resolution, whichever is



applicable. The lien for a Fire Rescue Assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the Tax Roll. The lien for a Fire Rescue Assessment collected under the alternative method of collection provided in Section 3.02 shall be deemed perfected upon adoption by the Board of the Final Assessment Resolution or the Annual Rate Resolution, whichever is applicable, and shall attach to the property on such date of adoption.

**SECTION 2.10. REVISIONS TO FIRE RESCUE ASSESSMENTS.** If any Fire Rescue Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Board is satisfied that any such Fire Rescue Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Board may take all necessary steps to impose a new Fire Rescue Assessment against any property benefited by the Fire Rescue Assessed Costs, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Fire Rescue Assessment is annulled, vacated, or set aside, the Board may obtain and impose other Fire Rescue Assessments until a valid Fire Rescue Assessment is imposed.

**SECTION 2.11. PROCEDURAL IRREGULARITIES.** Any informality or irregularity in the proceedings in connection with the levy of any Fire Rescue Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Fire Rescue Assessment as finally approved shall be competent

and sufficient evidence that such Fire Rescue Assessment was duly levied, that the Fire Rescue Assessment was duly made and adopted, and that all other proceedings adequate to such Fire Rescue Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

**SECTION 2.12. CORRECTION OF ERRORS AND OMISSIONS.**

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, County Manager, Board, or their deputies or employees, shall operate to release or discharge any obligation for payment of a Fire Rescue Assessment imposed by the Board under the provision of this Ordinance.

(B) When it shall appear that any Fire Rescue Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of fire rescue services, facilities, or programs, but that such property was omitted from the Assessment Roll or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Roll approved by the Annual Rate Resolution for any upcoming Fiscal Year, the Board may, upon provision of a notice by mail provided to the Owner of the omitted parcel in the manner and form provided in Section 2.05, impose the applicable Fire Rescue Assessment for the Fiscal Year in which such error is discovered, in addition to the applicable Fire Rescue Assessment due for the prior two Fiscal Years. Such Fire Rescue Assessment shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior

liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in Article III hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(C) Prior to the delivery of the Assessment Roll to the Tax Collector in accordance with the Uniform Assessment Collection Act, the County Manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the Owner of any property subject to a Fire Rescue Assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the Fire Rescue Assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the Fire Rescue Assessment imposed under the provisions of this Ordinance. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the County Manager and not the Property Appraiser or Tax Collector.

(D) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the Tax Roll upon timely written request and direction of the County Manager.

**SECTION 2.13. INTERIM ASSESSMENTS.** For all Tax Parcels for which a building permit is issued on or after January 1, 1999, an Interim Fire Rescue Assessment

may be imposed against all property for which a Certificate of Occupancy (or building permit as determined by the Board) is issued. The amount of the interim Fire Rescue Assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the Annual Rate Resolution for the Fiscal Year in which the Certificate of Occupancy (or building permit as determined by the Board) is issued. Such monthly rate shall be imposed for each full calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Fire Rescue Assessment shall also include an estimate of the subsequent Fiscal Year's Fire Rescue Assessment. In the event the Board adopts and authorizes the imposition of an Interim Fire Rescue Assessment by resolution, no Certificate of Occupancy (or building permit as determined by the Board) shall be issued until full payment of the interim Fire Rescue Assessment is received by the County. Issuance of the Certificate of Occupancy (or building permit as determined by the Board) by mistake or inadvertence, and without the payment in full of the interim Fire Rescue Assessment, shall not relieve the Owner of such property of the obligation of full payment. For the purpose of this provision, such interim Fire Rescue Assessment shall be deemed due and payable on the date the Certificate of Occupancy (or building permit as determined by the Board) was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the Certificate of Occupancy (or building permit as determined by the Board).

**SECTION 2.14. INCLUSION OF MUNICIPAL AREAS.**

(A) The areas provided fire rescue services, facilities, and programs by the County and subject to the imposition of Fire Rescue Assessments may include incorporated areas. However, any municipality not heretofore providing evidence of consent to such assessments by ordinance, shall evidence a request for inclusion and consent to such inclusion by ordinance in substantially the form attached hereto as Appendix A. The City of Minneola, the Town of Astatula, the Town of Howey-In-The-Hills, and the Town of Lady Lake shall not be required to provide additional request or consent by ordinance to continue to be included within the areas provided fire rescue services by the County.

(B) Any municipal request or consent for inclusion given to the County shall thereafter be deemed given in advance and automatically renewed for each Fiscal Year thereafter unless such request and consent is timely withdrawn by the adoption of an ordinance abandoning the municipality's request and consent and providing a certified copy of such ordinance to the Board prior to May 1 preceding the Fiscal Year for which such request and consent is being withdrawn. Inclusion of any municipality shall be irrevocable for any Fiscal Year in which Fire Rescue Assessments are levied by the County within an incorporated area.

## **ARTICLE III**

### **COLLECTION AND USE OF FIRE RESCUE ASSESSMENTS**

#### **SECTION 3.01. METHOD OF COLLECTION.**

(A) Unless otherwise directed by the Board, the Fire Rescue Assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

(B) The amount of a Fire Rescue Assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the Owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Fire Rescue Assessment upon certification of a non-ad valorem roll to the Tax Collector by the County.

**SECTION 3.02. ALTERNATIVE METHOD OF COLLECTION.** In lieu of utilizing the Uniform Assessment Collection Act, the Board may elect to collect the Fire Rescue

Assessments by any other method which is authorized by law or under the alternative collection method provided by this Section:

(A) The Board shall provide Fire Rescue Assessment bills by first class mail to the Owner of each affected parcel of property, other than Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Fire Rescue Assessment, (2) a description of the unit of measurement used to determine the amount of the Fire Rescue Assessment, (3) the number of units contained within the parcel, (4) the total amount of the Fire Rescue Assessment imposed against the parcel for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Fire Rescue Assessment is due, and (7) a statement that the Fire Rescue Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(B) A general notice of the lien resulting from imposition of the Fire Rescue Assessments shall be recorded in the Official Records of the County. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The Board shall have the right to foreclose and collect all delinquent Fire Rescue Assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A Fire Rescue Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The Board or its agent shall notify any property owner who is delinquent in payment of his or her Fire Rescue Assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the

Board or its agent will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent Fire Rescue Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent Fire Rescue Assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as any Person. The Board or its agent may join in one foreclosure action the collection of Fire Rescue Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent Owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Board and its agents, including reasonable attorney fees, in collection of such delinquent Fire Rescue Assessments and any other costs incurred by the Board as a result of such delinquent Fire Rescue Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) In lieu of foreclosure, any delinquent Fire Rescue Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the Owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and



(2) any existing lien of record on the affected parcel for the delinquent Fire Rescue Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(F) Notwithstanding the Board's use of an alternative method of collection, the County Manager shall have the same power and authority to correct errors and omissions as provided to her or other county officials in Section 2.12 hereof.

(G) Any Board action required in the collection of Fire Rescue Assessments may be by resolution.

**SECTION 3.03. GOVERNMENT PROPERTY.**

(A) In the event Fire Rescue Assessments are imposed against Government Property, the Board shall provide Fire Rescue Assessment bills by first class mail to the Owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Fire Rescue Assessment, (2) a description of the unit of measurement used to determine the amount of the Fire Rescue Assessment, (3) the number of units contained within the parcel, (4) the total amount of the parcel's Fire Rescue Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Fire Rescue Assessment is due.

(B) Fire Rescue Assessments imposed against Government Property shall be due on the same date as all other Fire Rescue Assessments and, if applicable, shall be subject to the same discounts for early payment.

(C) A Fire Rescue Assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The Board shall notify the Owner of any Government Property that is delinquent in payment of its Fire Rescue Assessment within 60 days from the date such assessment was due. Such notice shall state that the Board will initiate a mandamus or other appropriate judicial action to compel payment.

(D) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent Owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County, including reasonable attorney fees, in collection of such delinquent Fire Rescue Assessments and any other costs incurred by the Board as a result of such delinquent Fire Rescue Assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(E) As an alternative to the foregoing, a Fire Rescue Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in periodic installments with a remedy of a mandamus action in the event of non-payment. The Board may contract for such billing services with any utility, whether or not such utility is owned by the County.

## ARTICLE IV

### GENERAL PROVISIONS

#### SECTION 4.01. APPLICABILITY.

(A) This Ordinance and the Board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated areas of the County and throughout the incorporated area of any municipality whose governing body has heretofore or hereafter requested and consented to the provision of the fire rescue services, facilities, and programs by the County.

(B) Notwithstanding the provisions of paragraph (A) of this Section, the request and consent of the governing body of the affected municipality shall not be required for the imposition of a Fire Rescue Assessment within municipal areas if the Board shall determine prior to or at the time of the adoption of the Final Assessment Resolution that: (1) the fire rescue services, facilities, or programs identified in the Initial Assessment Resolution is of a subject matter preempted to the County by law or the Florida Constitution; or (2) the proposed Fire Rescue Assessment proceeds provides, in whole or part, county fire rescue services, facilities, or programs for which the residents or property within such municipal areas receive a special benefit.

#### SECTION 4.02. ALTERNATIVE METHOD.

(A) This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.

This Ordinance, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

(B) Nothing herein shall preclude the Board from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the County, (2) any notice required by this Ordinance, or (3) any notice required by law, including the Uniform Assessment Collection Act.

**SECTION 4.03. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

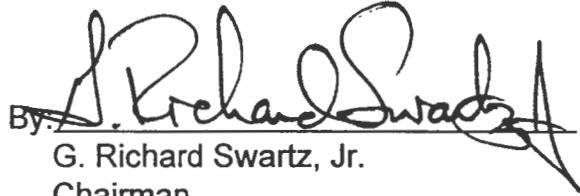
**SECTION 4.04. INCLUSION IN LAKE COUNTY CODE.** It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 4.05. FILING WITH THE DEPARTMENT OF STATE AND EFFECTIVE DATE.** The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.


DULY ENACTED this 4th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

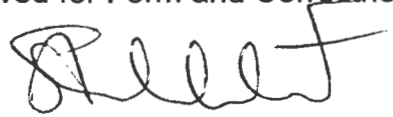
(SEAL)

By:   
G. Richard Swartz, Jr.  
Chairman

ATTEST:

  
James C. Watkins, Clerk of the  
Board of County Commissioners  
of Lake County, Florida

Approved for Form and Correctness:

By:   
Sanford A. Minkoff  
County Attorney

**APPENDIX A**

**FORM OF MUNICIPAL REQUEST AND CONSENT ORDINANCE**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE [CITY OR TOWN OF] [city], FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF ALL OF [city] WITHIN A MUNICIPAL SERVICE BENEFIT UNIT OR OTHER SPECIFIC GEOGRAPHIC AREA DESIGNATED BY LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES; PROVIDING FOR ANNUAL RENEWAL OF SUCH REQUEST AND CONSENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE [CITY OR TOWN] [Council or Commission] OF [city], FLORIDA:

**SECTION 1.01. FINDINGS.** It is hereby ascertained, determined, and declared that:

(A) The Board of County Commissioners of Lake County, Florida (the "County"), has enacted ordinances authorizing the County to create or identify a municipal service taxing or benefit unit or other specific geographic area within which the County imposes and collects assessments for fire rescue services within incorporated and unincorporated areas of the County.

(B) The [City or Town] [Council or Commission] of [city] has determined that the inclusion of the incorporated area of [city or town] within such municipal service benefit unit or specific geographic area by the County for the purpose of providing fire rescue services is in the best interests of the owners of property within the corporate limits of [city].

**SECTION 1.02. REQUEST AND CONSENT OF [city].** The [City or Town] [Council or Commission] of [city] hereby requests and consents to the inclusion of all

of the incorporated area of [city] within an identified municipal service taxing or benefit unit or specific geographic area created or identified by the County to provide fire rescue services, facilities, and programs and to the imposition of a special assessment by the County to fund such services, facilities and programs. Such request and consent shall become effective upon adoption of this ordinance for the upcoming fiscal year. The [City or Town] [Council or Commission] finds that the provision of fire rescue services is an essential municipal purpose.

**SECTION 1.03. ANNUAL RENEWAL OF REQUEST AND CONSENT.** Request and consent of the [City or Town] [Council or Commission] of [city] given to the County by this Ordinance shall be deemed given in advance for each fiscal year hereafter and shall be automatically renewed for each succeeding fiscal year unless such request and consent is subsequently withdrawn as provided herein. Request and consent shall be irrevocable for any fiscal year in which the subject fire rescue assessments are levied by the County within the incorporated area. [city] may only withdraw such consent for any subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to the County prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**SECTION 1.04. SEVERABILITY.** The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.



**SECTION 1.05. EFFECTIVE DATE.**

This Ordinance shall take effect as

provided by law.

**DULY ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

(SEAL)

**[CITY OR TOWN] [Council or  
Commission] OF [CITY], FLORIDA**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
CLERK

**LAKE COUNTY 2020 FINAL ADOPTED AND CERTIFIED MILLAGE RATES**

		0001	0002/CG02	0003/BC03	0004	0005 AV05/GL05	0006/MP06	GH03	DI02	GG05	IT02	F001/H001
<b>Taxing Authorities:</b>												
1	Lake County BCC General Fund	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327	5.0327
37	Lake County MSTU Stormwater	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957	0.4957
40	Lake County MSTU Fire	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	0.4704	N/A
39	Lake County Voted Debt Service for Environmental Land purchase	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100	0.1100
38	Lake County MSTU Ambulance	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629	0.4629
7	Lake County School Board (State)	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010	3.7010
8	Lake County School Board (Local)	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980	2.9980
	Total School	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990	6.6990
9	Lake County Water Authority	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368	0.3368
12	North Lake Hospital	0.8950	0.8950				0.8950		0.8950		0.8950	0.8950
36	Levied by SW FL Water Mgmt Dist				0.2669							
16	Levied by St Johns FL Water Mgmt Dist--District Funds	0.2287	0.2287	0.2287		0.2287	0.2287	0.2287	0.2287	0.2287	0.2287	0.2287
<b>TOTAL COUNTY MILLAGE</b>		<b>14.7312</b>	<b>14.7312</b>	<b>13.8362</b>	<b>13.8744</b>	<b>13.8362</b>	<b>14.7312</b>	<b>13.8362</b>	<b>14.7312</b>	<b>13.8362</b>	<b>14.7312</b>	<b>14.2608</b>
	<i>(Non School Millage)</i>	<b>8.0322</b>	<b>8.0322</b>	<b>7.1372</b>	<b>7.1754</b>	<b>7.1372</b>	<b>8.0322</b>	<b>7.1372</b>	<b>8.0322</b>	<b>7.1372</b>	<b>8.0322</b>	<b>7.5618</b>
	<i>(Senior Millage)</i>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.5717</b>	<b>6.1013</b>
<b>Cities:</b>						<b>Non-School Mill</b>						
19	Astatula (000A)	21.7355	7.5000			15.0365						
20	Clermont (000C, 00C1, 0C1X)	17.0762		4.2061		10.3772						
21	Eustis (000E, 00E1, 0E1X)	21.3461	7.5810			14.6471						
24	Fruitland Park (000F, 00F1, 00F2, VOFP)	17.6785	3.9134			10.9795						
25	Groveland (00GR, 0GR1, CSGR, CHGR)	18.0701		5.2000		11.3711						
26	Howey in the Hills (000H)	21.7355	7.5000			15.0365						
28	Lady Lake (00LL)	17.6317	3.3962			10.9327						
28	Lady Lake (F0LL, FVCD)	17.1613	3.3962			10.4623						
27	Leesburg (000L, 00L1, 00L2, 0L2X, 00L3, AR0L)	17.8737	4.1086			11.1747						
29	Mascotte (00MA, 0MA1)	20.0024		7.1323		13.3034						
31	Minneola (00MI, 0MI1, 0MI2)	18.9701		6.1000		12.2711						
32	Montverde (00MV)	15.7001		2.8300		9.0011						
30	Mount Dora (00MD, 0MD1, 0MD2)	19.7254	5.9603			13.0264						
33	Tavares (000T, 00T1, 00T2)	20.9274	6.9000			14.2284						
41	Tavares Debt Service (all Tavares Mills)		0.2623			N/A						
34	Umatilla (000U, 0U-6, 00U1)	20.8740	7.1089			14.1750						



Unincorporated Lake County, Town of Astatula, Town of Howey in the Hills, and Town of Lady Lake (00LL) are subject to the Fire MSTU.

F0LL, FVCD, F001, and H001 have their own Fire Services and do NOT receive the Fire MSTU.

Stormwater MSTU only applies to Unincorporated areas.

1-Oct-20

Residential Property Use	Rate Per Dwelling Unit	Villages Fire Dist		
Residential	\$213	\$124.00		
Non-Residential Property Use	Rate Per Space or Room			
RV Parks - Spaces	\$60			
Hotel and Motel Rooms	\$60			
Non-Residential Property Use Categories	Building Classification (in square foot ranges)	Commercial	Industrial/ Warehouse	Institutional
	< 250	\$0	\$0	\$0
	251 - 1,999	\$280	\$45	\$644
	2,000 - 3,499	\$559	\$89	\$1,288
	3,500 - 4,999	\$979	\$156	\$2,254
	5,000 - 9,999	\$1,398	\$223	\$3,220
	10,000 - 19,999	\$2,796	\$447	\$6,440
	20,000 - 29,999	\$5,592	\$893	\$12,879
	30,000 - 39,999	\$8,388	\$1,340	\$19,319
	40,000 - 49,999	\$11,184	\$1,786	\$25,758
	> 50,000	\$13,980	\$2,233	\$32,198
Vacant Land	\$59			

The Villages®  
**DAILY SUN**

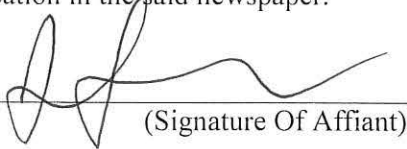
Published Daily  
Lady Lake, Florida  
State of Florida  
County Of Lake

Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00977815 in the matter of **NOTICE OF ORDINANCE 2020-014**

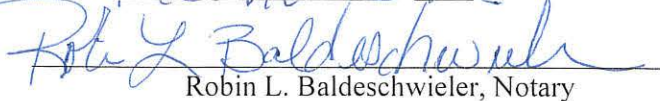
was published in said newspaper in the issues of

**DECEMBER 2, 2020**

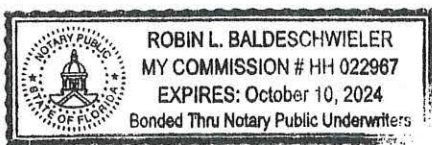
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.

  
(Signature Of Affiant)

Sworn to and subscribed before me this 2 day of December 20 20

  
Robin L. Baldeschwieler, Notary

Personally Known X or  
Production Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



Attach Notice Here:

**ORDINANCE 2020-014**

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS FOR FIRE RESCUE SERVICES BY LAKE COUNTY WITHIN SAID AREA; PROVIDING FOR

ANNUAL RENEWAL OF EACH SUCH REQUEST AND CONSENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

This ordinance will be presented for public hearing by the City of Fruitland Park City Commission first reading at its regular meeting to be held on Thursday, December 10, 2020 and second reading to be held on December 17, 2020 at 6:00 p.m. in the commission chambers of city hall, 506 West Berckman Street, Fruitland Park, Florida 34731. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time certain This ordinance may be reviewed or copies of same obtained from the city clerk's office at city hall between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday.

Anyone requiring special accommodations and need assistance to participate at these meetings because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least forty-eight (48) hours prior to the hearing. (Florida Statutes 286.26)

If a person decides to appeal any decision made by the City of Fruitland Park Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (Florida Statutes 286.0105)

#977815 December 2, 2020

# Advertising Invoice

## The Villages Daily Sun

1100 Main St.  
The Villages, FL 32159

Phone: (352)753-1119

Fax: (352)751-7999

URL: <http://www.thevillagesdailysun.com>

PEGGY  
CITY OF FRUITLAND PARK  
506 W BERKMAN STREET  
FRUITLAND PARK, FL 34731

Acct #: 90105387  
Phone: (352)360-6727  
Date: 12/1/2020  
Ad #: 00977815  
Salesperson: 13 Ad Taker: 13

Class: 0100

Description	Start	Stop	Ins.	Cost/Day	Extras	Amount
ORDINANCE 2020-014 AN	12/2/2020	12/2/2020	1	91.16	0.00	91.16

**Ad Text:**

ORDINANCE 2020-014

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, REQUESTING AND CONSENTING TO THE INCLUSION OF A PORTION OF THE INCORPORATED AREA OF THE CITY OF FRUITLAND PARK, KNOWN AS "HISTORIC FRUITLAND PARK" AND AS SET FORTH HEREIN, WITHIN THE 'LAKE COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION' IN ORDER FOR LAKE COUNTY TO PROVIDE FIRE RESCUE SERVICES AND IMPOSE A TAX FOR SAME; EXCLUDING THE VILLAGES OF FRUITLAND PARK FROM THE MSTU; REQUESTING AND CONSENTING TO IMPOSITION AND

**Payment Reference:**

Total: 91.16  
Tax: 0.00  
Net: 91.16  
Prepaid: 0.00

**Total Due 91.16**

**CITY OF FRUITLAND PARK**  
**AGENDA ITEM SUMMARY SHEET**  
**Item Number: 6**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	<b>December 17, 2020</b>
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	December 11, 2020
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

**Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

<b>Action to be Taken:</b>	<b>None</b>
<b>Staff's Recommendation:</b>	N/A
<b>Additional Comments:</b>	N/A
<b>City Manager Review:</b>	Yes
<b>Mayor Authorization:</b>	Yes

**RESOLUTION 2013 -023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1.        Citizen's Rights

(a)        Definition.        For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b)        Right to be Heard:        Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1.        An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2.        An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3.        A meeting that is exempt from §286.011; or
4.        A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2.        Suspension and Amendment of these Rules

(a)        Suspension of these Rules:        Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b)        Amendment of these Rules:        These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

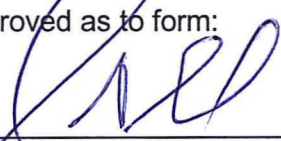
ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney



Select Year:  

## The 2019 Florida Statutes

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[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

## PUBLIC BUSINESS

## PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

**286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—**

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

**History.**—s. 1, ch. 2013-227.

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