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FILED WITH THE DEPARTMENT OF STATE: December 8, 2015

ORDINANCE
NUMBER 2015-052

AN ORDINANCE CREATING THE MANASOTA KEY BEACH RENOURISHMENT MUNICIPAL SERVICE TAXING UNIT FOR THE UNINCORPORATED AREA OF CHARLOTTE COUNTY; PROVIDING FOR THE BOUNDARIES OF THE UNIT AS PARTICULARLY DESCRIBED IN THE MAP ATTACHED HERETO AS EXHIBIT A; AUTHORIZING THE MANASOTA KEY BEACH RENOURISHMENT MSTU TO ANNUALLY LEVY AD VALOREM TAXES TO PROVIDE BEACH RENOURISHMENT, RESTORATION, EROSION CONTROL AND STORM PROTECTION, AND OTHER RELATED SERVICES, FACILITIES, IMPROVEMENTS AND PROGRAMS; AUTHORIZING A PLEDGE OF THE MANASOTA KEY BEACH RENOURISHMENT MSTU AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT AS PROVIDED BY GENERAL LAW; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 4035 PAGE 1582 PAGE 1 OF 7
I:ISTR # 2401277 Doc Type: GOV
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Rec. Fee: RECORDING \$61.00
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared that:

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

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit to fund beach



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erosion control and other essential facilities and municipal services within any part or all of the unincorporated area of the County and within the boundaries of a municipality if the municipality consents by ordinance to inclusion within the municipal service taxing unit.

(C) The purpose of this Ordinance is to create the Manasota Key Beach Renourishment Municipal Service Taxing Unit (the "Beach Renourishment MSTU") to fund beach renourishment, restoration, erosion control and storm protection, and related maintenance services, facilities, improvements, and programs within the MSTU as established in Section 2 hereof.

(D) The County has determined that certain costs associated with beach renourishment, restoration, erosion control and storm protection, and related maintenance services, facilities, improvements, and programs including, but not necessarily limited to, personnel costs, salaries, operation costs, and capital costs associated with these functions, can be properly allocated between the Beach Renourishment MSTU and the remaining areas on Manasota Key not included within the Beach Renourishment MSTU based upon the relative amounts of service and improvements provided within each area.

(E) The County is required to include and fund the approved annual budget of the Beach Renourishment MSTU within the County's annual budget.

(F) Pursuant to Section 200.065(5), Florida Statutes, the maximum millage rate the County can adopt, including any millage levied within a municipal service taxing unit, absent a minimum supermajority vote is the rolled-back rate based upon the amount of taxes which would have been levied in the prior year if the maximum millage

rate had been adopted, as adjusted for change in the per capita Florida personal income.

SECTION 2. CREATION. The Manasota Key Beach Renourishment Municipal Service Taxing Unit is hereby created as a new taxing unit which shall be coterminous with the unincorporated areas of the County lying In Manasota Key, as more particularly described in Attachment A.

SECTION 3. AUTHORIZATION OF AD VALOREM TAXES. The Board is hereby authorized to levy annual ad valorem taxes not to exceed the legally allowable millage upon taxable real and personal property within the Beach Renourishment MSTU beginning with the County budget for the fiscal year beginning October 1, 2016. The budget and millage rate for the Beach Renourishment MSTU shall be approved and levied in the manner provided by general law for the levy of County ad valorem taxes.

SECTION 4. PURPOSE AND AUTHORIZATION OF EXPENDITURES.

(A) The Beach Renourishment MSTU is established for the provision of beach renourishment, restoration, erosion control and storm protection, and related maintenance services, facilities, improvements, and programs including, but not necessarily limited to, personnel costs, salaries, operation costs, and capital costs associated with these functions provided by or through Charlotte County for the benefit of the property or residents within the boundaries of the Beach Renourishment MSTU.

(B) Revenues derived from ad valorem taxes levied within the Beach Renourishment MSTU shall be used for the provision of beach renourishment, restoration, erosion control and storm protection, and related maintenance services,

facilities, improvements, and programs to properties located within the boundaries of the Beach Renourishment MSTU.

SECTION 5. BOND REFERENDUM. In the event the Board desires to pledge the MSTU's ad valorem tax to the retirement of debt issued for the purpose of financing beach renourishment, restoration, erosion control and storm protection facilities, improvements, and equipment, the Board shall cause a bond referendum election to be held in accordance with applicable provision of general law. Upon approval at referendum, the Board shall have all powers necessary to issue bonds in accordance with Florida law.

SECTION 6. CODIFICATION. It is the intention of the Board of County Commissioners of Charlotte County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Charlotte County, Florida, that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article," or other appropriate designation.

SECTION 7. EFFECTIVE DATE. The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. The Ordinance shall take effect immediately upon its filing with the Department of State.

[SIGNATURE PAGE TO FOLLOW]

PASSED AND DULY ADOPTED this 8th day of December, 2015.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Trex

William G. Trex, Chair

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: Michelle D. Bernardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton

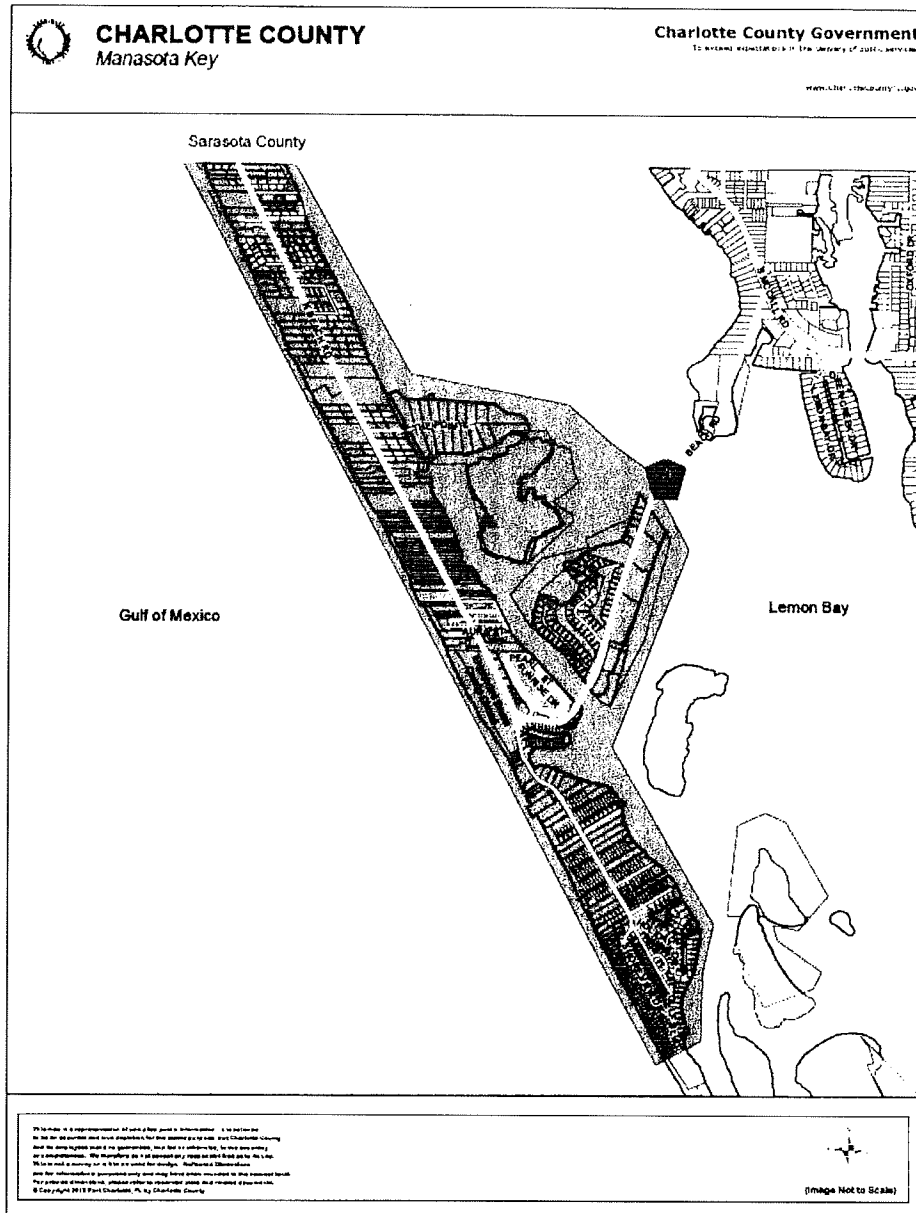
Janette S. Knowlton, County Attorney

LR15-3234 - JMS

ATTACHMENT A

MANASOTA KEY BEACH RENOURISHMENT MUNICIPAL SERVICE TAXING UNIT

The Beach Renourishment Municipal Service Taxing Unit includes such lands lying on Manasota Key within Charlotte County, Florida, as more particularly described in the map below:





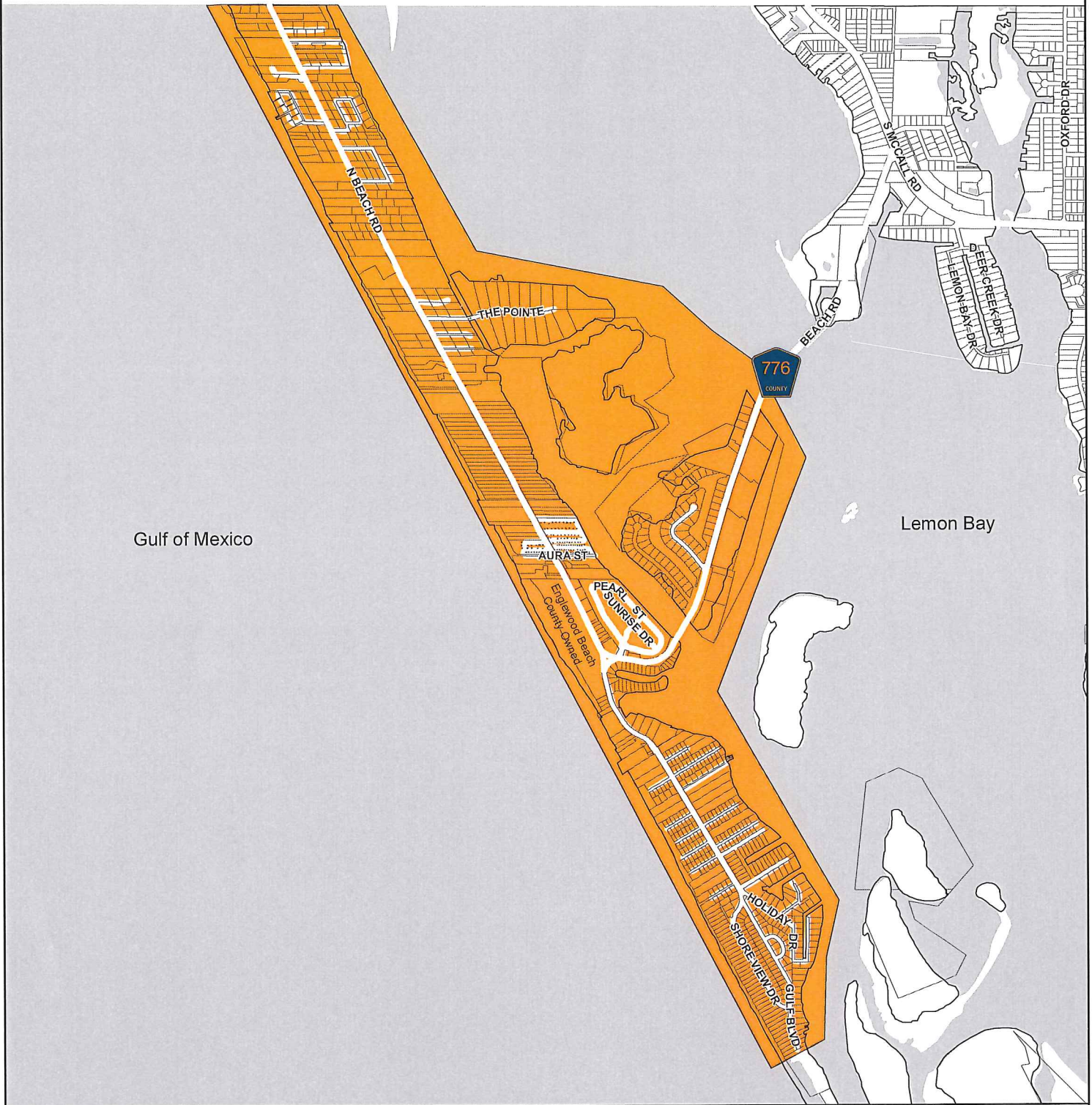
CHARLOTTE COUNTY

Manasota Key

Charlotte County Government
"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov

Sarasota County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no warranties, implied or otherwise, to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.
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(Image Not to Scale)

ECONOMIC IMPACT ESTIMATE

AN ORDINANCE CREATING THE MANASOTA KEY BEACH RENOURISHMENT MUNICIPAL SERVICE TAXING UNIT FOR THE UNINCORPORATED AREA OF CHARLOTTE COUNTY; PROVIDING FOR THE BOUNDARIES OF THE UNIT AS PARTICULARLY DESCRIBED IN THE MAP ATTACHED HERETO AS EXHIBIT A; AUTHORIZING THE MANASOTA KEY BEACH RENOURISHMENT MSTU TO ANNUALLY LEVY AD VALOREM TAXES TO PROVIDE BEACH RENOURISHMENT, RESTORATION, EROSION CONTROL AND STORM PROTECTION, AND OTHER RELATED SERVICES, FACILITIES, IMPROVEMENTS AND PROGRAMS; AUTHORIZING A PLEDGE OF THE MANASOTA KEY BEACH RENOURISHMENT MSTU AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT AS PROVIDED BY GENERAL LAW; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: This Ordinance sets the territory for an MSTU in Manasota Key. As part of the budget discussions, staff will research options and make recommendations to the Board of County Commissioners.

IMPACT:

- | | |
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| A. Cost of Implementation: | Nominal – Staff time and advertising. |
| B. Source of Funds/Ultimate Burden of Costs: | N/A |
| C. Effect on Competition and the Employment Market | N/A |
| D. Benefits on Implementation: | Review options for the next FY2017 budget. |



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 8, 2015

Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-052, which was filed in this office on December 8, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



PUBLISHER'S AFFIDAVIT OF PUBLICATION
 STATE OF FLORIDA
 COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Natalie Musser, who on oath says that she is legal clerk of the Charlotte Sun and the Englewood Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issue(s) of:

November 28, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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.

Natalie Musser
 (Signature of Affiant)

Sworn and subscribed before me this 30th day of November, 2015

Phyllis Moll
 (Signature of Notary Public)

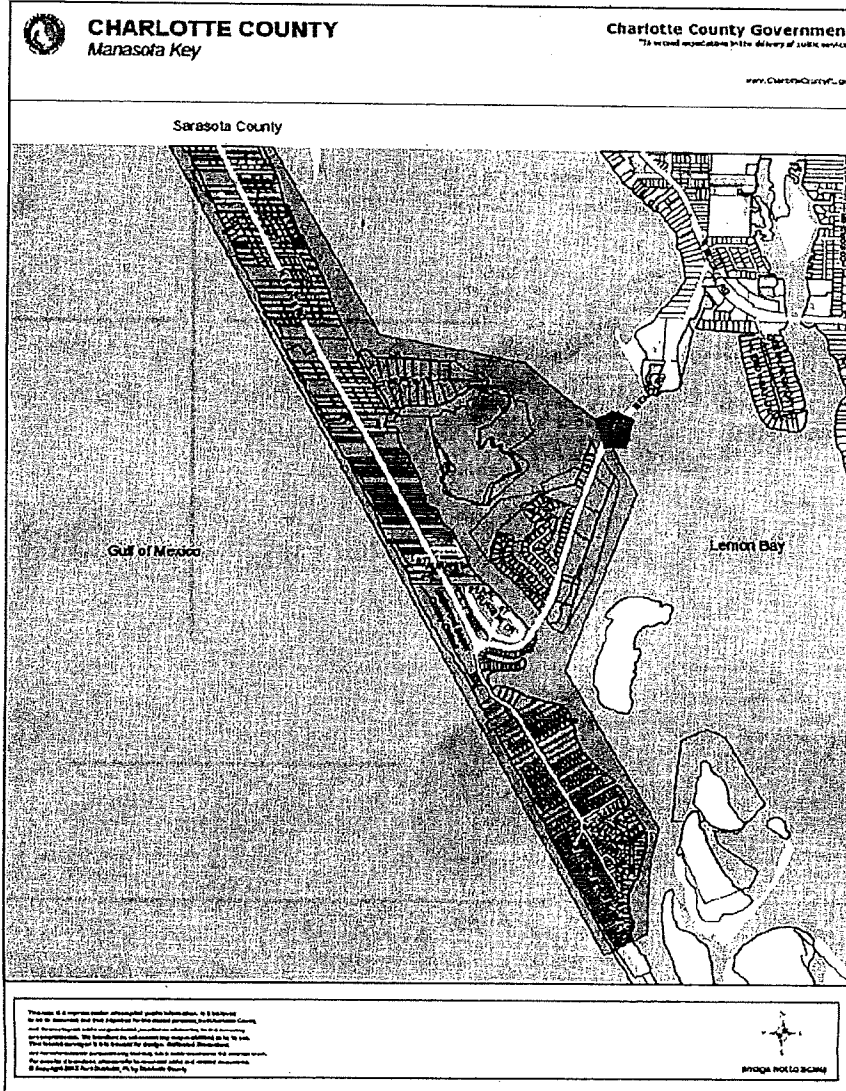


Personally Known OR Produced Identification

Type of Identification Produced _____

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

AN ORDINANCE CREATING THE MANASOTA KEY BEACH RENOURISHMENT MUNICIPAL SERVICE TAXING UNIT FOR THE UNINCORPORATED AREA OF CHARLOTTE COUNTY; PROVIDING FOR THE BOUNDARIES OF THE UNIT AS PARTICULARLY DESCRIBED IN THE MAP ATTACHED HERETO AS EXHIBIT A; AUTHORIZING THE MANASOTA KEY BEACH RENOURISHMENT MSTU TO ANNUALLY LEVY AD VALOREM TAXES TO PROVIDE BEACH RENOURISHMENT, RESTORATION, EROSION CONTROL AND STORM PROTECTION, AND OTHER RELATED SERVICES, FACILITIES, IMPROVEMENTS AND PROGRAMS; AUTHORIZING A PLEDGE OF THE MANASOTA KEY BEACH RENOURISHMENT MSTU AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT AS PROVIDED BY GENERAL LAW; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



A public hearing on this ordinance will be held at 10AM, or as soon thereafter as it may be heard, on the 8th day of December, 2015, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he may need to 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.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to <mailto:Terri.Hendriks@CharlotteCountyFL.gov>.

