



CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK: 4259 PAGE 116 PAGE: 1 OF 5  
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Cashier By: KAREN B

ORDINANCE  
NUMBER 2017-049

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING PART IV, CHAPTER 4-3.5, ARTICLE VII, CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES PERTAINING TO THE INTEGRATED SHORELINE MANAGEMENT MUNICIPAL SERVICE TAXING UNIT; RENAMING THE UNIT THE STUMP PASS DREDGING MUNICIPAL SERVICE TAXING UNIT; AMENDING THE SCOPE TO LIMIT THE PURPOSE TO THE DREDGING OF STUMP PASS AND RELATED MAINTENANCE SERVICES, FACILITIES IMPROVEMENTS AND PROGRAMS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Charlotte County Board of County Commissioners (the "Board"), pursuant to Sec. 125.01(q), Florida Statutes, has the power to establish, merge or abolish municipal service benefit or taxing units; and

**WHEREAS**, it is the desire of the Board to amend the name of the "Integrated Shoreline Management Municipal Service Taxing Unit" to the "Stump Pass Municipal Service Taxing Unit" and amend the purpose to limit the scope to dredging and related maintenance services, facilities, improvements, and programs.

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

Section 1. Part IV, Chapter 4-3.5, Article VII, of the Charlotte County Code of Laws and Ordinances is hereby amended as follows:

mins

33 **ARTICLE VII. - INTEGRATED SHORELINE MANAGEMENT STUMP PASS**  
34 **DREDGING MUNICIPAL SERVICE TAXING UNIT**

35 **Sec. 4-3.5-81. - Findings.**

36 It is hereby ascertained, determined and declared that:

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

43 (b) ~~Sections 125.01(q) and (r), Florida Statutes, provide specific legislative~~  
44 ~~authorization for counties to establish a municipal service taxing unit to fund~~  
45 ~~essential facilities and municipal services within any part or all of the~~  
46 ~~unincorporated area of the county and within the boundaries of a municipality if~~  
47 ~~the municipality consents by ordinance to inclusion within the municipal service~~  
48 ~~taxing unit, including but not limited to, the provision of beach erosion control.~~

49 (c) ~~Coastal and shoreline conditions within an unincorporated area of the County,~~  
50 ~~more particularly described in section 4-3.5-82, have deteriorated such that there~~  
51 ~~is a need to fund a comprehensive shoreline management program for the entire~~  
52 ~~coastal area of the county for the provision of beach renourishment, restoration,~~  
53 ~~dredging, erosion control, and storm protection, and related maintenance~~  
54 ~~services, facilities, improvements, and programs within such area. These~~  
55 ~~contemplated services and facilities constitute essential facilities and municipal~~  
56 ~~services within the meaning of sections 125.01(q) and (r), Florida Statutes.~~

57 (d) ~~The purpose of this article is to rename and expand the intended purpose of the~~  
58 ~~existing Stump Pass/Beach Renourishment Taxing Unit to provide for this~~  
59 ~~comprehensive shoreline management program to fund beach renourishment,~~  
60 ~~restoration, erosion control and storm protection, and related maintenance~~  
61 ~~services, facilities, improvements, and programs within the MSTU as established~~  
62 ~~herein.~~

63 (e)(b) The county has determined that certain costs associated with beach  
64 renourishment, restoration, dredging of Stump Pass, erosion control, and storm  
65 protection, and related maintenance services, facilities, improvements, and  
66 programs including, but not limited to personnel costs, salaries, operation costs,  
67 and capital costs associated with these functions can be properly allocated based  
68 upon the relative amounts of service and improvements within each area.

69 (f)(c) The county is required to include and fund the approved annual budget for the  
70 integrated shoreline management Stump Pass Dredging Municipal Service  
71 Taxing Unit within the county's annual budget.

72 (g)(d) Pursuant to Section 200.065(5), Florida Statutes, the maximum millage rate  
73 the county can adopt, including any millage levied within a municipal service

74 taxing unit, absent a minimum supermajority vote is a rolled-back rate based  
75 upon the amount of taxes which would have been levied in the prior year if the  
76 maximum millage rate had been adopted, as adjusted for change in the per capita  
77 Florida personal income.

78 Sec. 4-3.5-82. - Unit establishment; territory.

79 (a) ~~The existing Stump Pass/Beach Renourishment Taxing Unit is hereby re-established~~  
80 ~~as the Integrated Shoreline Management Municipal Service Taxing Unit, which unit~~  
81 ~~shall embrace the lands in Charlotte County, Florida, described in section 4-3.5-82(b).~~

82 (b)(a) The territory included within the Integrated Shoreline Management Stump Pass  
83 Dredging Municipal Service Taxing Unit shall include those portions of the  
84 unincorporated area of Charlotte County described as follows:

85 (1) All land lying west of the Myakka River in Sections 18, 19, 29, 30, 31, 32, 33 and  
86 34, Township 40 South, Range 21 East.

87 (2) All land lying in Sections 1, 2, 12 and 13, Township 41 South, Range 19 East.

88 (3) All land lying in Township 41 South, Range 20 East.

89 (4) All land lying in Sections 4 through 10 (inclusive), 15 through 23 (inclusive), and  
90 26 through 35 (inclusive), Township 41 South, Range 21 East.

91 (5) All land lying west of the Myakka River in Sections 1, 2, 3, 11, 12, 13, 14, 24, 25,  
92 and 36, Township 41 South, Range 21 East.

93 (6) All land lying in Sections 1 through 4 (inclusive), 10 through 16 (inclusive), 21  
94 through 27 (inclusive), 34 and 35, Township 42 South, Range 20 East.

95 (7) All land lying in Township 42 South, Range 21 East.

96 (8) All land lying west of Charlotte Harbor in Sections 6, 7, 18, 19, 30, and 31,  
97 Township 42 South, Range 22 East.

98 Sec. 4-3.5-83. - Purpose and authorization of expenditures.

99 (a) The purpose of the Integrated Shoreline Management Stump Pass Dredging  
100 Municipal Service Taxing Unit is to provide for ~~beach renourishment, restoration,~~  
101 ~~dredging, erosion control and storm protection~~ and related maintenance services,  
102 facilities, improvements, and programs, including but not limited to personnel costs,  
103 salaries, operation costs and capital costs associated with these functions provided  
104 by or through Charlotte County for the benefit of the property or residents within the  
105 boundaries of the Integrated Shoreline Management Stump Pass Dredging MSTU.

106 (b) Revenues derived from ad valorem taxes levied within the Integrated Shoreline  
107 Management Stump Pass Dredging Municipal Service Taxing Unit shall be used for  
108 the provision of ~~beach renourishment, restoration, erosion control and storm~~  
109 ~~protection, dredging~~ and related maintenance services, facilities, improvements, and  
110 programs to properties located within the boundaries of the Integrated Shoreline  
111 Management Stump Pass Dredging Municipal Service Taxing Unit.

112

113 Sec. 4-3.5-84. - Authorization of ad valorem taxes.

114 The board is hereby authorized to levy annual ad valorem taxes not to exceed the  
115 legally allowable millage upon taxable real and personal property within the ~~Integrated~~  
116 ~~Shoreline Management Stump Pass Dredging~~ Municipal Service Taxing Unit beginning  
117 with the county budget for the fiscal year beginning October 1, 2017~~8~~. The budget and  
118 millage rate for the ~~Integrated Shoreline Management~~ Stump Pass Dredging Municipal  
119 Services Taxing Unit shall be approved and levied in the manner provided by general law  
120 for the levy of county ad valorem taxes.

121 Sec. 4-3.5-85. - Bond referendum.

122 In the event the board desires to pledge the ~~Integrated Shoreline Management Stump~~  
123 ~~Pass Dredging~~ Municipal Services Taxing Unit's ad valorem tax to the retirement of debt  
124 issued for the purpose of financing ~~beach renourishment, restoration, dredging, erosion~~  
125 ~~control, storm protection~~ and related maintenance services, facilities, improvements, and  
126 programs, the board shall cause a bond referendum election to be held in accordance  
127 with the applicable provisions of general law. Upon approval at referendum, the board  
128 shall have all powers necessary to issue bonds in accordance with Florida law.

129  
130 Section 2. Codification. It is the intention of the Board of County Commissioners of  
131 Charlotte County, Florida, and it is hereby provided that the provisions of this Ordinance  
132 shall become and be made a part of the Code of Ordinances in Charlotte County, Florida,  
133 that the sections of the ordinance may be renumbered or relettered to accomplish such  
134 intention, and that the word "ordinance" may be changed to "section" or "article" or other  
135 appropriate designation.

136 Section 3. Effective Date. A certified copy of this Ordinance shall be filed with the  
137 Department of State of the State of Florida by the Clerk of the Board of County  
138 Commissioners within 10 days of enactment and shall take effect upon filing with said  
139 department.

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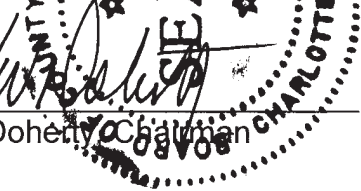
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PASSED AND DULY ADOPTED this 28<sup>th</sup> day of November, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: *Kenneth W. Doherty*  
Kenneth W. Doherty, Chairman

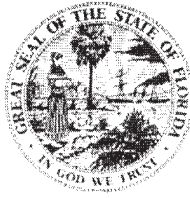


ATTEST:  
Roger D. Eaton, Clerk of the  
Circuit Court and Ex-officio  
Clerk of the Board of County  
Commissioners

By: *Michelle DiBuardino*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: *Janette S. Knowlton*  
Janette S. Knowlton, County Attorney  
LR17-0620 *MWH*



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 29, 2017

Mr. Roger D. Eaton  
Clerk of the Circuit Court  
County Comptroller  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2017-049, which was filed in this office on November 29, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



S-2 Pd

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



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; AMENDING PART IV, CHAPTER 4-3.5, ARTICLE VII, CHARLOTTE COUNTY CODE OF LAWS AND ORDINANCES PERTAINING TO THE INTEGRATED SHORELINE MANAGEMENT MUNICIPAL SERVICE TAXING UNIT; RENAMING THE UNIT THE STUMP PASS DREDGING MUNICIPAL SERVICE TAXING UNIT; AMENDING THE SCOPE TO LIMIT THE PURPOSE TO THE DREDGING OF STUMP PASS AND RELATED MAINTENANCE SERVICES, FACILITIES IMPROVEMENTS AND PROGRAMS; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Before the undersigned authority personally appeared Mary Bernsen, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing was published in said newspaper in the issues of:

November 17, 2017

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 day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 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.

Mary Bernsen  
(Signature of Affiant)

Sworn and subscribed before me this 17th day of November, 2017.

Midgeann Schotsch  
(Signature of Notary Public)

Midgeann Schotsch  
(Print Name of Notary Public)

#88.66

Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

A public hearing on this ordinance will be held at 10:00 AM, or as soon thereafter as it may be heard, on the 28th day of November, 2017, 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 941.743.1318, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov.

Publish: November 17, 2017  
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