

ORDINANCE NO. 511

AN ORDINANCE RELATING TO THE PROVISION AND FUNDING OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF SPRINGFIELD, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST ALL REAL PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ALL ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH ALL OTHER LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD, FLORIDA:

ARTICLE I

INTRODUCTION

SECTION 1.01. AUTHORITY. This Ordinance of the City of Springfield, Florida is adopted pursuant to Section 166.021, Florida Statutes, including sections 166.021(4) and 166.012(5) thereof, Section 166.041, Florida Statutes and all other applicable provisions of law.

SECTION 1.02. DEFINITIONS. As used in this Ordinance, the words and terms shall have the following meanings, unless the context clearly requires:

“Annual Assessment Resolution” means the resolution described in hereof, establishing the rate at which an Assessment for a specific Fiscal Year computed; and the adoption of which, after a duly noticed public hearing, shall be a proceeding for the imposition of assessments related to the provision and funding of fire protection services, facilities and programs.

“Assessed Property” means all Tax Parcels of land included in the current Assessment Roll that receive a special benefit from the continual availability of fire protection services and facilities.

“Assessment” or **“Fire Service Assessment”** means a special assessment levied by the Commission pursuant to this Ordinance, after a public hearing, to fund the Fire Service Assessed Cost. The term “Assessment” and the reference to special assessments herein means those assessments which can be levied against a homestead as permitted by Article X, Section 4 of the Florida Constitution, as amended.

“Assessment Coordinator” means the Mayor, or such person’s designee, who is responsible for coordinating calculation and collection of Assessments as provided in this Ordinance.

“Assessment Ordinance” or **“Ordinance”** means this Ordinance.

“Assessment Roll” or **“Fire Service Assessment Roll”** means the special roll relating to an Assessment confirmed by the City Commission after a public hearing as required in Article II hereof.

“City” means the City of Springfield, Florida.

“City Clerk” means the Clerk to the City Commission, or such person as may be designated by the City Commission.

“City Commission” means the governing body of the City of Springfield, Florida.

“Fire Service Assessed Cost” means that portion of the annual budget for the Fiscal Year representing all or some portion of the cost of maintaining continuous fire protection to provide fire protection to Tax Parcels within the City which will be funded through the imposition of Fire Service Assessments. In the event the City also imposes an impact fee upon new growth or development for capital improvements related to fire protection, the Fire Service Assessed Cost shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee or which are otherwise funded by such impact fee.

“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 City.

“Government Property” means property owned by the United States of America, 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.

“Mayor” means the Mayor of the City.

“Obligations” means bonds or other evidence of indebtedness including, but not limited to, notes, commercial paper, capital leases or any other obligations incurred to finance fire protection facilities and equipment and secured, in whole or in part, by proceeds of the Assessments.

“Pledged Revenue” means, as to any series of Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments that will secure the payment of such Obligations, and (C) any other legally available non-tax revenue pledged, at the City Commission's sole option, to secure the payment of such Obligations, as specified by this Ordinance and any ordinance or resolution that authorizes such Obligations.

“Property Appraiser” means the Property Appraiser of Bay County, Florida.

“Tax Collector” means the Tax Collector of Bay County, Florida.

“Tax Parcel” means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Tax Roll” means the real property ad valorem tax assessment roll as 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 197.3633 of the Florida Statutes, or any successor statutes authorizing the collection of non-

assessments on the same bill as ad valorem taxes, and any applicable promulgated thereunder.

SECTION 1.03. INTERPRETATION. Unless the context otherwise, words importing the singular number include the plural number; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "hereinafter" 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 1.04. FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local government to perform municipal functions and render municipal services except as prohibited by law and such power may be exercised by the enactment of City Ordinance.

(B) The City Commission may exercise any governmental, proprietary, or quasi-proprietary power for a municipal purpose except when expressly prohibited by law. The City Commission may legislate on any subject matter on which the Florida Statutes may act, except those subjects described in (a), (b), (c), and (d) of section 166.021, Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of section 166.021, Florida Statutes, are not relevant to the imposition of assessments related to fire protection.

facilities or programs.

(C) The special benefits to affected lands provided as a result of an include by way of example and not limitation, the continual availability of fire services to each Tax Parcel within the City, protection of public safety, stable insurance costs, a potential increase in value to property, and an assured level landowners and tenants.

(D) The constant and continued preparedness to provide fire protection facilities and programs possess a logical relationship to the value, use and enjoyment of property by: (1) protecting the value of the improvements and structures; (2) continual availability of fire control and provision of fire protection and associated services; (3) protecting the life and safety of intended occupants in the use and enjoyment of real property; (4) lowering the cost of casualty or liability insurance by the provision of professional fire protection and associated rescue program within the City; (5) providing fire protection for uninsured or underinsured property and property owners; (6) containing the spread of fire incidents, sometimes occurring on vacant or unoccupied property, with the potential to spread and endanger the structures and occupants of improved property, thereby limiting liability.

(E) The combined fire control and associated basic life support and medical services of the City under its existing fire protection program enhances and strengthens the relationship of such services to the value, use and enjoyment of

of property within the City.

(F) The Assessment imposed pursuant to this Ordinance is imposed by the City Commission, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed as ministerial.

(G) The annual Assessments to be imposed pursuant to this Ordinance are special assessments and may also constitute and be described as non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

(H) The purpose of this Ordinance is to: (1) provide procedures and standards for the imposition of city-wide Assessments under the home rule powers of a municipality to impose special assessments, (2) authorize procedures for the funding and financing of fire protection services, facilities, or programs providing special benefits to property within the City, and (3) establish a revenue or tax equity tool for funding fire protection services, facilities and programs, reduce demand on other legally available funds, allow for local policy discretion as difficult overall budget choices are made by the City Commission each year, and give the community a more equitable, balanced, sustainable and dedicated means of funding essential fire protection related services and capital improvements.

[Remainder of page intentionally left blank.]

ARTICLE II
ANNUAL FIRE SERVICE ASSESSMENTS

SECTION 2.01. GENERAL AUTHORITY.

(A) The City Commission is hereby authorized to impose an annual to fund all or any portion of the Fire Service Assessed Cost upon benefitted p rate of assessment based on the special benefit accruing to such property fro provision of fire protection services, facilities, or programs. For purposes of thi references to 'benefit', 'special benefit', 'benefited property' or the like also relief of a burden to continually stand in readiness created by real propert improvements thereon. All Assessments shall be imposed in conformi procedures set forth in this Article II.

(B) The amount of the annual Assessment imposed each Fiscal Year parcel of Assessed Property shall be determined pursuant to an app methodology based upon a fair and reasonable apportionment of the Fire Serv: Cost among properties on a basis reasonably related to the special benefit prov availability of fire protection services, facilities, or programs funded with proceeds. The amount of the annual Assessment imposed each Fiscal Year s administration and collection costs associated with the annual Assessment. In t Assessments are collected pursuant to the Uniform Assessment Collection Act, of the annual Assessment will also include fees imposed by the Property Appra

Collector and will be adjusted as necessary to account for any statutory discount necessitated when employing the efficiencies of collecting the Assessments announced in the same bill as property taxes. Nothing contained in this Ordinance shall be construed to require the imposition of Assessments against Government Property.

SECTION 2.02. PROCEEDINGS. The proceedings for the imposition of the Fire Service Assessment shall include a public hearing noticed in the manner set forth in Section 2.01 hereof, and the adoption at or anytime thereafter of an Annual Assessment which shall (A) contain a brief and general description of the fire protection facilities or programs to be provided or made available, (B) describe the methods of apportioning the Fire Service Assessed Cost among affected Tax Parcels, (C) describe the Tax Parcels, if any, to be exempted from the Fire Service Assessment for health, safety or public policy purposes, (D) identify the rate or rates of assessment and adopt the annual Assessment Roll, consistent with the requirements of Section 2.01 and (E) determine the method of collecting the Fire Service Assessment.

SECTION 2.03. ASSESSMENT ROLL.

(A) The Assessment Coordinator shall prepare, or direct the preparation of, the Annual Assessment Roll, which shall contain the following:

- (1) A summary description of all Assessed Property by lot or parcel, as shown on the Tax Roll, conforming to the description contained on the Tax Roll.
- (2) The name of the owner of the Assessed Property.

(3) The extension or application of the rates of the proposed to be imposed against each such Tax Parcel of Assessed Property.

(B) The Assessment Roll shall be retained by the Assessment Coordinator shall be open to public inspection. The foregoing shall not be construed to require the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of the internet, a computer terminal available to the public or similar technology available to the public.

SECTION 2.04. NOTICE. At least twenty (20) days prior to the public hearing, the City shall notice the public hearing by publication in a newspaper of general circulation circulated within the boundaries of the City. The notice shall provide the date, time and place of the hearing. The notice shall contain a general statement that the City Council will consider imposing a special assessment throughout the City on the various parcels of property within the City to fund all or a portion of the cost to continually be a stand ready to provide fire protection services, facilities and programs, the purpose and explanation of the schedule of Assessments and include general information regarding the proposed apportionment methodology, the method of collection and a statement that all affected property owners have a right to appear at the public hearing and file written objections within twenty (20) days of the publication of the notice. The notice shall direct all interested persons to the Assessment Roll and information concerning the amount of the proposed Assessment applicable to each parcel of property.

however, that such Assessment Roll need not be in printed form if the amount of the Assessment for each parcel of property can be determined by use of the computer terminal available to the public, or similar technology available to the public.

SECTION 2.05. ANNUAL ASSESSMENT RESOLUTION. At the meeting named in such notice, or to which an adjournment or continuance may be taken, the City Commission, the City Commission shall receive any written comments or objections from interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Annual Assessment Resolution which shall (A) establish the rate of the assessment to be imposed in the designated Fiscal Year; (B) approve and adopt the Assessment Roll, with such amendments and directions as it deems just and right; and (C) provide direction as to the method of collection. All parcels assessed shall derive a special benefit from the fire protection services, facilities, or programs to be provided or constructed and the Assessment shall be fairly and reasonably apportioned based on the benefit to the properties that receive the special benefit. All objections to the Annual Assessment Resolution shall be made in writing, and filed with the Assessment Coordinator before the time or adjourned time of such hearing. The Annual Assessment Resolution, if confirmed, shall constitute the final action necessary annually to impose or amend the Assessments hereunder.

SECTION 2.06. EFFECT OF ANNUAL ASSESSMENT RESOLUTION. The Assessments for the initial Fiscal Year and each subsequent Fiscal Year shall be based on the Annual Assessment Resolution for that Fiscal Year.

established upon adoption and confirmation of the Annual Assessment Reso
adoption and confirmation of the Annual Assessment Resolution shall
adjudication of the issues presented (including, but not limited to, the
apportionment and assessment, the rate or rates of assessment, the Assessme
the levy and lien of the Assessments), unless proper steps shall be initiated
competent jurisdiction to secure relief within twenty (20) days from the dat
Commission action adopting and confirming on the Annual Assessment Reso
initial Assessment Roll, as approved by the Annual Assessment Resoluti
delivered for collection using the traditional direct billing method of collection
Section 3.02 hereof to collect the Assessments, or such other method
Commission by resolution shall designate.

SECTION 2.07. ADOPTION OF SUBSEQUENT ANNUAL ASSESSMENT
RESOLUTIONS. The City Commission may adopt subsequent Annual
Resolutions as a part of and during its budget adoption process for each
following the initial Fiscal Year for which an Assessment is imposed here
Annual Assessment Resolution shall approve the Assessment Roll for the upc
Year. The Assessment Roll may be prepared in accordance with the
apportionment set forth in the prior Assessment Resolution but may include n
as a matter of policy as to what, if any, portion or portions of the City's budg

from legally available funds other than Assessment revenues. Failure to adopt an Assessment Resolution during the budget adoption process may be cured at

SECTION 2.08. ALTERNATIVE USE OF UNIFORM ASSESSMENT COLLECTION ACT.

(A) The City may determine to use the uniform method of collection provided for in the Uniform Assessment Collection Act; provided, however that all of the procedures required by the Uniform Assessment Collection Act can be and are complied with.

(B) In the event the uniform method of collection provided for in the Uniform Assessment Collection Act is determined to be used, the Assessment Coordinator shall publish notice which shall conform to the requirements set forth in the Uniform Assessment Collection Act and, in addition to the requirements set forth in this Act, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment which shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice may be provided by including the Assessment in the Property Appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments pursuant to 200.069, Florida Statutes, or its successor in function. The Assessment Coordinator shall provide proof of such notice by affidavit. Failure of the owner to receive notice due to mistake or inadvertence shall nevertheless not affect the validity of the Assessment.

release or discharge any obligation for payment of an Assessment imposed Commission pursuant to this Ordinance.

(C) The City Commission may also establish by resolution or other reasonable procedures or directions to confirm and comply with the Uniform Assessment Collection Act as may be practicable and necessary.

(D) Nothing herein shall preclude the City Commission from establishing by resolution a maximum rate of assessment provided that notice of such assessment rate is provided pursuant to the Uniform Assessment Collection Act, in the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and (1) the proposed Assessment for any Fiscal Year exceeds the maximum rate of assessment adopted by the City Commission and included in the notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (2) the method of apportionment is changed or the method by which the Assessment is imposed is substantially changed from that represented in the notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, (3) Assessed Property is reclassified in a manner which results in an increased Assessment from that represented by notice previously provided to the owners of Assessed Property pursuant to the Uniform Assessment Collection Act, or (4) the Assessment Roll contains Assessed Property that was not included on the Assessment Roll approved for the prior Fiscal Year, notice and opportunity to be heard shall be provided to the owners of Assessed Property.

the owners of such Assessed Property. Such notice shall substantially conform requirements set forth in the Uniform Assessment Collection Act and inform the time, date and place for adoption of the Annual Assessment 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 the Assessment imposed by the City Commission pursuant to this Ordinance.

(E) The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified and delivered to the Tax Collector as required by the Uniform Assessment Collection Act.

SECTION 2.09. LIEN OF FIRE SERVICE ASSESSMENTS.

Upon the adoption of the Assessment Roll, all Assessments shall constitute a lien against the property equal in rank and dignity with the liens of all state, county, district, city, and special taxes and special assessments. Except as otherwise provided by law, until payment in full shall be superior in dignity to all other prior liens, mortgages, titles, and claims. The lien for an Assessment shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution. The lien for an Assessment collected under the Assessment Collection Method 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 Assessment Roll. The lien for an Assessment collected under the traditional method of collection provided in Section 3.02 hereof shall be deemed perfected upon adoption and collection.

by the City Commission of the Annual Assessment Resolution, after a public hearing shall attach to the property on such date of each such Annual Assessment Resolution.

SECTION 2.10. REVISIONS TO FIRE SERVICE ASSESSMENT

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 City Commission is not satisfied that any such Assessment is so irregular or defective that the same should not be enforced or collected, or if the City Commission has omitted any property from the Assessment Roll which property should have been so included, the City Commission shall take all necessary steps to impose a new Assessment against any property benefited by the Fire Service Assessed Costs, following as nearly as may be practicable, the procedure provided in this Ordinance and in case such second Assessment is annulled, vacated, or set aside, the City Commission may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 2.11. PROCEDURAL IRREGULARITIES. Any irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the expiration thereof, and any Assessment as finally approved shall be competent and sufficient if it appears that such Assessment was duly levied, that the Assessment was duly made and collected, and that all other proceedings adequate to such Assessment were duly had, and that all directions performed as required by this Ordinance; and no variance from the directions provided

shall be held material unless it be clearly shown that the party objecting was injured thereby. Notwithstanding the provisions of this Section, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with the City in the competent jurisdiction within the time periods prescribed herein.

SECTION 2.12. CORRECTION OF ERRORS AND OMISSION

(A) No act of error or omission on the part of the Property Assessor, Property Assessor Collector, Assessment Coordinator, City Commission, or their deputies, or their agents shall operate to release or discharge any obligation for payment of an Assessment imposed by the City Commission under the provision of this Ordinance.

(B) When it shall appear that any Assessment should have been imposed pursuant to this Ordinance against a parcel of property specially benefited by the provision of fire protection services, facilities, or programs, but that such property was omitted from the Assessment Roll, the City Commission may, upon provision of notice to the owner by first class mail, impose the applicable Assessment for the Fiscal Year in which the error was discovered, in addition to the applicable Assessment due for the prior two years. Such total Assessment shall become delinquent if not fully paid upon the expiration of (60) days from the date of the adoption of said resolution. The Assessment shall constitute a lien against such property equal in rank and dignity with the state, county, district, or municipal taxes and special assessments, and superior to all other liens.

dignity to all other prior liens, mortgages, titles and claims in and to or against property involved and may be collected as provided in Article III hereof.

(C) The Assessment Coordinator shall have the authority at any time on her own initiative or in response to a timely filed petition from the owner of a property subject to an Assessment, based upon presentation of competent and substantial evidence to correct any error in annually applying the Assessment apportionment method to a particular parcel of property not otherwise requiring the provision of machinery pursuant to this Ordinance or the Uniform Assessment Collection Act. A correction because the size and nature of the Tax Roll may yield anomalies, the Assessment Coordinator is authorized to apply sound public administration judgment and to remove individual Tax Parcels from the Assessment Roll that due to specific circumstances do not receive a special benefit, are not developable (e.g. subsurface rights, easements, slivers, right-of-way, common elements) or are reasonably determined to be infeasible or impracticable to assess, and do not merit the expenditure of public resources to impose or collect such Assessments. Unless the Assessment Coordinator determines that a Tax Parcel does receive benefit, for any Tax Parcel with a just value less than \$1,000 (as determined solely by the Property Appraiser), such value shall be taken as a prima facie determination that the Tax Parcel need not be included on the Assessment Roll. Any such corrections shall be considered valid ab initio and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance.

requests from affected property owners for any such changes, modifications or shall be referred to, and processed by, the Assessment Coordinator and not the 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 approved for correcting errors and insolvencies on the Tax Roll upon timely written request in the direction of the Assessment Coordinator.

SECTION 2.13. INTERIM ASSESSMENTS.

(A) An interim Assessment shall be imposed against all property for which a Certificate of Occupancy is issued after adoption and confirmation of the Assessment Resolution. The amount of the interim Assessment shall be calculated as a monthly rate, which shall be one-twelfth of the annual rate for such property according to the Annual Assessment Resolution for the Fiscal Year in which the Certificate of Occupancy is issued. Such monthly rate shall be imposed for each calendar month remaining in the Fiscal Year. In addition to the monthly rate, the interim Assessment shall also include an estimate of the subsequent year's Assessment. The Certificate of Occupancy shall be issued until full payment of the interim Assessment is received by the City. Issuance of the Certificate of Occupancy by mistake or inadvertence and without the payment in full of the interim Assessment, shall not relieve the

such property of the obligation of full payment. For the purpose of this pro interim Assessment shall be deemed due and payable on the date the C Occupancy was issued and shall constitute a lien against such property as of th lien shall be equal in rank and dignity with the liens of all State, county municipal taxes and special assessments, and superior in rank and dignity to a encumbrances, titles and claims in and to or against the real property involv

(B) Exclusive of property for which an interim Assessment was paid subsection (A) hereof, an interim Assessment shall also be imposed against a which for any reason was omitted from the Fire Service Assessment Roll or w on the Tax Roll as an individual Tax Parcel as of the effective date of the Ass approved by the Annual Assessment Resolution for any upcoming Fiscal Y purpose of this provision, such interim Assessment shall be deemed due and shall constitute a lien against such property for which it is imposed. Said lien s in rank and dignity with the liens of all State, county, district or municipal tax assessments, and superior in rank and dignity to all other liens, encumbranc claims in and to or against the real property involved.

SECTION 2.14. ADMINISTRATIVE HARDSHIP DEFERMENT

(A) Annually upon application of the Owner of a Tax Parcel su Assessments contemplated herein, the Assessment Coordinator may grant deferral, in which case the Tax Parcel in question will receive a deferral. The

be required to execute a binding agreement encumbering the Tax Parcel and assure the City that payment in full of the Assessment and any recording cost, at an estimated cost of City funds compounded annually, shall be due over a period or upon sale or transfer of the property. Such agreement or a memorandum shall be recorded in the Official Records of Bay County, Florida. Dependent upon the demand for such deferment, the City Commission may determine to restrict future deferrals in the future. However, all funding for such hardship deferrals and the consequences of the deferment or any future release, shall be from legally available other than direct proceeds of other Assessments. The Assessment Commission is authorized to use sound public administration judgment in applying this act, considering such applications.

(B) This provision serves to promote a public purpose and the general morals and contentment of the inhabitants and residents of the City.

[Remainder of page intentionally left blank.]

ARTICLE III
COLLECTION OF FIRE SERVICE ASSESSMENTS

SECTION 3.01. COLLECTION.

(A) The process of collection is driven by many equitable, practical and economic factors. The traditional direct billing method is initially far less expensive and provides fair and adequate notice and opportunity to be heard through publication in a newspaper of general circulation. The uniform method of collection additionally provides extraordinary notice by individual mailing, but such notice is many times more expensive than published notice. The individually mailed notice required by the Uniform Assessment Collection Act is extraordinary and unique to collection of an Assessment occurring along with and included on the same bill as for ad valorem taxes.

(B) Unless otherwise directed by the City Commission, the Assessments shall be collected pursuant to the traditional direct billing method provided in Section 3.02 hereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by this Ordinance or the Uniform Assessment Collection Act.

SECTION 3.02. TRADITIONAL METHOD OF COLLECTION. The City may elect to collect the Assessments by any other method which is authorized by law or provided by this Section as follows:

(A) The City shall provide 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 , (2) a description of the unit of measurement or method used to determine the the Assessment, (3) the number of units contained within the Tax Parcel, (4) rates applied to the units of measurement or method and the total am Assessment imposed against the Tax Parcel for the appropriate period, (5) th which payment will be accepted, (6) the date on which the Assessment is du statement that the Assessment constitutes a lien against Assessed Property e and dignity with the liens of all state, county, district or municipal taxes and o valorem assessments.

(B) A general notice of the lien resulting from imposition of the A throughout the City may be recorded in the Official Records of the County. No shall be construed to require that individual liens or releases be filed in the Offic

(C) The City shall have the right to appoint or retain an agent to fo collect all delinquent Assessments in any manner provided by law.

(D) An Assessment shall become delinquent if it is not paid within days from the date any installment is due. The City or its agent shall notify an owner who is delinquent in payment of his or her Assessment within ninety (90 the date such assessment was due. Such notice shall state in effect that the City may either (1) initiate a foreclosure action or suit in equity and cause the foreclo property subject to a delinquent Assessment in a method now or hereafter prov

for foreclosure of mortgages on real property; or (2) cause an amount equivalent to a delinquent Assessment, not previously subject to collection using the uniform process under the Uniform Assessment Collection Act, to be collected on the tax bill for the subsequent year.

(E) All costs, fees and expenses, including reasonable attorney fees and search expenses, related to any foreclosure action as described herein shall be paid by the party responsible for the same as a result of any judgment or decree rendered therein. At the sale pursuant to a foreclosure action, the City may be the purchaser to the same extent as an individual or a corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions of this Ordinance. Delinquent owners whose property is foreclosed shall be liable for an apportionment of reasonable costs and expenses incurred by the City and its agents, including attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments and the same shall be collected as a part of or in addition to, the costs of the action.

(F) In lieu of foreclosure, any delinquent Assessment and the costs and expenses otherwise reasonably attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that the same shall be 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 shall remain in full force and effect.

delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll, as applicable, to the Tax Collector.

(G) Any City Commission action required in the collection of Assessments may be by resolution.

SECTION 3.03. UNIFORM METHOD OF COLLECTION.

(A) In lieu of utilizing any other method of collection available to the City, the City may elect to collect Assessments using the uniform method pursuant to the Uniform Assessment Collection Act; and, for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and expenses 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, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such Assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

(B) If the City Commission determines the Assessments are to be collected on the same bill as for ad valorem taxes, then the Assessment coordinator shall comply and conform to the extraordinary requirements of the Uniform Assessment Collection Act.

SECTION 3.04. GOVERNMENT PROPERTY.

(A) To the extent permitted by law, the City reserves the right to impose a charge or fee comparable in amount to Assessments on Governmental Property. As used in this section, the context of the term 'Assessment' shall refer to such a charge or fee. If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner or agent of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the unit of measurement used to determine the amount of the Assessment, (3) the number of units contained within the Tax Parcel, (4) the rate or rates applicable to the units of measurement or method and the total amount of the Assessment imposed against the Tax Parcel for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.

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

(C) An Assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within ninety (90)

days from the date such assessment was due. Such notice shall state that the City 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 City, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent 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, an Assessment imposed against Government Property may be collected as a surcharge on a utility bill provided to such Government Property in twelve installments with a remedy of a mandamus action in the event of non-payment. The City Commission may also contract for such billing services with any utility not otherwise owned by the City.

[Remainder of page intentionally left blank.]

ARTICLE IV
ISSUANCE OF OBLIGATIONS

SECTION 4.01. GENERAL AUTHORITY.

(A) The City Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, the issuance of Obligations to fund and finance fire protection facilities and equipment and amounts to be paid or accrued in connection with issuance of such Obligations but not limited to capitalized interest, transaction costs and reserve account deficiency.

(B) The principal of and interest on each series of Obligations shall be paid from Pledged Revenue. The City Commission may agree, by ordinance or resolution, to re-budget and appropriate funds to make up any deficiency in the reserve account for the Obligations or in the payment of the Obligations, from other non-pledged revenue sources. The City Commission may also provide, by ordinance or resolution, to pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

SECTION 4.02. TERMS OF THE OBLIGATIONS. The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times determined by ordinance or resolution of the City Commission, and may

redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Commission. Said Obligations shall mature not later than forty (40) years after their issuance. The City Commission shall determine by ordinance or resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the City Commission shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of fire protection facilities and equipment or may be sold in such manner and for such price as the City Commission may determine by ordinance or resolution to be for the best interests of the City.

SECTION 4.03. VARIABLE RATE OBLIGATIONS. At the option of the City Commission, Obligations may bear interest at a variable rate.

SECTION 4.04. TEMPORARY OBLIGATIONS. Prior to the preparation of definitive Obligations of any series, the City Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The City Commission may also provide for the replacement of any Obligations

which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Ordinance.

SECTION 4.05. ANTICIPATION NOTES. In anticipation of the sale of Obligations, the City Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Commission deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Commission may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

SECTION 4.06. TAXING POWER NOT PLEDGED. Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of

any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

SECTION 4.07. TRUST FUNDS. The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the City shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

SECTION 4.08. REMEDIES OF HOLDERS. Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

SECTION 4.09. REFUNDING OBLIGATIONS. The City may, by ordinance or resolution of the City Commission, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City issued to finance fire protection facilities and equipment, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in an Annual Assessment Resolution or other resolution, the City Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by this Ordinance.

[Remainder of page intentionally left blank.]

ARTICLE V
GENERAL PROVISIONS

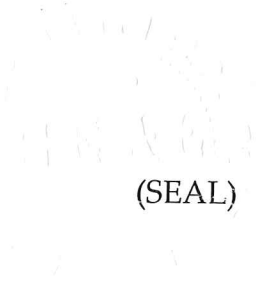
SECTION 5.01. APPLICABILITY This Ordinance and the City's authority to impose assessments pursuant hereto shall be applicable throughout the City.

SECTION 5.02. 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 5.03. ALTERNATIVE METHOD. 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 City, shall be liberally construed to effect the purposes hereof.

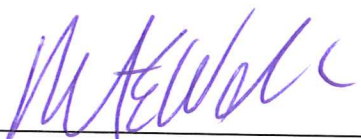
SECTION 5.04. REPEALER. All ordinances, resolution or parts thereof, including but not limited to Chapter 27900, Laws of Florida (1951), as amended (which became a City ordinance pursuant to and upon enactment of Section 166.021(5), Florida Statutes), which are inconsistent or in conflict herewith are hereby repealed and of no further force and effect.

SECTION 5.05. EFFECTIVE DATE. This Ordinance shall be
take effect immediately upon its passage and adoption by the City Commissi




(SEAL)

**CITY COMMISSION OF
THE CITY OF SPRINGFIELD, FLO**


By: 
Robert Walker, Mayor

ATTEST:


Anne M. Andrews, City Clerk

PASSED on First Reading February 4, 2013
NOTICE Published on February 9, 2013
Passed on Second and Final Reading March 4, 2013

Approved as to form for the Reliance
of the City of Springfield Only:


Kevin Obos, City Attorney

VOTE OF CITY COMMISSION

Walker yes
Curti no
Dykes yes
Lowther yes
Gipson yes