

ORDINANCE

09-1

FINAL
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HILLSBOROUGH COUNTY, FLORIDA
CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT AND
ASSESSMENT PROCEDURE ORDINANCE

ORDINANCE NO. 09-1

**CANAL DREDGING MUNICIPAL SERVICE BENEFIT UNIT AND
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TABLE OF CONTENTS**

PAGE

**ARTICLE I
AUTHORITY AND DEFINITIONS**

SECTION 1.01	AUTHORITY	6
SECTION 1.02.	DEFINITIONS	6
SECTION 1.03.	INTERPRETATIONS	10

**ARTICLE II
ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS**

SECTION 2.01.	ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS	11
SECTION 2.02.	PURPOSE FOR WHICH CANAL DREDGING IMPROVEMENT UNITS MAY BE ESTABLISHED	11
SECTION 2.03.	AREAS WHICH MAY BECOME CANAL DREDGING IMPROVEMENT UNITS	11
SECTION 2.04.	PROCEDURES FOR THE ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS	12

**ARTICLE III
ASSESSMENTS**

SECTION 3.01.	AUTHORITY	15
SECTION 3.02.	INITIAL FUNDING	16
SECTION 3.03.	INITIAL ASSESSMENT RESOLUTION	16
SECTION 3.04.	ASSESSMENT ROLL	17
SECTION 3.05.	NOTICE BY PUBLICATION	18
SECTION 3.06.	NOTICE BY MAIL	18
SECTION 3.07.	FINAL ASSESSMENT RESOLUTION	18
SECTION 3.08.	ANNUAL ASSESSMENT RESOLUTION	19
SECTION 3.09.	EFFECT OF FINAL ASSESSMENT RESOLUTION	19
SECTION 3.10.	PREPAYMENT OF ASSESSMENTS	20
SECTION 3.11.	LIEN FOR ASSESSMENTS	21
SECTION 3.12.	REVISIONS TO ASSESSMENTS	22
SECTION 3.13.	PROCEDURAL IRREGULARITIES	22
SECTION 3.14.	CORRECTION OF ERRORS AND OMISSIONS	23
SECTION 3.15.	CHANGES IN CANAL DREDGING IMPROVEMENT UNIT BOUNDARIES	24

**ARTICLE IV
COLLECTION OF ASSESSMENTS**

SECTION 4.01.	METHOD OF COLLECTION	24
SECTION 4.02.	ALTERNATIVE METHOD OF COLLECTION	24
SECTION 4.03.	RESPONSIBILITY FOR ENFORCEMENT	26
SECTION 4.04.	GOVERNMENT PROPERTY	26

**ARTICLE V
ISSUANCE OF OBLIGATIONS**

SECTION 5.01.	GENERAL AUTHORITY	28
SECTION 5.02.	TERMS OF THE OBLIGATIONS	28
SECTION 5.03.	TAXING POWER NOT PLEDGED	29
SECTION 5.04.	TRUST FUNDS	29
SECTION 5.05.	REMEDIES OF HOLDERS	29
SECTION 5.06.	INSUFFICIENT PROCEEDS	30
SECTION 5.07	OBLIGATIONS AS NEGOTIABLE INSTRUMENTS	30

**ARTICLE VI
MISCELLANEOUS PROVISIONS**

SECTION 6.01.	SEVERABILITY	30
SECTION 6.02.	ALTERNATIVE METHOD	30
SECTION 6.03.	CONSTRUCTION OF ORDINANCE	31
SECTION 6.04.	CONFLICTS	31
SECTION 6.05.	FILING; EFFECTIVE DATE	31

ORDINANCE NO. 09 - 1 _____

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA, RELATING TO THE DREDGING OF SALT OR BRACKISH WATER CANALS FOR IMPROVED NAVIGATION AND ASSOCIATED MUNICIPAL SERVICE BENEFIT UNITS REFERRED TO AS CANAL DREDGING IMPROVEMENT UNITS; PROVIDING DEFINITIONS; PROVIDING PURPOSES FOR WHICH SUCH UNITS MAY BE ESTABLISHED; PROVIDING FOR THE AREAS WHICH MAY BE ESTABLISHED AS SUCH UNITS; PROVIDING PROCEDURES FOR THE ESTABLISHMENT OF SUCH UNITS; AUTHORIZING AND PROVIDING PROCEDURES FOR THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CANAL DREDGING PROVIDING A SPECIAL BENEFIT TO PROPERTY WITHIN SUCH UNITS; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY SUCH ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Upon motion of Commissioner Ferlita, seconded by Commissioner Beckner the following ordinance was enacted by a vote of 7 to 0, with Commissioner(s)

_____ voting "no", Commissioner(s) _____ being absent.

WHEREAS, Article VIII, Section 1 of the Florida Constitution and Sections 125.01 and 125.66, Florida Statutes, grant to the Board all powers of local self-government to perform county functions and to render services for county purposes in a manner not inconsistent with general law, or with special law approved by the vote of the electors, and such powers may be exercised by the enactment of county ordinances; and

WHEREAS, the Board desires to enhance the habitation, use, enjoyment and value of properties within the unincorporated County from which navigable salt or brackish water canal-type waterways are accessible; and

WHEREAS, the habitation, use, enjoyment and value of such properties will be enhanced by enhancing the availability, safety and use of such waterways through the provision of the municipal services and essential facilities described in this Ordinance; and

WHEREAS, the provision of such services and facilities should be funded principally or completely by the owners of properties specially benefited thereby; and

WHEREAS, Canal Dredging possesses a logical relationship to such properties by enhancing the availability, safety and use of such canal-type waterways; and

WHEREAS, the special benefit received by such properties is the enhancement to the habitation, use, enjoyment and value thereof resulting from the enhancement of the availability, safety and use of such canal-type waterways; and

WHEREAS, the Board desires to provide a procedure for the establishment of Canal Dredging Improvement Units to fund Canal Dredging; and

WHEREAS, the Assessments authorized by this Ordinance provide an equitable method of funding Canal Dredging by fairly and reasonably allocating the cost to specially benefited properties.

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

**ARTICLE I
AUTHORITY AND DEFINITIONS**

SECTION 1.01. AUTHORITY. This Ordinance is enacted pursuant to Article VIII, Section 1 of the Florida Constitution, Chapter 125, Florida Statutes, and the Hillsborough County Home Rule Charter adopted by Ordinance No. 83-9, as may be amended from time to time.

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

“Administrative Costs” means costs and expenses, budgeted, incurred or contracted for in providing ongoing administration and maintenance of the Assessment program developed and implemented hereunder.

“Annual Assessment Resolution” means the resolution described in Section 3.08 hereof, approving the Assessment Roll for a specific Fiscal Year.

“Assessment” means a special assessment imposed by the County pursuant to this Ordinance against property located within a Canal Dredging Improvement Unit to fund all or a part of the Capital Cost or Project Cost. Assessments shall include Collection Costs and Administrative Costs. The term “Assessment” and the reference to non-ad valorem assessments herein, means those assessments which are not based upon millage and which can become a lien against a homestead as permitted by Article X, Section 4 of the Florida Constitution.

“Assessment Roll” means the assessment roll relating to Canal Dredging, approved by a Final Assessment Resolution or an Annual Assessment Resolution pursuant to Section 3.07 or 3.08 hereof.

“Board” means the Board of County Commissioners of Hillsborough County, Florida.

“Canal Dredging” means the municipal services and essential facilities utilized for cleaning, deepening and widening a navigable salt or brackish water canal-type waterway including but not limited to, the use of a dredge, or any other type of machinery or equipment used to clean, deepen, or widen such waterways.

“Canal Dredging Improvement Unit” means any municipal service benefit unit established by resolution of the Board pursuant to Article II hereof, that specially benefits from Canal Dredging.

“Capital Cost” means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation or reconstruction (including demolition, environmental mitigation and relocation) of Canal Dredging and the imposition of any related Assessments, under generally accepted accounting principles, and including reimbursement to the County for any funds heretofore or hereafter advanced for any costs incurred in connection with any of the foregoing and interest on any Obligations, interfund or intrafund loan for such purposes. By way of example and not limitation, the term shall include: (A) the cost of physical construction, reconstruction or completion; (B) the cost of acquisition and installation; (C) the cost of all labor, materials, machinery and equipment, including costs associated with the acquisition thereof; (D) the cost of all lands and interest therein, property rights, easements and franchises of any nature whatsoever that are not donated to the County, including costs associated with the acquisition thereof; (E) the cost of any indemnity or surety bonds and premiums for insurance during construction; (F) the cost of construction plans and specifications, surveys and estimates of costs; (G) the cost of engineering, financial, legal and other consultant services associated with or relating to Canal Dredging, including the fees and expenses of counsel or consultants retained or paid by the County in connection with the establishment of a Canal Dredging Improvement Unit, preparation and collection

of Assessments and development and completion of Canal Dredging; (H) reasonable contingencies; and (I) all other costs and expenses, including start-up expenses, that are properly attributable to such acquisition, design, construction, installation or reconstruction under generally accepted accounting principles applicable to Canal Dredging.

“Clerk” means the Clerk of the Circuit Court for Hillsborough County, ex-officio Clerk of the Board, or any designee.

“Collection Cost” means the costs and expenses budgeted, incurred or contracted for by the County during any Fiscal Year in connection with the collection of Assessments.

“County” means Hillsborough County, a political subdivision of the State of Florida.

“Director” means the chief administrative officer of the County’s Public Works Department or such person’s designee.

“Equivalent Canal Dredging Unit” or “ECDU” means the apportionment unit or criteria utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. ECDUs may include, by way of example only and not limitation, one or a contribution of the following: front or rear footage, land area, improvement area, permitted land use, property value or any other physical characteristic or reasonably executed use of the property that is related to the Canal Dredging to be funded from proceeds of the Assessment.

“Final Assessment Resolution” means the resolution described in Section 3.07 hereof, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of an Assessment.

“Fiscal Year” means the period commencing on October 1 of each year and continuing through the next succeeding September 30, 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, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

“Initial Assessment Resolution” means the resolution described in Section 3.03 hereof, which shall be the initial proceeding for the imposition of an Assessment.

“Letter of Intent” means a letter of intent to petition for establishment of a Canal Dredging Improvement Unit as described in Subsection 2.04(A) hereof.

“Obligations” means any form or series of bonds or other evidence of indebtedness, including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance or refinance any portion of the Capital Cost of Canal Dredging and secured, in whole or in part, by proceeds of Assessments.

“Person” means any natural person, corporation, or partnership, but does not include any state agency or agency of the United States government.

“Pledged Revenue” means, as to any Obligations, (A) the proceeds of such Obligations, including investment earnings, (B) proceeds of the Assessments pledged to secure the payment of such Obligations, and (C) any other legally available non-ad valorem revenue pledged, at the Board’s sole discretion, to secure the payment of such Obligations, as specified by the resolution authorizing such Obligations.

“Project Cost” means (A) the Capital Cost of any Canal Dredging, (B) the Transaction Cost associated with the Obligations which finance Canal Dredging, (C) interest accruing on such Obligations for such period of time as the County deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations which finance the Canal Dredging, and (E) any other costs or expenses related thereto, including Administrative Costs.

“Property Appraiser” means the Hillsborough County Property Appraiser.

“Property Owner” means any Person owning the fee simple title to real property.

“Property Owner Spokesperson” means the Person designated in a Letter of Intent as a spokesperson for the Property Owners as provided for in Subsection 2.04(A) hereof.

“Resolution of Intent” means the resolution expressing the Board’s intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

“Signature” means the signature of the Property Owner or the signature of the Property Owner’s agent. If property is owned by two (2) or more Persons, the signature of one will suffice. Only one signature will be counted for each property.

“Tax Collector” means the Hillsborough 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.

“Transaction Cost” means the costs, fees and expenses incurred by the County in connection with the issuance and sale of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond counsel, special counsel and issuer’s counsel; (C) the underwriters’ discount; (D) the fees and disbursements of the County’s financial advisor, (E) the costs of preparing and printing the Obligations, any preliminary official statement, final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy; (G) administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and (H) any other costs of a similar nature incurred in connection with issuance of such Obligations.

“Uniform Assessment Collection Act” means Sections 197.3631, 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection and enforcement of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.03. 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 gender, unless the sense indicates otherwise.

ARTICLE II
ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS

SECTION 2.01. ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS. The Board is hereby authorized to establish Canal Dredging Improvement Units by resolution in accordance with the procedures set forth herein. Each Canal Dredging Improvement Unit shall encompass only that property specially benefited by the Canal Dredging proposed for funding from the proceeds of Assessments to be imposed therein. The resolution creating each Canal Dredging Improvement Unit shall include brief descriptions of the proposed Canal Dredging, a description of the property to be included within the Canal Dredging Improvement Unit and specific legislative findings that recognize the special benefit to be provided by any proposed Canal Dredging to property within the Canal Dredging Improvement Unit.

SECTION 2.02. PURPOSES FOR WHICH CANAL DREDGING IMPROVEMENT UNITS MAY BE ESTABLISHED. Canal Dredging Improvement Units may be established to provide for the acquisition, design, construction, installation and reconstruction of Canal Dredging in order to enhance the habitation, use, enjoyment and value of properties located within Canal Dredging Improvement Units by enhancing the availability, safety and use of navigable salt or brackish water canal-type waterways where all of the Project Costs may be borne on an equitable basis by those properties receiving the benefits thereof and where the properties receiving such benefits may be assessed in proportion to but not in excess of such special benefits.

SECTION 2.03. AREAS WHICH MAY BECOME CANAL DREDGING IMPROVEMENT UNITS. A Canal Dredging Improvement Unit may embrace any portion of the unincorporated areas of the County.

SECTION 2.04. PROCEDURES FOR THE ESTABLISHMENT OF CANAL DREDGING IMPROVEMENT UNITS.

(A) Letter of intent to petition for establishment of Canal Dredging Improvement Unit. Persons desiring to begin the process of establishing a Canal Dredging Improvement Unit shall forward to the County a Letter of Intent to petition for establishment of a Canal Dredging Improvement Unit. The Letter of Intent shall contain the Signatures of at least fifty-one percent (51%) of different Property Owners within the proposed Canal Dredging Improvement Unit verifying their desire to initiate the petition process, a designation of a Property Owner Spokesperson for future contacts with the County, a map identifying the boundaries of the proposed Canal Dredging Improvement Unit and such other information as requested by the County. Following receipt of the completed Letter of Intent, the County shall perform a preliminary evaluation of the proposed Canal Dredging Improvement Unit. At his or her sole discretion, the Director may adjust any element of the proposed Canal Dredging Improvement Unit or may disapprove the implementation of the proposed Canal Dredging Improvement Unit.

(B) Feasibility Report. Upon receipt and verification of the required Signatures for the Letter of Intent and completion of the preliminary evaluation thereof, and provided that the Director does not disapprove the implementation thereof as provided for in Subsection (A) above, the County shall prepare a feasibility report on the proposed Canal Dredging Improvement Unit. The feasibility report shall include, but need not be limited to:

(1) the boundaries or other description sufficient to identify the territory to be included in the proposed Canal Dredging Improvement Unit as set forth in the Letter of Intent;

(2) recommendations as to any territory within the proposed Canal Dredging Improvement Unit that should be excluded for any reason;

(3) recommendations as to any additional territory not within the proposed Canal Dredging Improvement Unit that should be included for any reason;

(4) the general location of the Canal Dredging for the proposed Canal Dredging Improvement Unit;

(5) an estimate of the Capital Cost of the Canal Dredging to be undertaken;

(6) an estimate of the annual Assessment and the anticipated number of Fiscal Years for which the Assessment will be imposed; and

(7) a determination as to whether or not all properties within the proposed Canal Dredging Improvement Unit which are to be specially assessed will be specially benefited by such Canal Dredging, and whether or not each parcel in such Canal Dredging Improvement Unit which is to be specially assessed will be specially benefited by such Canal Dredging in excess of the amount of such assessments to be levied thereon.

(C) Preparation of petition for establishment of Canal Dredging Improvement Unit. Upon completion of the feasibility report as provided for in Subsection (B) above, the Director shall provide a petition package to the Property Owner Spokesperson. Within ninety (90) calendar days following the Property Owner Spokesperson's receipt of the petition package from the Director, provided that a one-time ninety (90) calendar day extension may be granted by the Director if a written request of the Property Owner Spokesperson is received by the Director prior to the expiration of the initial ninety (90) calendar day period, the Property Owner Spokesperson shall prepare and submit to the Director a petition for presentation to the Board in the form prescribed by the County, which petition shall contain, but need not be limited to:

(1) a request that a Canal Dredging Improvement Unit be established under the provisions of this Ordinance, embracing the territory within specified boundaries;

(2) the description of the boundaries of the proposed Canal Dredging Improvement Unit;

(3) a description and general location of the type of Canal Dredging to be undertaken;

(4) an estimate of the Capital Cost of the proposed Canal Dredging;

(5) an estimate of the annual Assessment and the anticipated number of Fiscal Years for which the Assessment will be imposed;

(6) the Signatures and addresses of at least sixty percent (60%) of different Property Owners within the proposed Canal Dredging Improvement Unit verifying their desire to have the proposed Canal Dredging Improvement Unit established under the provisions of this Ordinance;

(7) proof that one hundred percent (100%) of the Property Owners within the proposed Canal Dredging Improvement Unit were provided a copy of the petition; and

(8) such other information that is deemed necessary by the County.

In the event a petition satisfying the requirements of this Subsection (C) is not received within the time prescribed herein, the petition and associated Letter of Intent will be deemed null and void, and a new Letter of Intent for the subject territory shall not be considered for at least eighteen (18) months from the date of the expiration of the time within which submission of the petition was required.

(D) **Verification of Petition.** Within ninety (90) calendar days after the submission of a copy of said petition to the County as provided for in Subsection (C) above, the County shall verify whether or not the Signatures of at least sixty percent (60%) of different Property Owners within the proposed Canal Dredging Improvement Unit are contained in the petition. This verification shall be based upon a comparison of the names and addresses obtained with a list obtained from the Property Appraiser of Property Owners within the proposed Canal Dredging Improvement Unit. The County shall also verify that the then current estimate of the Capital Cost of the proposed Canal Dredging is not in excess of the estimate of the Capital Cost that was contained in the petition prepared and submitted pursuant to Subsection (C) above. In the event such estimate exceeds the estimate contained in the petition, such petition shall be deemed null and void and the Property Owner Spokesperson shall re-initiate the petition process in accordance with Subsection (C) with the then current estimate of the Capital Cost of the proposed Canal Dredging.

(E) **Board Submission.** Following the preparation of the feasibility report as provided for in Subsection (B), preparation and submission of a petition for a Canal Dredging Improvement Unit as provided for in Subsection (C) and verification of such petition as provided for in subsection (D), the petition and feasibility report shall be provided to the Board in conjunction with the Initial Assessment Resolution as provided for in Section 3.03.

ARTICLE III ASSESSMENTS

SECTION 3.01. AUTHORITY. The Board is hereby authorized to levy, impose, collect and enforce Assessments against property located within a Canal Dredging Improvement Unit to fund the Capital Cost or Project Cost. Nothing contained in this Ordinance shall be construed to require or preclude the imposition of Assessments against Government Property. The Assessment shall be computed in a manner that

fairly and reasonably apportions the Capital Cost or Project Cost among the parcels of property within the Canal Dredging Improvement Unit, based upon objectively determinable ECDUs related to the use or physical characteristics of the property. Assessments imposed to fund the Capital Cost or the Project Cost shall be imposed for a term of years in equal annual amounts sufficient to pay the Capital Cost or Project Cost of Canal Dredging, plus interest thereon. In addition, the annual Assessment for each parcel of property shall include the parcel's share of the estimated annual Collection Cost and an amount equal to the maximum discount allowed for early payment under the Uniform Assessment Collection Act. The first annual Assessment for Assessments imposed to fund the Capital Cost or the Project Cost shall be scheduled for payment not earlier than the date on which the construction and installation of the associated Canal Dredging is completed.

Section 3.02. INITIAL FUNDING. The initial funds required to prepare the plans and specifications for Canal Dredging, the Initial Assessment Resolution, the Assessment Roll, the Final Assessment Resolution and otherwise satisfy the procedures provided for in this Ordinance will be advanced or borrowed by the County. If a Canal Dredging Improvement Unit is established and Assessments are imposed, any funds so advanced or borrowed by the County may be reimbursed, with interest, from proceeds of the Assessments or Obligations issued to finance the Capital Cost of Canal Dredging.

SECTION 3.03. INITIAL ASSESSMENT RESOLUTION. The initial proceeding for the establishment of a Canal Dredging Improvement Unit and imposition of an Assessment shall be the Board's adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall (A) describe the property to be located within the proposed Canal Dredging Improvement Unit; (B) describe the Canal Dredging proposed for funding from proceeds of the Assessments; (C) estimate the Capital Cost, the Project Cost, the Administrative Costs and the Collection Costs; (D) establish the amount, term and method of collection of the annual Assessment; (E) describe with particularity the proposed method of

apportioning the Capital Cost and the Project Cost to be recovered through the Assessments among the parcels of benefited property located within the Canal Dredging Improvement Unit, such that the owner of any parcel of benefited property can objectively determine the number of ECDUs and the amount of the Assessment; (F) describe the provisions, if any, for acceleration and prepayment of the Assessment; (G) describe the provisions, if any, for reallocating the Assessment upon future subdivisions or changes in land uses to property located within the Canal Dredging Improvement Unit; and (H) include specific legislative findings that recognize the fairness provided by the apportionment methodology.

Section 3.04. ASSESSMENT ROLL.

(A) The County Administrator shall prepare a preliminary Assessment Roll that contains the following information:

- (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
- (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
- (3) the number of ECDUs attributable to each parcel;
- (4) the estimated maximum annual Assessment to become due in any Fiscal Year for each ECDU; and
- (5) the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

(B) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Director and 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 Assessment for each parcel of property can be

determined by use of a computer terminal or internet access available to the public.

SECTION 3.05. NOTICE BY PUBLICATION. Upon adoption of the Initial Assessment Resolution, the Director shall publish once in a newspaper of general circulation within the County a notice stating that a public hearing of the Board will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the Board will receive written comments and hear testimony from all interested persons regarding establishment of the Canal Dredging Improvement Unit, the proposed Assessments, approval of the Assessment Roll and adoption of the Final Assessment Resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

SECTION 3.06. NOTICE BY MAIL. In addition to the published notice required by Section 3.05 hereof, the Director shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the public hearing to each property owner at such address as is shown on the Tax Roll readily available on the twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Director 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 or release or discharge any obligation for the payment of any Assessment imposed by the Board pursuant to this Ordinance.

SECTION 3.07. FINAL ASSESSMENT RESOLUTION. At the time named in such notice, or such time to which a continuance may be taken, the Board shall receive any written objections and hear testimony of interested persons and may then adopt the Final Assessment Resolution prior to the adjournment of said hearing which shall (A) establish the Canal Dredging Improvement Unit; (B) confirm, modify

or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (C) impose the Assessment; (D) establish the maximum amount of the Assessment for each ECDU; (E) approve the Assessment Roll, with such amendments as it deems just and right; and (F) determine the method of collection of the Assessments. Any objections to adoption of the Final Assessment Resolution shall be made in writing, and filed with the Clerk at or before such hearing. Following adoption of the Final Assessment Resolution, notice of the Assessment shall be recorded in the Official Records of Hillsborough County, Florida. The recorded notice shall identify the property against which the County will impose annual Assessments, the amount of the annual Assessment, and the term of which annual Assessments will be imposed.

SECTION 3.08. ANNUAL ASSESSMENT RESOLUTION. During its budget adoption process, the Board shall adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be prepared in accordance with the Initial Assessment Resolution, as confirmed or amended by the Final Assessment Resolution. If the proposed annual Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to Section 3.06 hereof or if an Assessment is imposed against property not previously subject thereto, the Board shall provide notice to the owner of such property in accordance with Sections 3.05 and 3.06 hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time.

SECTION 3.09. EFFECT OF 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 method by which the Assessments will be computed, the apportionment methodology, the adoption of the Assessment

Roll, the rate of assessment, the methods and procedures for collection, the levy and lien of the Assessments and the terms of prepayment of the Assessments, if any) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) calendar days from the date of the Board's adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. If the Assessments are to be collected pursuant to the Uniform Assessment Collection Act, the Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such other official as the Board, by resolution, deems appropriate.

SECTION 3.10. PREPAYMENT OF ASSESSMENTS. The Assessment imposed against any parcel of property to fund the Capital Cost shall be subject to prepayment at the option of the owner of each parcel of property subject to the Assessment, as follows:

(A) Prior to the issuance of Obligations to finance the Capital Cost, the Director shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the Board's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth calendar day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the Board may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall, if feasible, be entitled to prepay the total Assessment obligation upon payment of such parcel's share of the Capital Cost.

(B) Following the date specified in the notice provided pursuant to Subsection (A) hereof, or such later date as the Board may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall, if feasible, be entitled to prepay the total remaining Assessment obligation upon payment of an amount equal to the sum of (1) such parcel's share of the principal amount of Obligations then outstanding, (2) the premium associated with the

redemption of such parcel's share of the principal amount of Obligations then outstanding, and (3) interest on such parcel's share of the principal amount of Obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the County can redeem Obligations after providing all notices required by the resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the County may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

(C) At the Board's election, the Assessment imposed against any parcel of property to fund the Capital Cost may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for mandatory prepayment shall be the same as that required for an optional prepayment authorized by Subsection (B) hereof.

(D) The amount of all prepayments computed in accordance with this Section shall be final. The County shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 3.11. LIEN OF ASSESSMENTS.

(A) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute 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. Except as otherwise provided by law, such lien shall be superior in

dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Hillsborough County, Florida.

(B) Upon adoption of the Final Assessment Resolution, Assessments to be collected under the alternative method of collection provided in Section 4.02 hereof, shall constitute 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. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Hillsborough County, Florida.

SECTION 3.12. REVISIONS TO ASSESSMENTS. If any 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 Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has omitted the inclusion of any property on the Assessment Roll that should have been so included, the Board may take all necessary steps to impose a new Assessment against any property benefited by Canal Dredging, following as nearly as may be practicable the provisions of this Ordinance, and in case such second Assessment is annulled, the Board may levy and impose other Assessments until a valid Assessment is imposed.

SECTION 3.13. PROCEDURAL IRREGULARITIES. Any informality or 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 approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings related to such 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. Notwithstanding the provisions of this Section 3.13, any party objecting to an Assessment imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed in Section 3.09 of this Ordinance.

SECTION 3.14 CORRECTION OF ERRORS AND OMISSIONS.

(A) No act of error or omission on the part of the Property Appraiser, Tax Collector, Board, Clerk, Director, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Board under the provisions of this Ordinance. Any errors or omissions may be corrected at any time by the Board, or its designee. Any such correction which reduces an Assessment shall be considered valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this Ordinance.

(B) Any such correction which increases any Assessment or imposes an Assessment on omitted property shall first require notice to the affected owner in the manner described in Section 3.06 hereof, providing the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard. Following the confirmation of such correction by the Board, a revised notice of the Assessment shall be recorded in the Official Records of Hillsborough County in the manner described in Section 3.07 hereof.

(C) 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 errors and insolvencies for ad valorem taxes.

SECTION 3.15. CHANGES IN CANAL DREDGING IMPROVEMENT UNIT BOUNDARIES. Nothing in this Ordinance shall be construed to prohibit the adoption of a future resolution changing the boundaries of any Canal Dredging Improvement Unit. The expansion or contraction of any Canal Dredging Improvement Unit shall not invalidate any Assessment properly imposed hereunder, provided, however, that the Board shall comply with the procedures set forth herein prior to imposing any Assessment against property not previously subject thereto.

**ARTICLE IV
COLLECTION OF ASSESSMENTS**

SECTION 4.01. METHOD OF COLLECTION. Unless directed otherwise by the Board, Assessments (other than Assessments imposed against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions thereof including but not limited to (A) entering into a written agreement with the Property Appraiser and the Tax Collector for reimbursement of necessary expenses, (B) certifying the Assessment Roll to the Tax Collector, and (C) adopting a Resolution of Intent at a public hearing after publishing weekly notice of such intent for four (4) consecutive weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

SECTION 4.02. ALTERNATIVE METHOD OF COLLECTION. In lieu of using the Uniform Assessment Collection Act, the County may elect to collect the Assessments by any other method which is authorized by law or provided by this Section 4.02 as follows:

(A) The County 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 Assessment, (2) a description of the ECDUs used to determine the amount of the Assessment, (3) the number of ECDUs attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against the 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 Assessments shall be recorded in the Official Records of Hillsborough County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(C) The County shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) calendar days from the due date. The County or its agent shall notify any property owner who is delinquent in payment of an Assessment within sixty (60) calendar days from the date such assessment was due. Such notice shall state in effect that the County or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law. At the option of the County, the County may accelerate all future annual Assessment payments and foreclose on such property in an amount equal to the Assessments which are delinquent, as well as all future annual Assessment payments.

(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 an individual person or corporation. The County may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the County as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility 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 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 law and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

SECTION 4.03. RESPONSIBILITY FOR ENFORCEMENT. The County and its agent, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

SECTION 4.04. GOVERNMENT PROPERTY.

(A) If Assessments are imposed against Government Property, the County shall provide 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 Assessment, (2) a description of the ECDUs used to determine the amount of the Assessment, (3) the number of ECDUs attributable to

the parcel, (4) the total amount of the parcel's Assessment 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 Governmental Property shall be due on the same date as Assessments against other property within the Canal Dredging Improvement Unit 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) calendar days from the due date. The County shall notify the owner of any Government Property that is delinquent in payment of its Assessment within sixty (60) calendar days from the date such assessment was due. Such notice shall state in effect that the County 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 Assessments and any other costs incurred by the County as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility 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 on the bill for any utility service provided to such Governmental Property. The Board may contract for such billing services with any utility not owned by the County.

ARTICLE V
ISSUANCE OF OBLIGATIONS

SECTION 5.01. GENERAL AUTHORITY.

(A) Upon adoption of the Final Assessment Resolution imposing Assessments to fund Canal Dredging or at any time thereafter, the Board shall have the power and is hereby authorized to provide by resolution, at one time or from time to time in series, for the issuance of Obligations to fund the Project Cost or to refund any Obligations.

(B) The principal of and interest on Obligations shall be payable from Pledged Revenue. The Board may grant a lien upon and pledge the Pledged Revenue in favor of the holders of Obligations in the manner and to the extent provided in the resolution authorizing such Obligations. Such Pledged Revenue shall immediately be subject to such lien without any physical delivery thereof, and such lien shall be valid and binding as against all parties having claims of any kind against the County.

SECTION 5.02. TERMS OF THE OBLIGATIONS. The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding forty (40) years from their date or dates as may be determined by resolution of the Board, and may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions, all as may be fixed by the Board. The Board shall determine by 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 Board shall determine by resolution. The Obligations may be issued as

capital appreciation bonds, current interest bonds, term bonds, serial bonds, variable rate bonds, or any combination thereof, all as shall be determined pursuant to resolution of the Board.

SECTION 5.03. 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 County within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue in the manner provided herein and by the resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the County to levy or to pledge any form of ad valorem taxation whatever therefor. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power or the use of ad valorem tax revenues of the County to pay any such Obligations or the interest thereon against any property of the County, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the County, except the Pledged Revenue.

SECTION 5.04. 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 resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the County, or its designee, in the manner provided by the resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the County shall be subject to the lien and pledge of the holders of any Obligations or any entity other than the County providing credit enhancement on the Obligations.

SECTION 5.05. REMEDIES OF HOLDERS. Any holder of Obligations, except to the extent the rights herein given may be restricted by the 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 of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this Section, or by such resolution, to be performed by the County.

SECTION 5.06. INSUFFICIENT PROCEEDS. If for any reason the net proceeds from the Obligations issued to fund Canal Dredging for a Canal Dredging Improvement Unit are insufficient to pay the Project Costs relating to such Canal Dredging, the County, at its option, shall either (A) elect to impose additional Assessments, or (B) fund the difference from any legally available non-ad valorem revenue.

SECTION 5.07. OBLIGATIONS AS NEGOTIABLE INSTRUMENTS. All Obligations issued under the provisions of this Ordinance shall have and are hereby declared to have all the qualities and incidents of negotiable instruments.

ARTICLE VI MISCELLANEOUS PROVISIONS

SECTION 6.01. SEVERABILITY. If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 6.02. 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 health, safety and welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

SECTION 6.03. CONSTRUCTION OF ORDINANCE. The provisions of this Ordinance shall be liberally construed to affect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein. The exercise of the powers provided for in this Ordinance shall not be subject to the limitations or provisions of any other law or laws, except to the extent expressly provided herein. In the event of any conflict between any provision of this Ordinance and any applicable law or laws providing cumulative, supplemental and/or alternative authority to counties for the exercise of the powers provided herein, the least restrictive in favor of the County's powers shall apply.

SECTION 6.04. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby superceded or repealed to the extent of such conflict.

SECTION 6.05. FILING; EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment, and this Ordinance shall become effective immediately upon receipt of acknowledgment from the Department of State that this Ordinance has been filed.

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance enacted by the Board at its meeting of January 22, 2009, as the same appears of record in Minute Book 392 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd day of January, 2009.

PAT FRANK, CLERK OF CIRCUIT COURT

By: Beverly Anne Miller
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY

By: Christine M. Beck
MANAGING ATTORNEY



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 26, 2009

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
P. O. Box 1110
Tampa, Florida 33601-1110

Attention: Gail M. Letzring, Manager BOCC Records

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 23, 2009, and certified copy of Hillsborough County Ordinance No. 09-01, which was filed in this office on January 26, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED
2009 JAN 30 PM 2:29
CLERK TO
THE BOARD (B)

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dilis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
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STATE ARCHIVES OF FLORIDA
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LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

NOTICE OF INTENT TO
CONSIDER COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY
CONCERN:

Notice is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment, the following ordinance at a meeting on **January 22, 2009 at 2:00 p.m.**, in the Board Room, County Center, Second Floor, 601 East Kennedy Boulevard, Tampa, Florida.

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA, RELATING TO THE DREDGING OF SALT OR BRACKISH WATER CANALS FOR IMPROVED NAVIGATION AND ASSOCIATED MUNICIPAL SERVICE BENEFIT UNITS REFERRED TO AS CANAL DREDGING IMPROVEMENT UNITS; PROVIDING DEFINITIONS; PROVIDING PURPOSES FOR WHICH SUCH UNITS MAY BE ESTABLISHED; PROVIDING FOR THE AREAS WHICH MAY BE ESTABLISHED AS SUCH UNITS; PROVIDING PROCEDURES FOR THE ESTABLISHMENT OF SUCH UNITS; AUTHORIZING AND PROVIDING PROCEDURES FOR THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CANAL DREDGING PROVIDING A SPECIAL BENEFIT TO PROPERTY WITHIN SUCH UNITS; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY SUCH ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12TH FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL 33602.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS. THIS MEETING WILL BE CAPTIONED FOR THE HEARING IMPAIRED.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
Hillsborough County, Florida

#5063 1/9/09

The Tampa Tribune

Published Daily

Tampa, Hillsborough County, Florida

State of Florida }
County of Hillsborough } SS.

Before the undersigned authority personally appeared C. Pugh, who on oath says that she is the Advertising Billing Supervisor of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of the

Legal Ads IN THE Tampa Tribune

In the matter of Legal Notices

was published in said newspaper in the issues of

01/09/2009

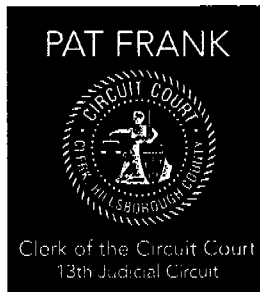
Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

Sworn to and subscribed by me, this 9 day
of January, A.D. 2009

Personally Known or Produced Identification
Type of Identification Produced _____



Ana Maria Hodel
Commission #DD551367
Expires: MAY 11, 2010
www.AARONNOTARY.com



January 23, 2009

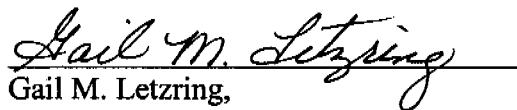
MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #09-1
Canal Dredging Municipal Service Benefit Unit and Assessment Procedure
Ordinance

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #09-1, adopted by the Board of County Commissioners on January 22, 2009. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,


Gail M. Letzring,
Manager, BOCC Records

md
Attachment
Federal Express AB# 8610 5960 0539

FedEx® **US Airbill** FedEx Tracking Number **8610 5960 0539**

Express

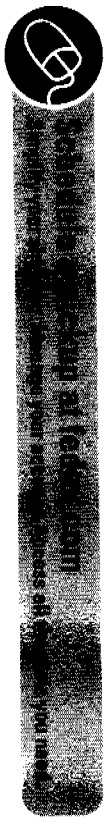
1 From *Please print and press hard* Sender's FedEx Account Number **1140-8846-3**
 Date **1/23/09**

Sender's Name **BOCC RECORDS PROCESSING** 813 276-8100
 Company **CLERK CIRCUIT COURT 12TH FL**
601 EAST KENNEDY BLVD
TAMPA FL 33602
 Address **180**
 City **TAMPA** State **FL** ZIP **33602-3503**

2 Your Internal Billing Reference **(180) ORD# 09-1**

3 To Recipient's Name **LIZ CLOUD PROGRAM ADMIN**
 Company **FLORIDA DEPARTMENT OF STATE**
 Recipient's Address **R A GRAY BLDG**
500 S BRONOUGH STREET ROOM 101
TALLAHASSEE FL 32399-0250

Address **Dept./Room/Star/Room**
 To request a package be held at a specific FedEx location, print FedEx address here.
 City **TAMPA** State **FL** ZIP **33602-3503**



Sender's Copy

4a Express Package Service Packages up to 150 lbs

FedEx Priority Overnight Next business morningSM delivery. Not available unless Sat/Urban Delivery is selected.
 FedEx Standard Overnight Next business afternoonSM delivery. Not available unless Sat/Urban Delivery is selected.
 FedEx 2Day Second business daySM delivery. Not available unless Sat/Urban Delivery is selected.
 FedEx Express Saver Third business daySM delivery. Not available unless Sat/Urban Delivery is selected.

4b Express Freight Service Packages over 150 lbs

FedEx 1Day FreightSM Next business daySM delivery. Not available unless Sat/Urban Delivery is selected.
 FedEx 2Day Freight Second business daySM delivery. Not available unless Sat/Urban Delivery is selected.
 FedEx 3Day Freight Third business daySM delivery. Not available unless Sat/Urban Delivery is selected.

5 Packaging FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling SATURDAY delivery HOLD Saturday at FedEx Location HOLD Weekend at FedEx Location NOT Available for FedEx First Overnight, FedEx Express Saver, or FedEx 2Day Freight. Dry Ice Fragile Cargo Aircraft Only

7 Payment Bill to Sender Recipient Third Party Credit Card Cash/Check

8 Residential Delivery Signature Options No Signature Required Direct Signature Indirect Signature

Total Packages **1** Total Weight **1.00** Total Declared Value* **\$ 00**

519

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POACH NEEDED.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

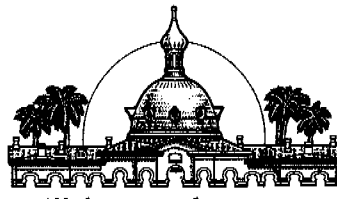
We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (Hillsborough)	COUNTY ORDINANCE # (09 - 1) <small>(e.g., 00-001)</small>
PRIMARY KEYFIELD	
DESCRIPTOR: (Canal Dredging)	
SECONDARY KEYFIELD	
DESCRIPTOR: ()	
OTHER KEYFIELD	
DESCRIPTOR: (Canal Dredging MSBU and Assessment Procedure)	
ORDINANCE DESCRIPTION: (Canal Dredging) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: ()	AMENDMENT # 2: ()
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: ()	REPEAL # 3: ()
REPEAL # 2: ()	REPEAL # 4: ()
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	Rev. 4/10/01



Hillsborough County
Florida

Office of the County Administrator

Patricia G. Bean

MEMORANDUM

BOARD OF COUNTY COMMISSIONERS

Brian Blair
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White

Deputy County Administrator
Wally Hill

Assistant County Administrators
Kenneth C. Griffin
Carl S. Harness
Manus J. O' Donnell

TO: Midge Dixon, Clerk, BOCC Records

FROM: Christine M. Beck, Managing Attorney *CMB*

Re: AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA, RELATING TO THE DREDGING OF SALT OR BRACKISH WATER CANALS FOR IMPROVED NAVIGATION AND ASSOCIATED MUNICIPAL SERVICE BENEFIT UNITS REFERRED TO AS CANAL DREDGING IMPROVEMENT UNITS; PROVIDING DEFINITIONS; PROVIDING PURPOSES FOR WHICH SUCH UNITS MAY BE ESTABLISHED; PROVIDING FOR THE AREAS WHICH MAY BE ESTABLISHED AS SUCH UNITS; PROVIDING PROCEDURES FOR THE ESTABLISHMENT OF SUCH UNITS; AUTHORIZING AND PROVIDING PROCEDURES FOR THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE COST OF CANAL DREDGING PROVIDING A SPECIAL BENEFIT TO PROPERTY WITHIN SUCH UNITS; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY SUCH ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Date: January 23, 2009

An original final copy of the above-referenced ordinance adopted by the BOCC on January 22, 2009 is attached. Please number and certify the ordinance and file with the Florida Department of State in accordance with Section 125.66, Florida Statutes.

64920671.doc

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JAN 23 PM 2:52
CLERK TO
BOCCARD (8)

Midge Dixon, Clerk, BOCC Records
January 23, 2009
Page 2

Please provide this office with a date-stamped copy of the official acknowledgement from the Department of State that the ordinance has been filed, showing receipt by your office. Also, the original proof of notice showing the ordinance was advertised on January 9, 2009 in the Tampa Tribune is attached.

Thank you for your assistance with this matter.

CMB:gbc

c: Samuel S. Hamilton, Senior Assistant County Attorney

Enclosures