

ORDINANCE NO. 2023 – 71

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, CREATING THE PRIVATE ROAD EMERGENCY REPAIR MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO BE THE UNIT'S GOVERNING BODY; PROVIDING FUNDING AND THE LEVY OF NOT TO EXCEED ONE (1) MIL OF AD VALOREM TAXES PER YEAR; PROVIDING FOR THE COLLECTION OF TAXES; PROVIDING FOR DUTIES OF THE COUNTY MANAGER; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE COLLIER COUNTY CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, many roads in the unincorporated portion of Collier County are unpaved, private roads not maintained by the County, and are impassable and require immediate attention; and

WHEREAS, it is imperative that all roads in the County are passable to emergency services vehicles to protect the public health, safety, and welfare in certain emergencies, including fires, hurricanes and floods; and

WHEREAS, there is currently no mechanism or funding source to pay for emergency repairs when an emergency vehicle cannot access private roads deemed impassable; and

WHEREAS, the Board of County Commissioners has determined that the creation of a municipal service taxing unit is the best method to provide funding to enable the County to make emergency repairs to private roads deemed impassable by the local fire district, the Collier County Sheriff's Office, or Collier County.

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

SECTION ONE: Authority.

This Ordinance is adopted pursuant to the provisions of Section 125.01 and Chapter 200, *Florida Statutes*, and other applicable provisions of law.

SECTION TWO: Creation of the Municipal Service Taxing Unit.

There is hereby created and established the Private Road Emergency Repair Municipal Service Taxing Unit, hereinafter referred to as the "MSTU." The property subject to the MSTU shall be all properties abutting or adjacent to the unpaved, private roads identified in Exhibit A,

which have been deemed impassable by the local fire district, the Collier County Sheriff's Office, or Collier County.

SECTION THREE: Purpose and Governing Body.

The MSTU is created for the purpose of providing emergency repairs to the unpaved, private roads in Collier County identified in Exhibit A, which the local fire districts, the Collier County Sheriff's Office, or Collier County has deemed impassable to emergency vehicles and such disrepair is a danger to the health, safety, and welfare to the citizens of Collier County. The roads shall be repaired only to the extent that they are made passable to emergency vehicles. Such repair does not designate acceptance of maintenance beyond the purpose stated herein, nor does it designate an ownership interest in the road by the County.

The governing body of the MSTU shall be the Board of County Commissioners of Collier County, Florida.

SECTION FOUR: Funding and Levy of Taxes.

For the purpose of implementing this Ordinance, the Board of County Commissioners shall annually, at the time required by general budgetary law, make an itemized estimate of the amount of money required to carry out the business of the MSTU for the next fiscal year, which shall be from October 1 to and including the following September 30. The estimate shall describe the purpose for which the monies are required and the amount necessary to be raised by taxation within the MSTU. At the time and place for fixing the annual rate of taxation for County purposes, the Board of County Commissioners shall fix and cause to be levied on all properties within the MSTU, subject to taxation, a millage rate not to exceed one (1) mil per year.

SECTION FIVE: Tax Assessment and Collection.

Taxes herein provided for shall be assessed and collected in the same manner and form as provided for the assessment and collection of general County taxes and subject to the same fees for assessing and collecting as general County taxes.

SECTION SIX: Duties of the County Manager or Designee.

The duties of the County Manager or designee are as follows:

1. To aid and assist the Board in carrying out the purposes of the MSTU in accordance with established practices and policies of the Board of County Commissioners and as set forth in this Ordinance;
2. To prepare and recommend to the Board an itemized annual budget of the amount of money required to carry out the business of the MSTU for the next fiscal year;
3. To provide periodic written reports to the Board of the activities of the MSTU and its finances in accordance with established guidelines of the Board.

SECTION SEVEN: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION EIGHT: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

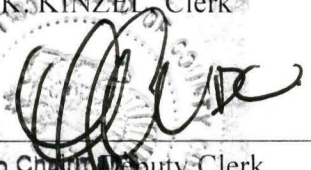
SECTION NINE: Effective Date.

This Ordinance shall be effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 12th day of December, 2023.


ATTEST:
CRYSTAL K. KINZEL, Clerk


BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman Deputy Clerk
signature only

By: 
Rick LoCastro, Chairman

Approved as to form and legality:


for Jeffrey A. Klatzkow, County Attorney *Assistant County Attorney*

This ordinance filed with the
Secretary of State's Office the
21st day of December, 2023
and acknowledgement of that
filing received this 21st day
of December, 2023
By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 22, 2023

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2023-71, which was filed in this office on December 21, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh