

June 2, 2003



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BARBARA T. SCOTT, CLERK, CHARLOTTE CO  
REC 19.50

ORDINANCE

NUMBER 2003-26

AN ORDINANCE AMENDING CHAPTER 4-3.5, CHARLOTTE COUNTY CODE; CREATING A NEW ARTICLE VII, STUMP PASS/BEACH RENOURISHMENT TAXING UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING A PROCEDURE FOR ADOPTING A BUDGET; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Section 125.01, Florida Statutes, has the power to establish, merge or abolish municipal service taxing units and levy ad valorem taxes within such units; and

WHEREAS, the Board of County Commissioners has determined that is in the best interest of the property owners and residents in the affected area to create a municipal service taxing unit to provide funding to, among other things, comply with the permit requirements associated with the Stump Pass dredging project, known as Charlotte County Erosion Control Project Phase 1.

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

Section 1. Charlotte County Code, chapter 4-3.5 is amended by creating a new article designated as article VII, consisting of Sections 4-3.5-81 through 4-3.5-95, and by adding the following new language, numbered and designated as follows:

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6-26-03  
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Maxwell  
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**“ARTICLE VII. STUMP PASS/BEACH RENOURISHMENT TAXING UNIT**

**Sec. 4-3.5-81. Unit established.**

There is hereby created, pursuant to the authority contained in Section 125.01, Florida Statutes, a municipal service taxing unit to be known as the Stump Pass/Beach Renourishment Taxing Unit (“unit”).

**Sec. 4-3.5-82. Territory.**

The territory included within the unit shall include the portions of the unincorporated area of Charlotte County described as follows:

- (1) All land lying west of the Myakka River in Sections 18, 19, 29, 30, 31, 32, 33 and 34, Township 40 South, Range 21 East.
- (2) All land lying in Sections 1, 2, 12 and 13, Township 41 South, Range 19 East.
- (3) All land lying in Township 41 South, Range 20 East.
- (4) All land lying in sections 4 through 10 (inclusive), 15 through 23 (inclusive), and 26 through 35 (inclusive), Township 41 South, Range 21 East.
- (5) All land lying west of the Myakka River in Sections 1, 2, 3, 11, 12, 13, 24, 25, and 36, Township 41 South, Range 21 East.
- (6) All land lying in Sections 1 through 4 (inclusive), 10 through 16 (inclusive), 21 through 27 (inclusive), 34 and 35, Township 42 South, Range 20 East.
- (7) All land lying in Township 42 South, Range 21 East.
- (8) All land lying west of Charlotte Harbor in Sections 6, 7, 18, 19, 30, and 31, Township 42 South, Range 22 East.

**Sec. 4-3.5-83. Purpose.**

The primary purpose of the unit is to provide funding for the costs associated with the Stump Pass dredging project, known as Charlotte County Erosion Control Project Phase 1, including: permit requirements, such as annual environmental monitoring and annual monitoring of the status of the beach; two anticipated maintenance dredges to occur within an 8-year period; improvements to Stump Pass State Park; and mitigation for loss of sea bird habitat due to the dredging of the new channel. Funding derived from this unit may be used in conjunction with funding derived from the Stump Pass/Beach Renourishment Benefit Unit established in article IV of this chapter.

**Sec. 4-3.5-84. Governing body.**

The Board of County Commissioners of Charlotte County, Florida, shall be the governing body of the unit.

**Sec. 4-3.5-85. Budget.**

On or before July first of each year, the county engineer shall present to the board of county commissioners a tentative budget for the unit . The board shall adopt a budget as county budgets are adopted and shall fund the budget from ad valorem taxes levied and collected within the unit.”

Section 2. Severability. In the event any portion of the foregoing conflicts with any other Charlotte County Code or other applicable law, the more restrictive shall apply. If any subsection, sentence, clause, phrase, or portion of these sections is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the chapter.

Section 3. Effective Date. This ordinance shall take effect upon its filing in the Office of Secretary of State, State of Florida.

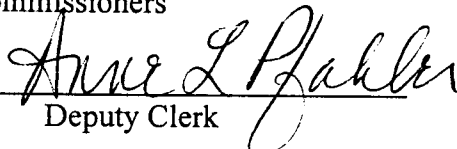
PASSED AND DULY ADOPTED this 27<sup>th</sup> day of May 2003.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By   
Matthew D. DeBoer, Chairman

ATTEST:

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

By   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Renée Francis Lee, County Attorney

## ECONOMIC IMPACT STATEMENT

AN ORDINANCE AMENDING CHAPTER 4-7, CHARLOTTE COUNTY CODE; CREATING AN ARTICLE IN THE CODE; CREATING THE STUMP PASS BEACH RENOURISHMENT MUNICIPAL SERVICE TAXING UNIT (MSTU)

**PURPOSE:** Analyze what the ordinance is designed to accomplish. Describe the present situation and the effect the ordinance will have thereon.

The ordinance would establish the Stump Pass Beach Renourishment Unit (MSTU). There is currently no dredging or renourishment MSTU in this area and property owners have requested that a unit be established to fund necessary work to dredge and to control beach erosion. Assessments would be collected on the tax bills as with all other MSTUs.

**IMPACT:** Consider costs and benefits, both monetary and non-monetary for the private sector (non-governmental entities) and the public sector (governmental entities). In discussing costs and benefits, distinguish between those which are social (borne by society as a whole) and those which are private (accrue to certain individuals or groups). Identify the specific groups which will be impacted.

There are no appreciable costs to the public or private sector.

**A. Cost of Implementation:**

The nominal costs of adopting the ordinance.

**B. Source of Funds/Ultimate Burden of Costs:**

Work performed for the benefit of the property within the unit would be paid for by assessments on property within the unit.

**C. Effect on Competition and Employment**

Projects would be open to competitive bidding by qualified vendors and trades.

**D. Benefits on Implementation:**

Property owners in the Unit would be able to have projects, such as dredging and renourishment of beaches, performed as necessary.

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ORD 2003-26



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

Before the undersigned authority personally appeared Peggy Mazzone, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intention to Consider Ordinance, was published in said newspaper in the issues of:

May 16, 2003

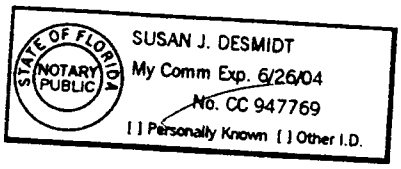
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Peggy Mazzone*  
 (Signature of Affiant)

Sworn and subscribed before me this 16th day of May, 2003.

*Susan J. Desmidt*  
 (Signature of Notary Public)

1 x 5.292 x 4.95 = \$26.20



**NOTICE OF INTENTION TO CONSIDER ORDINANCE**  
 The Board of County Commissioners of Charlotte County will, in regular session, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida, at 10 AM, or as soon thereafter as may be heard, on the 27th day of May, 2003, consider the enactment of an ordinance bearing the following title:  
**AN ORDINANCE AMENDING CHAPTER 2-15, CHARLOTTE COUNTY CODE: CREATING A NEW ARTICLE VII, STUMP PASS/BEACH RENOURISHMENT TAXING UNIT; DESCRIBING THE GEOGRAPHIC TERRITORY INCLUDED WITHIN THE UNIT; PROVIDING THE PURPOSE OF THE UNIT; PROVIDING FOR A GOVERNING BODY; PROVIDING A PROCEDURE FOR ADOPTING A BUDGET; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**  
 The proposed ordinance and economic impact statement are available at the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.  
 Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.  
 Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, they need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
 BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA  
 P.O. 2003002628-M  
 PUBLISHED: May 16, 2003  
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DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

June 2, 2003

Honorable Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County Board of County Commissioners  
Post Office Box 1687  
Punta Gorda, Florida 33951

Attention: Anne Pfahler

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2003, and certified copies of Charlotte County Ordinance Nos. 2003-023 through 2003-030, which were filed in this office on June 2, 2003.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

IMAGED  
6-26-03  
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JUN 17 AM 11:28

BUREAU OF ADMINISTRATIVE CODE  
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