

Commissioner Cheal

ORDINANCE NO. 005 -1992

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, ESTABLISHING A SECURITY DISTRICT FOR THE RESIDENTIAL ISLANDS OF DUCK KEY, MONROE COUNTY, FLORIDA, AS AUTHORIZED BY SECTION 125.01(q)(1), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF A BOARD OF DIRECTORS OF THE DISTRICT; PROVIDING FOR AN ADVISORY BOARD FOR THE DISTRICT; PROVIDING FOR DISTRICT POWERS INCLUDING THE RESTRICTED POWER TO ASSESS REAL PROPERTY WITHIN THE DISTRICT FOR DISTRICT PURPOSES; PROVIDING FOR FISCAL MANAGEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD

92 FEB 20 AS 55

WHEREAS, the Monroe County Board of County Commissioners is authorized to establish a Special Security District in Monroe County, Florida, pursuant to Section 125.01(q)(1) of the Florida Statutes; and

WHEREAS, the residents of Duck Key Subdivision in Monroe County, Florida, desire to create a Security District for certain areas of Duck Key to be known as the Duck Key Security District;

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

Section 1. DISTRICT CREATED.

A Security District is hereby created pursuant to Florida Statutes 125.01(q)(1) which encompasses Center Island, Plantation Island, Harbour Island, and Yacht Club Island of Duck Key Subdivision according to the resubdivision thereof as recorded in Plat Book 4, Pages 7, 8, 9, 10, 11 and 12 of the Public Records

of Monroe County, Florida, but excluding Section 1, also known as Indies Island of that resubdivision. More particularly described as a portion of Section 16 and 20, 21, Township 65S, R34E, Monroe County, Florida.

Section 2. NAME OF DISTRICT.

The name of the District shall be known as DUCK KEY SECURITY DISTRICT, hereinafter the District.

Section 3. PURPOSE OF DISTRICT.

The District shall be established for the sole and restricted purpose of providing security services for the District.

Section 4. DESIGNATION OF THE GOVERNING BODY.

The County Commission of the County of Monroe County, Florida, is hereby designated as the District Governing Body. The chairman of the district governing body shall be the Mayor of Monroe County.

Section 5. ESTABLISHMENT OF ADVISORY BOARD.

An Advisory Board is hereby established for the Duck Key Security District. This Advisory Board shall be composed of seven members who shall be owners of real property located in the district or residents thereof. The members of the Advisory Board shall be appointed by the Governing Body. The Monroe County Sheriff's Office shall appoint one ex-officio member to the Advisory Board. The Advisory Board shall perform such duties as may be prescribed by the Governing Body and this Ordinance and shall submit within the time period specified by the Governing Body or this Ordinance as applicable a report on the District's proposed activities and a proposed budget to accomplish the District's objectives. In formulating a plan for law enforcement services, the Advisory

Board shall consult with the appropriate staff of the County of Monroe or the Sheriff of Monroe County, to assist in the preparation of the District's plan for such services. All meetings of the Advisory Board shall be open to the public.

★ The Advisory Board members shall be appointed for staggered terms of three years. The initial appointment shall be three members for a one year term; two members for a two year term and two members for a three year term. Vacancies shall be filled for the unexpired portion of a term in the same manner as the initial appointment is made. Each member shall hold office until his successor is appointed and qualified unless the member ceases to be qualified or is removed from office. All members shall serve at the pleasure of the Board of County Commissioners, except for the ex-officio member appointed by the Sheriff. Upon appointment and qualification each year the members shall organize by electing from their membership a chairman and a secretary. The Advisory Board shall recommend, with the approval of a majority of a quorum of the property owners, whether in person, by proxy, or by absentee ballot, and the Board of County Commissioners may approve, the actions of the Duck Key Security District. The powers of the Board of County Commissioners shall include but not be limited to:

- 1) Enter into contracts and agreements;
- 2) Have exclusive control of funds legally available to it, subject to limitations imposed by law or by this Ordinance or by any agreement validly entered into by it;

- 3) Cooperate and contract with other governmental agencies or other public bodies;
- 4) Contract with the county or private agencies for increased levels of law enforcement protection, including additional personnel;
- 5) Make and collect non ad valorem assessments to finance the law enforcement services authorized in this section;
- 6) Exercise all lawful powers incidental to the effective and expadient exercise of the foregoing powers.

Section 6. ASSESSMENTS.

The Advisory Board shall prepare to the Governing Body a proposed budget for the Duck Key Security District within ninety days of the date of the passage of this Ordinance. The Governing Body can accept, reject or modify the proposed budget. Upon the acceptance of the initial proposed budget, the Governing Body shall authorize a referendum in the District to be held at the next available primary or general election to approve the collection of non ad valorem assessments as provided by Sec. 197.3632, Fla. Stat., to support the implementation of District law enforcement services. The initial assessment shall not be levied unless first approved by a majority of voting residents in the referendum called for that purpose. The initial non ad valorem assessment for this budget shall be no more than \$200.00 per improved lot and \$20.00 per unimproved lot. If the referendum is disapproved by the voters, then the Governing Body shall take no further action pursuant to this ordinance and shall

act with dispatch to repeal the same. If approved, and for the years following the initial year, the Advisory Body shall annually prepare a budget and submit it for acceptance, rejection or modification by the Governing Body and the imposition of such non ad valorem assessments as may be needed. Except as provided in paragraph 8, there shall be no need for referenda in subsequent years unless an assessment increases more than ten percent (10%) over the previous year or increases to more than the sum of \$300.00 per improved lot or more than the sum of \$30.00 per unimproved lot in any given year.

Assessments shall be assessed on the basis of one residential assessment for each improved lot and one unimproved lot assessment per unimproved lot, regardless of ownership unless exempt by state law.

Lots with houses under construction on January 1st of each year shall pay the unimproved lot assessment unless the construction thereon has been substantially completed by January 1st of each year after which the lots will be assessed as residences.

In addition to the preceding, the District budget shall also be approved pursuant to all general law relating to the adoption and preparation of County budgets.

Section 7. FISCAL MANAGEMENT.

All District funds shall be received, held, secured, in the same manner as other county funds by the Clerk of the Circuit Court. The funds shall be maintained under a separate account and shall only be used for purposes authorized by this Ordinance and shall be disbursed only upon the direction of the Governing Body

pursuant to the requisitions signed by the Mayor and countersigned by the Clerk of the Court.

Section 8. SUNSET CLAUSE.

The Dick Key Security District shall cease to exist at the end of the fourth year after adoption unless continued for a subsequent four years by referendum approving the continuation of the District by a majority vote of the voters in the District.

Section 9. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 10. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 11. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 12. This Ordinance shall be filed in the Office of the Secretary of State, State of Florida, but shall not take effect until a referendum approving the ordinance has been passed by the electors of the District.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a special meeting of said Board held on the 6th day of February, A.D., 1992.

Mayor Harvey
Mayor Pro Tem London
Commissioner Cheal

Yes
Yes
Yes

Commissioner Jones
Commissioner Stormont

Yes
Yes

(SEAL)

Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: *Danny L. Kolhage*
CLERK

BY: *William H. Hovary*
MAYOR/CHAIRMAN

EFFECTIVE DATE: _____

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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.

By *[Signature]*
Attorney's Office

Date 2.14.95