

## **ORDINANCE NO. 08-10**

AN ORDINANCE AMENDING ORDINANCE NO. 06-44 AUTHORIZING THE CREATION OF COMMON FACILITIES DISTRICTS, ORDINANCE NO. 06-45 CREATING THE INDIAN CREEK COMMON FACILITIES DISTRICT, ORDINANCE NO. 07-06 CREATING THE CYPRESS WOODS COMMON FACILITIES DISTRICT, ORDINANCE NO. 95-04 CREATING THE CRESCENT LAKES MAINTENANCE DISTRICT, ORDINANCE NO. 94-7 CREATING THE INDIAN POINT SPECIAL MAINTENANCE DISTRICT, AND ORDINANCE NO. 94-8 CREATING THE INDIAN RIDGE VILLAS SPECIAL MAINTENANCE DISTRICT, TO PERMIT THE PROVISION OF SECURITY SERVICE WITHIN EACH DISTRICT; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS.** It is hereby ascertained, determined and declared that:

(A) "Security Service," as defined in Sections 2, 5, 6 and 7 hereof, will serve as a deterrent to vandalism, which will preserve the appearance of property in each District and enhance the market value of real property located within each District.

(B) Security Service will provide dedicated protection to real property located within the limited geographic area of each District, which is different in kind and degree from law enforcement benefits provided to the community as a whole.

(C) Security Service will confer a direct, special benefit to the property against which special assessments will be imposed to fund the "Security Cost," as defined in Sections 2, 5, 6 and 7 hereof.

## **SECTION 2. AMENDMENTS TO ORDINANCE NO. 06-44.**

(A) Section 1.01 of Ordinance No. 06-44, the Common Facilities District Master Ordinance, is hereby amended by adding definitions of "Security Cost" and "Security Service" as follows:

"Security Cost" means the expenses incurred or to be incurred by the District for Security Service.

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"Security Service" means dedicated security guard and/or guard gate guard service for the protection of property located within the District, including but not limited to the Common Facilities. The term "Security Service" may include employment of deputies for such purposes through the Sheriff's off-duty program, but shall not include increased patrols provided by the Sheriff's on-duty deputies.

(B) Section 2.01 of Ordinance No. 06-44, the Common Facilities District Master Ordinance, is hereby amended as follows:

**SECTION 2.01. PURPOSE.** Districts may be created within the unincorporated area of the County for the purpose of acquiring, constructing, operating and maintaining Common Facilities within the District and providing Security Service within the District. Districts shall not be authorized to enforce deed restrictions.

(C) Section 2.02 of Ordinance No. 06-44, the Common Facilities District Master Ordinance, is hereby amended as follows:

**SECTION 2.02. CREATION.** Districts shall be created by enactment of an Implementing Ordinance. Each Implementing Ordinance shall include (A) a description of the property to be included within the District, (B) a list of the Common Facilities, (C) an explanation of why the District is the best alternative for acquiring, constructing, operating and maintaining the Common Facilities and providing Security Service, and (D) any provisions applicable to the District that are inconsistent with the terms of this Master Ordinance. It is the intent of this Master Ordinance that the Districts shall be dependent special districts created pursuant to Sections 125.01(5)(a) and 189.0401, Florida Statutes.

(D) Subsections (A) and (C) of Ordinance No. 06-44, the Common Facilities District Master Ordinance, are hereby amended as follows:

**SECTION 3.05. GENERAL POWERS.** The Board of Supervisors shall have all powers to carry out the purposes of this Master Ordinance, including the following powers:

(A) to acquire, construct, operate and maintain the Common Facilities and provide Security Service;

(B) to promulgate reasonable rules and regulations for use of the Common Facilities;

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(C) to impose Special Assessments for the purpose of funding the acquisition, construction, operation and maintenance of the Common Facilities and the provision of Security Service;

(E) Section 4.01 of Ordinance No. 06-44, the Common Facilities District Master Ordinance, is hereby amended as follows:

**SECTION 4.01. SPECIAL ASSESSMENTS.** The Board of Supervisors is hereby authorized to impose Special Assessments against property located within the District to fund the Capital Cost and Maintenance Cost of Common Facilities and the Security Cost. The Special Assessment shall be computed in a manner that fairly and reasonably apportions the Capital Cost and/or Maintenance Cost and/or Security Cost among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units. If Special Assessments are imposed to fund the Capital Cost of Common Facilities, a special benefit from such Common Facilities shall be provided to all assessed property within five years of the date such Special Assessments are first included on the Tax Roll.

**SECTION 3. AMENDMENT TO ORDINANCE NO. 06-45.** Section 2 of Ordinance No. 06-45, creating the Indian Creek Common Facilities District, is hereby amended as follows:

**SECTION 2. CREATION.** The Indian Creek Common Facilities District is hereby created for the purpose of acquiring, constructing, operating and maintaining the "Common Facilities" listed in Section 2 hereof and providing Security Service. The Indian Creek Common Facilities District shall include the following subdivisions:

\* \* \*

**SECTION 4. AMENDMENT TO ORDINANCE NO. 07-06.** Section 3 of Ordinance No. 07-06, creating the Cypress Woods Common Facilities District, is hereby amended as follows:

**SECTION 3. CREATION.** The Cypress Woods Common Facilities District is hereby created for the purpose of acquiring, constructing, operating and maintaining the "Common Facilities" listed in Section 4 hereof and providing Security Service. The Cypress Woods Common Facilities District shall include the following subdivisions:

\* \* \*

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## **SECTION 5. AMENDMENTS TO ORDINANCE NO. 95-4.**

(A) Section 1.01 of Ordinance No. 95-4, creating the Crescent Lakes Maintenance District, is hereby amended by amending the definition of "Maintenance Assessments and adding definitions of "Security Cost" and "Security Service" as follows:

**"Maintenance Assessments"** means the special assessments lawfully imposed by the District against property lying within the District to pay any and all portions of the Maintenance Cost and Security Cost.

**"Security Cost"** means the expenses incurred or to be incurred by the District for Security Service.

**"Security Service"** means dedicated security guard and/or guard gate guard service for the protection of property located within the District, including but not limited to the Common Facilities. The term "Security Service" may include employment of deputies for such purposes through the Sheriff's off-duty program, but shall not include increased patrols provided by the Sheriff's on-duty deputies.

(B) Section 2.02 of Ordinance No. 95-4, creating the Crescent Lakes Maintenance District, is hereby amended as follows:

**SECTION 2.02. PURPOSE.** The District is created for the purpose of acquiring, owning, managing, providing, operating, maintaining, improving, and enlarging the Common Facilities provided within the District and providing Security Service.

(C) Clauses (1) and (2) of subsection (A) of Ordinance No. 95-4, creating the Crescent Lakes Maintenance District, are hereby amended as follows:

### **SECTION 2.04. POWERS AND DUTIES.**

(A) The District shall have the following powers in addition to and supplementing any other powers granted in this Ordinance and powers granted to special districts by general law:

(1) To operate, maintain, repair, replace, improve or enlarge the Common Facilities within the boundaries of the District and provide Security Service within the District. With respect to the Common Facilities, the ~~The~~ District responsibilities hereunder shall include, without limitation, the maintenance, repair and replacement of all landscaping, trees, shrubs, grass, sprinkler heads, walks, drives, street lighting, parking areas and dedicated

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stormwater management systems situated in the Common Facilities, and the maintenance and repair of all perimeter walls, buffers or berms wherever situated upon the Common Facilities.

(2) To impose and collect assessments, fees and other charges to persons or property, or both, for the use, operation, maintenance, improvement, and enlargement of the Common Facilities and the provision of Security Service and to provide reasonable penalties for the delinquent payment of any such assessments, fees or other charges.

## **SECTION 6. AMENDMENTS TO ORDINANCE NO. 94-7.**

(A) Section 1.01 of Ordinance No. 94-7, creating the Indian Point Special Maintenance District, is hereby amended by amending the definition of "Maintenance Assessments and adding definitions of "Security Cost" and "Security Service" as follows:

**"Maintenance Assessments"** means the special assessments lawfully imposed by the District against property lying within the District to pay any and all portions of the Maintenance Cost and Security Cost.

**"Security Cost"** means the expenses incurred or to be incurred by the District for Security Service.

**"Security Service"** means dedicated security guard and/or guard gate guard service for the protection of property located within the District, including but not limited to the Common Facilities. The term "Security Service" may include employment of deputies for such purposes through the Sheriff's off-duty program, but shall not include increased patrols provided by the Sheriff's on-duty deputies.

(B) Section 2.02 of Ordinance No. 94-7, creating the Indian Point Special Maintenance District, is hereby amended as follows:

**SECTION 2.02. PURPOSE.** The District is created for the purpose of acquiring, owning, managing, providing, operating, maintaining, improving, and enlarging the Common Facilities provided within the District and providing Security Service.

(C) Clauses (1) and (2) of subsection (A) of Ordinance No. 94-7, creating the Indian Point Special Maintenance District, are hereby amended as follows:

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#### **SECTION 2.04. POWERS AND DUTIES.**

(A) The District shall have the following powers in addition to and supplementing any other powers granted in this Ordinance and powers granted to special districts by general law:

(1) To operate, maintain, improve or enlarge the Common Facilities within the boundaries of the District and provide Security Service within the District.

(2) to impose and collect assessments, fees and other charges to persons or property, or both, for the use, operation, maintenance, improvement, and enlargement of the Common Facilities and the provision of Security Service and to provide reasonable penalties for the delinquent payment of any such assessments, fees or other charges.

#### **SECTION 7. AMENDMENTS TO ORDINANCE NO. 94-8.**

(A) Section 1.01 of Ordinance No. 94-8, creating the Indian Ridge Villas Special Maintenance District, is hereby amended by amending the definition of "Maintenance Assessments and adding definitions of "Security Cost" and "Security Service" as follows:

**"Maintenance Assessments"** means the special assessments lawfully imposed by the District against property lying within the District to pay any and all portions of the Maintenance Cost and Security Cost.

**"Security Cost"** means the expenses incurred or to be incurred by the District for Security Service.

**"Security Service"** means dedicated security guard and/or guard gate guard service for the protection of property located within the District, including but not limited to the Common Facilities. The term "Security Service" may include employment of deputies for such purposes through the Sheriff's off-duty program, but shall not include increased patrols provided by the Sheriff's on-duty deputies.

(B) Section 2.02 of Ordinance No. 94-8, creating the Indian Ridge Villas Special Maintenance District, is hereby amended as follows:

**SECTION 2.02. PURPOSE.** The District is created for the purpose of acquiring, owning, managing, providing, operating, maintaining, improving, and enlarging the Common Facilities provided within the District and providing Security Service.

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(C) Clauses (1) and (2) of subsection (A) of Ordinance No. 94-8, creating the Indian Ridge Villas Special Maintenance District, are hereby amended as follows:

**SECTION 2.04. POWERS AND DUTIES.**

(A) The District shall have the following powers in addition to and supplementing any other powers granted in this Ordinance and powers granted to special districts by general law:

(1) To operate, maintain, improve or enlarge the Common Facilities within the boundaries of the District and provide Security Service within the District.

(2) to impose and collect assessments, fees and other charges to persons or property, or both, for the use, operation, maintenance, improvement, and enlargement of the Common Facilities and the provision of Security Service and to provide reasonable penalties for the delinquent payment of any such assessments, fees or other charges.

**SECTION 8. SEVERABILITY.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION 9. EFFECTIVE DATE.** The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

**DULY ENACTED** this 31<sup>st</sup> day of March, 2008.

**OSCEOLA COUNTY, FLORIDA**

By: K. J. Shively  
Chairman/Vice Chairman  
Board of County Commissioners

(SEAL)

ATTEST:

**NOTICE THAT THIS ORDINANCE HAS BEEN  
FILED WITH THE FLORIDA STATE BUREAU  
OF ADMINISTRATIVE CODE.**

Debra A. Davis ON April 04, 2008  
Clerk/Deputy Clerk to the Board

BY Chla Bean  
DEPUTY CLERK OF THE BOARD

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