
POLK COUNTY, FLORIDA

**FINAL RATE RESOLUTION
FIRE RESCUE ASSESSMENTS**

ADOPTED SEPTEMBER 15, 2010

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**POLK COUNTY, FLORIDA
FINAL RATE RESOLUTION
FOR THE POLK COUNTY FIRE SERVICES DISTRICT
FOR FIRE RESCUE SERVICES**

A RESOLUTION OF POLK COUNTY, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE POLK COUNTY FIRE SERVICES DISTRICT; ESTABLISHING THE RATE OF ASSESSMENT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010; IMPOSING FIRE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE POLK COUNTY FIRE SERVICES DISTRICT ; APPROVING THE FIRE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County Commission of Polk County, Florida, has enacted Ordinance No. 92-11, as amended by Ordinance Nos. 97-70, 00-98, and 06-092 (the "Ordinance"), which authorizes the imposition of Fire Assessments for fire rescue services, facilities, and programs against Assessed Property located within the Polk County Fire Services District;

WHEREAS, the reimposition of a Fire Assessment for fire rescue services, facilities, and programs each Fiscal Year is an equitable and efficient method of allocating and apportioning Fire Rescue Assessed Cost among parcels of Assessed Property;

WHEREAS, the County Commission desires to continue its fire assessment program within the Polk County Fire Services District using the tax bill collection method for the Fiscal Year beginning on October 1, 2010;

WHEREAS, the County Commission adopted Resolution No. 10-103 on July 21, 2010 (the "2010-11 Tentative Rate Resolution"), containing a brief and general description of the fire rescue facilities and services to be provided to Assessed Property,

describing the method of apportioning the Fire Rescue Assessed Cost to compute the Fire Assessment for fire rescue services, facilities, and programs against Assessed Property, estimating a rate of assessment, and directing preparation of the Fire Assessment Roll and provision of mailed and published notice to Owners of Assessed Property;

WHEREAS, pursuant to the provisions of the Ordinance, the County is required to confirm or repeal the 2010-11 Tentative Rate Resolution, with such amendments as the County Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the Fire Assessment Roll has heretofore been made available for inspection by the public;

WHEREAS, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the Owner's opportunity to be heard, an affidavit regarding the form of notice mailed to each property owner being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was held on September 15, 2010, and comments and objections of all interested persons have been heard and considered.

BE IT RESOLVED BY THE COUNTY COMMISSION OF POLK COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the Ordinance, Resolution No.s 07-087, 07-105, and 10-193, sections 125.01 and 126.66, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Final Rate Resolution as defined in the Ordinance. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and Resolution No.s 07-087, 07-105, and 10-193.

SECTION 3. REIMPOSITION OF FIRE ASSESSMENTS.

(A) The parcels of Assessed Property described in the Fire Assessment Roll as updated pursuant to the 2010-11 Tentative Rate Resolution, which is hereby approved, are hereby found to be specially benefited by the provision of the fire rescue services, facilities, and programs described in the 2010-11 Tentative Rate Resolution in the amount of the Fire Assessment set forth in the updated Fire Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Polk County Fire Services District will be benefited by the County's provision of fire rescue services, facilities, and programs in an amount not less than the Fire Assessment for such parcel, computed in the manner set forth in the 2010-11 Tentative Rate Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance and the 2010-11 Tentative Rate Resolution from the fire rescue services, facilities, or programs to be provided and a legislative determination that the Fire Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the 2010-11 Tentative Rate Resolution.

(C) The method for computing Fire Assessments described in the 2010-11 Tentative Rate Resolution is hereby approved.

(D) For the Fiscal Year beginning October 1, 2010, the estimated Fire Rescue Assessed Cost to be assessed is \$30,485,777.00. The Fire Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Rescue Assessed Cost for the Fiscal Year commencing October 1, 2010, are hereby established as follows:

Residential Property Use Categories		Rate Per Dwelling Unit			
Single-Family Residential		\$148			
Multi-Family Residential		\$113			
Mobile Home Park Spaces		\$64			

Non-Residential Property Use Categories	Building Classification (in square foot ranges) Capped at 1,000,000 sq ft	Building Classification			
		Commercial	Industrial	Warehouse	Institutional
	≤ 1,999	\$267	\$91	\$12	\$516
	2,000 - 3,499	\$533	\$181	\$23	\$1,031
	3,500 - 4,999	\$932	\$316	\$39	\$1,805
	5,000 - 9,999	\$1,331	\$451	\$56	\$2,578
	10,000 - 19,999	\$2,662	\$901	\$111	\$5,155
	20,000 - 29,999	\$5,323	\$1,802	\$222	\$10,309
	30,000 - 39,999	\$7,985	\$2,702	\$333	\$15,464
	40,000 - 49,999	\$10,646	\$3,603	\$444	\$20,618
	50,000 - 99,999	\$13,308	\$4,503	\$554	\$25,772
	100,000 - 249,999	\$15,969	\$5,404	\$665	\$30,927
	250,000 - 499,999	\$18,631	\$6,304	\$776	\$36,081
	500,000 - 749,999	\$21,292	\$7,205	\$887	\$41,235
	750,000 - 999,999	\$23,954	\$8,106	\$998	\$46,390
	≥ 1,000,000	\$26,615	\$9,006	\$1,108	\$51,544

(E) The above rates of assessment are hereby approved. Except as otherwise provided herein, the Fire Assessments for fire rescue services, facilities, and programs in the amounts set forth in the Fire Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Fire Assessment Roll.

(F) No Fire Assessment shall be imposed upon a parcel of Government Property or upon a Building located on a parcel of Institutional Property whose Building use is wholly exempt from ad valorem taxation under Florida Law.

(G) Any shortfall in the expected Fire Assessment proceeds due to any reduction or exemption from payment of the Fire Assessments required by law or authorized by the County Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Assessments.

(H) As authorized in the Ordinance, interim Fire Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Rate Resolution based upon the rate of assessment approved herein.

(I) Fire Assessments shall constitute a lien upon the Assessed Property so assessed 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.

(J) The updated Fire Assessment Roll as herein approved, together with the correction of any errors or omissions, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF TENTATIVE RATE RESOLUTION. The 2010-11 Tentative Rate Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Rate Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Fire Assessment Roll and the levy and lien of the Fire Rescue Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Rate Resolution.

SECTION 6. SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Resolution.

SECTION 7. EFFECTIVE DATE. This Final Rate Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this 15th day of September, 2010.

ATTEST:
RICHARD M. WEISS, CLERK

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Chairman

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Michael Herr, who after being duly sworn, deposes and says:

1. I am the County Manager for Polk County, Florida (the "County"). Pursuant to section 200.069(13)(a), Florida Statutes, and with agreement of the Property Appraiser, the County Commission elected to combine notice of the public hearing authorized by the Tentative Rate Resolution with the truth-in-millage notification required pursuant to section 200.069, Florida Statutes. Such mailed notice in the form required by section 200.069(13)(a), Florida Statutes, and consistent with the Uniform Assessment Collection Act and the Ordinance for the purpose of imposing Fire Assessments for the Fiscal Year beginning October 1, 2010 was in fact mailed to all affected property owners by the Polk County Property Appraiser no later than August 25, 2010.

2. In accordance with the Assessment Ordinance, I timely provided all necessary information for notification of the Fire Rescue Assessment to the Property Appraiser of Polk County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained

within each parcel; the total revenue the County expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANT SAYETH NOT.

Michael Herr, affiant

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of September, 2010 by Michael Herr, County Manager for Polk County, Florida. He is personally known to me or has produced _____ as identification and did take an oath.

Printed Name: _____
Notary Public, State of Florida
My Commission Expires:
Commission No.: _____

APPENDIX B
PROOF OF PUBLICATION

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Chairman of the Board of County Commissioners, or authorized agent of the Polk County, Florida (the "County"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for fire rescue services (the "Non-Ad Valorem Assessment Roll") for the County is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Polk County Tax Collector by September 15, 2010.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Polk County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of _____, 2010.

POLK COUNTY, FLORIDA

By: _____

[to be delivered to Tax Collector prior to September 15]