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Tallahassee, Florida 32308  
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Nabors  
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Nickerson P.A.  
ATTORNEYS AT LAW

TAMPA  
2502 Rocky Point Drive  
Suite 1060  
Tampa, Florida 33607  
(813) 281-2222 Tel  
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8201 Peters Road  
Suite 1000  
Plantation, Florida 33324  
(954) 315-0268 Tel

October 11, 2021

Via Electronic Mail

L. J. Arnold, III  
City Attorney  
City of Green Cove Springs  
321 Walnut Street  
Green Cove Springs, Florida 32043

Re: Notice of Intent Documents Required by Section 197.3632, Florida Statutes

Dear Jim:

In anticipation that the City of Green Cove Springs (the "City") may consider the development of an assessment program to fund code violation abatement services, facilities, and programs within the incorporated area of the City next year, we have prepared the following enclosed documents related to the use of the tax bill collection method.

1. A form of resolution concerning the potential use of the uniform method to collect non-ad valorem assessments which requires two exhibits; and
2. A form of published notice of intent for the potential non-ad valorem assessment program that must be published in a newspaper of general circulation once a week for four consecutive weeks immediately before the hearing in order to use the uniform method of collection.

Section 197.3632, Florida Statutes, requires that the City hold a public hearing and adopt a resolution of intent to use the uniform method of collection for any assessment program in the calendar year prior to any such collection. The resolution, which does not obligate the City to use the method or impose a special assessment, must be adopted by January 1 and sent to the Clay County Tax Collector, the Clay County Property Appraiser and the Florida Department of Revenue by January 10. If the County Property Appraiser and the County Tax Collector agree, adoption of the resolution can occur as late as March 1st. However, we strongly recommend that the City adopt the resolution prior to January 1st, as the consent of the County Property Appraiser and the County Tax Collector is not required when the adoption occurs prior to January 1.

L. J. Arnold, III  
October 11, 2021  
Page 2

Section 197.3632 also requires that **notice of the public hearing to adopt the resolution of intent be published in a newspaper of general circulation once a week for the four consecutive weeks immediately before the date of the hearing.** Please note that we have assumed a public hearing date for the resolution of intent adoption at 7:00 p.m. on November 16, 2021. Should the City decide to change the date of the public hearing, the publication dates for the notice should also be changed to conform with the aforementioned requirement.

Attached as Appendix A is a form of resolution we have prepared for the City which specifically references the potential special assessment program and reserves to the City the ability to impose assessments in the incorporated area of the City. Attached as Appendix B is a form of published notice.

This package only assists the City in meeting statutory notice requirements necessary to preserve this collection approach. To reiterate, this resolution is non-binding and the City may reduce the areas covered by any future assessments or decide not to go forward with the assessment program at a later date. By adopting the attached resolution, the City is simply reserving the right to use the tax bill collection method beginning in November of 2022.

If you have any questions regarding these documents, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Encinosa", written in a cursive style.

Heather J. Encinosa

Enc.

# Appendix A

FORM OF RESOLUTION

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Green Cove Springs, Florida (the "City") is contemplating the imposition of special assessments for the provision of code violation abatement services, facilities and programs within the incorporated area of the City; and

**WHEREAS**, the City intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing code violation abatement services, facilities and programs to property within the incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2022, in the same manner as provided for ad valorem taxes; and

**WHEREAS**, the City held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

**NOW, THEREFORE BE IT RESOLVED:**

1. Commencing with the Fiscal Year beginning on October 1, 2022 and continuing until discontinued by the City, and with the tax statement mailed for such Fiscal Year, the City intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing code violation assessment services, facilities and programs. Such non-ad valorem assessments shall be levied within the incorporated area of the City. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

2. The City hereby determines that the levy of the assessments is needed to fund the cost of code violation abatement services, facilities and programs within the incorporated area of the City.

3. Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Clay County Tax Collector, and the Clay County Property Appraiser by January 10, 2022.

4. This Resolution shall be effective upon adoption.

DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF GREEN COVE SPRINGS,  
FLORIDA

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Clerk

**EXHIBIT A**

**PROOF OF PUBLICATION**

[INSERT PROOF OF PUBLICATION]

**EXHIBIT B**

**LEGAL DESCRIPTION**

[INSERT LEGAL DESCRIPTION OF THE CITY OF GREEN COVE SPRINGS]

# Appendix B

FORM OF PUBLISHED NOTICE



**NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING  
NON-AD VALOREM ASSESSMENTS**

The City of Green Cove Springs, Florida (the "City") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the City, for the cost of providing code violation abatement services, facilities and programs in the incorporated area of the City commencing for the Fiscal Year beginning on October 1, 2022 and continuing until discontinued by the City. The City will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 7:00 p.m. on November 16, 2021 in City Hall, 321 Walnut Street, Green Cove Springs, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the City Manager's office in City Hall, located at 321 Walnut Street, Green Cove Springs, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the City with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's Office at (904) 297-7500, ext. 3307, at least two days prior to the date of the hearing.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

By Order of:

\_\_\_\_\_  
CITY OF GREEN COVE SPRINGS,  
FLORIDA

Publish once in a newspaper of general circulation during the following weeks:

October 19-25, 2021

October 26-November 1, 2021

November 2-8, 2021

November 9-15, 2021

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October 11, 2021

**Via Electronic Mail**

L. J. Arnold, III  
City Attorney  
City of Green Cove Springs  
321 Walnut Street  
Green Cove Springs, Florida 32043

Re: Proposal for Non-Ad Valorem Assessment Program for Code Violation  
Abatement

Dear Jim:

Pursuant to your request, this correspondence is written to present a scope of services for Nabors, Giblin & Nickerson, P.A. ("NG&N") to provide professional services and specialized assistance to the City of Green Cove Springs (the "City") and its staff with the creation and implementation of a code violation abatement assessment program.

Upon receiving notice to proceed, we will work under the detailed critical events calendar and schedule for project deliverables that has been tailored to the City's needs as provided by City staff.

- Task 1: Legal Guidance.** Advise the City as-needed on legal and procedural issues concerning the code violation abatement assessment program, including special benefit, fair apportionment, and all necessary procedures.
- Task 2: Revise City Code Provisions.** Review the City's existing code regarding code enforcement, nuisances, and dangerous structures and, if necessary, draft any amendments to authorized code violation abatement assessments.

**Task 3: Draft Implementing Resolutions.** Draft all implementing resolutions that conform to the assessment ordinance to impose the code violation abatement assessment to implement the City's policy decisions and proposed methodology.

**Task 4: Assist with Adoption Process.** Advise and assist with fulfilling the legal requirements for the adoption of the assessments including: (a) the development of the first class notice and its distribution, (b) publication of the public hearing, and (c) attendance at the public hearing.

For the professional services and specialized assistance to be provided by NG&N, we will bill the City monthly for time and materials based upon our hourly rates outlined below and actual costs incurred.

The hourly rates for NG&N are as follows:

Firm Partners .....	\$300
Firm Associates.....	\$275

Expenses related to meetings will be billed in accordance with Section 112.061, Florida Statute. We will bill our actual costs associated with long distance telephone charges and overnight delivery services. Copies will be billed at 25¢ per page. The City is responsible for any and all newspaper publications, including, but not limited to, making arrangements for publications and any costs associated therewith.

NG&N will work with the City in performing its scope of services.

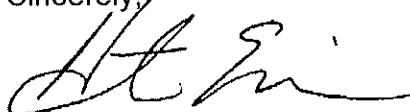
The professional fees required to assist the City in implementing the contemplated assessment program does not include litigation defense services. However, we do all of our work with an eye on potential legal challenges in an attempt to maximize both the efficiency and the effectiveness of any defense. In the event there is a challenge, we would be available, on an hourly basis, to assist the City in its defense.

Upon review and satisfactory determination, please execute this correspondence by signing below to indicate acceptance of the attached proposal and to serve as proper Notice to Proceed. If you have any questions, please do not hesitate to contact me.

L. J. Arnold, III  
October 11, 2021  
Page 3

We look forward to working with the City of Green Cove Springs on this very important project. If you or any other City officials have any questions, please feel free to contact me.

Sincerely,



Heather J. Encinosa

HJE/sb

cc: Steve Kennedy

AGREED TO AND ACCEPTED BY:

\_\_\_\_\_  
City of Green Cove Springs

\_\_\_\_\_  
Date

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Sincerely,



Heather J. Encinosa

HJE/sb

cc: Steve Kennedy

AGREED TO AND ACCEPTED BY:

\_\_\_\_\_  
City of Green Cove Springs

\_\_\_\_\_  
Date