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3 **ORDINANCE 2022-24 – AN ORDINANCE OF THE CITY COMMISSION**
4 **OF THE CITY OF LAKE WORTH BEACH, FLORIDA; PROVIDING FOR**
5 **THE CITY’S CONSENT TO THE INCLUSION OF THE ENTIRE**
6 **TERRITORY WITHIN THE CITY OF LAKE WORTH BEACH MUNICIPAL**
7 **BOUNDARIES INTO PALM BEACH COUNTY’S FIRE/RESCUE**
8 **MUNICIPAL SERVICE TAXING UNIT FOR FIRE-RESCUE, FIRE**
9 **PROTECTION, ADVANCED LIFE SUPPORT (OR SIMILAR**
10 **EMERGENCY SERVICES), FIRE CODE ENFORCEMENT AND OTHER**
11 **NECESSARY AND INCIDENTAL SERVICES; PROVIDING FOR INTENT,**
12 **PURPOSE AND CONSENT; PROVIDING FOR EFFECTIVENESS AND**
13 **DURATION OF CONSENT; PROVIDING FOR EFFECTIVENESS OF**
14 **REPEAL; ACKNOWLEDGING AD VALOREM MILLAGE RATE**
15 **LIMITATION; AND PROVIDING FOR REPEAL OF CONFLICTING**
16 **ORDINANCES, SEVERABILITY, CODIFICATION, CAPTIONS, AND AN**
17 **EFFECTIVE DATE.**

18
19 **WHEREAS**, pursuant to Section 125.01(1)(q) and (r), Florida Statutes, the Florida
20 Legislature has empowered counties to establish Municipal Service Taxing Units
21 (“MSTU”s), whereby a county may levy a tax within the MSTU for certain essential
22 municipal services, including the provision of fire-rescue services; and

23
24 **WHEREAS**, pursuant to Section 125.01(1)(q), Florida Statutes, a municipality may
25 be included within an MSTU, subject to approval by ordinance of the governing body of
26 the municipality giving consent either annually or for a term of years; and

27
28 **WHEREAS**, Palm Beach County (“County”) established an MSTU known as the
29 Fire/Rescue MSTU to provide fire protection, fire rescue, advanced life support (or similar
30 emergency services), code enforcement and other services necessary and incidental to
31 the purpose for which the MSTU was created; and

32
33 **WHEREAS**, the City of Lake Worth Beach (“City”) by Ordinance No. 2008-26
34 consented to its inclusion in the County’s Fire/Rescue MSTU for a ten (10) year term
35 through December 31, 2018, as a mechanism to receive and fund County fire-rescue
36 services through September 30, 2019; and

37
38 **WHEREAS**, the County by Ordinance No. 2008-62 amended the boundaries of
39 the Fire/Rescue MSTU to include the City for the duration of the term identified in City
40 Ordinance No. 2008-26, as such term may be extended by the City from time to time; and

41
42 **WHEREAS**, City Ordinance No. 2011-14 affirmed, continued and extended the

43 City's consent and inclusion in the County's Fire/Rescue MSTU through December 31,
44 2020, and further provided that said consent and inclusion shall be deemed to continue
45 through 7:30 a.m. on October 1, 2021, to the extent necessary to enable the County to
46 provide within the City fire-rescue and related services funded by tax year 2020, including
47 but not limited to the enforcement of applicable laws and regulations; and

48
49 **WHEREAS**, City Ordinance No. 2021-17 affirmed, continued and extended the
50 City's consent and inclusion in the County's Fire/Rescue MSTU through December 31,
51 2022, and further provided that said consent and inclusion shall be deemed to continue
52 through 7:30 a.m. on October 1, 2023, to the extent necessary to enable the County to
53 provide within the City fire-rescue and related services funded by tax year 2022, including
54 but not limited to the enforcement of applicable laws and regulations; and

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56 **WHEREAS**, the City Commission hereby desires to extend, through December 31,
57 2025, its consent to the inclusion of all the territory lying within the municipal boundaries
58 of the City into the County's Fire/Rescue MSTU for County fire-rescue and related
59 services within the City until 7:30 a.m. on October 1, 2026, and believes that such
60 inclusion is in the best interest of the health, safety and welfare of the citizens of the City.

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62 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
63 **CITY OF LAKE WORTH BEACH, FLORIDA, THAT:**

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65 **Section 1: Intent, Purpose and Consent:** It is the intent, purpose and effect
66 of this Ordinance to comply with the provisions of Section 125.01(1)(q), Florida Statutes.
67 The City Commission hereby affirms, extends and consents to the inclusion of all territory
68 within the incorporated municipal boundaries of the City, as may be amended from time
69 to time, within the County's Fire/Rescue Municipal Service Taxing Unit (the "Fire/Rescue
70 MSTU"), which was established pursuant to enabling legislation adopted by the Board of
71 County Commissioners of Palm Beach County. The purpose of the enactment of this
72 Ordinance is to extend the City's consent to be included in the County's Fire/Rescue
73 MSTU in order to enable the County to fund and provide fire-rescue and related services
74 within the territorial limits of the City including, but not limited to, the County's enforcement
75 of the Florida Fire Prevention Code and Palm Beach County Local Amendments thereto
76 (collectively "Fire Code") and any other laws and regulations applicable within the
77 Fire/Rescue MSTU.

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Section 2: Effectiveness and Duration of Consent: The City's consent to be

included in the Fire/Rescue MSTU is hereby extended effective from December 31, 2022, to be implemented for tax year 2023 in order to fund and provide for County fire-rescue and related services within the City as of October 1, 2023, and to provide for the City's continuing inclusion in the Fire/Rescue MSTU without interruption. The City's extended consent to be included in the County's Fire/Rescue MSTU shall continue from December 31, 2022 through December 31, 2025; provided, however, that the City's consent and inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30 a.m. on October 1, 2026, to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year including, but not limited to, the County's enforcement of the Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Section 3: Effectiveness of Repeal: Except as otherwise set forth herein,

should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior to its expiration on December 31, 2025, the City shall provide written notice to the County, by March 1st of any given year, of the City's intent to repeal this Ordinance and the consent provided herein effective December 31st of the same year. The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall provide a certified copy of the repealing ordinance to the County and to the Property Appraiser, by said December 31st. The City's inclusion in the County's Fire/Rescue MSTU shall terminate on said December 31st; provided, however, that the City's inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through the following October 1st at 7:30 a.m. to the extent necessary to enable the County to provide within the City fire-rescue and related services funded by the final tax year, including, but not limited to, the County's enforcement of the Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU based upon the County's assignment or transfer of the Fire/Rescue MSTU, or its duties thereunder, to any other entity, the City shall provide a minimum of thirty (30) days prior written notice to the County. The City shall adopt an ordinance to repeal this Ordinance and the consent provided herein and shall provide a certified copy of the repealing

112 ordinance to the County and to the Property Appraiser after adoption. The city's
113 inclusion in the County's Fire/Rescue MSTU shall terminate on the date set forth in the
114 repealing ordinance which shall coincide with December 31st at the end of a given tax
115 year; provided, however, that the City's inclusion in the Fire/Rescue MSTU shall be
116 deemed to continue through the following October 1st at 7:30 a.m. or the date of the
117 assignment or transfer of the Fire/Rescue MSTU, whichever occurs sooner, to the extent
118 necessary to enable the County to provide within the City fire rescue and related services
119 funded by the final tax year, including but not limited to the County's enforcement of the
120 Fire Code and any other laws and regulations applicable within the Fire/Rescue MSTU.

121
122 **Section 4: Ad Valorem Millage Rate Limitation:** The City acknowledges that
123 by opting into the MSTU, it cannot levy an annual ad valorem millage rate that would
124 exceed the ten (10) mill cap for municipal purposes when combined with the Fire/Rescue
125 MSTU's annual ad valorem millage rate.

126
127 **Section 5: Repeal of Conflicting Ordinances:** All other City ordinances and
128 parts of ordinances in conflict with any provisions of this Ordinance are hereby repealed
129 to the extent of the conflict. Notwithstanding the above, Ordinance No. 2021-17 shall not
130 be deemed repealed by this Ordinance and shall expire as provided for therein; provided,
131 however, that Ordinance No. 2021-17 and the term of consent identified therein shall be
132 deemed to be extended to the extent necessary to enable the County to provide within
133 the City fire-rescue and related services funded by the final tax year thereunder.

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135 **Section 6: Severability:** If any section, paragraph, sentence, clause, phrase,
136 or word of this Ordinance is for any reason held by a court of competent jurisdiction to be
137 invalid, unconstitutional, inoperative or void, such holding shall not affect the remainder
138 of this Ordinance.

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140 **Section 7: Codification:** The provisions of this Ordinance may become and
141 be made a part of the code of ordinances of the City. The sections of this Ordinance
142 may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be
143 changed to "section", "article", or other appropriate word.

144
145 **Section 8: Captions:** The captions, section headings, and section
146 designations used in this Ordinance are intended only for the convenience of users and

147 shall have no effect on the interpretation of the provisions of this Ordinance.

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149 **Section 9: Effective Date:** This Ordinance shall be effective retroactively to
150 December 31, 2022. Notwithstanding anything here to the contrary, the City’s continuing
151 participation in the MSTU is contingent upon the County maintaining an ordinance
152 including the City within the Fire/Rescue MSTU.

153

154 The passage of this ordinance on first reading was moved by
155 _____, seconded by _____,

156 and upon being put to a vote, the vote was as follows:

157

- 158 Mayor Betty Resch
- 159 Vice Mayor Christopher McVoy
- 160 Commissioner Sarah Malega
- 161 Commissioner Kimberly Stokes
- 162 Commissioner Reinaldo Diaz

163

164 The Mayor thereupon declared this ordinance duly passed on first reading on the
165 _____ day of _____, 2022.

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167 The passage of this ordinance on second reading was moved by
168 _____, seconded by _____, and upon being put to a vote,
169 the vote was as follows:

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- 171 Mayor Betty Resch
- 172 Vice Mayor Christopher McVoy
- 173 Commissioner Sarah Malega
- 174 Commissioner Kimberly Stokes
- 175 Commissioner Reinaldo Diaz

176

177 The Mayor thereupon declared this ordinance duly passed on the _____ day of
178 _____, 2023.

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LAKE WORTH BEACH CITY COMMISSION

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By: _____
Betty Resch, Mayor

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187 ATTEST:

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191 _____
Melissa Ann Coyne, City Clerk

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