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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  
55

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.  
61

62 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
63 **CITY OF LAKE WORTH BEACH, FLORIDA, THAT:**  
64

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.  
78

79 **Section 2: Effectiveness and Duration of Consent:** The City's consent to be  
80 included in the Fire/Rescue MSTU is hereby extended effective from December 31, 2022,  
81 to be implemented for tax year 2023 in order to fund and provide for County fire-rescue  
82 and related services within the City as of October 1, 2023, and to provide for the City's  
83 continuing inclusion in the Fire/Rescue MSTU without interruption. The City's extended  
84 consent to be included in the County's Fire/Rescue MSTU shall continue from December  
85 31, 2022 through December 31, 2025; provided, however, that the City's consent and  
86 inclusion in the County's Fire/Rescue MSTU shall be deemed to continue through 7:30  
87 a.m. on October 1, 2026, to the extent necessary to enable the County to provide within  
88 the City fire-rescue and related services funded by the final tax year including, but not  
89 limited to, the County's enforcement of the Fire Code and any other laws and regulations  
90 applicable within the Fire/Rescue MSTU.  
91

92 **Section 3: Effectiveness of Repeal:** Except as otherwise set forth herein,  
93 should the City intend to repeal its consent to be included in the Fire/Rescue MSTU prior  
94 to its expiration on December 31, 2025, the City shall provide written notice to the  
95 County, by March 1<sup>st</sup> of any given year, of the City's intent to repeal this Ordinance and  
96 the consent provided herein effective December 31<sup>st</sup> of the same year. The City shall  
97 adopt an ordinance to repeal this Ordinance and the consent provided herein, and shall  
98 provide a certified copy of the repealing ordinance to the County and to the Property  
99 Appraiser, by said December 31<sup>st</sup>. The City's inclusion in the County's Fire/Rescue  
100 MSTU shall terminate on said December 31<sup>st</sup>; provided, however, that the City's inclusion  
101 in the County's Fire/Rescue MSTU shall be deemed to continue through the following

102 October 1<sup>st</sup> at 7:30 a.m. to the extent necessary to enable the County to provide within  
 103 the City fire-rescue and related services funded by the final tax year, including, but not  
 104 limited to, the County's enforcement of the Fire Code and any other laws and regulations  
 105 applicable within the Fire/Rescue MSTU.

106  
 107 Should the City intend to repeal its consent to be included in the Fire/Rescue MSTU based  
 108 upon the County's assignment or transfer of the Fire/Rescue MSTU, or its duties  
 109 thereunder, to any other entity, the City shall provide a minimum of thirty (30) days prior  
 110 written notice to the County. The City shall adopt an ordinance to repeal this Ordinance  
 111 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 31<sup>st</sup> 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 1<sup>st</sup> 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.

134  
 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.

139  
 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.

148  
 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 Vice Mayor McVoy,  
155 seconded by Commissioner Stokes, and upon being put to a vote, the vote was as follows:

156

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

162

163 The Mayor thereupon declared this ordinance duly passed on first reading on the  
164 6<sup>th</sup> day of December, 2022.

165

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

169

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

175

176 The Mayor thereupon declared this ordinance duly passed on the \_\_\_\_\_ day of  
177 \_\_\_\_\_, 2023.

178

179

180 LAKE WORTH BEACH CITY COMMISSION

181

182

183 By: \_\_\_\_\_  
184 Betty Resch, Mayor

185

186 ATTEST:

187

188

189 \_\_\_\_\_  
190 Melissa Ann Coyne, City Clerk

191