

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 35, ARTICLE III, SECTION 35.03.01 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "MSTU-SHERIFF-LAW ENFORCEMENT," SECTION 35.03.01, ENTITLED "CREATED; BOUNDARIES;" PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VII, Section 9(b) of the Constitution of the State of Florida provides that ad valorem taxes for the purpose of providing municipal services in the county may be levied in an amount that does not exceed ten mills; and

WHEREAS, Subsection 125.0101, Florida Statutes, grants the governing body of a county the power to establish municipal service taxing units for any or all of the unincorporated areas of the county and within incorporated areas subject to the consent of the appropriate municipality; and

WHEREAS, the City of Newberry has not renewed their inclusion into the municipal services taxing unit (MSTU) which provided law enforcement services within the City of Newberry; and

WHEREAS, the City of Waldo adopted Ordinance 2021-04 on November 9, 2021, to consent to the establishment of a municipal services taxing unit (MSTU) to provide law enforcement services within the City of Waldo.

1 **NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY**
2 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:**

3 **SECTION 1.** Section 35.03.01 in Chapter 35, Article III, entitled “MSTU-Sheriff-Law
4 Enforcement,” of the Alachua County Code of Ordinances is hereby amended as follows:

5 **CHAPTER 35. – MUNICIPAL TAXING UNIT**
6 **ARTICLE III MSTU-SHERIFF-LAW ENFORCEMENT**

7 **Sec. 35.03.01. Created; boundaries.**

8 There is created the Alachua County MSTU-Sheriff-Law Enforcement. The boundaries
9 of the MSTU-Sheriff-Law Enforcement shall include all of the unincorporated areas of the
10 County existing on January 1, 2002 and on the first day of January each year thereafter and the
11 area within the City of Archer on January 1, 2006, ~~and the City of Newberry on January 1, 2008,~~
12 and the City of Hawthorne on January 1, 2009, and on the first day of January each year
13 thereafter, and the City of Waldo on January 1, 2022, and on the first day of January each year
14 thereafter. The MSTU-Sheriff-Law Enforcement is established for the provision of law
15 enforcement services provided by the Alachua County Sheriff's Office for the benefit of the
16 property or residents within the county MSTU-Sheriff-Law Enforcement boundaries created in
17 this paragraph.

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19 **SECTION 2. Repealing Clause.** All ordinances or portions thereof in conflict herewith
20 are, to the extent of such conflict, hereby repealed.

21 **SECTION 3. Modification.** It is the intent of the Board of County Commissioners that
22 the provisions of this ordinance may be modified as a result of considerations that may arise
23 during public hearings. Such modifications shall be incorporated into the final version of the
24 ordinance adopted by the Board and filed by the Clerk to the Board.

25 **SECTION 4. Severability.** If any word, phrase, clause, paragraph, section or provision
26 of this ordinance or the application hereof to any person or circumstance is held invalid or
27 unconstitutional, such finding shall not affect the other provisions or applications of the
28 ordinance which can be given effect without the invalid or unconstitutional provisions or
29 application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. Inclusion in the Code. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this ____ day of _____, 2022.

**BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA**

ATTEST:

BY: _____
Marihelen Wheeler, Chair
Board of County Commissioners

J.K. "Jess" Irby, Esq.
Clerk

APPROVED AS TO FORM

County Attorney

(SEAL)