

Ord. No. 2021-85

ST. JOHNS COUNTY, FLORIDA

**PONTE VEDRA I
AND PONTE VEDRA II
DUNE AND BEACH RESTORATION
MUNICIPAL SERVICE TAXING UNITS**

ADOPTED November 16, 2021

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AN ORDINANCE CREATING MUNICIPAL SERVICE TAXING UNITS FOR THE PROVISION OF DUNE AND BEACH RESTORATION FOR PONTE VEDRA BEACH WITHIN THE UNINCORPORATED AREA OF ST. JOHNS COUNTY; DESCRIBING THE BOUNDARIES OF THE MUNICIPAL SERVICE TAXING UNITS; AUTHORIZING THE MUNICIPAL SERVICE TAXING UNITS TO ANNUALLY LEVY AD VALOREM TAXES TO PROVIDE DUNE AND BEACH RENOURISHMENT, RESTORATION, EROSION CONTROL AND STORM PROTECTION, AND OTHER RELATED SERVICES, FACILITIES, IMPROVEMENTS AND PROGRAMS; AUTHORIZING A PLEDGE OF THE MUNICIPAL SERVICE TAXING UNITS' AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT AS PROVIDED BY GENERAL LAW; PROVIDING FOR REPEAL OF ORDINANCE 18-59; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, section I of the Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board of County Commissioners (the "Board") of St. Johns County, Florida (the "County"), has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service taxing unit to fund municipal services, including beach erosion control and other essential facilities, services, and

programs, as well as pertinent studies and administrative or other services, including legal services, within any part or all of the unincorporated area of the County and within the boundaries of a municipality if the municipality consents by ordinance to inclusion within the municipal service taxing unit.

(C) As a result of Hurricanes Matthew and Irma, the beaches along the northern 8.8 miles of St. Johns County coastline have experienced significant erosion (the Project Area).

(D) Due to the accretional/stable nature of shoreline along the northern three (3) miles of the Project Area, this portion of the Project Area requires significantly less volume of sand for renourishment and restoration than the southern 5.8 miles of the Project Area.

(E) The purpose of this Ordinance is to create the Ponte Vedra I and II Dune and Beach Restoration Municipal Service Taxing Units (MSTUs) to aid the County if, in its discretion, it chooses to fund the provision of dune and beach renourishment, restoration, erosion control and storm protection for property and roadway access, and related maintenance services, facilities, improvements, and programs including, but not necessarily limited to, personnel costs, salaries, operation costs, capital costs, pertinent studies, administrative services, and legal services associated with these functions provided by or through St. Johns County for the use and benefit of the property or residents within the boundaries of the MSTUs as established in Section 2 of this Ordinance.

(F) The County is required to include and fund the approved annual budget of the MSTUs within the County's annual budget.

(G) Pursuant to Section 200.065(5), Florida Statutes, the maximum millage rate the County can adopt, including any millage levied within a municipal service taxing unit, absent a minimum supermajority vote is the rolled-back rate based upon the amount of taxes which would have been levied in the prior year if the maximum millage rate had been adopted, as adjusted for change in the per capita Florida personal income.

SECTION 2. CREATION.

(A) The Ponte Vedra I Dune and Beach Restoration Municipal Service Taxing Unit is hereby created as a new taxing unit which shall include those parcels in the unincorporated areas of the County lying on the northern three (3) miles of the Atlantic coastline, as more particularly described in Attachment A.

(B) The Ponte Vedra II Dune and Beach Restoration Municipal Service Taxing Unit is hereby created as a new taxing unit which shall include those parcels in the unincorporated area of the County lying on the Atlantic coastline commencing at the southern boundary of the Ponte Vedra I Municipal Service Taxing Unit and extending southward for approximately 5.8 miles to the southern boundary of Mickler Beachfront Park, as more particularly described in Attachment B.

SECTION 3. AUTHORIZATION OF AD VALOREM TAXES.

The Board is hereby authorized but not required to levy annual ad valorem taxes upon taxable real and personal property within the MSTUs beginning with the County budget for the fiscal year beginning October 1, 2022 and continuing until discontinued by

the County. The budget and millage rate for the MSTUs shall be approved and levied in the manner provided by general law for the levy of County ad valorem taxes.

SECTION 4. PURPOSE AND AUTHORIZATION OF EXPENDITURES.

(A) The MSTUs are established to fund the provision of dune and beach renourishment, restoration, erosion control and storm protection for property and roadway access, and related maintenance services, facilities, improvements, and programs including, but not necessarily limited to, personnel costs, salaries, operation costs, capital costs, pertinent studies, administrative services, and legal services associated with these functions provided by or through St. Johns County for the use and benefit of the property or residents within the boundaries of the MSTUs.

(B) Revenues derived from ad valorem taxes levied within the MSTUs shall be used for the provision of dune and beach renourishment, restoration, erosion control and storm protection for property and roadway access, and related maintenance services, facilities, improvements, pertinent studies, administrative services, legal services, and programs provided to properties and residents within the MSTUs.

SECTION 5. BOND REFERENDUM. In the event the Board desires to pledge the MSTUs' ad valorem tax to the retirement of debt issued for the purpose of financing dune and beach renourishment, restoration, erosion control and storm protection facilities, improvements, and equipment, the Board shall cause a bond referendum election to be held in accordance with the applicable provisions of general law. Upon approval at referendum, the Board shall have all powers necessary to issue bonds in accordance with Florida law.

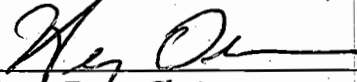
SECTION 6. CODIFICATION. It is the intention of the Board of County Commissioners of St. Johns County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of St. Johns County, Florida, that the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article," or other appropriate designation.

SECTION 7. REPEAL. St. Johns County Ordinance No. 2018-59 is hereby repealed, and the Clerk of Courts is instructed to remove Ordinance No. 2018-59 from the St. Johns County Code of Ordinances.

SECTION 8. EFFECTIVE DATE. The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. The ordinance shall take effect immediately upon its filing with the Department of State.

DULY ENACTED this 10th day of November, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**


Henry Dean, Chair


ATTEST: Brandon J. Patty, Clerk of the Circuit Court and Comptroller

By: 
Deputy Clerk



Rendition Date: NOV 18 2021

APPROVED AS TO FORM:

By: 
County Attorney

Effective Date: NOV 19 2021

ATTACHMENT A

Ponte Vedra I Dune and Beach Restoration MSTU Boundaries

A PARCEL OF LAND LYING IN TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA. SAID PARCEL BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF THE MOST NORTHERN BOUNDARY OF ST. JOHNS COUNTY; BOUNDED ON THE EAST BY THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOT 3, BLOCK S-1, AS SHOWN ON THE PLAT OF REPLAT OF PONTE VEDRA AS RECORDED IN MAP BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; AND BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF PONTE VEDRA BOULEVARD AS NOW ESTABLISHED.

ATTACHMENT B

Ponte Vedra II Dune and Beach Restoration MSTU Boundaries

A PARCEL OF LAND LYING IN TOWNSHIP 3 SOUTH, RANGE 29 EAST AND TOWNSHIP 4 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA. SAID PARCEL BEING BOUNDED ON THE NORTH BY THE NORTH LINE OF LOT 3, BLOCK S-1, AS SHOWN ON THE PLAT OF REPLAT OF PONTE VEDRA AS RECORDED IN MAP BOOK 8, PAGE 95, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; BOUNDED ON THE SOUTH BY THE SOUTH LINE OF LOT 7 AS SHOWN ON THE PLAT OF PONTE VEDRA BEACH OCEANFRONT ESTATES SECTION BLOCK 3 AS RECORDED IN MAP BOOK 15, PAGES 98 AND 99 OF SAID PUBLIC RECORDS; AND BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF PONTE VEDRA BOULEVARD AS NOW ESTABLISHED AND AS EXTENDED NORTHERLY AND SOUTHERLY THROUGH MICKLER BEACHFRONT PARK TO EXCLUDE LOST BEACH AS RECORDED IN MAP BOOK 31, PAGES 79 AND 80 OF SAID PUBLIC RECORDS.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003387193-01
PO# 11/16/2021 PVB MSTU

PUBLISHED EVERY MORNING SUNDAY THROUGH SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a NOTICE OF HEARING in the matter of ORDINANCE 18-59 was published in said newspaper in the issue dated 11/05/2021.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

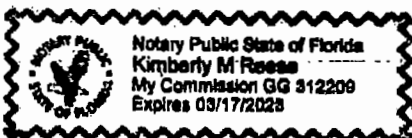
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this _____ day of NOV 08 2021

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



NOTICE OF PUBLIC HEARING OF
THE ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, November 16, 2021, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida.

AN ORDINANCE CREATING MUNICIPAL SERVICE TAXING UNITS FOR THE PROVISION OF DUNE AND BEACH RESTORATION FOR PONTE VEDRA BEACH WITHIN THE UNINCORPORATED AREA OF ST. JOHNS COUNTY; DESCRIBING THE BOUNDARIES OF THE MUNICIPAL SERVICE TAXING UNITS; AUTHORIZING THE MUNICIPAL SERVICE TAXING UNITS TO ANNUALLY LEVY AD VALOREM TAXES TO PROVIDE DUNE AND BEACH RENOURISHMENT, RESTORATION, EROSION CONTROL AND STORM PROTECTION, AND OTHER RELATED SERVICES, FACILITIES, IMPROVEMENTS AND PROGRAMS; AUTHORIZING A PLEDGE OF THE MUNICIPAL SERVICE TAXING UNITS' AD VALOREM TAX REVENUES TO THE RETIREMENT OF DEBT AS PROVIDED BY GENERAL LAW; PROVIDING FOR REPEAL OF ORDINANCE 18-59; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770 no later than 5 days prior to the date of the meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne King, Deputy Clerk
3387193 November 5, 2021



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 19, 2021

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2021-85, which was filed in this office on November 19, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

FILED **NOV 19 2021**
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK