

**ORDINANCE NO. 25-\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 16, SOLID WASTE, ARTICLE II-MUNICIPAL SERVICE BENEFIT FOR SOLID WASTE SERVICES; PROVIDING FOR FINDINGS; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to article VIII, section 1(f) of the Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the board has all powers of self-government to perform county 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 related resolutions; and

**WHEREAS**, pursuant to Section 403.706(1), Florida Statutes, the Board has the responsibility and authority to provide for the designation and operation of solid waste management facilities to meet the needs of all the incorporated and unincorporated areas within the county; and

**WHEREAS**, the Board previously adopted Marion County Ordinance 07-35, amending Chapter 16 of the County's Code of Ordinances which governs the Collection and disposal of Solid Waste in the County and established a Municipal Service Benefit Unit (MSBU) for Solid Waste Assessments; and

**WHEREAS**, the Board of County Commissioners now wishes to revise and update Chapter 16 of the Code; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Maron County, Florida as follows:

**SECTION 1. RECITALS.** The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the Marion County Code.

**SECTION 2. AMENDMENTS.** Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 16 of the Marion County Code, Solid Wastes, Article II, Municipal Service Benefit Unit for Solid Waste Services**, is hereby amended to read as follows (additions shown in underline text and deletions are shown in ~~strikeout text~~):

Sec. 16-73. - Imposition and levy of solid waste assessment.

On each October 1 there is hereby imposed and levied a solid waste assessment against all assessable property within the MSBU.

- (1) The amount of the solid waste assessment for all assessable property for each year is two hundred fifteen dollars (\$215.00) shall be established by the board in accordance with the provisions of this article. The amount of the solid waste assessment for all assessable property shall be adjusted annually and, at a minimum,

~~shall increase at a rate equal to 1.5 times the increase in the consumer price index during the prior year.~~ The total amount of the solid waste assessment shall not exceed ~~two~~one hundred ~~twenty-five~~forty dollars (\$~~225~~140.00) per year for any assessable property. The county may implement a multi-tiered solid waste assessment, which sets different rates for different categories of residential property owners. However, the dollar amount of each annual solid waste assessment imposed and levied shall not exceed the value of the special and peculiar benefit provided to the residential property, based on a reasonable and fair apportionment of the special benefit.

- (2) The solid waste assessment shall be imposed against all assessable property, whether actually occupied or not, existing on January 1 of the calendar year in which the solid waste assessment is made.

Sec. 16-75. - Solid waste assessment billing, collection and enforcement procedures.

- (a) Each year, on or before June 1, the property appraiser, using the resolution's legal description, shall provide the county with the information required by section 197.3632(3)(b), Florida Statutes, and Rule 12D-18, Florida Administrative Code. The assessment director shall provide the board with a proposed budget for the county services to be financed by the MSBU and a proposed assessment roll. The board shall provide notice and hold all hearings related to the roll preparation, billing, collection and enforcement of the solid waste assessment within the MSBU as required by applicable law, ~~at the conclusion of which the board shall adopt a resolution establishing the amount of the solid waste assessment. ent in a solid waste assessment shall be made unless an application for such adjustment is filed with the assessment director. The application shall state the basis for the requested adjustment and shall contain such information and documentation as may be reasonably required by the assessment director. The assessment director, subject to review by the county attorney, may adopt and use reasonable guidelines for such information and documentation. The assessment director shall investigate each application and prepare a report and recommendation for the board. The board may, but is not required to, hear additional matters regarding the requested adjustment.~~
- (b) ~~At the conclusion of all required hearings and proceedings and~~ On or before September 15, the chairman of the board, or the chairman's designee, shall certify an assessment roll to the tax collector. The solid waste assessment shall be billed, collected and enforced in accordance with F.S. § 197.3632, and Rule 12D-18, Florida Administrative Code, and shall be subject to all uniform collection provisions relating to ad valorem taxes, including discounts, deferred payments, penalties, and issuance and sale of tax certificates and tax deeds for nonpayment. The board may choose any billing, collection and enforcement method authorized by applicable law, as provided in section 197.3631, Florida Statutes.

Sec. 16-76. - Imposition and levy of solid waste assessment lien.

- (a) All solid waste assessments imposed and levied against residential property within the MSBU under the provisions of this article shall constitute, and are hereby imposed and levied as, liens against such residential property as of the first day of January of the calendar year in which the solid waste assessment is imposed and levied. In imposing and levying the non-ad valorem solid waste assessment within the boundary of the MSBU, the board shall apply all applicable law to ensure the first lien status of the solid waste assessments by: (1) determining the special benefits which flow as a logical connection from the solid waste systems, facilities and services peculiar to the property; and (2) apportioning the special and peculiar benefits to the affected property in a manner that is fair and reasonable. Unless fully paid and discharged or barred by applicable law, the solid waste assessment shall remain a lien equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles, and claims in, to, or against the residential property involved.
- (b) The fact that a parcel of residential property may have been vacant during all or any part of a year shall not be grounds for an adjustment of the solid waste assessment as to that parcel of residential property, as the board finds and determines that the availability of county solid waste systems, services, and facilities provide as a logical connection special benefits peculiar to all residential property, whether inhabited or not.

~~(c) The annual assessment resolution imposing and levying the solid waste assessments shall include a brief and general description of the services and facilities funded by the solid waste assessment; a description of the assessment methodology, the costs to be assessed the rate of assessment and the non-ad valorem assessment roll. The board shall adopt the annual assessment resolution at a noticed meeting.~~

~~(d)~~(c) The billing, collection and enforcement of the non-ad valorem solid waste assessment shall be pursuant to the uniform collection methodology provided in F.S. § 197.3632, and Chapter 12D-18, Florida Administrative Code, both of which apply to the board, as well as to the tax collector and property appraiser.

**SECTION 3. CONFLICTS.** In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

**SECTION 4. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 5. REPEAL OF ORDINANCES.** All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 6. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall be incorporated into the Marion County Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 7. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL, CLERK