



The Village of Biscayne Park

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

**Minutes
Regular Commission Meeting
Log Cabin - 640 NE 114th Street
Biscayne Park, FL 33161
Tuesday, July 09, 2019 at 7:00pm**

1 Call to Order

Mayor Tracy Truppman called the meeting to order at 7:00pm.

2 Roll Call

Mayor Tracy Truppman - present
Vice Mayor Johnson-Sardella - present
Commissioner Samaria - present
Commissioner Tudor - present
Commissioner Wise - present

Staff present:

Village Manager Krishan Manners
Village Attorney Rebecca Rodriguez
Village Clerk Roseann Prado
Sergeant of Arms Officer Paul Eppler
Chief of Police Luis Cabrera
Public Works Manager David Hernandez
Recording: Cesar Hernandez

3 Pledge of Allegiance

4 Additions, Deletions or Withdrawals to the Agenda

- Village Manager requested to move Item 10.b to Consent Agenda. No objection. Item 10.b moved to Item 8 - Consent Agenda.
- Vice-Mayor requested to move up Item 12.b to after Item 10.c that then became Item 10.d.
- Commissioner Wise moved to wait State Attorney opinion on Item 11.d. Commissioner Johnson-Sardella seconded. **Motion passed 3 - 1** (Vice-Mayor Samaria opposed. Mayor Truppman recused herself - form 8B attached)

- Village Attorney advised there was three (3) Public Hearings on the agenda; Ordinance 2019-01, 2019-02 and Resolution 2019-15 that need to open for Public Comments. Commissioner Wise motioned to add Public Comments to Ordinances 2019-01 and 2019-02. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**
- Items 12.a and 12.b moved before Item 10.c.
- Commissioner Johnson-Sardella motioned to approve the Agenda as amended. Commissioner Wise seconded. **Motion passed 5 - 0.**
- Village Manager announced Representative Dotie Joseph left momentarily and she will be back shortly.

5 Presentations

- 5.a Proclamation - Early McWilliams' 30th Anniversary - Village Manager and Public Works Manager presented a plaque and Mayor Truppman read the proclamation.
- Eagle Scouts bird boxes project - by Public Works Manager and Anthony Perez Pinon.
- 5.b Vice-Mayor Samaria moved to approve the bird houses project. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**
- 5.c National League of Cities Service Line Program - by Lee Zell, Regional Director
Commissioner Wise motioned to direct Village Manager to draft Resolution and Agreement to be presented on next Commission meeting. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**
- 5.d Auditors - 2018 Audit complete - Caballero Fierman Llerena & Garcia, LLP - by Enrique Llerena, Partner and Elias Rodriguez

6 Public Comments Related to Agenda Items / Good & Welfare

Comments from the public relating to topics that are on the agenda, or other general topics.

The following persons spoke on the record:

Chester Doc Morris

Bob Anderson

Janey Anderson

Linda Dillon

Interruption

- State Representative Dotie Joseph - presentation

Continuation

Gary Kuhl

Dan Schneider

MacDonald Kennedy

Barbara Kuhl

Rox Ross

Chuck Ross

7 Information / Updates

7.a Attorney updates:

- FEMA Appeal - Approved for Project No. 5511 (Hurricane Irma Debris Removal & Monitoring)
- AGO Advisory Legal Opinion Request - Status

8 Consent Agenda

8.a Acceptance of Commission Minutes

- Revised - Special Commission Meeting 05 07 2019 at 6:30 pm
- Regular Commission Meetings 05 07 2019 at 7:00 pm
- Regular Commission Meetings 06 04 2018 at 7:00 pm

8.b Acceptance of Board Minutes

- Planning & Zoning Board Meeting 03 04 2019
- Planning & Zoning Board Meeting 03 18 2019
- Planning & Zoning Board Meeting 04 01 2019
- Planning & Zoning Board Meeting 04 15 2019
- Planning & Zoning Board Meeting 05 09 2019
- Planning & Zoning Board Meeting 05 20 2019
- Code Compliance Board Meeting 05 13 2019

10.b Resolution # 2019-16 Donation of Vehicle from Golden Beach

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; ACCEPTING THE DONATION OF A VEHICLE FROM THE CITY OF GOLDEN BEACH POLICE DEPARTMENT; AUTHORIZING THE VILLAGE MANAGER TO ACCEPT TITLE TO THE VEHICLE TO BE USED WITHIN THE VILLAGE'S POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Samaria motioned to approve Consent Agenda with the addition of Item 10.b. Commissioner Johnson-Sardella seconded. **Motion passed 5 - 0.**

As previously informed, Commissioner Wise left at 9:00 pm.

9 Ordinances

9.a Ordinance # 2019-01 - Amending Section 2-30 Village Code Of Ordinances - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 2-30 OF THE VILLAGE CODE OF ORDINANCES, "GENERAL RULES AND POLICIES", PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Public Hearing on Ordinance 2019-01.

The following persons spoke on the record:

Barbara Kuhl
Janey Anderson
Rox Ross
Bob Anderson
Gary Kuhl
Mac Kennedy
Fred Jonas

Commissioner Tudor motioned to remove Ordinance 2019-01 until Commission have a discussion on the item. Commissioner Johnson-Sardella seconded. **Motion passed 4 - 0.** Item 9.a removed.

9.b Ordinance # 2019-02 - Budget Amendment - First Reading

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, N.A.; AMENDING FISCAL YEAR 2018/2019 BUDGET ORDINANCE 2018-06; AMENDING AND INCREASING THE PROFESSIONAL SERVICES BUDGET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- Public Hearing on Ordinance 2019-02.

The following persons spoke on the record:

Barbara Kuhl
Bob Anderson
Janey Anderson
Mac Kennedy
Fred Jonas
Rox Ross
Chuck Ross
Gary Kuhl

Commissioner Tudor motioned to approve Ordinance 2019-01 with the requested amendment on the increasing amount to \$ 15,000.00 to the Attorney budget. Commissioner Johnson-Sardella seconded.

Mayor Truppman - Yes
Vice-Mayor Samaria - Yes
Commissioner Johnson-Sardella - Yes
Commissioner Tudor - Yes

Motion passed 4 - 0.

- Mayor Truppman asked Commissioners' permission to extend the meeting to 11:30 pm - Commissioners approved.

10 Resolutions

10.a Resolution # 2019-15 Non-Ad Valorem Assessment for Residential Solid Waste

- **Public Hearing on Resolution # 2019-015**

The following persons spoke on the record:

Rox Ross

Chuck Ross - Produced 2018 Florida Statutes 197.3632 and MD County Notice of Proposed Non-Av Valorem Assessment attached to the records.

Bob Anderson

Barbara Kuhl

Commissioner Johnson-Sardella motioned to approve Resolution 2019-015.

Mayor Truppman seconded.

Mayor Truppman - Yes

Vice-Mayor Samaria - No

Commissioner Johnson-Sardella - Yes

Commissioner Tudor - Yes

Motion passed 3 - 1.

10.c Resolution # 2019-17 Grubbs Contract Approval

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; APPROVING DEBRIS REMOVAL SERVICES CONTRACT WITH GRUBBS EMERGENCY SERVICES, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Samaria motioned to approve Resolution 2019-017.

Commissioner Tudor seconded. **Motion passed 4 - 0.**

12.b Power Lift purchase for Public Works

Commissioner Johnson-Sardella motioned to approve to draft and adopt Resolution for the purchase of the equipment to Public Works at a cost of \$ 30,629.50, waiving the RFP process due to the urgency of the acquisition by hurricane season. Commissioner Tudor seconded. **Motion passed 4 - 0.**

- Mayor Truppman asked to extend the meeting to 11:35 pm. Commissioners approved.

13 Request for placement of items on next meeting agenda

Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.

11.a Establishment of Commission meeting procedures - Moved to a Workshop date to be determined (Held on 07/24/2019)

11.b

Charter Amendments - by Commission Tudor - Moved to next meeting - Continuance

14 Reports

14.a Village Attorney

14.b Village Manager

14.c Board / Committee Reports

14.d Commissioners Comments:

- Mayor Truppman
- Vice Mayor Samaria
- Commissioner Johnson-Sardella
- Commissioner Tudor
- Commissioner Wise

15 Announcements

Planning & Zoning Advisory Board, Rescheduled from July 01 to July 02, 2019

6:30pm

Biscayne Park Foundation, July 08, 2019 7:00pm

Code Compliance Board, July 08, 2019 7:00pm

Public Art Advisory Board, July 10, 2019 6:00pm

Planning & Zoning Advisory Board, July 15, 2019 6:30pm

Parks & Parkway Advisory Board, July 18, 2019 7:00pm

Public Safety Advisory Board, July 24, 2019 7:00pm

First Workshop Budget FY 2019-2020 on July 16, 2019, 7:00pm

Second Workshop Budget FY 2019-2020 on July 30, 2019, 7:00pm

Our next Regular Commission Meeting will be held on Tuesday, August 06, 2019

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Truppmann, Tracy		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Village of Biscayne Park Commission	
MAILING ADDRESS 600 NE 114th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Biscayne Park, FL	COUNTY Miami-Dade	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY
DATE ON WHICH VOTE OCCURRED July 9, 2019		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Tracy Truppmann, hereby disclose that on July 9, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The measure, item 11d, was removed from the agenda by a commission vote during #4. I recused myself as it was a voting conflict per the Florida Commission on Ethics as my participation in tabling the item would have potentially resulted in a financial loss or gain from the position I hold as Mayor. The salary of mayor is \$2000 greater than that of the other commissioners. While our Charter requires all commissioners to vote on selecting the mayor every two years from the commissioners who currently serve, the result of voting on tabling this item seemed to be a voting conflict per the Florida Commission on Ethics -- particularly as the Village's Charter is silent on the matter and there is no process for the item as presented.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/10/19
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Select Year: 2018 ▼ 

The 2018 Florida Statutes

Title XIV

TAXATION AND FINANCE

Chapter 197

TAX COLLECTIONS, SALES, AND LIENS

[View Entire Chapter](#)

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

(a) “Levy” means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.

(b) “Local government” means a county, municipality, or special district levying non-ad valorem assessments.

(c) “Local governing board” means a governing board of a local government.

(d) “Non-ad valorem assessment” means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

(e) “Non-ad valorem assessment roll” means the roll prepared by a local government and certified to the tax collector for collection.

(f) “Compatible electronic medium” or “media” means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide without modification that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

(g) “Capital project assessment” means a non-ad valorem assessment levied to fund a capital project, which assessment may be payable in annual payments with interest, over a period of years.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time as authorized in this section shall adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of it by United States mail to the property appraiser, the tax collector, and the department by January 10 or, if the property appraiser, tax collector, and local government agree, March 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If

the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between January 1 and September 15, or between January 1 and September 25 for any county as defined in s. 125.011(1), if:

1. The non-ad valorem assessment is levied for the first time;
2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;
3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or
4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first-class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5)(a) By September 15 of each year, or by September 25 for any county as defined in s. 125.011(1), the chair of the local governing board or his or her designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chair or his or her designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he or she may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(b) By December 15 of each year, the tax collector shall provide to the department a copy of each local governing board's non-ad valorem assessment roll containing the data elements and in the format prescribed by the executive director. In addition, a report shall be provided to the department by December 15 of each year for each non-ad valorem assessment roll, including, but not limited to, the following information:

1. The name and type of local governing board levying the non-ad valorem assessment;
2. Whether or not the local government levies a property tax;
3. The basis for the levy;
4. The rate of assessment;
5. The total amount of non-ad valorem assessment levied; and
6. The number of parcels affected.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll, and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment, other than that which is required under subsection (4), may be provided by including the assessment in the property appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under s. 200.069. However, the local governing board shall inform the property appraiser, tax collector, and department by January 10 if it intends to discontinue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he or she shall mail a separate notice of non-ad valorem assessments or shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his or her option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) A local government may elect to use the uniform method of collecting non-ad valorem assessments as authorized by this section for any assessment levied pursuant to general or special law or local government ordinance or resolution, regardless of when the assessment was initially imposed or whether it has previously been collected by another method.

(10)(a) Capital project assessments may be levied and collected before the completion of the capital project.

(b)1. Except as provided in this subsection, the local government shall comply with all of the requirements set forth in subsections (1)-(8) for capital project assessments.

2. The requirements set forth in subsection (4) are satisfied for capital project assessments if:

a. The local government adopts or reaffirms the non-ad valorem assessment roll at a public hearing held at any time before certification of the non-ad valorem assessment roll pursuant to subsection (5) for the first year in which the capital project assessment is to be collected in the manner authorized by this section; and

b. The local government provides notice of the public hearing in the manner provided in paragraph (4)(b).

3. The local government is not required to allow prepayment for capital project assessments as set forth in paragraph (8)(b); however, if prepayment is allowed, the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 must be followed.

(c) Any hearing or notice required by this section may be combined with any other hearing or notice required by this section or by the general or special law or municipal or county ordinance pursuant to which a capital project assessment is levied.

(11) The department shall adopt rules to administer this section.

History.—s. 68, ch. 88-130; s. 7, ch. 88-216; s. 8, ch. 90-343; s. 2, ch. 91-238; s. 1013, ch. 95-147; s. 1, ch. 97-66; s. 1, ch. 2003-70; s. 10, ch. 2008-173; s. 13, ch. 2016-128; s. 11, ch. 2018-110.

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16 Adjournment

Commissioner Johnson-Sardella motioned to adjourn and Commissioner Tudor seconded. Meeting adjourned at 11:36 pm.

Commission approved on August 06, 2019.

Attest:



Tracy Truppmann, Mayor



Roseann Prado, Village Clerk