

SEP 09 2008 JB/lc

EFFECTIVE DATE

ORDINANCE NO. 2008-18

SEP 15 2008

AN ORDINANCE PERTAINING TO THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT; AMENDING SECTIONS 33-271, 33-273 AND 33-275 OF THE ORANGE COUNTY CODE TO AUTHORIZE THE IMPLEMENTATION OF PUBLIC SAFETY PROGRAMS WITHIN THE DISTRICT; AMENDING SECTION 33-279 OF THE ORANGE COUNTY CODE TO INCREASE THE MAXIMUM AMOUNT OF TAXES OR SPECIAL ASSESSMENTS TO BE IMPOSED WITHIN THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT MUNICIPAL SERVICE TAXING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Orange County, Florida (the "Board") enacted Ordinance No. 92-37 on November 10, 1992, codified as Article VIII of Chapter 33 of the Orange County Code, ("Ordinance No. 92-37") which created the International Drive Master Transit and Improvement District (the "District"); and

**WHEREAS**, on November 10, 1992, the Board also adopted Resolution No. 92-M-64 ("Resolution 92-M-64") which created the International Drive Master Transit and Improvement District Municipal Service Taxing Unit (the "MSTU") within the District and which provides funding to the District; and

**WHEREAS**, the District has requested that the Board authorize the implementation of public safety programs within the District and an increase in the authorized millage rate of the MSTU and such increase was tentatively approved by the Board on July 23, 2008, during budget worksessions; and

**WHEREAS**, on August 26, 2008, the Board amended Resolution 92-M-64 to increase the maximum millage rate of the MSTU to 0.3 mills per annum in order to increase funding available to fund the implementation of public safety programs within the District; and

**WHEREAS**, consistent with such MSTU amendments the Board made on August 26, 2008, the Board now desires to amend Article VIII of Chapter 33 of the Orange County Code, to authorize the implementation of public safety programs and increase the maximum millage to be imposed within the District.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

*Section 1. Amendment to Chapter 33, Article VIII, Section 33-271 of the Orange*

*County Code.* Section 33-271 of the Orange County Code is hereby amended to read as follows:

**Sec. 33-271. Creation.**

The International Drive Master Transit and Improvement District is hereby created for the purpose of planning, designing, acquiring, constructing, operating and maintaining public transit systems, facilities, ~~and services~~ and public safety within the district; developing plans and recommendations to state and local governments for programs and projects to alleviate traffic congestion, increase public safety and beautify transportation corridors within the district; developing plans and recommendations to state and local governments for other physical improvements and programs needed to foster mobility and security within the district; implementing public safety programs within the district and implementing a marketing and promotion program to benefit the district. The district shall include the property described in Appendix A [see the editor's note to this article title]. It is the intent of this article that the district is an independent special district created pursuant to the authority of the first sentence of section 9(b), article VII, of the Florida Constitution and pursuant to F.S. § 125.01(5).

**Section 2. Amendment to Chapter 33, Article VIII, Section 33-273 of the Orange**

**County Code.** Section 33-273 of the Orange County Code is hereby amended by the revision of subsection (a)(6) and the addition of subsection (a)(19) as follows:

**Sec. 33-273. Same—General powers.**

(a) The governing board shall have the following authority and powers within the district:

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- (6) To develop plans and recommendations to state and local governments for other physical improvements and programs needed to foster mobility and security within the ~~North International Drive Improvement Area~~ district;

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- (19) To develop and implement public safety programs within the district.

**Section 3. Amendment to Chapter 33, Article VIII, Section 33-275 of the Orange County Code.** Section 33-275 of the Orange County Code is hereby amended by the revision of subsection (a)(5) as follows:

**Sec. 33-275. Same—Powers, duties.**

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- (5) The type and extent of street, pedestrian, beautification, ~~and streetscape improvements~~ and public safety programs needed within the district;

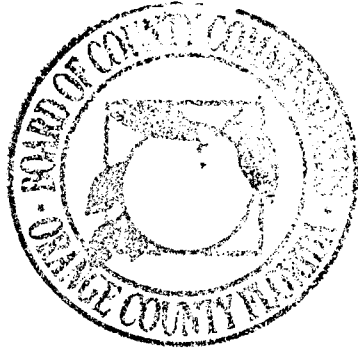
**Section 4. Amendment to Chapter 33, Article VIII, Section 33-279 of the Orange County Code.** Section 33-279 of the Orange County Code is hereby amended by the revision of subsection (a) as follows:

**Sec. 33-279. Restriction on taxes and assessments.**

- (a) The governing board shall not impose taxes or special assessments within the district or enter into a contract with the county funded from ad valorem taxes imposed within a municipal service taxing unit (other than taxes or special assessments that are imposed only within the bus service area or the North International Drive Improvement Area or contracts funded from taxes imposed within the International Drive Bus Service Municipal Service Taxing Unit and the North International Drive Improvement Municipal Service Taxing Unit), which, in the aggregate, generate revenue in any fiscal year in excess of that which would be generated by a 0.43 mill ad valorem tax levied upon taxable real and personal property within the district.

**Section 5. Severability.** If any provision of this ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to that end the provisions of this ordinance are declared severable.

**Section 6. Effective Date.** This ordinance shall become effective pursuant to general law.



**ORANGE COUNTY, FLORIDA**

By: Board of Orange County Commissioners

BY: *Richard T. Crotty*  
Richard T. Crotty  
County Mayor

**ATTEST:** Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*  
Deputy Clerk