



Legislation Details (With Text)

File #: 23-0606
Type: Public Hearing
Status: Passed
In control: Board of County Commissioners
On agenda: 3/21/2023
Final action: 3/21/2023
Title: CONSIDER ADOPTION OF AN ORDINANCE REPEALING DIVISION 2 INDIANTOWN COMMUNITY DEVELOPMENT DISTRICT, ARTICLE 10, SPECIAL DISTRICTS, CHAPTER 71 FINANCE AND TAXATION, GENERAL ORDINANCES, MARTIN COUNTY CODE AND DISSOLVING THE INDIANTOWN COMMUNITY DEVELOPMENT DISTRICT

Sponsors:

Indexes:

Code sections:

Attachments: 1. DEO Letter.pdf, 2. Draft Ordinance re Indiantown Community Development District.pdf

Date	Ver.	Action By	Action	Result
3/21/2023	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings

TITLE:

CONSIDER ADOPTION OF AN ORDINANCE REPEALING DIVISION 2 INDIANTOWN COMMUNITY DEVELOPMENT DISTRICT, ARTICLE 10, SPECIAL DISTRICTS, CHAPTER 71 FINANCE AND TAXATION, GENERAL ORDINANCES, MARTIN COUNTY CODE AND DISSOLVING THE INDIANTOWN COMMUNITY DEVELOPMENT DISTRICT

EXECUTIVE SUMMARY:

On February 2, 2023 the Florida Department of Economic Opportunity (DEO) notified the County that DEO declared the Indiantown Community Development District inactive pursuant to Section 189.062, Fla. Stat. and thus the County was required to dissolve the special district and repeal the enabling County ordinance.

DEPARTMENT: County Attorney

PREPARED BY: Name: Sarah W. Woods
Title: County Attorney

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Irongate Indiantown Investors LLC filed a petition to create a community development district to

finance and operate certain improvements within the Indiantown Development of Regional Impact. The Martin County Board of County Commissioners approved the Indiantown Community Development District on February 12, 2008.

On February 2, 2023 the Florida Department of Economic Opportunity (DEO) notified the County that DEO declared the Indiantown Community Development District inactive pursuant to Section 189.062, Fla. Stat. and thus the County was required to dissolve the special district and repeal the enabling County ordinance.

Section 189.062(5), Florida Statutes, provides that once a special district is declared inactive, it may not collect taxes, fees, or assessments unless the declaration is withdrawn or revoked by DEO or invalidated in proceedings initiated by the special district.

Section 189.062(4), Florida Statutes, requires the entity that created the special district declared inactive to dissolve the special district by repealing its enabling laws or by other means as set forth in section 189.071, Florida Statutes.

ISSUES:

N/A

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the proposed ordinance.

ALTERNATIVE RECOMMENDATIONS

Provide Board direction regarding the proposed ordinance.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution

☐ Other:

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