

Steps to Create an MSTU/BU

Creating Municipal Services Taxing Units and Municipal Services Benefit Units

The establishment of a Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) requires formal action by the Board of County Commissioner (BCC). The BCC adopted Resolution No. 13-25 to provide a policy to facilitate the process by which citizens could bring matters of substantial county interest to the BCC by Citizen Petition, including the creation of MSTU and MSBUs.

The difference between an MSTU and an MSBU is as follows:

- An MSBU is a special assessment or one-time benefit for improvements within an established district without maintenance requirements.
- An MSTU addresses capital improvements that typically require continued maintenance obligations.

MSTU/MSBUs may be created by: 1) Citizen Sponsored Petition; 2) Voter Referendum; or 3) Direct Action by the BCC.

I. Citizen Sponsored Petition:

One or more residents may sign up to speak to the BCC under Public Petition during regularly scheduled Board Meetings. Requests to speak before the Board may be submitted through an application to the County Manager at least 13 days prior to the particular Board Meeting date. A copy of Resolution No. 13-25 and the petition form is attached to this document and can also be found on the County's Website:

<http://www.hardeecounty.net>.

Requests for the establishment of an MSTU or MSBU made by a Citizen Sponsor must include a description of the project improvement and include an area location map of the proposed taxing district.

Upon receipt of Board approval to have Hardee County staff dedicate time to the creation of an MSTU/BU the following steps must be taken:

1. **Prepare a Taxable Value Analysis:** Revenues (taxable value multiplied by the millage rate) are analyzed to determine when the anticipated taxable values are sufficient to support the proposed capital improvement and required maintenance.
2. **Prepare a Cost Benefit Analysis:** A Cost Benefit analysis is required to determine the total number of properties to be included in the taxing district. The citizen petitioner will provide staff with the original petition and map which is the basis for the cost benefit analysis. The Cost Benefit Analysis report may be utilized by the Citizen Sponsor to review alternatives in millage rate recommendation and serves the purpose of staff's evaluation of projected revenues for the proposed Taxing Unit compared to the estimated capital cost and ongoing operations and maintenance.
3. Upon favorable results from the Cost Benefit Analysis, the citizen petitioner will be provided instruction for obtaining the necessary signatures towards a valid citizen sponsored petition.

- a. Format for Petitions is 8 ½ inch by 11 inch format and must have adequate space for signature, printed name of resident (may be hand written), street address, city, state, zip code, precinct number (if known), date signed, date of birth, voter registration number, and property folio number. Top of petition shall state “Hardee County Citizen Petition No. ____ - ____”. Line 2 of petition title shall clearly and conspicuously note: “County Manager’s determination of sufficiency on (date)”. Each petition form shall contain the following statement at the top of the form underneath the petition title:

To the extent that §104.185, Florida Statutes, applies to this petition, ‘It is unlawful for any person to knowingly sign a petition or petitions for a particular Issue more than one time. Any person violation the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the first degree, punishable as provided in §775.082, or §775.084.’ (§104.185, F.S.)

- b. The petition’s title should be kept to 15 words in length. The purpose of the MSTU/MSBU should be stated in no more than 75 words. Formal Petitions must contain the following information:
- i. Signatures as they appear on the ownership documents of the owners of the lands involved in the proposed benefit area. Legal descriptions or property addresses as they appear on the tax roll or legal ownership documents of the lots or land shall be opposite the names of the signed petitioners, along with a phone number.
 - ii. General description of the improvement(s) requested by the property owners to include a map identifying the area of the proposed improvements. Identification of a designated individual, including his/her address and telephone number who will act as the official representative of the petitioners.
- c. The number of required approval petitions is evaluated in terms of the number of parcels to be included in the MSTU/BU Citizen sponsored request. There will be a determination of the exact number of petitions required to be obtained with resident signature in approval of petition. This number must be equal to 50 (fifty) percent plus one for affirmation of property owner approval of the petition.
- d. **Citizen Sponsor Circulation of Petitions** - It is the responsibility of the Citizen Sponsor to ensure that copies of the petitions are circulated to all property owners within the intended taxing district. Signature must be obtained by the Property Owner on the actual physical copy of each petition. Signatures by other parties which are not the Property Owner will not be recognized and/or validated to count as affirmation of approval. All petitions must be notarized by Notary Public and appropriately witnessed. Any petitions submitted without Notarization will be considered invalid.
- e. Validation of Petitions Received - Staff Liaison has 21 days to make this determination of number of approved petitions required. Upon determination of required number of approved petitions, staff will send a certified letter to the Citizen Sponsor indicating whether the number of required approved petitions has been met. Upon receipt of this certified letter the Citizen Sponsor has 12 months to process the petition before the BCC for their approval. All petitions must have signatures validated by County Attorney’s Office prior to processing the petition before the Board.
- f. Payment of any necessary fees for signature verification must be made by Citizen Sponsor.

4. Upon successful completion of the steps above, staff will assist the Citizen Sponsor by preparing the Executive Summary, Ordinance, and boundary map establishing the MSTU in order to seek BCC approval.

II. Voter Referendum

In accordance with Florida Statute, Chapter 106 the Board of County Commissioners may request that the determination for the establishment of an MSTU/MSBU be made by the residents through referendum. If this is the direction of the Board, the petition process noted above is replaced by voter election.

As part of this process staff, the County Attorney's Office and the Supervisor of Elections work together to prepare the ballot question and placing the question on the next available election. Similar to the Citizen Petition process, a 50% plus one is needed for approval.

If the voters approve the referendum, staff will prepare the Executive Summary and work with the County Attorney's Office in preparing an Ordinance and a boundary map establishing the MSTU/MSBU to present for BCC approval.

III. Board of County Commissioner (BCC) Action

As authorized by Florida Statutes Section 125.01, the Hardee County Board of County Commissioner's may independently create a MSTU/MSBUs.

If the Board directs the creation of an MSTU staff will prepare the Executive Summary and work with the County Attorney's Office in preparing an Ordinance and boundary map establishing the MSTU/MSBU to present for BCC final approval.

MSTU/BU Committee Responsibilities

An MSTU/MSBU may or may not be created with advisory committees. If an advisory committee is created, in addition to any specific responsibilities including in the Ordinance creating the MSTU/MSBU, its members generally share the following responsibilities:

- a. Recommendations of Budget for each Fiscal Year (Oct. 1 to Sept. 29 of each year)
- b. Recommendations to appoint new members.
- c. Recommendations for millage rate and related Budget request.
- d. Recommendations for allocation of funding for capital projects.
- e. Recommendations for operational MSTU/BU expenditures.
- f. Recommendations regarding any changes to existing MSTU/BU Ordinance.