

## M E M O R A N D U M

**To:** Howard Tipton, Town Manager

**From:** Susan Smith, Finance Director  
Charlie Mopps, Interim Public Works Director

**Report date:** November 20, 2024

**Meeting date:** December 2, 2024

**Subject:** Ordinance 2024-13 Establishing a Townwide Canal Maintenance Taxing District encompassing all real property within the jurisdictional boundaries of the Town to be known as the Townwide Canal Maintenance District (“Canal District”)

### **Recommended Action**

Adopt Ordinance 2024-13 following second reading and public hearing.

### **Background**

The Town Commission has previously determined that preserving navigability within the Town’s canal system benefits all Town property owners, residents and visitors and that a Canal Navigation Maintenance Program (“the Program”) should be pursued. The purpose of the Program is to further the Town’s Commission’s objective of developing an ongoing canal maintenance program that would provide a dedicated funding source (outside of the Town’s general fund) to pay for the costs associated with initiating and operating such program. The Town’s consultants, staff and legal counsel recommended the creation of dependent taxing districts that would fund the Program through the levy of ad valorem taxes and non-ad valorem (“NAV”) assessments. At the October 21, 2024 and the November 12, 2024 Regular Workshops, the project team provided an update regarding the Program.

The Town’s consultants developed the following initial methodology to fund the Program:

- a component of costs which is a General Benefit shared by all property owners throughout the Town and funded 100% through an ad valorem tax levy (shown as red canals) for the maintenance of the main, publicly utilized canal waterways that serve a large volume of vessels operating within the Town’s waterway and canal system; and
- a component of costs which is a Specific Benefit allocable to only certain specially benefited property owners (100% funded using a NAV special benefit assessment, shown as blue canals) that will be served by the canal maintenance; and
- a component of costs which is allocable to both all properties within the Town and specially benefited properties (50% funded through an ad

valorem tax levy and 50% using a NAV special benefit assessment, shown as green canals) because those particular canals and waterways serve both the general boating community at large and also certain specially benefiting private property owners.

The Town Manager and staff desire to show the ad valorem tax levy that is restricted to the Program separately from the General Fund operating millage on the tax bills, which is why a dependent district construct is being pursued. The use of a Town-wide dependent special district to fund the Program allows the Town to separate out funding sources (through mill rates and/or NAVs) on property owners' tax bills and levy different amounts on properties that benefit more or less from the amenity/improvement. If the Town did not want to show the mill rate separately on the tax bill, a dependent district would not be needed and the Town could tax all properties for canal maintenance costs within the operating budget. However, the Town Commission has previously determined that it does not believe that the general fund should assume the full cost for all canal maintenance because benefits levels vary greatly amongst Town properties.

Ordinance 2024-13 is being presented to establish a single, dependent special taxing district which encompasses all real property within the jurisdictional boundaries of the Town to be known as the Townwide Canal Maintenance District ("Canal District"), amending Chapter 92, *Parks, Public Beaches, and Public Beach Accesses*, of the Town Code.

Ordinance 2024-13 creates the Canal District by following the dependent special district adoption process requirements set forth in Chapter 189, Florida Statutes. Florida law outlines the required elements necessary to create a dependent special district and those statutory requirements are followed in enumerated Sections 92.70 through 92.78. The new Code Sections include provisions setting forth the purpose of the Town-wide Canal Maintenance District; lists of the powers, functions and duties of the special district; identification of the geographic boundaries of the special district as the entire Town; and the establishment of the legal powers and governance of the district.

Ordinance 2024-13 creates the Town-wide special district taxing construct but does not impose any sort of tax or non-ad valorem assessment on the Town's property owners. Ordinance 2024-13 is being advanced at this time (before the end of 2024) for two primary reasons. First, the creation of a dependent special district needs to occur before the Town can actually impose an ad valorem tax and/or non-ad valorem assessment on Town properties. Second, the Town Staff and consultants are recommending that the Town Commission adopt Ordinance 2024-13 before December 31, 2024 to provide the Town Commission with the maximum amount of flexibility from a timing perspective for the Commission to fund a canal maintenance program. If the Town Commission wants to consider the imposition of an ad valorem tax by the newly created district during the Fiscal Year 2025-26 tax year, the Town Commission must create the dependent district on or before December 31, 2024 to meet statutory deadlines.

This Ordinance 2024-13 creates the overall Town-wide Canal District, but it does not establish the six (6) groupings / Special Assessment Districts that were discussed at the Workshop. The establishment of those secondary, smaller

districts that would be funded through NAVs would come later through six (6) separate Initial Assessment Resolutions to be presented to the Town Commission no later than March 3, 2025, in accordance with County deadline requirements.

If the two readings and adoption are completed in calendar year 2024, then the Town could begin collecting an ad valorem tax in the district starting with the property tax bill issued in November 2025 (assuming that the Town Commission adopts such a levy during the Town's millage hearing processes from July through September of 2025). If the Ordinance is not adopted until sometime in 2025, then collection of the tax could not begin any earlier than November 2026, unless the Town Commission included such program costs in the operating budget.

At the November 12, 2024 Special Meeting, the Commission forwarded Ordinance 2024-13 to the December 2, 2024 Regular Meeting for second reading and public hearing.

### **Staff Recommendation**

Adopt Ordinance 2024-13 following second reading and public hearing.

### **Attachments**

- Ordinance 2024-13
- Business Impact Estimate

**ORDINANCE 2024-13**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 92, PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES, OF THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES; CREATING A NEW SECTION 92.70 ESTABLISHING THE LONGBOAT KEY TOWNWIDE CANAL MAINTENANCE DISTRICT, A DEPENDENT SPECIAL DISTRICT OF THE TOWN OF LONGBOAT KEY; CREATING A NEW SECTION 92.71 PROVIDING FOR THE PURPOSE, POWERS, FUNCTION AND DUTIES OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.72 ESTABLISHING THE GEOGRAPHIC BOUNDARIES OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.73 ESTABLISHING THE AUTHORITY OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.74 ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT IS THE BEST ALTERNATIVE; CREATING A NEW SECTION 92.75 SETTING FORTH THE GOVERNANCE OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.76 ESTABLISHING THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS FOR THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.77 ESTABLISHING THE FINANCING METHODS OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.78 ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; DIRECTING THE TOWN CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE TO THE PROPERTY APPRAISERS AND TAX COLLECTORS OF SARASOTA AND MANATEE COUNTIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key ("Town") is a coastal, barrier island community with approximately 96 waterways and canals within its jurisdictional boundaries that offer access to Sarasota Bay and the Gulf of Mexico; and

**WHEREAS**, the Town's waterways and canals collectively create a vessel navigational network that serves both transportation and recreational functions to watercraft users within the Town; and

**WHEREAS**, the Town seeks to ensure that the Town's network of waterways and canals remain navigable, unrestricted and accessible to preserve the Town's appeal as a premier coastal community; and

**WHEREAS**, the Town Commission has recognized the importance of the Town's waterways and canal network by adopting Objective 1.5 of the Conservation and Coastal Management Element of the Town's 2022 Comprehensive Plan that provides that the Town will preserve the navigability of canals by [c]reating and implementing "a Town Canal Navigation Maintenance Program"; and

**WHEREAS**, the Town recognizes that the creation of a Town Canal Navigation Maintenance Program ensures that the Town's waterways will continue to be navigable for all Town residents, residential and commercial property owners, and tourists that use waterborne vessels and watercraft; and

**WHEREAS**, the Town Commission has also recognized in Objective 1.2 and Policy 1.2.1 of the Mobility Element of the Town's 2022 Comprehensive Plan that waterborne vessels could be an alternative mode of road transportation that can reduce vehicular trips to the island; and

**WHEREAS**, to maintain the ongoing navigability of such Town waterways and canals, periodic maintenance activities and projects must be conducted by the Town which include but are not limited to surveying, dredging and seagrass mitigation, to (i) address the impacts of tides, shifting sand, siltation and erosion, (ii) ensure continued navigability of the waterways and canals by watercraft and vessel users, (iii) assist with disaster recovery; (iv) preserve the Town's unique scenic, environmental and aesthetic features and character as a premier coastal community; and (v) enhance residential and commercial property values; and

**WHEREAS**, the Town is authorized pursuant to its home rule powers, Article VIII of the Florida Constitution and Chapters 166 and 189, Florida Statutes, to create dependent special districts within the jurisdictional boundary lines of the municipality; and

**WHEREAS**, due to the anticipated long-term needs of the Town to maintain the navigability of the Town's waterways and canals, the Town Commission has determined to levy an ad valorem tax, within the millage limitations specified by Florida law, to provide a dedicated revenue source with which to fund all or a portion of the costs associated with maintenance projects and activities; and

**WHEREAS**, additional funding for maintenance projects and activities may be derived from state or federal grant funding and/or other dedicated revenue sources implemented by the Town based on the special benefit conveyed to specific areas of the Town by particular canal projects; and

**WHEREAS**, on November 10, 2024 and December 8, 2024, the Town Commission conducted public hearings to consider related revisions to Chapter 92 of the Town's Code of Ordinances; and

**WHEREAS**, during the public meetings and public hearing held on November 12, 2024 and December 2, 2024, respectively, the Town Commission heard testimony and

evidence relating to the Town's waterways and canals and received presentations from the Town's Public Works Department and the consulting group First Line Coastal regarding current conditions of the waterways and canals, strategies to facilitate ongoing navigability and the maintenance of target levels of service, costs estimates and engineering and construction considerations; and

**WHEREAS**, at said public meetings and public hearing, the Town Commission heard testimony and evidence that the Town's waterways and canals are a valuable asset to the Town and that periodic maintenance and improvement of the waterways and canals serves a public purpose and protects the health, safety, and welfare of the Town's residents by ensuring that waterway access and navigability is maintained throughout the Town's jurisdictional waters; and

**WHEREAS**, the Town's network of waterways and canals are an integral asset to the Town because the waterways: provide recreational, scenic and environmental, and transportation (mobility) benefits for Town residents; attract tourists, commercial businesses, and future residents to the community; enhance property values throughout the island; and retain commercial businesses and current residents within the Town; and

**WHEREAS**, waterway and canal maintenance activities within the Town will be an ongoing Town expenditure necessitated by tidal action, storm events, and other natural and man-made causes of shifting sand, and erosion; and

**WHEREAS**, periodic waterway and canal maintenance and improvement projects and ongoing waterway access enhance the value of all real property, including commercial property, located within the Town; and

**WHEREAS**, the Town Commission has determined to establish a new dependent special district and taxing unit that shall encompass all real property within the jurisdictional boundaries of the Town to be known as the Townwide Canal Maintenance District ("Canal District"); and

**WHEREAS**, the Town Commission has decided that it shall preside as the governing board of the Canal District; and

**WHEREAS**, the Town Commission finds that there is a public purpose in funding the ongoing costs of waterway and canal maintenance activities and projects through the creation of the Townwide Canal Maintenance District; and

**WHEREAS**, the Town Commission seeks to establish the Town's authority to: (a) fund waterway and canal maintenance activities within the Town's Canal District; (b) create an operation and maintenance/administration/renewal and replacement fund within the Canal District for the ongoing funding of canal maintenance activities and projects; (c) utilize the Town's taxing powers to finance the Town's ongoing waterway and canal maintenance activities within such district; and (d) subject to referendum approval,

issue bonds or other obligations for the funding of waterway and canal payable by a levy of ad valorem taxes within the Canal District.

**NOW, THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:**

SECTION 1. The above recitals are true and correct and are hereby incorporated fully herein.

SECTION 2. Sections 92-70 through 92.78 of Chapter 92, Parks, Public Beaches, and Public Beach Accesses, are hereby created as shown in the attached Exhibit A.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. The creation of the Canal District is consistent with the *Town of Longboat Key's Comprehensive Plan* (adopted by Ordinance 2022-03 and dated June 6, 2022, and as subsequently amended).

SECTION 6. The Town of Longboat Key Clerk is hereby directed to provide a certified copy of this Ordinance to the Property Appraisers of Sarasota and Manatee County and the Tax Collectors of Sarasota and Manatee County so as to provide such entities with notice of the creation of the Townwide Canal Maintenance District for the purposes of including the ad valorem taxes on subsequent year's tax bill. The Town of Longboat Key shall comply with such additional notice requirements as may be required by law, including but not limited to such notice as may be required pursuant to Chapter 189, Florida Statutes and by the Florida Department of Revenue.

[Remainder of page intentionally left blank]

SECTION 7. This Ordinance shall take effect immediately upon second reading, public hearing, and adoption. The governing board of the Longboat Key Townwide Canal Maintenance District shall be empowered to act as of the effective date of this Ordinance. The creation of the Longboat Key Townwide Canal Maintenance District shall take effect on the date of adoption.

PASSED at a public meeting of the Town Commission held the 12th day of November, 2024.

ADOPTED at a meeting and public hearing of the Town Commission held the 2nd day of December, 2024.

---

Ken Schneir, Mayor

ATTEST:

---

Trish Shinkle, Town Clerk



## EXHIBIT A

### NEW SECTIONS 92-70 THROUGH 92.78

#### **92.70 Establishment of Townwide Canal Maintenance District.**

The Town Commission hereby recognizes that the Town's waterways and canals are a Townwide asset that attract residential and commercial property owners, residents and tourists to the Town. The Town Commission also recognizes that the Town's waterways and canals benefit all property owners and residents because proper maintenance of the waterways and canals ensures the continued use of the waterways and canals for transportation and navigational purposes. The preservation and maintenance of ongoing navigability of the Town's waterways and canals enhances waterborne and vessel recreational activities; preserves the Town's attraction as a premier coastal community; provides for alternative waterborne means of transportation to the island; preserves scenic, environmental and aesthetic features; and enhances property values. Additionally, the Town Commission finds that there are numerous public and private access areas to the Town's waterways and canals that afford all of the Town's residents, property owners, and visitors a reasonable opportunity to access Sarasota Bay and the Gulf of Mexico by watercraft or vessel. The Town Commission does hereby establish the Longboat Key Townwide Canal Maintenance District, hereinafter the "Canal District" pursuant to the Town's home rule authority as set forth in Article VIII, Section 2 of the Florida Constitution; and the Town's home rule authority as set forth in F.S. ch. 166, and F.S. ch. 189. The Canal District shall be a dependent special district of the Town of Longboat Key, Florida.

#### **92.71 Purpose, powers, function and duties.**

The purpose and function of the Canal District is to facilitate the Town's funding of on-going waterway and canal maintenance activities and projects within the Town that are necessitated by tidal action and other natural and man-made causes of shifting sand, siltation and erosion and that enhance navigation within the waterway and canal network. The Canal District shall have all powers, functions, and duties authorized by law to effectuate its purpose including, but not limited to the following:

- a. To provide for the planning, financing, construction, operation and maintenance of waterway and canal maintenance activities and projects;
- b. To conduct studies and adopt plans related to waterway and canal maintenance activities and projects;
- c. To provide for on-going maintenance activities relating to the Town's waterways and canals;
- d. To enter into contracts with both public and private entities;
- e. To receive, utilize, or expend funds, grants, or services from the federal, state, county, or other local governments, or from other private or civic sources;
- f. To request the Town Commission create an operation and maintenance/administration/renewal and replacement fund within the Canal District for the purposes of funding routine waterway and canal maintenance activities, operations, administration, and for purposes of maintenance/renewal and replacement fund or debt service;
- g. To construct, reconstruct, or improve, develop, and execute a logical and suitable program for comprehensive waterway and canal preservation relating to the use and maintenance of waterways and canals which may be important to their preservation and enjoyment;
- h. To contract for services of engineers, attorneys, or other consultants and other agents and employees as the Canal District may require or deem necessary to accomplish the purpose and functions of said district;
- i. To request the Town Commission levy within the boundaries of the Canal District ad valorem taxes to pay the costs of waterway and canal maintenance activities and projects within said district;

- j. To request the Town Commission levy within the boundaries of the Canal District non-ad valorem assessments to pay the costs of waterway and canal maintenance activities and capital improvement projects within said district;
- k. To request the Town Commission issue bonds or other obligations payable by ad valorem taxes or non-ad valorem assessments collected within the boundaries of the Canal District, to finance or refinance waterway and canal maintenance activities which constitute capital projects, and costs incidental to the issuance of such bonds or obligations including any referendum costs for the Canal District, if applicable, provided that the proposed bonds or other obligations and associated ad valorem tax levy, if applicable, has been approved by a majority of the qualified electors residing within said district, in accordance with Article I, § 5 of the Town Charter;
- l. To purchase, hold, lease, sell, or otherwise acquire and convey such real and personal property and interests, as may be necessary or proper to carry out the purpose, powers, functions and duties of said district;
- m. To hold, control, and acquire by donation or purchase, or dispose of, any easements, dedications, platted reservations, or any reservations for the purposes authorized herein; and
- n. To have and exercise such powers as are reasonably implied in or not inconsistent with this subsection which the Town Commission determines are necessary and proper so the Canal District can carry out the objectives and purposes of said district.

**92.72 Geographic Boundary of Canal District.**

The geographic boundary for the Canal District shall include and incorporate all real properties located within the municipal boundaries of the Town. A map identifying all of the parcels located within the Canal District, is provided in the appendix of this chapter and is hereby incorporated by reference as Exhibit 1.

[MAP ATTACHED]

**92.73 Authority of the Canal District.**

The Canal District shall have all of the powers authorized by law to perform the duties and financing set forth in sections 92.61 and 92.67 of the Code of Ordinances.

**92.74 Best alternative.**

The Town Commission hereby finds that based upon evidence, testimony, and reports that the creation of the Canal District is the best alternative available to fund a canal and waterway operation and maintenance program and the ongoing associated activities set forth herein.

**92.75 Governance.**

The Town Commission shall sit as the governing board of the Canal District. The Town Commissioners shall receive no compensation from the Canal District for serving as the governing board of said special district. The organization and duties of the Town Commissioners as members of the governing board of Canal District shall be the same as it relates to the members as Town Commissioners.

**92.76 Applicable financial disclosure, noticing and reporting.**

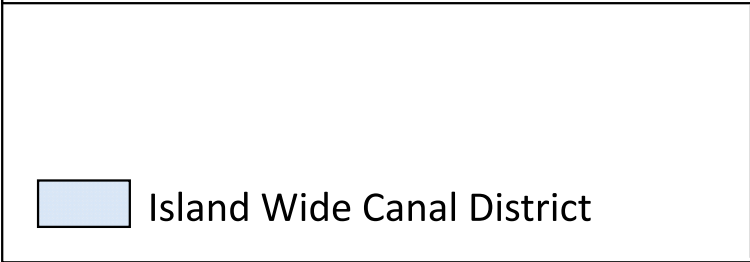
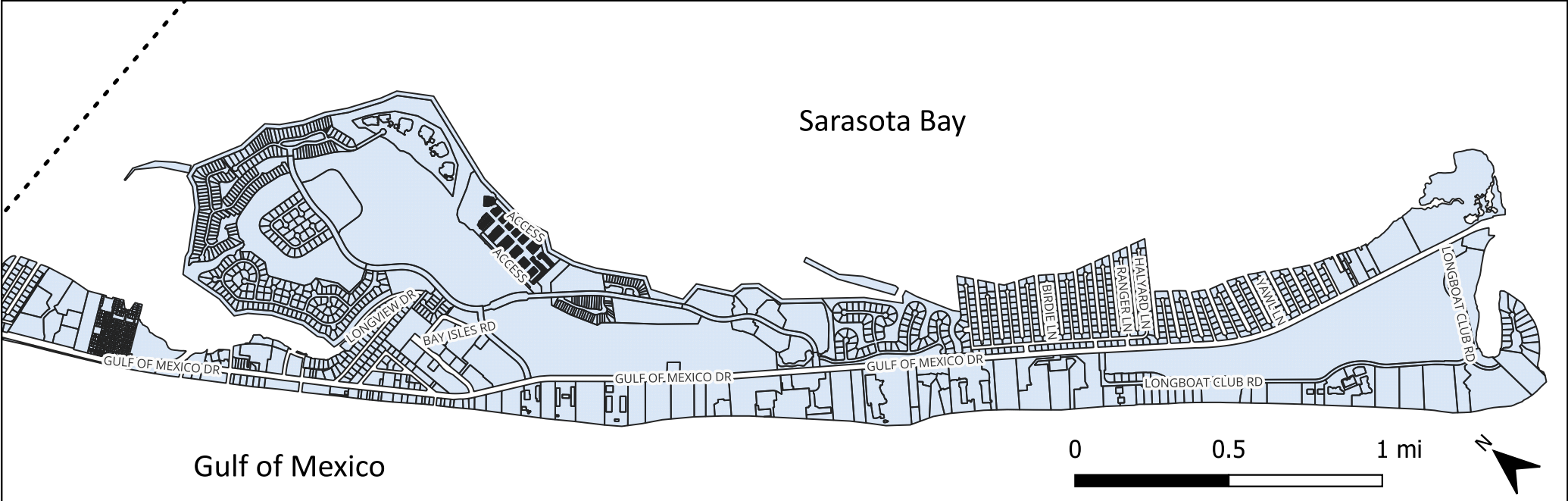
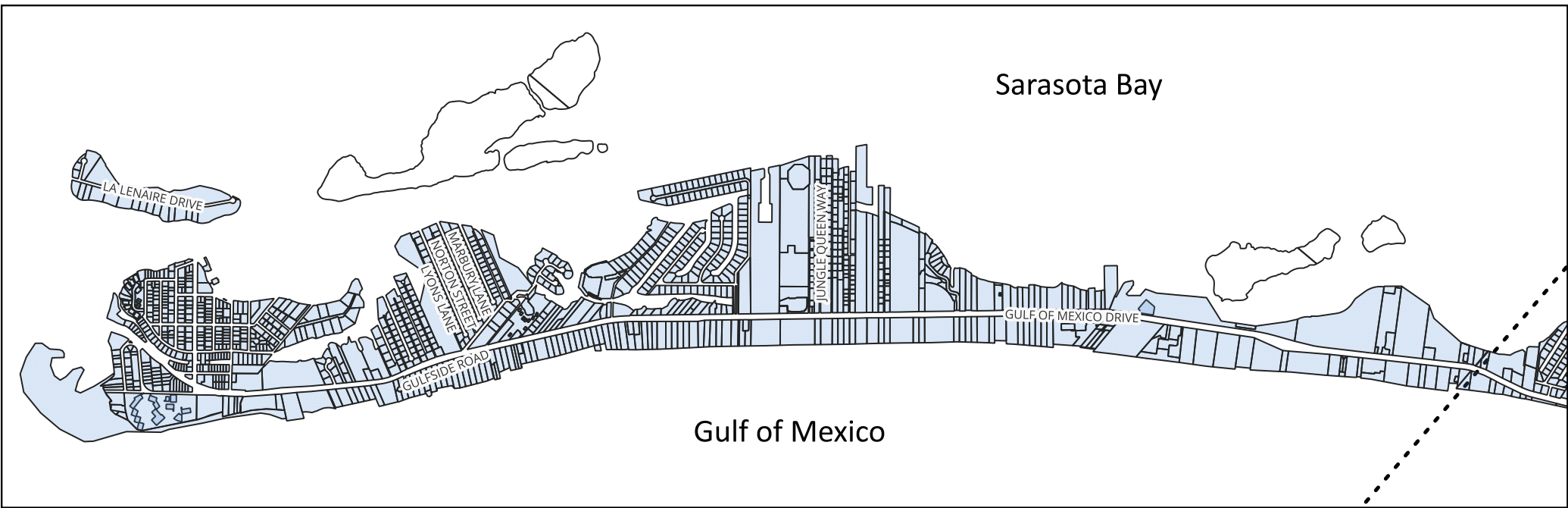
The financial disclosure, noticing and reporting requirements applicable to the Canal District shall be the same as otherwise applicable to the Town Commissioners and the Town of Longboat Key. The Canal District shall comply with all reporting requirements required by state law relating to dependent special districts.


## **92.77 Financing.**

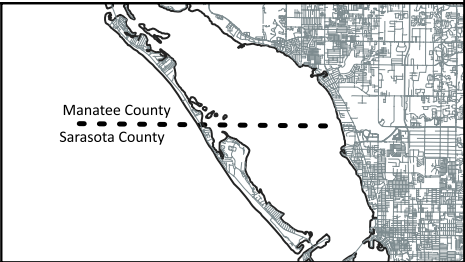
In recognition of the fact that the Town's waterways and canals are a Townwide asset benefiting all Town property owners and residents, the Town Commission finds that the levy of ad valorem taxes is the most equitable method available to fairly apportion the costs associated with conducting waterway and canal maintenance, and fund the on-going operating, maintenance and administrative support costs associated with maintaining the Town's waterways and canals. The Canal District is authorized to request the Town Commission levy within the boundaries of the Canal District ad valorem taxes to pay the costs of waterway and canal maintenance activities and projects, including operation and administrative support costs. Such costs may include, but are not limited to, the cost to conduct the activities referenced in section 92.71 of the Code of Ordinances; the cost of the Town's administrative support for the Canal District; and any other costs associated with maintaining the high quality standards established by the Town Commission for the Town's waterways and canals. Following a request from the Canal District, the Town Commission may issue bonds in accordance with Article I, Section 5 of the Town Charter, or other obligations, subject to referendum approval by the voters within the Canal District, if secured by and payable from ad valorem taxes levied within the Canal District which mature more than 12 months after issuance to finance or refinance capital projects in the manner and to the extent heretofore described. The ad valorem taxes, and related bonds, requested by the Canal District, shall be assessed and issued only to further the specific purpose of waterway and canal maintenance activities and projects set forth in sections 92.70—92.78 of the Code of Ordinances and for financing and refinancing purposes. The Town Commission shall maintain the exclusive power and authority to borrow money for the purposes of the Canal District. The Town Manager and Town Finance Director shall annually present a written budgetary request on behalf of the Canal District to the Town Commission of the Town of Longboat Key by June 1, for the Canal District funding. Said request shall include a computation of the funds needed within the Canal District, if any, for the upcoming fiscal year so as to meet the obligations set forth herein.

## **92.78 Consistent with comprehensive plan.**

The creation of the Canal District is consistent with the Town of Longboat Key's Comprehensive Plan and all other applicable growth management rules and regulations.



**Island Wide Canal District**  
**CANAL MAINTENANCE DREDGING PROGRAM**  
**TOWN OF LONGBOAT KEY, FL**  
**PREPARED BY**  **FIRST LINE COASTAL**



# **Business Impact Estimate**

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.*

## **ORDINANCE 2024-13**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 92, PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES, OF THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES; CREATING A NEW SECTION 92.70 ESTABLISHING THE LONGBOAT KEY TOWNWIDE CANAL MAINTENANCE DISTRICT, A DEPENDENT SPECIAL DISTRICT OF THE TOWN OF LONGBOAT KEY; CREATING A NEW SECTION 92.71 PROVIDING FOR THE PURPOSE, POWERS, FUNCTION AND DUTIES OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.72 ESTABLISHING THE GEOGRAPHIC BOUNDARIES OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.73 ESTABLISHING THE AUTHORITY OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.74 ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT IS THE BEST ALTERNATIVE; CREATING A NEW SECTION 92.75 SETTING FORTH THE GOVERNANCE OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.76 ESTABLISHING THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS FOR THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.77 ESTABLISHING THE FINANCING METHODS OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT; CREATING A NEW SECTION 92.78 ADOPTING FINDINGS THAT THE ESTABLISHMENT OF THE TOWNWIDE CANAL MAINTENANCE DISTRICT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; DIRECTING THE TOWN CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE TO THE PROPERTY APPRAISERS AND TAX COLLECTORS OF SARASOTA AND MANATEE COUNTIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by State law<sup>1</sup> for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to

---

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The Ordinance creates a new dependent district of the Town. Specifically, the Ordinance creates a Townwide Taxing District to fund the ongoing operation and maintenance of the Town's publicly used canals through an ad valorem tax. This type of district creation will allow the Town Commission to impose a separate Mill Rate throughout the Town on the Tax Bill for the Canal Maintenance Navigation Program which will be separate from the Regular Operating Budget Mill Rate. The tax revenue will be restricted to funding the operation and maintenance of the canal navigation program and will be adopted as part of the annual Budget Process which takes place between May and September.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

None

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

A new ad valorem tax could result if the Town Commission approves the imposition of a tax during the Budget Process. At that time, the public and for-profit businesses will be afforded an opportunity to provide comment and input on the proposed tax imposition.

(c) An estimate of the Town's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

100% of the Town's businesses will be impacted as this will apply to all properties within the Town.

4. Additional information the governing body deems useful (if any):

The Ordinance itself only provides for the creation of a new dependent special taxing district. Costs will only be incurred if the Town Commission adopts a millage in FY2026.

**End of Agenda Item**