

ORDINANCE 2026-__

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC SAFETY; CREATING THE PALMETTO BAY PUBLIC SAFETY DISTRICT AS A DEPENDENT SPECIAL DISTRICT PURSUANT TO SECTION 189.02, FLORIDA STATUTES; AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES BY CREATING SECTION 26-1; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Mark Merwitzer)*

WHEREAS, section 189.02, Florida Statutes, authorizes a municipality to create a dependent special district within its boundaries by ordinance; and

WHEREAS, the Village of Palmetto Bay, Florida (the "Village") provides law enforcement services through an interlocal agreement with Miami-Dade County, Florida (the "County"), delivered by the Miami-Dade Sheriff's Office (the "Sheriff's Office"), and public safety is an essential municipal service; and

WHEREAS, the dedicated funding of public safety and first-responder services through special districts is an established model in Florida, exemplified within the County by the Miami-Dade Fire and Rescue Service District, a dependent special district funded by a dedicated, separately stated millage; and

WHEREAS, a dependent public safety district provides residents with transparency and a dedicated source of funding for an essential service, while section 200.001(8)(d), Florida Statutes, ensures that the millage of the district, when added to the millage of the Village, does not exceed the millage cap applicable to the Village; and

WHEREAS, the Sheriff's Office has confirmed that the Village may pursue an independent process to create its own public safety special district; and

WHEREAS, the Village Council of the Village (the "Village Council") finds that creation of the district is the best alternative for these purposes,

1 is consistent with the Village's Comprehensive Plan, and serves a valid
2 public purpose.

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5 **NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND**
6 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
7 **FLORIDA, AS FOLLOWS:**
8

9 **Section 1.** Chapter 26, "Taxation," Article I, "In General," of the
10 Code of Ordinances of the Village of Palmetto Bay, Florida, is hereby
11 amended by the creation of a new section 26-1, to read as follows:
12

13 **Sec. 26-1. – Palmetto Bay Public Safety District.**

14
15 (a) Creation and status. There is hereby created a dependent special
16 district known as the "Palmetto Bay Public Safety District" (the
17 "district"), pursuant to section 189.02, Florida Statutes. This
18 section shall constitute the charter of the district for purposes of
19 section 189.02, Florida Statutes.

20
21 (b) Purpose and powers. The purpose of the district is to fund and
22 support law enforcement and public safety services within the
23 Village, including services provided under the Village interlocal
24 agreement for police services. The district may:

- 25 (1) levy ad valorem taxes as provided in subsection (e);
26 (2) adopt and administer an annual budget;
27 (3) receive, hold, and expend funds and enter into contracts for
28 its purposes;
29 (4) cooperate with the Village, Miami-Dade County, and the
30 Miami-Dade Sheriff's Office in providing public safety
31 services; and
32 (5) exercise the powers necessary to carry out this section,
33 exercising no power inconsistent with this section or law.

34
35 (c) Boundaries. The boundaries of the district are coextensive with
36 the corporate boundaries of the Village of Palmetto Bay, as they
37 now exist or are hereafter lawfully altered.
38

1 (d) *Governing body.* The governing body of the district is the Village
2 Council. The Mayor and the members of the Village Council serve
3 as the governing body of the district ex officio, with terms
4 coterminous with their respective Village offices and without
5 additional compensation. The Council, acting as the governing
6 body of the district, shall conduct the business of the district
7 subject to the same rules that govern the Council. The Village
8 Manager, Village Clerk, Village Attorney, and Village Finance
9 Department shall serve the district in their corresponding Village
10 capacities.

11
12 (e) *Financing; millage; limitation.* The district may levy an ad valorem
13 tax upon all taxable real and tangible personal property within the
14 district as municipal dependent special district millage under
15 sections 200.001(2)(d) and 200.001(5), Florida Statutes.
16 Pursuant to section 200.001(8)(d), Florida Statutes, the millage of
17 the district, when added to the millage of the Village, shall not
18 exceed the maximum millage applicable to the Village under
19 section 9(b), article VII of the Florida Constitution and section
20 200.081, Florida Statutes. The Village Council shall fix the millage
21 of the district annually under section 200.065, Florida Statutes.
22 The millage of the district shall be stated separately, as municipal
23 dependent special district millage, on the notice of proposed
24 property taxes and on the ad valorem tax bill. The district may also
25 be funded by Village appropriations, intergovernmental revenues,
26 grants, and contractual payments.

27
28 (f) *Reporting and oversight.* The district shall comply with chapter 189,
29 Florida Statutes, including the requirements for meetings and
30 notice under section 189.015; budget, audit, and financial
31 reporting under sections 189.016 and 218.32; and reporting and
32 public access under sections 189.069 and 189.0652. The
33 members of the governing body and any officers of the district
34 shall comply with all financial disclosure, ethics, voting-conflict,
35 public records, public meetings, noticing, budget, audit, and
36 reporting requirements applicable to dependent special districts
37 and to municipal officers under Florida law, including chapter 112,
38 Florida Statutes, chapter 189, Florida Statutes, and any other
39 applicable law. The budget of the district shall be adopted by the

1 Village Council, and the financial activity of the district may be
2 reported and audited together with that of the Village. The district
3 shall designate a registered office and registered agent under
4 section 189.014, Florida Statutes, and the Village Clerk shall
5 make all filings required by chapter 189, Florida Statutes,
6 including filing this section with the Department of Commerce.
7

8 (g) Findings; best alternative; comprehensive plan.
9

10 (1) The Village Council finds and determines, pursuant to section
11 189.02(4)(d), Florida Statutes, that the district is the best alternative for
12 funding public safety services within the Village, because:
13

14 (i) law enforcement and public safety constitute an essential, recurring
15 governmental service that benefits all property within the Village
16 generally and is therefore properly funded through ad valorem taxation
17 rather than through a special assessment, which requires a special and
18 peculiar benefit to the assessed property;
19

20 (ii) a substantial portion of the district's services is delivered under the
21 Village's interlocal agreement for police services by the Sheriff's Office, a
22 separate governmental entity, and the cost of that contractual obligation
23 is a discrete and identifiable component of the Village's budget, such that
24 the district funds a bounded and definable special purpose rather than
25 general government operations;
26

27 (iii) the district separately states and dedicates the public safety levy on
28 the notice of proposed property taxes and on the ad valorem tax bill,
29 affording residents transparency that a single, undifferentiated municipal
30 millage or an internal fund of the Village cannot provide, and ensuring
31 that any future change to public safety funding is made visibly and
32 deliberately rather than obscured within a blended rate;
33

34 (iv) under section 200.001(8)(d), Florida Statutes, the millage of the
35 district is added to the millage of the Village and may not exceed the
36 maximum millage applicable to the Village, so that the district cannot
37 increase the aggregate millage upon property within the Village and
38 cannot be used to circumvent any constitutional or statutory millage
39 limitation;

1
2 (v) the district diminishes no protection available to taxpayers, who
3 remain subject to the same millage limitation, assessment, truth-in-
4 millage, and value adjustment board processes, and the district remains
5 wholly within the control of the Village Council and the accountability
6 framework of chapter 189, Florida Statutes, whereas an independent
7 special district may not be created by municipal ordinance, would require
8 a special act of the Legislature, and would fragment governance,
9 oversight, and reporting; and

10
11 (vi) consistent with the legislative intent expressed in section 189.011,
12 Florida Statutes, that dependent special districts be created at the
13 prerogative of municipalities to serve necessary and useful functions, the
14 dedicated funding of essential first-responder services through a
15 dependent special district is an established model in Florida, including
16 within Miami-Dade County.

17
18 (2) The Village Council declares, pursuant to section 189.02(4)(h),
19 Florida Statutes, that creation of the district is consistent with the Village
20 of Palmetto Bay Comprehensive Plan, the district establishing a funding
21 mechanism only, not altering the use, density, or intensity of any land,
22 and supporting the public safety objectives of the plan.

23
24 **Section 2. Severability.** The provisions of this Ordinance are
25 declared to be severable, and if any sentence, section, clause, or phrase
26 of this Ordinance shall, for any reason, be held to be invalid or
27 unconstitutional, such decision shall not affect the validity of the
28 remaining sentences, sections, clauses, or phrases of the Ordinance, but
29 they shall remain in effect it being the legislative intent that this Ordinance
30 shall stand notwithstanding the invalidity of any part.

31
32 **Section 3. Codification.** It is the intention of the Village Council,
33 and it is hereby ordained the provisions of this Ordinance shall become
34 and be made part of the Code of Ordinances of the Village of Palmetto
35 Bay, Florida, that sections of this Ordinance may be renumbered or re-
36 lettered to accomplish such intentions, and that the word "Ordinance"
37 shall be changed to "Section" or other appropriate word.
38

1 **Section 4. Effective Date.** This Ordinance shall take effect
2 immediately upon enactment at Second Reading.

3
4 **PASSED ON FIRST READING** this ____ day of _____, 2026.

5
6 **PASSED AND ADOPTED ON SECOND READING** this ____ day
7 of _____, 2026.

8
9
10
11 Attest: _____
12 **Missy Arocha** **Karyn Cunningham**
13 **Village Clerk** **Mayor**

14
15 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

16
17
18 _____
19 **John J. Quick**
20 **Village Attorney**

21
22
23 **VOTE ON FIRST READING:**

24
25 Mayor Karyn Cunningham _____
26
27 Council Member Steven Cody _____
28
29 Council Member Marsha Matson _____
30
31 Vice-Mayor Mark Merwitzer _____
32
33 Council Member Patrick Fiore _____
34
35
36
37

1 **FINAL VOTE AT ADOPTION ON SECOND READING:**
2
3 Mayor Karyn Cunningham _____
4
5 Council Member Steven Cody _____
6
7 Council Member Marsha Matson _____
8
9 Vice-Mayor Mark Merwitzer _____
10
11 Council Member Patrick Fiore _____