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City of Wildwood  
100 N. Main Street  
Wildwood, FL 34785

**ORDINANCE NO. O2023-62**

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA GRANTING CONSENT FOR THE INCLUSION OF ALL OF ITS INCORPORATED AREA WITHIN ANY DEPENDENT FIRE OR EMS SPECIAL DISTRICT, OR MUNICIPAL BENEFIT OR TAXING UNITS FOR FIRE PREVENTION AND SUPPRESSION AND NON-TRANSPORT AND TRANSPORT EMERGENCY MEDICAL SERVICE CREATED PURSUANT TO SECTION 189.02 FLORIDA STATUTES; APPROVING AN AMENDMENT OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AND AMENDMENT AND RESTATEMENT OF THE INTERLOCAL BOUNDARY AGREEMENT FIRE SERVICES SUB-AGREEMENT; RENEWING THE INTERLOCAL SERVICE BOUNDARY AGREEMENT FOR A PERIOD OF TWENTY (20) YEARS; PROVIDING FOR RESOLUTION OF CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Wildwood ("City") possesses Home Rule powers pursuant to Article VIII, Section 2(b), Florida Constitution and Section 166.021, Florida Statutes; and,

**WHEREAS**, the Sumter County Board of County Commissioners ("County") possesses powers of self-government as provided by general or special law, so long as such acts are in the common interest of the people of the County, said powers being held and exercised pursuant to Article VIII, Section 1 (f), Florida Constitution and Section 125.01, Florida Statutes; and,

**WHEREAS**, the Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, encourages and empowers local governments to cooperate with one another on matters of mutual interest and advantage, and provides for interlocal agreements on matters such as annexation, joint planning, and service provision; and,

**WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Part I, Florida Statutes, and the Interlocal Service Boundary Agreement Act, Chapter 171, Part II, Florida Statutes, recognize the use of interlocal service boundary agreements and joint planning agreements to coordinate future land use and public facilities and services; and,

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, requires that counties and cities include in their respective planning efforts intergovernmental coordination and mechanisms for identifying and implementing joint planning areas and service provision; and,

**WHEREAS**, the City adopted Ordinance No. 2009-10, as amended, on April 13, 2009, and the County adopted Ordinance 2009-07 on April 14, 2009, as amended, establishing the Interlocal Services Boundary Agreement and Joint Planning Area to memorialize and codify the consolidated and coordinated effort to efficiently and effectively provide public facilities and services; and,

**WHEREAS**, Sumter County continued a countywide Municipal Service Benefit Unit (MSBU) during the term of this Interlocal Service Boundary Agreement and the City acknowledges and consents to its continuation including along fire prevention and suppression and non-transport and transport emergency medical services ("Fire and EMS Services") boundary lines as may be established by the County through the creation of a dependent district; and,

**WHEREAS**, Sumter County had a project-based fire impact fee prior to and during the term of this Interlocal Service Boundary Agreement and the City acknowledges and consents to Sumter County creating a fire impact fee within the City's jurisdiction to meet the capital capacity needs of the Fire and EMS Services; and,

**WHEREAS**, Section 125.01(q), Florida Statutes requires consent by ordinance of the governing body of the affected municipality where the County establishes municipal services taxing units (MSTUs); and,

**WHEREAS**, Section 189.02, Florida Statutes states a County is authorized to create dependent special districts within the boundary lines of the county, subject requires approval of the governing body of the incorporated area affected; and,

**WHEREAS**, the Fire Services Sub-Agreement requires updating to, among other things, grant consent to the County to include all of the incorporated area of the City within any dependent fire or EMS special district, MSBUs, and/or MSTUs to provide Fire and EMS Services within portions of The Villages® development and other properties located within the municipal limits of the City; and,

**WHEREAS**, the City and County have found a necessity for an Amendment and Restatement of the Interlocal Service Boundary Agreement and Fire Sub-Agreement between the City and the County, a fully executed copy of which is attached hereto and made a part of this ordinance as "Exhibit A," to be codified in full.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the City Commission of the City of Wildwood, Florida, as follows:

**SECTION 1. FIRE SUB-AGREEMENT.** The Amendment and Restatement of the Interlocal Service Boundary Agreement Fire Services Sub-Agreement between the City of Wildwood and Sumter County, attached hereto as "Exhibit A", is hereby adopted and incorporated herein, to be codified as a provision of the City of Wildwood City Code of Ordinances, along with the terms of this Ordinance.

**SECTION 2. CONSENT TO THE CONTINUATION OF MUNICIPAL SERVICE BENEFIT UNIT(S) (MSBUs).** The City Commission of the City of Wildwood hereby formally consents to the continuation of the imposition municipal benefit unit(s) (MSBUs) within its jurisdiction and incorporated area for Fire and EMS Services purposes only. Such consent shall be for a term of twenty (20) years.

**SECTION 3. CONSENT TO ESTABLISH MUNICIPAL SERVICE TAXING UNIT(S) (MSTUs).** The City Commission of the City of Wildwood hereby formally consents to the inclusion of all of the incorporated area of the City of Wildwood in the establishment by Sumter County of municipal service taxing units (MSTUs) for Fire and EMS Services within its jurisdiction. Such consent shall be for a term of twenty (20) years.

**SECTION 4. CONSENT TO ESTABLISH THE VILLAGES PUBLIC SAFETY DEPARTMENT DEPENDENT DISTRICT.** The City Commission of the City of Wildwood hereby formally consents to the inclusion of its municipal boundaries in the establishment by Sumter County of The Villages Public Safety Department Dependent District to provide the Fire and EMS Services for those properties in its jurisdiction in the service area as detailed in "Exhibit B."

**SECTION 5. CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

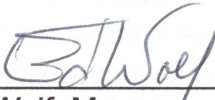
**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect upon final approval by the City Council of the City of Wildwood and final approval by the Sumter County Board of County Commissioners of an ordinance adopting the attached Amended and Restated Interlocal Service Boundary Agreement Roads Sub-Agreement, whichever date is later.

**SECTION 8. TERM.** The term of the Interlocal Service Boundary Agreement shall renew for a period of twenty (20) years commencing on the effective date of this Ordinance. The effective date of this ordinance shall be the date of final adoption by the City or County, whichever is later. All other provisions of the Interlocal Service Boundary Agreement not otherwise expressly modified herein shall remain in full force and effect.

**DONE AND ORDAINED** this 13th day of November 2023, by the City Commission of the City of Wildwood, Florida.



**CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA**

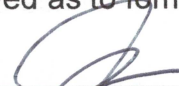
  
\_\_\_\_\_  
Ed Wolf, Mayor

ATTEST:   
\_\_\_\_\_  
Jessica Barnes, City Clerk

First Reading: 10/23/23

Second Reading: 11/13/23

Approved as to form:

  
\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**FIRST AMENDMENT AND RESTATEMENT OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT FIRE SERVICE SUB-AGREEMENT BETWEEN SUMTER COUNTY, FLORIDA AND THE CITY OF WILDWOOD, FLORIDA**

**THIS AMENDMENT AND RESTATEMENT OF THE INTERLOCAL SERVICE BOUNDARY AGREEMENT FIRE SERVICE SUB-AGREEMENT** is made and entered into on this 13<sup>th</sup> day of November 2023, by and between the Sumter County Board of County Commissioners, a political subdivision of the State of Florida (hereinafter "COUNTY") and the City of Wildwood a municipal corporation of the State of Florida (hereinafter "CITY"), both of whom understand and agree as follows:

WHEREAS, the City possesses Municipal Home Rule Powers pursuant to Article VIII, Section 2 (b), Florida Constitution and Section 166.021, Florida Statutes; and

WHEREAS, the County possesses powers of self-government as provided by general or special law, so long as such acts are in the common interest of the people of the County, said powers being held and exercised pursuant to Article VIII, Section 1 (f), Florida Constitution and Section 125.01, Florida Statutes: and

WHEREAS, the County provides fire prevention and suppression and non-transport and transport emergency medical services ("Fire and EMS Services") in the unincorporated and incorporated areas of the county; and

WHEREAS, the County provides funding through September 30, 2024 for Fire and EMS Services through federal and state grants, County General Fund, Sumter County Fire Impact Fees, Sumter County Fire District Municipal Services Benefit Unit(s) (MSBUs) Assessment; and

WHEREAS, the County and City recognize the most efficient approach to assuring adequate Fire and EMS Services is a coordinated and unified approach between the County and the City; and

WHEREAS, the County and City acknowledge increased coordination in Fire and EMS Services systems planning, construction, and maintenance will result in a more efficient expenditure of funds and provide enhanced level of service within the City; and

WHEREAS, the Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, encourages and empowers local government to cooperate on matters of mutual interest and advantage, and provides for interlocal agreements between local governments on matters such as roads; and

WHEREAS, the State Comprehensive Plan requires local governments to protect the substantial investment in public facilities that already exist and to plan for and finance new facilities in a timely, orderly, and efficient manner; and

WHEREAS, the County may consider effective October 1, 2024, to no longer fund the Fire and EMS Services from its General Fund for the two (2) recognized fire departments operating in Sumter County; and

WHEREAS, the County and City agree that the direct funding for Fire and EMS Services, including fire impact fees, charges for services, special assessment from the MSBUs, and municipal service taxing units (MSTUs) are required to provide the most efficient and effective fire prevention and suppression and non-transport and transport emergency medical services; and

WHEREAS, the County and City agree that the County's creation of a dependent district requires the creation of separate MSBUs and MSTUs for each fire department serving in the City's jurisdiction and incorporated area;

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the City and the County agree that a coordinated and unified approach to Fire and EMS Services results in a more efficient and effective method of service and promotes the safety and welfare for all of the citizens of Sumter County and agree a need exists to continue said service delivery arrangements in the following manner:

1. Service Delivery Agreement. The County shall continue to serve as the single, unified point of service for Fire and EMS Services for the City of Wildwood.
2. Funding.
  - a) The County may establish a dependent fire or EMS special district, Municipal Services Benefit Units (MSBUs), and Municipal Services Taxing Units (MSTUs) to levy special assessments or ad-valorem taxes to fund County Fire and EMS Services as authorized by Florida Statutes. The City hereby consents and grants authority to the County to include all of the incorporated area of the City of Wildwood within any dependent fire or EMS special district, or municipal service benefit or taxing unit created by the County for Fire and EMS Services. The term of this consent and authorization shall be consistent with the term of the Interlocal Service Boundary Agreement and set by ordinance in compliance with Section 125.01(q), Florida Statutes.
  - b) The County shall collect one-hundred percent (100%) of any applicable County fire impact fees within any affected areas of the City, to mitigate for capital capacity impacts to County Fire and EMS Services, and

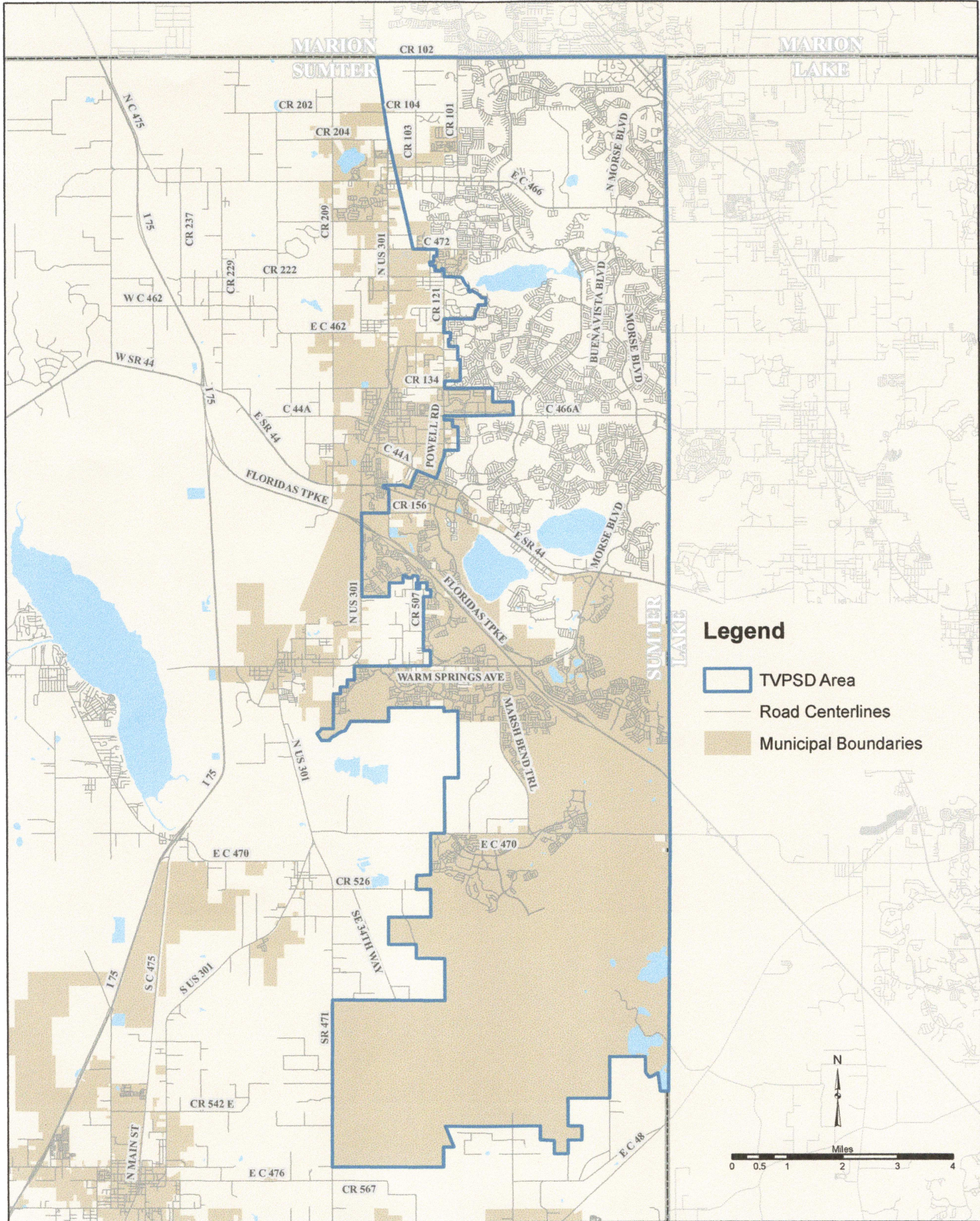
- c) City and County will work together on funding sources for capital improvements relative to Fire and EMS Services within the MSA.
3. Fire Inspections and Plan Review. Consistent with the existing interlocal agreement(s), the County, shall, pursuant to Section 633.0215, Florida Statutes, and Section 901 of Florida Building Code, utilize the Florida Fire Prevention Code in providing all fire prevention/safety inspections and complete all fire building plans reviews within the City and unincorporated areas.
4. Classification of properties within the Joint Planning Area of Wildwood and Sumter County. All property within the Joint Planning Area of Wildwood and Sumter County shall be classified as “urbanized development” under the NFPA 1141:1.3.1 (2017, ed.) as part of the 7th (2020) edition of the Florida Fire Prevention Code.

**End of Fire Service Sub-Agreement**

## Exhibit B



# The Villages Public Safety Department Response Area



# **Statement of Exemption from Business Impact Estimate**

Proposed ordinance's title/reference: O2023-62

A Business Impact Estimate will not be provided in accordance with section 166.041(4), Florida Statutes. Based upon the box(es) that are checked below, the City of Wildwood is of the view that a business impact estimate is not required by Section 166.041(4)(c) of the Florida Statutes for the proposed ordinance. This Statement of Exemption from 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.