

**Sponsored By:** Council  
**City Council Public Hearing Date:** April 13, 2021  
April 14, 2021  
**Enactment Date:**

**CITY OF MARATHON, FLORIDA  
ORDINANCE 2021-12**

**AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, WITHDRAWING CONSENT TO INCLUSION OF ALL OF THE INCORPORATED AREA OF THE CITY OF MARATHON, FLORIDA WITHIN THE MIDDLE KEYS HEALTH CARE MUNICIPAL SERVICE TAXING UNIT; AMENDING CHAPTER 28, ARTICLE I OF THE CITY CODE BY AMENDING SECTION 28.3; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Monroe County, as the legislative and governing body of the County, has enacted an ordinance creating a municipal service taxing unit (MSTU) within Monroe County in order to levy and collect ad valorem taxes on indigent health care services within designated incorporated and unincorporated areas of Monroe County; and

**WHEREAS**, the MTSU consists of properties located within Monroe County Election Precincts 18 through 22 and 23.01, 23.02, 23.03, and 23.04, approximately corresponding to mile markers 40 through 66 inclusive; and

**WHEREAS**, the MSTU includes properties located within the City of Marathon, Florida; and

**WHEREAS**, Section 125.01(1)(q), Florida Statutes, provides that the MSTU may include all or part of the boundaries of a municipality with the consent by ordinance of the governing body of the municipality; and

**WHEREAS**, the City Council of the City of Marathon, Florida previously determined that the inclusion of the incorporated area of Marathon, Florida within the MSTU for the purpose of providing indigent health care services was in the best interest of the citizens of Marathon and subsequently passed Ordinance 2018-08 on September 11, 2018 creating Marathon City Code Section 28-3 – Middle Keys Health Care Municipal Service Taxing Unit; and

**WHEREAS**, the consent granted under Section 28-3 shall be reviewed on an annual basis and the City Council shall determine whether to extend said consent; and

**WHEREAS**, Fisherman’s Hospital has failed to provide financial statements as required and the City Council of the City of Marathon, Florida has decided to withdraw consent to the inclusion of the incorporated area of Marathon, Florida within the MSTU.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT**

~~Strikethrough~~ = deletion

**Bold underline** = addition

**SECTION 1.** The above recitals are true, correct, and incorporated herein by this reference.

**SECTION 2.** Chapter 28, Article I, Section 28-3 “Middle Keys Health Care Municipal Service Taxing Unit” is hereby amended to read as follows:

Section 28-3. – Middle Keys Health Care Municipal Service Taxing Unit

- (1) The City Council hereby ~~request and~~**withdraws** consents to the inclusion of all of the incorporated area of the City of Marathon, Florida within the Middle Keys Health Care Municipal Service Taxing Unit (MSTU) created by Monroe County, Florida pursuant to Monroe County Ordinance No. 012-2018, created to provide indigent health care services. The City Council finds that the provision of such indigent health care services is an essential municipal purpose.
- (2) As allowed under Section 125.01(1)(q), Florida Statutes, the City Council’s consent shall be on an annual basis, and the City Council’s initial consent to inclusion is only for fiscal year 2019. City Council shall annually review this MSTU at its first meeting in March of each calendar year and make a determination whether to extend its consent for inclusion in the MSTU. The City may withdraw such consent for a subsequent fiscal year by adopting an ordinance abandoning its consent and providing a certified copy of such ordinance to Monroe County prior to May 1 preceding the fiscal year for which consent is being withdrawn.

**SECTION 3.** Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5.** It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

**SECTION 6.** This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA,  
THIS XX DAY OF XXXX, 2021.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk  
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY  
OF MARATHON, FLORIDA ONLY:**

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Steven Williams, City Attorney