

ORDINANCE NO.: 2005-24

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO SOLID WASTE INTERIM DISPOSAL ASSESSMENTS; AMENDING SECTION 14-64.26, HERNANDO COUNTY CODE OF ORDINANCES, TO CLARIFY THAT THE LIEN OF UNPAID INTERIM DISPOSAL ASSESSMENTS, INCLUDING ADMINISTRATIVE SURCHARGES AND INTEREST, MAY BE FILED AGAINST THE AFFECTED PROPERTY IN THE OFFICIAL RECORDS OF HERNANDO COUNTY; PROVIDING FOR INTENT, SEVERABILITY, INCLUSION IN THE CODE, AND FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. AMENDING SECTION 14-64.26, HERNANDO COUNTY CODE OF ORDINANCES, TO CLARIFY THAT THE LIEN OF UNPAID INTERIM DISPOSAL ASSESSMENTS, INCLUDING ADMINISTRATIVE SURCHARGES AND INTEREST, MAY BE FILED AGAINST THE AFFECTED PROPERTY IN THE OFFICIAL RECORDS OF HERNANDO COUNTY, BY ADDING UNDERLINED MATERIAL, AS FOLLOWS:

Sec. 14-64.26. Interim disposal assessments.

(a) Findings. It is hereby ascertained, determined, and declared that:

(1) This division contains a determination that a solid waste assessment unit imparts special benefits upon the real property within such unit for which annual disposal assessments are authorized, imposed, and collected pursuant to procedures set forth therein, and the board of county commissioners hereby ratifies and confirms that determination;

(2) The board of county commissioners desires to specify that interim disposal assessments may be imposed and collected at the time of issuance of certain certificates of occupancy in order to ensure that all improved property which is specifically benefitted by a solid waste assessment unit shall be required to share equitably in the cost of providing such special benefits, notwithstanding the inclusion or noninclusion of such specially benefitted improved property in any year's annual disposal assessment roll as an improved property; and

(3) Annual disposal assessments, including any outstanding and unpaid interim assessments,

FILED
2005 DEC 29 PM 3:55
CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

should be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act as codified in Florida Statutes, or by such other alternative methods as may be authorized by law or ordinance.

(b) **Definitions.** For purposes of this section, the definitions set forth in section 14-64.12, Hernando County Code of Ordinances shall apply to the terms used herein. In addition to those definitions, the following phrases as used herein shall have the following meanings:

(1) **Certificate of occupancy** means the written certification issued by the county that a building is ready for occupancy for its intended use. For purposes of this section, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

(2) **Uniform Assessment Collection Act** means sections 197.3632 and 197.3635, Florida Statutes (1997), or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(c) **Interim assessments.** An interim disposal assessment shall be imposed against all property for which a certificate of occupancy is issued after the adoption of the annual rate resolution, if such property is not on the current year's annual disposal assessment roll and the use of the property pursuant to the certificate of occupancy is such as would qualify the property for inclusion on such roll if the use had existed in the prior year upon which such roll is based. The amount of the interim disposal assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the year in which the certificate of occupancy is issued. Such monthly rate shall be imposed for each full calendar month remaining in the year. In addition to the monthly rate, any applicable interim disposal assessment shall also include an estimate of the subsequent year's disposal assessment. No certificate of occupancy shall be issued until full payment of any applicable interim disposal assessment is received by the county utilities department. Issuance of the certificate of occupancy without the payment in full of any applicable interim disposal assessments shall not relieve the owner of such property of the obligation of full payment. Any applicable interim disposal assessment not collected prior to the issuance of the certificate of occupancy may be collected pursuant to the Uniform Assessment Collection Act as provided in subsection (d) of this section or by any other method authorized by law or ordinance. Any interim disposal assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of the date. Said lien shall be equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments,

and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy.

(d) Method of collection:

(1) Unless otherwise directed by the board, the annual disposal assessments and any outstanding and unpaid interim disposal assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the county shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this section may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

(2) The amount of an annual disposal assessment to be collected using the uniform method pursuant to the uniform assessment collection act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency including any interim disposal assessment, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided (1) the collection method used in connection with the prior year's assessment or interim assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment or interim assessment is supplanted and transferred to such annual disposal assessment upon certification of a non-ad valorem roll to the tax collector by the county.

(e) Alternative method of collection. In lieu of utilizing the Uniform Assessment Collection Act, the board may elect to collect the annual disposal assessments by any other method which is authorized by law or ordinance. **Annual disposal assessments for any year in which the Uniform Assessment Collection Act method is not used for any reason may be filed as liens against the affected real property and shall include an administrative surcharge in the actual amount of costs incurred in filing such liens and interest at a rate of ten (10) percent per annum from the date the assessment became a lien on the property until paid. Such lien may be satisfied at any time by payment thereof including accrued interest and administrative surcharges. Notice of such lien shall be filed in the office of the clerk of the circuit court and recorded in the official records of the county.**

(f) Applicability. This section and the board's authority to impose assessments pursuant hereto shall be applicable throughout the unincorporated area of the county and throughout the incorporated area of any municipality within which any property is now or may hereafter

be made subject to collection of disposal assessments by the county.

(g) Section deemed alternative method:

(1) This section shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to power conferred by other laws or ordinances, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This section, being necessary for the welfare of the inhabitants of the county, shall be liberally construed to effect the purposes hereof.

(2) Nothing herein shall preclude the board from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the county, (2) any notice required by this section, or (3) any notice required by law, including the Uniform Assessment Collection Act.

SECTION 2. Intent.

It is the intent of the Board of County Commissioners in adopting this ordinance that the foregoing addition to the language of the Code of Ordinances is a clarification of existing authority with respect to the provisions of Ordinance No. 99-17, which made unpaid interim disposal assessments a lien on property; and it is the further intent of the Board that the specific clarification of authority added to the Code herein shall be construed as retroactive to the extent necessary to validate any and all notices of lien heretofore filed, including but not limited to amounts of interest and administrative charges levied thereon as the reasonable costs and compensation due to the county, in addition to the face amount of the lien.

SECTION 3. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become

and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

SECTION 5. Effective date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 20th day of December, 2005.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:

Ana Martinson, Deputy Clerk

KAREN NICOLAI

Clerk

By:

[Signature]

ROBERT C. SCHENCK

Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY <i>KLW</i> 12/20/05
County Attorney's Office