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TALLAHASSEE, FLORIDA
DEPARTMENT OF STATE

ORDINANCE NO.: 2011- 7

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2
3 AN ORDINANCE AMENDING CHAPTER 8 (BUILDING), ARTICLE II
4 (CONSTRUCTION CODE) OF THE HERNANDO COUNTY CODE OF
5 ORDINANCES BY ADDING DIVISION 5 ENTITLED "SINKHOLE AND
6 GROUND SETTLEMENT CLAIMS, INVESTIGATION AND
7 REMEDIATION PERMITS"; PROVIDING DEFINITIONS; PROVIDING
8 FOR SINKHOLE INVESTIGATION PERMITS; PROVIDING FOR
9 SINKHOLE REMEDIATION PERMITS; PROVIDING FOR INSPECTION
10 OF SINKHOLE REMEDIATION; PROVIDING FOR ENFORCEMENT;
11 PROVIDING FOR PENALTIES AND REMEDIES; AMENDING CHAPTER
12 8, ARTICLE II, DIVISION 4 (FLORIDA BUILDING CODE), SEC. 8-98
13 (ADMINISTRATION), SECTION 101.4.15 (WORDS DEFINED) BY
14 AMENDING THE DEFINITION SECTION; PROVIDING FOR
15 SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING
16 PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND
17 PROVIDING FOR AN EFFECTIVE DATE.

18
19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
20 COUNTY, FLORIDA:

21
22 WHEREAS, the increasing number of sinkhole claims in Hernando County has the potential
23 of increasing insurance costs for persons owning land within Hernando County; and,

24
25 WHEREAS, the increasing number of sinkhole claims in Hernando County has the
26 additional potential of reducing assessed values on the real property rolls of the County; and,

27
28 WHEREAS, Section 627.7063, Florida Statutes, encourages counties to enact a "sinkhole
29 loss prevention ordinance" that is intended to reduce the number of sinkhole claims and the severity
30 of sinkhole losses within the county; and,

31
32 WHEREAS, the Board of County of Commissioners desire to enact provisions relating to
33 sinkholes, sinkhole activities and ground settlement claims, and providing for permitting, inspection,
34 investigation, and reporting requirements and providing for enforcement, penalties and remedies
35 related to the foregoing.

36
37 SECTION I. Amending Chapter 8 (Building), Article II (Construction Code), Division 5
38 (Reserved), Chapter 8, Article II (Construction Code), Division 5 (Reserved) is amended to read as
39 follows, with underlined matter added and struck-through matter deleted:

40
41 **DIVISION 5. RESERVED SINKHOLE AND GROUND SETTLEMENT CLAIMS,**
42 **INVESTIGATION AND REMEDIATION PERMITS**

43
44 **Sec. 8-110. Definitions**

45
46 The following definitions shall apply to this division:

1 Sinkhole. Sinkhole shall have the same meaning as set forth in division 4 of this chapter.

2
3 Sinkhole activity. Sinkhole activity shall have the same meaning as set forth in division 4
4 of this chapter.

5
6 Sinkhole investigation. Sinkhole investigation means the investigation on or upon any land
7 relative to determining the existence or non-existence of sinkhole activity or ground settlement as
8 performed by a Florida licensed professional engineer or Florida licensed professional geologist.

9
10 Sinkhole investigation permit. Sinkhole investigation permit means the permit issued by the
11 county building department as a condition precedent to any sinkhole investigation being undertaken
12 on any land or lands within the unincorporated areas of the county.

13
14 Sinkhole remediation permit. Sinkhole remediation permit means the permit issued by the
15 county building department as a condition precedent to any work being performed to remediate any
16 sinkhole or ground settlement claim indicated by a sinkhole investigation.

17
18 **Sec. 8-111. Sinkhole investigation permits.**

19
20 The following requirements shall apply to all sinkhole investigation permits:

- 21
22 (a) Applicability. For all investigations of sinkhole activity or ground settlement that
23 occur after the effective date of this ordinance, a sinkhole investigation permit shall
24 be obtained prior to said investigation being conducted.
- 25
26 (b) Prior to investigating potential sinkhole activity or ground settlement under or upon
27 which a structure or improvement exists, a sinkhole investigation permit shall be
28 obtained by the property owner or duly authorized representative of the property
29 owner pursuant to a written authorization which shall be included as part of the
30 permit application.
- 31
32 (c) The sinkhole investigation permit shall be valid for a period of one hundred and
33 eighty (180) days from date of issuance. Extensions of time, in no more than ninety
34 (90) day increments, may be issued by the county building official or his/her designee
35 in his or her discretion based upon just cause. A maximum of two (2) extensions
36 may be approved after which a new application shall be required.
- 37
38 (d) The sinkhole investigation may only be performed under the direction or supervision
39 of a Florida licensed professional engineer or a Florida licensed professional
40 geologist.
- 41
42 (e) The sinkhole investigation permit application shall consist of all of the following:
43

-
- 1 (1) Identification of all owner(s) of the land(s) on which the investigation shall
2 be conducted;
3
4 (2) Listing of the Hernando County Property Appraiser's Parcel identification
5 number(s) of the land(s) upon which investigation shall be conducted;
6
7 (3) The county registration number of the Florida licensed professional engineer
8 or Florida licensed professional geologist performing the investigation (for
9 persons not currently registered with the county, then this would entail
10 registration with the county building department and payment of the county's
11 registration fee); and,
12
13 (4) Payment of the sinkhole investigation permit application fee to the county
14 building department. The sinkhole investigation permit application fee and
15 the fee for subsequent inspections shall be established by the county building
16 official.
17
18 (e) In order for the sinkhole investigation permit to be considered complete, an original
19 written post-investigation report shall be submitted to the county building department
20 within thirty (30) days of completion of all investigation activity. This post-
21 investigation report is in addition to, and not in lieu of, any report which may be
22 prepared in connection with any insurance claim, or pursuant to chapter 627, Florida
23 Statutes, or required under any other applicable state law. The post-investigation
24 report required by the county shall, at a minimum, include all of the following:
25
26 (1) Hernando County Property Appraiser's parcel identification number(s):
27
28 (2) Property address(es);
29
30 (3) Listing all owners of the land;
31
32 (4) Hernando County Sinkhole Investigation Permit Number;
33
34 (5) Listing all date(s) of investigation / testing and listing the entity conducting
35 same;
36
37 (6). Listing all investigatory findings;
38
39 (7) Listing all physical and structural damage observed (if no damage was
40 observed, then state same);
41
42 (8) Listing the type or types of testing conducted to support the investigatory
43 findings and summarizing the results of all such testing;
44

- 1 (9) Summary of all conclusions as a result of the sinkhole investigation;
2
3 (10) Recommended remediation, if any, of sinkhole activity or ground settlement
4 for stabilizing the land and building and for making repairs to the foundation,
5 including quantities of materials anticipated to be used, estimated costs, and
6 proposed means and methods to be used;
7
8 (11) Total number of pages of attached to this report; and,
9
10 (12) The post-investigation report shall include a certification of the report signed
11 and sealed by a Florida licensed professional engineer or Florida licensed
12 professional geologist.
13
14 (f) A copy of the above referenced post-investigative report (sized on 8 ½" x 11" paper)
15 shall be recorded in the public records of Hernando County within thirty (30) days
16 of the report's completion. The cost of recording said documents shall be paid by the
17 applicant.
18

19 **Sec. 8-112. Sinkhole remediation permits.**

20
21 The following requirements shall apply to all sinkhole remediation permits:

- 22
23 (a) Applicability. For all sinkhole or ground settlement remediation that occurs after the
24 effective date of this ordinance, a sinkhole remediation permit shall be obtained from
25 the county building department prior to any remediation work being started.
26
27 (b) Any additional building permits that may be required by this chapter or the Florida
28 Building Code in conjunction with the remediation work shall be obtained separate
29 from the sinkhole remediation permit.
30
31 (c) The sinkhole remediation permit shall be valid for a period of one hundred and eighty
32 (180) days from the date of issuance. Extensions of time, in no more than ninety (90)
33 day increments, may be issued by the county building official or his/her designee in
34 his or her discretion based upon just cause.
35
36 (d) Sinkhole remediation may only be conducted under the direction or supervision of
37 a Florida licensed professional engineer.
38
39 (e) The application for a sinkhole remediation permit shall consist of all of the
40 following:
41
42 (1) Listing all owner(s) of the land(s) on which the remediation shall be
43 conducted;
44

-
-
- 1 (2) Listing of the Hernando County Property Appraiser's Parcel identification
2 number(s) of the land(s) upon which investigation shall be conducted;
3
4 (3) The license number of the contractor performing the remediation work;
5
6 (4) A written report prepared (signed and sealed) by a Florida licensed
7 professional engineer listing all remediation activities anticipated to be
8 conducted in conjunction with sinkhole activity or ground settlement ,
9 including quantities of materials anticipated to be used, estimated costs, and
10 proposed means and methods to be used;
11
12 (5) The county registration number of the Florida licensed professional engineer
13 directing or supervising the remediation permit (persons not registered with
14 the county at the time of application shall register with the county building
15 department and remit payment of the county's registration fee);
16
17 (6) An original copy of the complete sinkhole post-investigation report permitted
18 and prepared pursuant to the preceding section shall accompany the sinkhole
19 remediation permit application;
20
21 (7) An explanation prepared (signed and sealed) by a Florida licensed
22 professional engineer is required if there are any differences between the
23 remediation activities recommended in the post-investigation report and those
24 proposed to be actually conducted;
25
26 (8) If the above described explanation is required, then an affidavit signed by the
27 property owner(s) shall be submitted with the application indicating that the
28 property owner(s) is (are) aware that the actual remediation to be performed
29 is a deviation from the recommended remediation activities contained in the
30 post-investigation report; and,
31
32 (9) Payment of the sinkhole remediation permit application fee to the county
33 building department. The sinkhole remediation permit application fee and
34 fee for subsequent inspections shall be established by the county building
35 official.
36
37 (f) In order for the remediation permit to be considered complete, a post-remediation
38 report identifying all remedial actions conducted shall be submitted to the county
39 building department within thirty (30) days of all remediation actions being
40 concluded. This post-remediation report is in addition to, and not in lieu of, any
41 report which may be prepared in connection with any insurance claim, or pursuant
42 to chapter 627, Florida Statutes, or required under any other applicable state law.
43 The post-remediation report required by the county shall, at a minimum, include all
44 of the following:

- 1 (1) Hernando County Property Appraiser's parcel identification number(s):
- 2
- 3 (2) Property address(es):
- 4
- 5 (3) Listing all owners of the land:
- 6
- 7 (4) Hernando County Sinkhole Investigation Permit Number;
- 8
- 9 (5) Hernando County Sinkhole Remediation Permit Number;
- 10
- 11 (6) Listing all date(s) on which remediation activity was conducted and listing
12 the person(s) and their affiliated firm(s) conducting same;
- 13
- 14 (7) Listing all remediation activities conducted on the property;
- 15
- 16 (8) Listing all materials, including quantities, used and the cost of all such
17 materials and labor;
- 18
- 19 (9) If the remedial activity contained in the post-investigation report (per the
20 preceding code section) and the remediation activities actually permitted
21 differ, a written explanation prepared (signed and sealed) by a Florida
22 licensed professional engineer shall be provided to the county building
23 department which describes the differences between the remedial activity
24 contained in the post-investigation report and the remediation activity that
25 was actually conducted;
- 26
- 27 (10) Total number of pages attached to the post-remediation report; and
- 28
- 29 (11) The post-remediation report shall be signed and sealed by the Florida licensed
30 professional engineer under whose direction or supervision the remediation
31 work was conducted.

- 32
- 33 (g) A copy of the above referenced post-remediation report (sized on 8 ½" x 11" paper)
34 shall be recorded in the public records of Hernando County within thirty (30) days
35 of its completion, together with recording the sinkhole remediation permit. The cost
36 of recording said documents shall be paid by the applicant.

37

38 **Sec. 8-113. Inspections.**

39

40 In connection with the issuance of any sinkhole remediation permit by the county building
41 department, the county building official or his/her designee may conduct the following inspections:

- 42
- 43 (a) *In-progress inspections:* If determined necessary by the county building official or

1 his/her designee, then one or more in-progress inspections may be scheduled during
2 sinkhole remediation activities.

3
4 (b) Final inspection: The final inspection shall be conducted by the county building
5 official or his/her designee following receipt by the county building department of
6 the post-remediation report (as described in the preceding code section).

7
8 (c) Nothing herein is intended to prevent the County from conducting any additional on-
9 site inspections or enforcing any other applicable provision of county code.

10
11 **Sec. 8-114. Enforcement.**

12
13 This division may be enforced by: the county building official or his/her designee; any duly
14 authorized county code enforcement officer; or any sworn law enforcement office authorized to
15 enforce the codes of this county.

16
17 **Sec. 8-115. Penalties and remedies.**

18
19 (a) Any person or persons, firm or corporation, or any agent thereof who violates any
20 provision of this division may be prosecuted by the county building official pursuant
21 to this chapter and the Florida Building Code. All remedies set forth in the Florida
22 Building Code shall apply to any violation herein.

23
24 (b) Any person or persons, firm or corporation, or any agent thereof who violates any
25 provision of this division may be prosecuted in the manner provided for in Chapter
26 2, Article III of this code.

27
28 (c) Pursuant to section 125.69, Florida Statutes, any person or persons, firm or
29 corporation, or any agent thereof who violates any provision of this section shall be
30 subject to prosecution in the name of the state in the same manner as misdemeanors
31 are prosecuted; and, upon conviction such person shall be punished by a fine not to
32 exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to
33 exceed sixty (60) days or by both such fine and imprisonment.

34
35 (d) Each incident or separate occurrence of an act that violates this division shall be
36 deemed a separate offense.

37
38 (e) The remedies and penalties herein are not intended to be cumulative, and the county
39 may institute any appropriate action or proceedings to prevent, restrain, correct or
40 abate a violation of this division, as provided by law.

41
42 **SECTION II. Amending Chapter 8 (Building), Article II (Construction Code), Division 4**
43 **(Florida Building Code), Sec. 8-98 (Administration), SECTION 101.4.15 (Words Defined).**
44 Chapter 8, Article II (Construction Code), Division 4 (Florida Building Code), Code Sec. 8-98

1 (Administration), SECTION 101.4.15 (Words Defined) is amended to read as follows, with underlined
2 matter added and struck-through matter deleted:

3
4 *101.4.15 Words Defined*

5
6 *Appraised value.* For the purpose of this section, appraised value is defined as either (1) one
7 hundred and twenty (120) percent of the assessed value of the structure as indicated by the County
8 Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a Florida
9 certified or licensed appraiser.

10
11 *Assessed value.* The value of real property and improvements thereon as established by the
12 County Property Appraiser pursuant to chapter 192, Florida Statutes. To the extent not preempted
13 by state law, Suspicion of sinkhole activity as defined herein shall not be the basis for a reduction
14 of assessed valuation.

15
16 *Authorized agent.* A person specifically designated as set forth on an approved "Authorized
17 Agent Affidavit" form. Such person will have authority as set forth by the affidavit.

18
19
20 *Building system.* A functionally related group of elements, components and/or equipment,
21 such as the electrical, plumbing and mechanical systems of a building.

22
23 *Catastrophic ground cover collapse.* Catastrophic ground cover collapse means geological
24 activity that results in all the following: (1) the abrupt collapse of the ground cover; (2) a depression
25 in the ground cover clearly visible to the naked eye; (3) structural damage to the building, including
26 the foundation; and (4) the structure being condemned and ordered to be vacated by the building
27 official as authorized by law to issue such an order for that structure.

28
29 *Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the
30 requirements of the jurisdiction for the occupancy of a building.

31
32 *Roofing.* The installation of roof coverings.

33
34 *Settlement.* Settlement shall include, but not be limited to, any subsidence, settlement, or
35 sinkhole activity that impairs or has the potential to impair any structure, and for which an
36 inspection, investigation and/or remediation is conducted.

37
38 *Sinkhole.* Sinkhole means a landform created by subsidence of soil, sediment, or rock as
39 underlying strata are dissolved by groundwater. A sinkhole may form by collapse into subterranean
40 voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved.

1 Sinkhole activity. Sinkhole activity means settlement or systematic weakening of the earth
2 supporting such property only when such settlement or systematic weakening results from movement
3 or raveling of soils, sediments, or rock materials into subterranean voids created by the effect of
4 water on a limestone or similar rock formation.

5
6 Sinkhole loss. Sinkhole loss means structural damage to the building, including the
7 foundation, caused by sinkhole activity and which is verifiable.

8
9 Sinkhole report. Sinkhole report means a report prepared by a Florida licensed professional
10 engineer or Florida licensed professional geologist and which offers any determination or opinion
11 regarding the existence or non-existence of sinkhole activity or ground settlement upon or under the
12 land covered by the report. Sinkhole report shall include all reports prepared, or caused to be
13 prepared, pursuant to §§ 627.706 - 627.7074, Florida Statutes.

14
15 Suspicion of sinkhole activity. Suspicion of sinkhole activity means any sinkhole report
16 which opines or suggests the possible or potential presence of sinkhole activity or ground settlement
17 under, or which could affect, land but where no sinkhole or ground settlement remediation has yet
18 occurred.

19
20 [remainder of definitions are unchanged]

21
22 **SECTION III.** Severability. It is declared to be the intent of the Board of County Commissioners
23 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any
24 reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the
25 remaining portions of this ordinance.

26
27 **SECTION IV.** Repeal of Conflicting Provisions. The provisions of any other Hernando county
28 ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to
29 the extent of such inconsistency or conflict.

30
31 **SECTION V.** Inclusion in the Code. It is the intention of the Board of County Commissioners of
32 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
33 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
34 any section or subsection of this Ordinance may be renumbered or relettered to accomplish such
35 intention, and the word "ordinance" may be changed to "section, "article," or other appropriate
36 designation.

37
38 **SECTION VI.** Effective date. This ordinance shall take effect upon filing with the Florida
39 Department of State.

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
2 COUNTY in Regular Session this 10 day of May, 2011.

3
4 **BOARD OF COUNTY COMMISSIONERS**
5 **HERNANDO COUNTY, FLORIDA**

6
7 *Karen Nicolai*

8 **KAREN NICOLAI**
9 **CLERK**

10 By: *James E. Adkins*

JAMES E. ADKINS
CHAIRMAN



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]*
County Attorney's Office