

## Ashley Hofecker

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Monday, November 03, 2014 4:36 PM  
**To:** Ashley Hofecker  
**Cc:** County Ordinances  
**Attachments:** Hernando20141103\_Ordinance\_2014\_24\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 3, 2014

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 241  
Brooksville, Florida 34601-2800

Attention: Ashley Hofecker

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-24, which was filed in this office on November 3, 2014.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 2014 - 24

AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 28-245(c) and SECTION 28-245(e) OF THE CODE OF ORDINANCES OF HERNANDO COUNTY; INCLUDING THE DEFINITION OF GOOD PAYMENT HISTORY; PROVIDING FOR THE USE OF ADDITIONAL DEPOSIT FOR PAYMENT DELINQUENCY; PROVIDING FOR THE SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Amending Sec. 28-245(c) to include the following:

*Deposit of refunds.* The Department shall refund the utility deposit on each owner-occupied residential utility account with a "good payment history" and a minimum of twelve (12) consecutive total months of active service, during the preceding twenty-four (24) months, less an administrative fee not to exceed five (5) percent of the deposit. ~~If a deposit is not refunded after the first twelve (12) months because the customer fails to meet the criteria for a "good payment history," the deposit shall be refunded after the first twelve (12) months in which the customer meets the "good payment history" criteria.~~

Good payment history. During the preceding twenty-four (24) months, the customer or returning customer has:

1. Maintained a total of at least twelve (12) months of active service.
2. Never had service disconnected for a delinquent bill.
3. Never had a check returned for nonpayment ~~nor~~ or an electronic fund transfer rejected by the bank; and
4. Has no more than ~~one~~ two (2) instances ~~of a~~ involving a the delinquent payment of a bill.

Non-residential or residential accounts which are not owner-occupied elect to seasonally suspend their water/sewer account with a good payment history shall not be eligible for deposit refunds prior to account termination, based upon Department records establishing that such accounts are more likely to become delinquent after deposit refunds financial risk to HCUD of waiving an individual's desposit is minimal. HCUD does have the ability to request a deposit on an account, if warranted, at a later time. Additionally, HCUD may place a lien on owned property on any unpaid balance on a closed home owner's water/sewer account.

**Section 2. Amending Sec. 28-245(e) to revise first sentence in that section:**

*Additional deposit for payment delinquency.* The department shall have the authority to increase a utility deposit or to require a "new" utility deposit up to three (3) times the customer's average monthly water and/or sewer bill upon the second occurrence of ~~account payment delinquency~~ scheduled interruption of service within any consecutive twelve-month period, or upon application for and prior to re-connection of disconnected service.

**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, the section of this ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

**Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

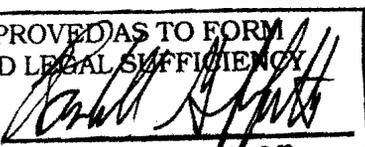
**Section 6. Effective Date.** This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session 28<sup>th</sup> day of October, 2014.

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

ATTEST:   
DONALD C. BARBEE, JR., Clerk

BY:   
WAYNE DUKES, Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
County Attorney's Office