Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>

Sent: Friday, March 27, 2015 2:11 PM

To: Marguerite Linke
Cc: County Ordinances

Attachments: Hernando20150327_Ordinance2015_4_Ack.pdf

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RICK SCOTT Governor **KEN DETZNER**Secretary of State

March 27, 2015

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

Attention: Marguerite Linke

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. 2015-4, which was filed in this office on March 27, 2015.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

1 ORDINANCE NO.: 2015 - 4 2 AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COUNTY 3 COMMISSIONERS AMENDING CHAPTER 12, ARTICLE 4, DIVISION 2 4 OF THE HERNANDO COUNTY CODE; AMENDING THE DESCRIPTION 5 OF THE HERNANDO BEACH MUNICIPAL FIRE SERVICE UNIT: 6 PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN 7 THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING 8 PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE. 9 WHEREAS, the Hernando Beach Volunteer Fire Department ("the Fire Department") 10 provides fire protection and limited emergency medical services to properties located in Hernando 11 Beach; and, 12 WHEREAS, the Forest Glen Co-Op ("the Co-Op") does not have a fire department that 13 provides fire protection to its properties and has for a number of years been furnished such services 14 by the Fire Department pursuant to various contracts entered into by and between the Fire 15 Department and the Co-Op; and, 16 WHEREAS, the Hernando County Board of County Commissioners ("the County 17 Commission") established the "Hernando Beach Municipal Fire Services Unit" ("the Unit") in 1985 18 to fund the Fire Department's fire suppression services; and, 19 WHEREAS, the County Commission levies special assessments on all properties located in 20 the Unit to raise the funds necessary to pay for the Fire Department's fire suppression services; and,

1 WHEREAS, special assessments must be uniformly levied to be valid under Florida law; and. 2 WHEREAS, the County Commission incorporated the Co-Op into the boundaries of the Unit 3 in 2014; and, 4 WHEREAS, the Co-Op subsequently determined that many of its property owners cannot 5 afford to pay the Unit's assessments themselves, and further, has determined that it wishes to pay 6 for the Fire Department's services on behalf of its residents; and, 7 WHEREAS, the only way to accommodate the Co-Op's request is for the County 8 Commission to remove the Co-Op from the Unit's boundaries contemporaneously with the execution 9 of a new agreement between the Fire Department and the Co-Op, effective nunc pro tunc to October 10 1, 2014 at a cost equal to that aggregate assessments that the Unit would have been levied on the 11 properties located within the Co-Op; and, 12 WHEREAS, on or about March 8, 2015, the Fire Department and the Co-Op entered into a 13 new agreement, effective nunc pro tunc to October 1, 2014 at a cost equal to that aggregate 14 assessments that the Unit would have been levied on the properties located within the Co-Op; and, 15 WHEREAS, the income paid by the Co-Op to the Fire Department must be shown on Unit's 16 annual budget pursuant to Hernando County Code § 12-84(4);

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\JAJ\Ordinances\Hernando Beach\Revision Ordinance 3.wpd, March 12, 2015 (9:27am) NOTE: <u>additions</u>/deletions = language proposed for addition/deletion to existing Code provisions.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 1 2 COMMISSIONERS OF HERNANDO COUNTY: Section 1. Amending the Geographical Description of the Unit. The geographical 3 description of the Hernando Beach County Municipal Fire Services Unit, as contained in Exhibit 4 "A" to Hernando County Code Ch. 12, Article 4, Division 2, is hereby amended to read as follows: 5 6 HERNANDO BEACH VOLUNTEER FIRE DISTRICT 7 MSBU LEGAL DESCRIPTION 8 Sections 11, 12,13,14, and 24, plus the North ½ of Section 25, less the South ½ of 9 the West ½ thereof, all of Township 23 South, Range 16 East; plus that part of Section 7, Township 23 South, Range 17 East, lying West of Hernando Beach Road 10 11 (595-C).12 -and-13 All parcels in Township 23 South, Range 16 East, Sections 23, 24, 25, 26, 35, and 14 36. 15 -and-16 Section 7 East of Shoal Line Boulevard, All of Section 8, the West ½ of Section 9, 17 Sections 17-19, and the North ½ and Southwest ¼ of Section 30, all contained in 18 Township 23 South, Range 17 East.

¹Note to Codifiers: This Ordinance does not have an Exhibit "A." Instead, this Ordinance amends an Exhibit "A" that was attached to a previously enacted ordinance.

1 -except-2 All Lots and Tracts of FOREST GLEN, PHASE I, as per the plat thereof recorded 3 in Plat Book 18, Pages 86-87, Public Records of Hernando County. 4 Section 2. Severability. It is declared to be the intent of the Board of County 5 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this 6 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the 7 validity of the remaining portions of this ordinance. 8 Section 3. Inclusion in the Code. It is the intention of the Board of County Commissioners 9 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall 10 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the 11 section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that 12 the word "ordinance" may be changed to "section, "article," or other appropriate designation. 13 Section 4. Conflicting Provisions Repealed. All ordinances or parts of ordinances in 14 conflict with the provisions of this ordinance are hereby repealed. 15 Section 5. Effective Date. This ordinance shall take effect, nunc pro tunc, to October 1,

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2014.

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1	BE IT ORDAINED BY THE	BOARD OF COUNTY COMMISSIONERS OF
2	HERNANDO COUNTY, FLORIDA in R	egular Session this <u>24th</u> day of <u>parch</u> 2015.
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4		BOARD OF COUNTY COMMISSIONERS
5		HERNANDO COUNTY, FLORIDA
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8	O COUNTAIN	
9	Attest:	By: Machele Machel
10	DONALD C. BARBEE, JR.	MCLOLAS W NICHOLSON
11	Clerk	Chairman
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15	Approved for Form and Legal Sufficiency	
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19	Deputy County Attorney	
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