

## Marguerite Linke

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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Thursday, March 1, 2018 4:12 PM  
**To:** Marguerite Linke  
**Cc:** County Ordinances  
**Subject:** Hernando20180301\_Ordinance2018\_5\_Ack.pdf  
**Attachments:** Hernando20180301\_Ordinance2018\_5\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 1, 2018

Honorable Don Barbee Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 3621  
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

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. 2018-5, which was filed in this office on March 1, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



1           ~~(b)(a) With the rapid growth in population and accompanying needs, the county~~  
2           ~~needs uniform standards, county-wide; It is the intent and purpose of this article to~~  
3           ~~provide in order that the existing~~ fire districts, ~~Brooksville Fire District and Spring~~  
4           ~~Hill Fire District, plus fire districts which may be created in the future; with the~~  
5           ~~ability to~~ ~~may~~ work together to control hazardous conditions county-wide, investigate  
6           arsons, suspected arsons, and related crimes, to share men, equipment and knowledge  
7           to better provide for the health, safety and welfare of the people of the county.

8           ~~(c)(b)~~ It is further the intent and purpose of this article to provide ~~the established~~ fire  
9           districts ~~and fire districts that may be created in the future; with~~ the authority and  
10           mechanisms, within the perimeters of judicial, federal, state and local laws, to  
11           investigate, inspect, review and enforce laws, rules and regulations for the health,  
12           safety, welfare and benefit of the citizens of the county.

13           ~~(d)(c)~~ It is ~~the~~ further the intent and purpose of this article to protect the persons and  
14           property of the citizens of the county from hazardous and dangerous conditions  
15           caused by others.

16           Sec. 12-18. - Definitions.

17           As used in this article, the following terms shall have the indicated meaning:

18           *Arson detection unit or squad.* Designated firefighter or firefighters, who have  
19           specialized training relating to detection of arson, suspected arson and related crimes.

20           Such persons shall have the following minimum qualifications:

- (1) ~~Meet the state minimum standards requirements for firefighters~~ Hold a Florida state certification as a Fire Investigator I: and;
- (2) Have achieved a certificate of compliance with the state minimum standards council: and;
- (3) Have a thorough understanding of building codes and arson laws, shown through examination.
- (4) Experience in fire prevention, detection, firefighting, and or law enforcement: and;
- (5) Be interviewed and approved by the ~~chief of the fire district and fire commissioners~~ Fire Chief, or the designee thereof, of the applicable fire district.

Division. The Division of State Fire Marshal within the Department of Financial Services.

*Fire chief.* The person appointed by the appropriate governing body as head of the fire fighting unit serving the designated fire district to serve at the pleasure of such governing body.

*Fire district.* ~~A special taxing unit established by referendum vote of the people affected, and within defined boundaries, for the purpose of levying taxes to provide fire protection within such district~~ Any county, municipality, or independent special fire control district.

1 ~~Fire fighter~~ Firefighter. A person as defined in Section 633.102(9), Florida Statutes,  
2 ~~section 633.01 et seq.~~, as same may be amended from time to time, and who ~~must~~  
3 ~~have~~ has the qualifications ~~as~~ defined therein.

4 Fire safety inspector. An individual who holds a current and valid Fire Safety  
5 Inspector Certificate of Compliance issued by the division under Section 633.216,  
6 Florida Statutes, as same may be amended from time to time, who is officially  
7 assigned the duties of conducting fire safety inspections of buildings and facilities on  
8 a recurring or regular basis on behalf of the state or any county, municipality, or  
9 special district with fire safety responsibilities.

10 Governing body. ~~Any one and/or combinations of the following: Spring Hill Fire~~  
11 ~~District Commissioners; Hernando Fire Tax District (a/k/a Brooksville Fire District~~  
12 ~~and Section 22 Fire District) Commissioners; city commission of the City of~~  
13 ~~Brooksville and the board of county commissioners~~ The governing collegial body of  
14 a county, municipality, or independent special fire control district.

15 Uniform fire safety standard. A requirement or group of requirements for the  
16 protection of life and property from loss by fire which shall be met by every building  
17 and structure specified in Section 633.206, Florida Statutes, as same may be amended  
18 from time to time, and is not weakened or exceeded by law, rule, or ordinance of any  
19 other state agency or political subdivision or county, municipality, or special district  
20 with fire safety responsibilities.

1           Sec. 12-19. - Codes and statutes adopted.

2           ~~There is hereby adopted in its entirety as it currently exists, and as it may be amended~~  
3           ~~in the future, the National Fire Codes, published by the National Fire Protection~~  
4           ~~Association, 1984 edition including eight (8) volumes and its revisions, and the Fire~~  
5           ~~Prevention Code, 1976, published by the American Insurance Association, except as~~  
6           ~~may be in conflict with the provisions of this article and the Standard Building Code,~~  
7           ~~and this article shall be continually on file, along with amendments thereto, at the~~  
8           ~~following locations: Office of the clerk of the circuit court, office of the city clerk of~~  
9           ~~the City of Brooksville, at the office of the Spring Hill Fire District, and at the offices~~  
10          ~~of any fire district created in the future.~~

11          (a)     There is hereby adopted by the County of Hernando, Florida the Florida Fire  
12                 Prevention Code, Sixth Edition which includes the National Fire Protection  
13                 Association's NFPA 1 Fire Code and NFPA 101 Life Safety Code with  
14                 modifications made by the State Fire Marshal's Office as needed to  
15                 accommodate the specific needs of the state; and subsequent editions as  
16                 adopted by the State Fire Marshal's office which shall contain or incorporate  
17                 by reference all fire safety laws and rules that pertain to and govern the  
18                 design, construction, erection, alteration, modification, repair, and demolition  
19                 of public and private buildings, structures, and facilities and the enforcement  
20                 of such fire safety laws and rules.

1           **(b)**     Pursuant to Section 633.15, Florida Statutes, Chapter 633, Florida Statutes,  
2                     as all of same may be amended from time to time, and all the rules  
3                     promulgated thereunder by the State Fire Marshal, as same may be amended  
4                     from time to time, are hereby adopted by reference as if fully set forth herein.

5           **(c)**     Chapter 791, Florida Statutes, and all the rules and regulations promulgated  
6                     thereunder, as all of same may be amended from time to time, are hereby  
7                     adopted by reference as if fully set forth herein.

8           **(d)**     Section 806.10, Florida Statutes, as same may be amended from time to time,  
9                     is hereby adopted by reference as if fully set forth herein.

10          **(e)**     Section 806.101, Florida Statutes, as same may be amended from time to  
11                     time, is hereby adopted by reference as if fully set forth herein.

12          **(f)**     Section 823.02, Florida Statutes, as same may be amended from time to time,  
13                     is hereby adopted by reference as if fully set forth herein.

14          Sec. 12-20. - Enforcement of article and duties of fire department.

15          **(a)**     This article shall be enforced by the fire department of the fire districts which  
16                     are already established and which may be established in the future, operated  
17                     under the supervision of the chiefs of the fire departments of the respective  
18                     fire districts and enforced by firefighters, the fire safety inspector, or the  
19                     appointed representative certified pursuant to Chapter 633, Florida Statutes.

20          **(b)**     The fire chief, or his designee, shall be responsible for enforcing this article.

1 (c) The fire chief shall make an annual report to the appropriate governing body  
2 of all proceedings under this article.

3 (d) The fire chief, or his designee, shall review and approve fire and life safety  
4 plans for all new commercial buildings in the fire district in cooperation with  
5 county and/or city building departments.

6 (e) The fire chief and fire safety inspectors are also designated code enforcement  
7 officers for purposes of Section 162.21, Florida Statutes, when enforcing  
8 provisions of this article.

9 Sec. 12-21. - Establishments of zones in which explosives, blasting agents,  
10 flammable liquids, liquified petroleum gases, ~~and~~ or other dangerous and hazardous  
11 materials may be stored, and restrictions placed thereon.

12 (a) The planning and zoning department of the appropriate governing body,  
13 working in conjunction with the fire chief, or designee, shall make  
14 recommendations to the board of county commissioners or to the city  
15 ~~commission~~ council of the City of Brooksville, to establish certain zones  
16 within each fire district where explosives, blasting agents, flammable liquids,  
17 liquified petroleum gases, ~~and~~ or other dangerous and hazardous materials  
18 may be stored, using the ~~Standard Florida~~ Standard Florida Building Code; ~~and~~ and the ~~National~~  
19 ~~Fire Codes, published by the National Fire Protection Association, 1984~~  
20 ~~Edition, Volume 5 and amendments thereof, and the American Insurance~~

1           ~~Association Fire Prevention Code, 1976~~ Florida Fire Prevention Code, as  
2           they may be amended from time to time, as guidelines for such storage and  
3           prohibitions relating to such storage.

4           (b)   It shall be a violation of this article to store or maintain in any manner the  
5           materials as enumerated in paragraph (a) of this section in areas not zoned as  
6           described in paragraph (a) of this section.

7           (c)   Violators of this section shall be subject to those penalties as described in  
8           section 12-28 of this article.

9           Sec. 12-22. - Establishment of motor vehicle routes for vehicles transporting  
10          hazardous chemicals or other dangerous materials.

11          Motor vehicle routes for vehicles transporting hazardous chemicals ~~and~~ or other  
12          dangerous materials shall be established in accordance with guidelines and standards  
13          pursuant to the United States Government and the state laws and rules and  
14          regulations promulgated by the appropriate agencies of the aforementioned  
15          governmental bodies.

1           Sec. 12-23. - Fire hazards; inspection and abatement; limitations.

2           (a)     The fire chief, or his appointed representative, is hereby empowered to enter  
3                   any commercial and public buildings, premises, storage areas, or other places,  
4                   at any reasonable hour for the purpose of making inspections and to serve  
5                   written notice upon the owner or occupant to abate ~~a fire or~~ a violation of this  
6                   article, and or life safety within a specified time, not to be less than ten (10)  
7                   days nor more than thirty (30) days.

8           (b)     If the owner or occupant fails to abate within the specified time limit, the fire  
9                   chief, or his representative, may apply to a court of competent jurisdiction for  
10                  an order of abatement or temporary or permanent injunction against ~~the fire~~  
11                  ~~and or life safety hazard~~ the violation of this article.

12          (c)     Notwithstanding anything contained in this article, no fire chief, or his  
13                   representative, may enter in or on a building or premises for reasons stated  
14                   in this article without the consent of the owner or occupant, or, if consent is  
15                   not given, without an administrative search warrant signed by a judge of  
16                   competent jurisdiction, or without a court order allowing such entry.

17          Sec. 12-24. - Arson; investigation; detection and prevention.

18          (a)     The fire chief, or his designee, of each fire district is hereby authorized to  
19                   create within each fire department an arson unit. The arson unit shall be

1 composed of only those firefighters who meet the qualifications as stated in  
2 section 12-18 of this article.

3 (b) Each arson unit shall have the responsibility for investigation of arsons,  
4 suspected arsons, and other related crimes.

5 (c) The technical investigation procedures to be used by the arson unit, ~~i.e.,~~  
6 ~~photography, preservation of evidence, cordoning off areas, maintaining~~  
7 ~~chain of evidence, investigation, etc.,~~ shall be established by the fire chief, or  
8 designated representative, after having consulted with local, state and federal  
9 law enforcement officials.

10 (d) Each fire district's technical investigation procedures shall be substantially the  
11 same as other fire districts covered under this chapter, with variations being  
12 allowed due to the particular circumstances of the individual fire district.

13 (e) Each fire district is hereby authorized, when needed, to loan, exchange and  
14 otherwise contribute specialized personnel, equipment, information, and  
15 procedures from one arson unit to another under controlled methods to be  
16 established between the fire districts and approved by the appropriate  
17 governing bodies.

18

1           Sec. 12-25. - Burning permits, exceptions, governmental cooperation.

2           ~~(a)    It shall be unlawful for any persons to burn any material in the open within~~  
3           ~~any fire district without having first obtained a permit to burn such material~~  
4           ~~from the fire chief, or his representative, of the fire district.~~

5           ~~(b)    This section shall not apply to residential indoor fireplaces, residential~~  
6           ~~outdoor cooking areas, silvic culture businesses, residential yard maintenance~~  
7           ~~vegetation burning outside incorporated municipalities and governmental fire~~  
8           ~~departments and fire control units.~~

9           ~~(c)    This article shall be supplemental to Chapter 590 of Florida Statutes, and~~  
10          ~~each fire district in the county is hereby authorized to enter into agreements~~  
11          ~~with the division of forestry of the department of agriculture and consumer~~  
12          ~~services of the state to determine and define which department shall issue~~  
13          ~~burn permits within each fire district.~~

14          (a)    It shall be unlawful for any persons to burn any material in the open within  
15          any fire district without having first obtained a permit from the state Forest  
16          Service.

17          (b)    This section shall not apply to residential indoor fireplaces, residential  
18          outdoor cooking areas, silviculture businesses, residential yard maintenance,  
19          vegetation burning outside incorporated municipalities and governmental fire  
20          departments, and fire control units. Residential yard vegetation burning shall

1 be conducted in accordance with Florida Forest Service requirements that  
2 address burning of yard waste including meeting required setbacks, hours of  
3 burning, size of piles, safety and nuisance smoke. Residents shall contact the  
4 state Forest Service or the local fire district before burning to ensure that  
5 there is no burn ban currently in effect.

6 (c) This article shall be supplemental to Chapter 590, Florida Statutes, as same  
7 may be amended from time to time, and each fire district in the county is  
8 hereby authorized to enter into agreements with the division of forestry of the  
9 department of agriculture and consumer services of the state to determine and  
10 define which department shall issue burn permits within each fire district.

11 (d) Nothing provided for in this article shall be interpreted as affecting or  
12 limiting the application of Hernando County Code, Chapter 12, Article VI,  
13 "Regulation of Fire Hazards and Incendiary Devices During Drought  
14 Conditions."

15 Sec. 12-26. - ~~Special application to Hernando Fire District (a/k/a Brooksville Fire~~  
16 ~~District and Section 22 Fire District)~~ Violation of Article Constitutes a Public  
17 Nuisance.

18 ~~As to the Hernando Fire District, Chapter 9, Fire Protection, of the City of~~  
19 ~~Brooksville Code of Ordinances, and as may be amended, is hereby adopted in its~~  
20 ~~entirety and incorporated by reference, pursuant to the intent of that certain~~

1 ~~agreement between the county and the City of Brooksville, dated November 18,~~  
2 ~~1968, wherein the city agrees to furnish adequate fire protection to Township 22~~  
3 ~~South, Range 19 East, Hernando County, Florida.~~

4 (a) Pursuant to Chapter 60 and Section 823.01, Florida Statutes, as any of the  
5 same may be amended from time to time, any violation of any provision of  
6 this article, any rule or regulation of a fire district, any order of a fire chief,  
7 or any term or condition of any burning permit, shall constitute a public  
8 nuisance. Any person committing such a violation shall be liable for the  
9 costs of abatement of any public nuisance caused by such violation.

10 (b) Any activity or condition declared by this article to be a nuisance, or which  
11 is otherwise in violation of this article, shall be abatable in the manner  
12 provided by law or equity for the abatement of public nuisances.

13 Sec. 12-27. - Article supplemental to existing ordinances.

14 Except as specified in this article, this article shall be supplemental to existing  
15 ordinances affecting and relating to the fire districts.

16 Sec. 12-28. - Penalties.

17 It shall be unlawful for any person to violate or fail to comply with any of the  
18 provisions of this article. Penalties for violations of this article shall be as follows:

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(1) Except ~~for arson and related crimes~~ as provided for in Section 12-29 below, violations of this article shall be punishable as described in Chapter 2, Article III as amended from time to time.

~~(2) Penalties for arson and related crimes shall be determined by the state criminal laws.~~

~~(3)~~(2) Each violation shall be considered separate and violations which continue after notice of such violation shall be considered a separate violation for each day the violation continues thereafter.

**Sec. 12-29. - Ordinance supplemental to statutory prohibitions.**

The provisions of this article are intended to be supplemental to those provisions of the Florida Statutes that regulate fire prevention and arson detection. Therefore, no provisions of this article shall preclude the criminal prosecution of a suspect for a violation of any Florida Statute.

**Section 2. 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 3. 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

sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or an other appropriate designation.

**Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**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 27<sup>th</sup> day of February 2018.



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

Attest: Marguerite Link Deputy Clerk  
DONALD C. BARBEE, JR.  
Clerk

By: [Signature]  
STEVE CHAMPION  
Chairman

Approved for Form and Legal Sufficiency

[Signature]  
Deputy County Attorney