
From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, December 18, 2019 3:38 PM
To: Ordinances
Cc: County Ordinances
Subject: [EXT.] -
Attachments: Hernando20191218_Ordinance2019_6_Ack.pdf



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 18, 2019

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Darlene Christensen

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2019-6, which was filed in this office on December 18, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2019 - 6

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING IMPACT FEE SCHEDULES IN SECTION 23-69 (EDUCATIONAL FACILITIES), TO PROVIDE FOR THE EFFECTIVE DATE OF EDUCATIONAL FACILITIES IMPACT FEE RATES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 2015-08 ended the suspension of certain impact fees, such that fees would be restored effective on March 1, 2016; and

WHEREAS, the Hernando County School District completed a study (Final Report dated April 11, 2019) to update the impact fee rates for educational facilities; and

WHEREAS, this study was managed to its completion by the Hernando County School District; and

WHEREAS, the completed study was accepted by the Hernando County Board of County Commissioners as the most recent and localized data pursuant to Chapter 163 F.S.; and

WHEREAS, the Hernando County Board of County Commissioners desires to establish a schedule of impact fee rates for Educational Facilities consistent with the study results; and

WHEREAS, the Hernando County Board of County Commissioners desires to establish the effective date of fees for educational facilities for June 1, 2020.

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

SECTION I. Hernando County Code of Ordinances, Section 23-69 (*Computation of the amount of educational facilities impact fee*) is hereby amended to provide for a schedule of Educational Facilities rates and establish an effective date of June 1, 2020, as more precisely delineated with strike-through and underlined text on the Schedule set forth in Exhibit A, attached hereto and made a part hereof by this reference.

SECTION II. APPLICABILITY. This Ordinance shall be applicable throughout the unincorporated areas of Hernando County and throughout the incorporated areas of Hernando County, to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

SECTION III. 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.

1 **SECTION IV. SAVINGS CLAUSE.** The Board of County Commissioners intends to put Contractors and
2 property owners on Notice that the existing adopted County impact fees referenced in this Ordinance will
3 be increased effective on June 1, 2020. Given the extended statutory notice required for the effective date
4 of new or increased fees, the general rule is that the new or increased impact fee rates shall apply to all
5 building permits and certificates of use issued after the stated effective date of the Ordinance, i.e. after June
6 1, 2020. Accordingly, a complete application for a building permit or certificate of use, filed prior to the
7 effective date of the ordinance but not yet issued a permit on the effective date, will be subject to the impact
8 fee rates in effect at the time the building permit or certificate of use is actually issued by the county except
9 as provided herein. The Board of County Commissioners will provide a savings clause (i.e. a process
10 granting an exemption from the impact fee rates effective on June 1, 2020) for completed building permit
11 or certificate of use applications (as applicable) accepted for filing by the Building Department prior to the
12 effective date (provided that the application remains in an active status) and existing private party
13 construction contracts which in good faith contemplated that the fees would still be reduced or non-existent
14 at the time the contract was executed by both parties.

15
16 **SECTION V. CONSTRUCTION CONTRACT EXEMPTION VERIFICATION**
17 **PROCESS/DECISION BY COUNTY ADMINISTRATOR.** The County recognizes that prior to the
18 effective date of this Ordinance, Hernando County property owners and duly licensed construction
19 contractors have executed bona fide contracts in good faith for the construction of improvements which
20 will be required to pay increased impact fees under this ordinance when the building permit or certificate
21 of occupancy is issued. Because the Commission does not wish to unduly burden existing bona fide
22 contracts entered into between private parties in good faith, the Commission will, upon verification,
23 recognize such contacts as exempt from the new or increased fees which are effective June 1, 2020, and
24 will permit the responsible party to instead pay the impact fee in place immediately prior to the effective
25 date of this Ordinance.

26
27 To be exempt from the fees effective on June 1, 2020, both the Owner and Contractor must submit
28 a sworn verification statement on a form provided by the County; the form shall reflect the following
29 mandatory criteria and standards:

30
31 1. Both parties executing the original contract for construction must execute and file with the
32 County Building Department, a sworn statement under penalty of perjury and false official statements,
33 attesting to the date the contract was executed, the impact fees, including amounts, the contract
34 contemplated would need to be paid by the respective parties, if any, including the specific reference to the
35 contract language concerning such fees.

36
37 2. A true and correct copy of the contract with an execution date prior to June 1, 2020, must be
38 attached to the sworn statement and attested to under oath, and under penalty of perjury and false official
39 statements, as being a true, correct, and unaltered copy of the contract executed on the dates noted in the
40 contract.

41
42 3. The party representing the owner must be the record owner of the property or have submitted
43 information showing the party's authority to sign for the owner. Proof of ownership in accordance with
44 the requirements of the Building Official may be provided.

1 4. The party signing for the contractor must show evidence that the contractor's company is an
2 existing legal entity recognized to do business in the State of Florida and that the party is authorized to sign
3 on behalf of the company.
4

5 5. The Contractor must be licensed by applicable local, state and or federal authorities to do the
6 work called for in the contract, including licensed at the time the contract was executed.
7

8 6. The sworn statement and supporting materials must be provided to the County Building
9 Department no later than the close of business on July 1, 2020 to be considered exempt from the fees
10 established in this Ordinance to be effective on June 1, 2020. The Administrator may waive strict
11 compliance with the deadline for good cause shown.
12

13 7. The Administrator or his/her designee will make a written decision on whether the exemption
14 should be granted to avoid interference with the submitted contract. The decision may be appealed to the
15 Board of County Commissioners only if the written appeal is filed in the County Administrator's office
16 within ten (10) calendar days of mailing or delivery of the written decision. When a contract has been
17 verified in writing by the County, the application shall be considered conditionally exempt from the new
18 impact fees of this ordinance; accordingly, the impact fee rate structure in effect immediately prior to
19 adoption of this Ordinance shall apply provided a complete application for a building permit or certificate
20 of use (as applicable) is submitted (and all applicable application fees paid) by the close of business on
21 December 1, 2020. If a complete application is not submitted during this period, the property shall no
22 longer be exempt and shall be subject to the prevailing impact fee rates.
23

24 8. The exemption referenced herein is further subject to a condition that the building permit or
25 certificate of use must be issued by the Building Department and all fees paid, within one hundred and
26 eighty (180) days from the date of receipt of a complete building permit/ certificate of use application. If
27 the permit or certificate is not issued during this period, the application shall no longer be exempt and shall
28 be subject to the prevailing impact fee.
29

30 **SECTION VI. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature applicable
31 only to unincorporated areas of Hernando County, Hernando County ordinances, County resolutions, or
32 parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such
33 conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan,
34 pursuant to Chapter 163, part II, Florida Statutes.
35

36 **SECTION VII. REMAINDER.** All sections, subsections, clauses, sentences, phrases, and provisions
37 of Chapter 23, Article III, Division 1, of the Hernando County Code of Ordinances not amended herein
38 shall stay the same and remain in full force and effect until amended, repealed or otherwise acted upon by
39 the Board of County Commissioners.
40

41 **SECTION VIII. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is hereby
42 directed forthwith to send a certified copy of this ordinance or electronically transmit the ordinance by email
43 to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough
44 Street, Tallahassee, FL 32399-0250.
45

46 **SECTION IX. INCLUSION IN CODE.** It is the intention of the Board of County Commissioners of
47 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become

1 and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or
2 subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word
3 "ordinance" may be changed to "section," "article," or other appropriate designation. Section VI through
4 Section XII need not be codified.

5
6 **SECTION X. EFFECTIVE DATE.** This ordinance shall take effect June 1, 2020.

7
8 **DULY PASSED AND ADOPTED IN REGULAR SESSION ON THIS 17TH DAY OF DECEMBER**
9 **2020.**

10
11 **BOARD OF COUNTY COMMISSIONERS**
12 **HERNANDO COUNTY, FLORIDA**

13
14
15 Attest Susan Burns, Deputy Clerk
16 **DOUGLAS A. CHORVAT, JR.**
17 **CLERK OF CIRCUIT COURT AND**
18 **COMPTROLLER**

19
20
21 By: 
22 **JEFF HOLCOMB**
23 **CHAIRMAN**

24 (SEAL)



25 **Approved as to Form and**
26 **Legal Sufficiency.**

27 By: 

EXHIBIT A
SECTION 23-69

SCHEDULE OF EDUCATIONAL FACILITIES IMPACT FEES

Land Use Type	Impact Fee	Effective ¹ 5/12/15 <u>6/01/20</u>
Residential:		
Single-family, detached	\$2,133.00	\$3,176.00
Single-family attached ² <u>(townhouse/condominium)</u>	1,628.00	2,914.00
Multifamily	1,680.00	3,197.00
Mobile home, parcel	2,133.00	3,176.00
Mobile home, park ²	995.00	1,761.00
Other residential-	2,133.00	

¹ The new impact fee rates shall apply to all building permits issued after the stated effective date; building permits applications which are in process but not yet issued shall be subject to the impact fee rates in effect at the time the building permit is actually issued by the county.

² Maximum rate justified by Hernando County Educational Facilities Impact Fee update study prepared by Tindale Oliver and Associates on April 11, 2019.