

ORDINANCE 2005-04

AN ORDINANCE RECOGNIZING HERNANDO COUNTY'S COMBAT DUTY MILITARY; CREATING THE HERNANDO COUNTY ACTIVE MILITARY COMBAT DUTY GRANT PROGRAM; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF THE PROGRAM; PROVIDING DEFINITIONS; PROVIDING FOR GRANT ENTITLEMENTS; ESTABLISHING ANNUAL APPLICATION REQUIREMENTS AND LIMITATIONS ON GRANT AMOUNTS; PROVIDING FOR PENALTIES FOR FALSE APPLICATIONS; PROVIDING FOR SEVERABILITY AND FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS , the United States of America has over 150,000 military men and women currently serving in combat zones established by Executive Order; and

WHEREAS , Hernando County men and women have put their lives on the line, and some times sacrificing them, to preserve freedom for Americans, and others in the world; and

WHEREAS, the citizens of Hernando County recognize the positive and important impact the military has on the county's economy and way of life, and also the great personal sacrifices that these local military men and women have made to safeguard us all; and

WHEREAS , the men and women in the armed services who are or have been on combat duty, spend a great deal of time away from their families and homes; and

WHEREAS , the citizens of Hernando County, in person and property, are safer because of the service of these courageous military men and women; and

WHEREAS , many active duty military personnel have invested in Hernando County by purchasing property in Hernando County and making it their homestead; and

WHEREAS, these men and women while absent from Hernando County have continued to support the tax base and growth of Hernando County by paying taxes on their homestead; and

WHEREAS , the citizens of Hernando County are indebted to those fine men and women and would like to recognize their service pursuant to the two current Executive Orders through a grant program; and

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CLERK OF THE BOARD
TALVAH SASSE, CLERK

FILED

WHEREAS, it is known that Leon County and Jacksonville-Duval County adopted similar grant programs and reasonably believed that other local governments are or will be providing similar grants; and

WHEREAS, the County has long standing policies for, and has found a public purpose in providing, grants for public assistance to worthy and needy citizens; and

WHEREAS, the Board of County Commissioners does hereby find that the award of the grants authorized in this ordinance serves a very deserving and proper public purpose.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Hernando County:

Section 1. Creation and Administration

There is hereby created a program to be known as the Active Military Combat Duty Grant Program under the direction of the County Administrator through such appropriate designated departments or offices of the County. The program shall award grants to families of active military personnel serving in combat duty who have established a homestead in Hernando County.

Section 2. Definitions.

(a) **Homestead exemption.** Homestead exemption means the property described in Section 6(a), Article VII of the State Constitution.

(b) **Ad Valorem Taxes Paid.** Ad Valorem Taxes Paid are those property taxes of Hernando County actually paid by the QMP for any Ad Valorem Tax Year included in this ordinance pursuant to Section 3, which shall not include taxes levied by the Hernando County School Board, the Southwest Florida Water Management District, or any other governmental entity separate and apart from the Board of County Commissioners; nor shall ad valorem taxes associated with a Municipal Services Taxing Unit be included.

(c) **Active Military Combat Duty.** Active Military Combat Duty means military personnel serving in an active capacity including but not limited to Active Duty Personnel, Reservists and National Guard Personnel in Currently Designated Combat Zones.

(d) **Currently Designated Combat Zones** means those combat zones established pursuant to Presidential Executive Orders No. 13239 (Afghanistan and its airspace) and No. 12744 (the Persian Gulf, Red Sea, Gulf of Oman, part of the Arabian Sea that is north of 10 degrees N latitude and west of 68 degrees E longitude, Gulf of Aden, total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, the United Arab Emirates). The Board of County Commissioners may by resolution direct the County Administrator or designee to extend the benefits of this ordinance to personnel serving in

any subsequently designated combat zone which is the subject of a Presidential Executive Order.

(e) **Qualified Military Personnel(QMP).** Qualified Military Personnel (QMP) include all residents who: (i) owned, resided and had a homestead exemption upon property in Hernando County on December 31st of any given year; (ii) were serving in the military; and (iii) were ordered into a Currently Designated Combat Zone during the 2002 Ad Valorem Tax year or any subsequent Ad Valorem Tax year.

(f) **Proof of Combat Service.** Proof of Combat Service may include the following: a copy of DD Form 214 or equivalent document, copy of official orders specifying actual dates of service, copy of paid travel pay vouchers with attached orders, letter from the respective unit commander or personnel office stating the active duty period, or any similar documentation required by the rules established by the Division of Veteran's Affairs.

Section 3. Grant Entitlement.

The first year of the grant entitlement shall be for the 2002 Ad Valorem Tax year. Qualified Military Personnel (QMP) shall be entitled to grants, not to exceed the lesser of \$1,000 per calendar year or the QMP's ad valorem County tax contribution, to assist in the maintenance and support of their families and homes where said QMP has served in Active Military Combat Duty. All applications of a QMP must be received no later than December 31, 4 years after the year the QMP served in combat duty. The QMP as defined herein shall be entitled to a grant equivalent in the full amount of the lesser of \$1,000 per calendar year or the QMP's Ad Valorem Taxes Paid regardless of the number of days in Active Military Combat Duty in any particular Ad Valorem Tax Year. Grant entitlement applies only with respect to an Ad Valorem Tax Year in which the QMP served in Active Military Combat Duty in a Currently Designated Combat Zone.

Section 4. Application and award.

(a) Qualified Military Personnel may file with the County Administrator or designated department or office an application, on a form approved by the County, for an Active Military Combat Duty Grant providing the following:

(1) A Certified copy of Combat Duty Orders and proof of combat service in any particular Ad Valorem Tax year or years covered by this ordinance;

(2) The owner name and address with respect to the property in Hernando County which qualifies the QMP for the grant, along with proof of homestead exemption and proof of payment of taxes by the QMP, for the calendar year or years of combat duty referenced in (a)(1) above.

(b) If the County Administrator or designee is satisfied that the QMP is fully qualified for a grant under this program, then each qualifying QMP's application shall be approved and the QMP shall be entitled to a grant in the amount of the maximum amount

authorized hereunder for each qualifying Ad Valorem Tax Year.

(c) The County Administrator or designee may adopt policies consistent herewith to implement the Active Military Combat Duty Grant program.

Section 5. Limitation on the amount of grant.

The maximum amount of the grant per applicant for any Ad Valorem Tax year covered hereunder shall not exceed the lesser of \$1,000 or the QMP's contribution to the County's services and growth, as defined by the QMP's Ad Valorem Tax Paid as defined herein. Such grants are also subject to funds appropriated.

Section 6. Penalty for Violation.

If an applicant under this ordinance, who has been awarded a grant, is found to have made any willfully false and material statement in the application for the grant, then the applicant shall be permanently disqualified from receiving any such grant in the future, and shall be subject to a civil penalty of \$1,000.00, in addition to repayment of any grant wrongfully received.

Section 7. 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 8. 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, any section or subsection of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

Section 9. 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 24th day of May, 2005.

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



Attest:

Karen Nicolai

KAREN NICOLAI
Clerk

By: *Robert C. Schenck*

ROBERT C. SCHENCK
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* 5/17/04
County Attorney's Office