

ORDINANCE NO.: 2013 - 1

AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III, DIVISIONS I-V, OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT FEES; AMENDING IMPACT FEE SCHEDULES IN SECTIONS 23-46 (FIRE/EMS), 23-91 (CAPITAL FACILITIES), AND 23-114 (PARKS), TO PROVIDE FOR AN INCREASE OF CERTAIN FEES TO OCCUR ON AUGUST 14, 2013; AMENDING THE REQUIREMENT FOR REVIEW OF FEE SCHEDULES IN SECTIONS 23-53 (FIRE/EMS), 23-74 (EDUCATIONAL FACILITIES), 23-97 (CAPITAL FACILITIES), 23-121 (PARKS), AND 23-145 (ROADS); PROVIDING FOR A SAVINGS CLAUSE; 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, the Board of County Commissioners (County) has adopted the Hernando County Comprehensive Plan within which are included goals, objectives, and policies, (including specifically Goal 1.04 and Objective 9.01C), related to the County requiring new development to pay a fair, equitable and proportionate share of the costs required to provide adequate public facilities to that new development; and

WHEREAS, the Hernando County Comprehensive Plan Policy 9.01C(2) specifically identifies the imposition of impact fees as a preferred method of ensuring that future development bears a proportionate share of the cost of capital facilities necessary to accommodate future development; and

WHEREAS, the Hernando County Comprehensive Plan Policy 9.01C(3) compels the County to regularly review its adopted impact fees to ensure that future development bears its proportionate share of capital facilities costs; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

WHEREAS, the County desires to review and update its impact fee ordinances and base new fees on the most recent and localized data available; and

WHEREAS, the Florida Impact Fee Act, Section 163.31801(3)(d) provides that notice be provided no less than 90 days before the effective date of an ordinance imposing a new or increased impact fee; fees imposed by this Ordinance will be effective on August 14, 2013; and

WHEREAS, this proposed substantive amendment to the Hernando County Land Development Regulations, Chapter 23, Article III, (Impact Fees), has received public hearing(s) before the Local Planning Agency and the Board of County Commissioners as required by state and local law; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive Plan.

FILED

2013 JAN 14 PM 1:23  
CLERK OF COUNTY

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

**SECTION I.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 1 (*Fire Protection and Emergency Medical Services Capital Facilities Impact Fee*), Section 23-46 (a) & (b) (*Computation of the amount of fire protection and emergency medical services impact fee*), *Schedule of Fire and EMS Impact Fees*, is hereby amended in accordance with the Florida Impact Fee Act, to reflect an increase and update of fees based upon the most recently available and localized data, effective August 14, 2013, as more precisely delineated with strike-through and underlined text below and on the updated SCHEDULE OF FIRE AND EMS IMPACT FEES set forth in **Exhibit A**, attached hereto and made a part hereof by this reference:

**Sec. 23-46. - Computation of the amount of fire protection and emergency medical services impact fee.**

(a) Except as provided in subsection (b) of this section, the amount of the fee or fees shall be determined by the following fee schedule:—

[INSERT SCHEDULE FROM EXHIBIT A]

The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, ~~noncommon~~ non-common or other forms of net square footage.

- (1) If a building permit or certificate of use is requested for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- (2) If the type of development activity a building permit or certificate of use is applied for is not specified on the above fee schedule, the county administrator or his designee shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule.
- (3) In the case of change of use, redevelopment, or modification or expansion of an existing use which may or may not require the issuance of a building permit, the impact fee shall be based upon the net increase in impact for the new use as compared to the previous use.

(b) If a fee payer opts not to have the impact fee or fees determined according to paragraph (a) of this section, then the fee payer shall prepare and submit to the county administrator or his designee, an independent fee calculation study for the land development activity for which a building permit is sought. The independent fee calculation study shall follow the prescribed calculation methodologies and formats established by the county administrator or designee. Any adjustment to the fees in the schedule contained in paragraph (a) may only be based upon impact or use characteristics that are expected to exist throughout the expected life of the structure and may not be based upon temporary or transitory use characteristics.

1 **SECTION II.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 1 (*Fire*  
2 *Protection and Emergency Medical Services Capital Facilities Impact Fee*), Section 23-53 (*Review*  
3 *of fee schedule*) is hereby amended to reflect a change in the frequency of fee schedule reviews, as  
4 more precisely delineated with strike-through and underlined text below:  
5

6 **Sec. 23-53. - Review of fee schedule.**  
7

8 The fire and EMS impact fee schedule contained in subsection 23-46(a) hereof shall be  
9 reviewed by the board of county commissioners at least once every five years ~~each fiscal~~  
10 ~~biennium~~ as to those fees under its jurisdiction. The ~~Board of Fire Commissioners who~~  
11 ~~oversee the Spring Hill Fire Rescue and Emergency Services District and the Brooksville~~  
12 ~~City Council who oversee the City of Brooksville Fire District, respectively,~~ may review their  
13 fees and make recommendations for changes as needed.  
14

15 **SECTION III.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 2  
16 (*Educational Facilities Impact Fee*), Section 23-74 (*Review*), is hereby amended to reflect a change  
17 in the frequency of fee schedule reviews, as more precisely delineated with strike-through and  
18 underlined text below:  
19

20 **Sec. 23-74. - Review of fee schedule .**  
21

22 The educational facilities impact fee schedule contained in subsection 23-69(a) hereof shall  
23 be reviewed by the board of county commissioners at least once every five years ~~each fiscal~~  
24 ~~biennium~~.  
25

26 **SECTION IV.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 3 (*Public*  
27 *Capital Facilities Impact Fee*), Section 23-91 (*Computation of the amount of public capital facilities*  
28 *impact fee*), *Schedule of Capital Facilities Impact Fees*, is hereby amended in accordance with the  
29 Florida Impact Fee Act, to reflect an increase and update of fees based upon the most recently  
30 available and localized data, effective August 14, 2013, as more precisely delineated with strike-  
31 through and underlined text below and on the updated SCHEDULE OF CAPITAL FACILITIES  
32 IMPACT FEES set forth in **Exhibit B**, attached hereto and made a part hereof by this reference:  
33

34 **Sec. 23-91. Computation of the amount of public capital facilities impact fee.**  
35

- 36 (a) At the option of the feepayer, the amount of the fee may be determined by the  
37 following fee schedule:;

38 [INSERT SCHEDULE FROM EXHIBIT B]  
39

40 The reference in the schedule to square feet refers to the gross square footage of each floor of  
41 a building measured to the exterior walls, and not usable, interior, rentable, non-common or  
42 other forms of net square footage.  
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- 45 (1) If a building permit or certificate of use is requested for mixed uses, then the  
46 fee shall be determined according to the above schedule by apportioning the  
47 space committed to uses specified on the schedule.

1 (2) If the type of development activity a building permit or certificate of use is  
2 applied for is not specified on the above fee schedule, the county administrator  
3 or his designee shall use the fee applicable to the most nearly comparable type  
4 of land use on the above fee schedule.

5  
6 (3) In the case of change of use, redevelopment, or modification or expansion of  
7 an existing use which may or may not require the issuance of a building  
8 permit, the impact fee shall be based upon the net increase in impact for the  
9 new use as compared to the previous use.

10  
11 (b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of  
12 this section, then the feepayer shall prepare and submit to the county administrator or  
13 his designee an independent fee calculation study for the land development activity  
14 for which a building permit is sought. The independent fee calculation study shall  
15 follow the prescribed calculation methodologies and formats established by the  
16 county administrator or his designee. Any adjustment to the fees in the schedule  
17 contained in subsection (a) may only be based upon impact or use characteristics that  
18 are expected to exist throughout the expected life of the structure and may not be  
19 based upon temporary or transitory use characteristics.  
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21 **SECTION V.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 3 (*Public*  
22 *Capital Facilities Impact Fee*), Section 23-97 (*Review of Fee Schedule*), is hereby amended to reflect  
23 a change in the frequency of fee schedule reviews, as more precisely delineated with strike-through  
24 and underlined text below:

25  
26 **Sec. 23-97. - Review of fee schedule.**

27  
28 The fee schedule contained in section 23-91(a) hereof shall be reviewed by the board of  
29 county commissioners at least once every five years ~~each fiscal biennium~~.

30  
31 **SECTION VI.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 4 (*Parks*  
32 *Impact Fee*), Section 23-114 (*Computation of the amount of parks impact fee*), *Parks Impact Fee*  
33 *Schedule*, is hereby amended in accordance with the Florida Impact Fee Act, to reflect an increase  
34 and update of fees based upon the most recently available and localized data, effective August 14,  
35 2013, as more precisely delineated with strike-through and underlined text below and on the updated  
36 PARKS IMPACT FEE SCHEDULE set forth in **Exhibit C**, attached hereto and made a part hereof  
37 by this reference:

38  
39 **Sec. 23-114. Computation of the amount of parks impact fee.**

40  
41 (a) At the option of the feepayer, the amount of the parks impact fee may be determined  
42 by the following fee schedule:;

43  
44 [INSERT SCHEDULE FROM EXHIBIT C]  
45  
46

- 1 (1) If a residential building permit is requested for mixed uses, then the fee shall  
2 be determined through using the above schedule by apportioning the space  
3 committed to uses specified on the schedule.  
4
- 5 (2) If the type of development activity that a residential building permit is applied  
6 for is not specified on the above fee schedule, the county administrator or his  
7 designee shall use the fee applicable to the most nearly comparable type of  
8 land use on the above fee schedules. The county administrator or his designee  
9 shall be guided in the selection of a comparable type by the county  
10 comprehensive plan, supporting documents of the county comprehensive plan,  
11 and the county zoning ordinance. If the county administrator or his designee  
12 determines that there is no comparable type of land use on the above fee  
13 schedule, then the county administrator or his designee shall determine the  
14 appropriately discounted fee by considering demographic or other  
15 documentation which is available from state, local and regional authorities.  
16
- 17 (3) In the case of change of use, redevelopment, or expansion or modification of  
18 an existing use which requires the issuance of a building permit, the impact  
19 fee shall be based upon the net positive increase in the impact fee for the new  
20 use as compared to the previous use. The county administrator or his designee  
21 shall be guided in this determination by the sources and agencies listed above.  
22

- 23 (b) If a feepayer opts not to have the impact fee determined according to paragraph (a) of  
24 this section, then the feepayer shall prepare and submit to the county administrator or  
25 his designee an independent fee calculation study for the land development activity  
26 for which a building permit is sought. The independent fee calculation study shall  
27 follow the prescribed methodologies and formats for the study established by the  
28 Guidelines and Procedures Manual adopted by motion of the board of county  
29 commissioners of the county. The documentation submitted shall show the basis upon  
30 which the independent fee calculation was made. The county administrator or his  
31 designee shall consider the documentation submitted by the feepayer, but is not  
32 required to accept such documentation as he/she shall reasonably deem to be  
33 inaccurate or not reliable and may, in the alternative, require the feepayer to submit  
34 additional or different documentation for consideration. If an acceptable independent  
35 fee calculation study is not presented, the feepayer shall pay parks impact fees based  
36 upon the schedule shown in paragraph (a) of this section. If an acceptable independent  
37 fee calculation study is presented, the county administrator or his designee may adjust  
38 the fee to that appropriate to the particular development. Any such adjustment to the  
39 fees in the schedule contained in subsection (a) may only be based upon impact or use  
40 characteristics that are expected to exist throughout the expected life of the structure  
41 and may not be based upon temporary or transitory use characteristics.  
42

43 **SECTION VII.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 4 (*Parks*  
44 *Impact Fee*), Section 23-121 (*Review of fee schedule*) is hereby amended to reflect a change in the  
45 frequency of fee schedule reviews, as more precisely delineated with strike-through and underlined  
46 text below:  
47

1           **Sec. 23-121. Review of fee schedule.**

2  
3           The parks impact fee schedule contained in section 23-114(a) hereof shall be reviewed by the  
4           board of county commissioners at least once every five years ~~each fiscal biennium~~.

5  
6           **SECTION VIII.** Hernando County Code of Ordinances, Chapter 23, Article III, Division 5 (*Roads*  
7           *Impact Fee*), Section 23-145 (*Review of fee schedule*) is hereby amended to reflect a change in the  
8           frequency of fee schedule reviews, as more precisely delineated with strike-through and underlined  
9           text below:

10  
11           **Sec. 23-145. Review of fee schedule.**

12  
13           The roads impact fee schedule contained in section 23-138(a) hereof shall be reviewed by the  
14           board of county commissioners at least once every five years ~~each fiscal biennium~~.

15  
16           **SECTION IX. SAVINGS CLAUSE.** All complete building permit or certificate of use  
17           applications (as applicable) accepted for filing by the Building Department prior to the effective date  
18           of the fees provided for in this ordinance and which remain active, together with all contracts for  
19           construction of improvements requiring payment of impact fees under this Ordinance, which have  
20           been fully executed by all parties prior to the effective date of the fees provided for in this  
21           ordinance, shall be exempt from the new impact fees which become effective on August 14, 2013,  
22           provided that the contracts meet the applicable qualifying criteria and submit to the mandatory  
23           verification process as fully set forth in **Exhibit D** attached hereto and made a part hereof by this  
24           reference.

25  
26           **SECTION X. APPLICABILITY.** This Ordinance shall be applicable throughout the  
27           unincorporated areas of Hernando County and throughout the incorporated areas of Hernando  
28           County, to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of  
29           Florida.

30  
31           **SECTION XI. SEVERABILITY.** It is declared to be the intent of the Board of County  
32           Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
33           ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the  
34           validity of the remaining portions of this ordinance.

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

41  
42           **SECTION XIII. REMAINDER.** All sections, subsections, clauses, sentences, phrases, and  
43           provisions of Chapter 23, Article III, Division 1, of the Hernando County Code of Ordinances not  
44           amended herein shall stay the same and remain in full force and effect until amended, repealed or  
45           otherwise acted upon by the Board of County Commissioners.

1 **SECTION XIV. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is  
2 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative  
3 Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, FL  
4 32399-0250.

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6 **SECTION XV. INCLUSION IN CODE.** It is the intention of the Board of County  
7 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this  
8 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.  
9 To this end, any section or subsection of this Ordinance may be renumbered or re-lettered to  
10 accomplish such intention, and the word "ordinance" may be changed to "section", article," or other  
11 appropriate designation. Section IX through Section XVI (including Exhibit D) need not be  
12 codified.

13  
14 **SECTION XVI. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing  
15 with the Department of State.

16  
17 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 8th  
18 **DAY OF** January, 2013



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26 Attest: [Signature]  
27 **RICHARD C. BARBEE, JR., CLERK**

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

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33 By: [Signature]  
34 **DAVID D. RUSSELL, CHAIRMAN**



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By: [Signature]

**EXHIBIT A  
SECTION 23-46**

**SCHEDULE OF FIRE AND EMS IMPACT FEES**

Land Use Type	Spring Hill Fire Sec. footnote-2		Hernando-Beach		Hernando-County		Hernando-County-EMS		City-of-Brooksville	
	effective 11-15-11	effective- 2-13-13	effective 11-15-11	effective 2-13-13	effective 11-15-11	effective 2-13-13	effective 11-15-11	effective 2-13-13	effective 11-15-11	effective 2-13-13
Residential, per unit-	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1	See footnote-1
Single-family, detached	\$128.00	\$128.00	\$211.00	\$211.00	\$0.00	\$211.00	\$18.00	\$18.00	\$18.00	\$202.00
Single-family, attached	98.00	98.00	161.00	161.00	0.00	161.00	14.00	14.00	14.00	154.00
Multi-family, 1 & 2-story	101.00	101.00	167.00	167.00	0.00	167.00	14.00	14.00	14.00	159.00
Multi-family 3-story & up	107.00	107.00	175.00	175.00	0.00	175.00	14.00	14.00	14.00	229.00
Mobile home, 1 acre	128.00	128.00	211.00	211.00	0.00	211.00	18.00	18.00	18.00	202.00
Mobile home, other	115.00	115.00	189.00	189.00	0.00	189.00	17.00	17.00	17.00	181.00
Recreational vehicle lot	62.00	62.00	102.00	102.00	0.00	102.00	9.00	9.00	9.00	98.00
Hotel/motel, 1 & 2-story	62.00	62.00	102.00	102.00	0.00	102.00	9.00	9.00	9.00	98.00
Hotel/motel, 3-story & up	66.00	66.00	107.00	107.00	0.00	107.00	9.00	9.00	9.00	141.00
Residential-Other	128.00	128.00	211.00	211.00	0.00	211.00	18.00	18.00	18.00	202.00
<b>Industrial &amp; warehousing, per 1,000 sq. ft.</b>										
Industrial—Under 30,000 sq. ft.	48.00	48.00	80.00	80.00	0.00	80.00	7.00	7.00	7.00	76.00
Industrial—30,000 sq. ft. and over	51.00	51.00	83.00	83.00	0.00	83.00	7.00	7.00	7.00	110.00
Warehouse—Under 30,000 sq. ft.	35.00	35.00	59.00	59.00	0.00	59.00	5.00	5.00	5.00	56.00
Warehouse—30,000 sq. ft. and over	38.00	38.00	62.00	62.00	0.00	62.00	5.00	5.00	5.00	80.00
Storage—Under 30,000 sq. ft.	20.00	20.00	34.00	34.00	0.00	34.00	3.00	3.00	3.00	32.00
Storage—30,000 sq. ft. and over	22.00	22.00	35.00	35.00	0.00	35.00	3.00	3.00	3.00	47.00
<b>Office, financial, retail &amp; restaurant, per 1,000 sq. ft.</b>										
Medical—Under 30,000 sq. ft.	165.00	165.00	272.00	272.00	0.00	272.00	23.00	23.00	23.00	260.00
Medical—30,000 sq. ft. and over	176.00	176.00	286.00	286.00	0.00	286.00	23.00	23.00	23.00	374.00
General—Under 30,000 sq. ft.	96.00	96.00	158.00	158.00	0.00	158.00	14.00	14.00	14.00	152.00
General—30,000 sq. ft. and over	103.00	103.00	167.00	167.00	0.00	167.00	14.00	14.00	14.00	218.00
Retail—Under 30,000 sq. ft. and 36 ft.	187.00	187.00	308.00	308.00	0.00	308.00	27.00	27.00	27.00	294.00
Retail—30,000 sq. ft. or 36 ft. and over	199.00	199.00	323.00	323.00	0.00	323.00	27.00	27.00	27.00	424.00
Restaurant—Under 30,000 sq. ft. and 36 ft.	290.00	290.00	477.00	477.00	0.00	477.00	41.00	41.00	41.00	457.00
Restaurant—30,000 sq. ft. or 36 ft. and over	309.00	309.00	503.00	503.00	0.00	503.00	41.00	41.00	41.00	658.00

1-7 The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date; building permit and certificate of use 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 or certificate of use is actually issued by the county.

2-7 These impact fee rates shall apply to Spring Hill Fire until such time the county and Spring Hill Fire enter into an interlocal agreement to provide for the amendment or repeal of this division as pertaining to Spring Hill Fire and which interlocal agreement otherwise complies with the provisions contained in Chapter 2009-261, Laws of Florida, and section 191.009, Florida Statutes, as such section may be amended or renumbered from time to time.



**SECTION 23-46**

**SCHEDULE OF FIRE AND EMS IMPACT FEES**

Land Use Type	Spring Hill Fire See Note 1		Hernando Beach		Hernando County		Consolidated Rate		H County EMS		City of Brooksville	
	effective 11-15-12	effective 08-14-13	effective 11-15-12	effective 08-14-13	effective 11-15-12	effective 08-14-13	effective 10-01-13	effective 11-15-12	effective 08-14-13	effective 11-15-12	effective 08-14-13	
Residential, per unit:												
Single-family, detached	\$0.00	\$153.00	\$0.00	\$284.00	\$0.00	\$284.00	\$209.00	\$0.00	\$26.00	\$0.00	\$215.00	
Single-family, attached	0.00	107.00	0.00	199.00	0.00	199.00	147.00	0.00	18.00	0.00	151.00	
Multi-family, 1 & 2 story	0.00	115.00	0.00	215.00	0.00	215.00	158.00	0.00	19.00	0.00	162.00	
Multi-family 3 story & up	0.00	121.00	0.00	222.00	0.00	222.00	161.00	0.00	19.00	0.00	216.00	
Mobile home, 1 acre	0.00	153.00	0.00	284.00	0.00	284.00	209.00	0.00	26.00	0.00	215.00	
Mobile home, other	0.00	128.00	0.00	238.00	0.00	238.00	175.00	0.00	21.00	0.00	180.00	
Recreational vehicle-lot	0.00	71.00	0.00	132.00	0.00	132.00	97.00	0.00	12.00	0.00	100.00	
Hotel/motel, 1 & 2 story	0.00	71.00	0.00	132.00	0.00	132.00	97.00	0.00	12.00	0.00	100.00	
Hotel/motel, 3 story & up	0.00	74.00	0.00	136.00	0.00	136.00	99.00	0.00	12.00	0.00	133.00	
Residential-Other	0.00	153.00	0.00	284.00	0.00	284.00	209.00	0.00	26.00	0.00	215.00	
<b><u>Industrial &amp; warehousing, per 1,000 sq. ft.</u></b>												
Industrial--Under 30,000 sq. ft.	0.00	55.00	0.00	102.00	0.00	102.00	75.00	0.00	9.00	0.00	77.00	
Industrial--30,000 sq. ft. and over	0.00	58.00	0.00	106.00	0.00	106.00	77.00	0.00	9.00	0.00	103.00	
Warehouse--Under 30,000 sq. ft.	0.00	41.00	0.00	75.00	0.00	75.00	55.00	0.00	7.00	0.00	57.00	
Warehouse--30,000 sq. ft. and over	0.00	42.00	0.00	78.00	0.00	78.00	57.00	0.00	7.00	0.00	76.00	
Storage--Under 30,000 sq. ft.	0.00	24.00	0.00	44.00	0.00	44.00	32.00	0.00	4.00	0.00	33.00	
Storage--30,000 sq. ft. and over	0.00	25.00	0.00	45.00	0.00	45.00	33.00	0.00	4.00	0.00	44.00	
<b><u>Office, financial, retail &amp; restaurant, per 1,000 sq. ft.</u></b>												
Medical--Under 30,000 sq. ft.	0.00	189.00	0.00	351.00	0.00	351.00	258.00	0.00	32.00	0.00	265.00	
Medical--30,000 sq. ft. and over	0.00	198.00	0.00	363.00	0.00	363.00	263.00	0.00	32.00	0.00	354.00	
General--Under 30,000 sq. ft.	0.00	110.00	0.00	205.00	0.00	205.00	150.00	0.00	18.00	0.00	154.00	
General--30,000 sq. ft. and over	0.00	115.00	0.00	211.00	0.00	211.00	153.00	0.00	18.00	0.00	206.00	
Retail--Under 30,000 sq. ft. and 36ft. over	0.00	214.00	0.00	397.00	0.00	397.00	292.00	0.00	36.00	0.00	300.00	
Retail--30,000 sq. ft. or 36 ft. and over	0.00	224.00	0.00	410.00	0.00	410.00	298.00	0.00	36.00	0.00	400.00	
Restaurant--Under 30,000 sq. ft. and 36 ft and under.	0.00	332.00	0.00	617.00	0.00	617.00	454.00	0.00	56.00	0.00	466.00	
Restaurant--30,000 sq. ft. or 36 ft. and over	0.00	347.00	0.00	638.00	0.00	638.00	463.00	0.00	56.00	0.00	622.00	

1 / These impact fee rates shall apply to Spring Hill Fire until 10/01/2013 at which time the Consolidated Rate with Hernando County shall take effect.

The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date. A building permit and certificate of use 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 or certificate of use is actually issued by the county, unless excepted pursuant to the process in Exhibit D. A limited exception process to the application of the new fees, is provided for in Exhibit D of the ordinance; failure to timely utilize the stated exception process before the deadline is a jurisdictional defect prohibiting any subsequent challenge to the fee.

# EXHIBIT B

## SECTION 23-91

### SCHEDULES OF CAPITAL FACILITIES IMPACT FEES

Land Use Type	Library		Buildings		Law Enforcement	
	Effective <sup>†</sup> 11/15/11	Effective <sup>†</sup> 02/13/13	Effective <sup>†</sup> 11/15/11	Effective <sup>†</sup> 02/13/13	Effective <sup>†</sup> 11/15/11	Effective <sup>†</sup> 02/13/13
Residential:						
Single-family, detached	\$154.00	\$154.00	\$0.00	\$362.00	\$0.00	\$99.00
Single-family, detached	116.00	116.00	0.00	276.00	0.00	76.00
Multifamily	122.00	122.00	0.00	285.00	0.00	78.00
Mobile home, 1-acre	154.00	154.00	0.00	362.00	0.00	99.00
Mobile home, other	138.00	138.00	0.00	324.00	0.00	89.00
Recreational vehicle lot	0.00	0.00	0.00	176.00	0.00	48.00
Hotel/motel/room	0.00	0.00	0.00	176.00	0.00	48.00
Residential--Other	154.00	154.00	0.00	362.00	0.00	99.00
Industrial and warehousing, per 1,000 square feet						
Industrial*	0.00	0.00	0.00	136.00	0.00	37.00
Warehouse*	0.00	0.00	0.00	101.00	0.00	28.00
Storage*	0.00	0.00	0.00	58.00	0.00	16.00
Office, financial, retail and restaurant, per 1,000 square feet						
Medical*	0.00	0.00	0.00	467.00	0.00	128.00
General*	0.00	0.00	0.00	272.00	0.00	74.00
Retail*	0.00	0.00	0.00	527.00	0.00	145.00
Restaurant*	0.00	0.00	0.00	819.00	0.00	225.00

\*Indicates square feet of gross building area

†The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date; building permit and certificate of use 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 or certificate of use is actually issued by the county.

**SECTION 23-91**

**SCHEDULES OF CAPITAL FACILITIES IMPACT FEES**

Land Use Type	Library		Buildings		Law Enforcement		Jail	
	Effective 11/15/12	Effective 08/14/13	Effective 11/15/12	Effective 08/14/13	Effective 11/15/12	Effective 08/14/13	Effective 11/15/12	Effective 08/14/13
<b>Residential:</b>								
Single-family, detached	\$0.00	\$107.00	\$0.00	\$466.00	\$0.00	\$ 86.00	\$0.00	\$7.00
Single-family, attached	0.00	75.00	0.00	327.00	0.00	61.00	0.00	5.00
Multifamily	0.00	81.00	0.00	352.00	0.00	65.00	0.00	5.00
Mobile home, 1 acre	0.00	107.00	0.00	466.00	0.00	86.00	0.00	7.00
Mobile home, other	0.00	90.00	0.00	390.00	0.00	72.00	0.00	6.00
Recreational vehicle lot	0.00	0.00	0.00	217.00	0.00	40.00	0.00	3.00
Hotel/motel--room	0.00	0.00	0.00	217.00	0.00	40.00	0.00	3.00
Residential--Other	0.00	107.00	0.00	466.00	0.00	86.00	0.00	7.00
<b>Industrial and warehousing, per 1,000 square feet:</b>								
Industrial*	0.00	0.00	0.00	168.00	0.00	31.00	0.00	3.00
Warehouse*	0.00	0.00	0.00	124.00	0.00	23.00	0.00	2.00
Storage*	0.00	0.00	0.00	72.00	0.00	13.00	0.00	1.00
<b>Office, financial, retail and restaurant, per 1,000 square feet</b>								
Medical*	0.00	0.00	0.00	576.00	0.00	107.00	0.00	9.00
General*	0.00	0.00	0.00	335.00	0.00	62.00	0.00	5.00
Retail*	0.00	0.00	0.00	651.00	0.00	121.00	0.00	10.00
Restaurant*	0.00	0.00	0.00	1012.00	0.00	187.00	0.00	16.00

\*Indicates square feet of gross building area

The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date. A building permit and certificate of use 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 or certificate of use is actually issued by the county, unless excepted pursuant to the process in Exhibit D. A limited exception process to the application of the new fees is provided for in Exhibit D of the ordinance; failure to timely utilize the stated exception process before the deadline is a jurisdictional defect prohibiting any subsequent challenge to the fee.

**EXHIBIT C**  
**SECTION 23-114**

**PARKS IMPACT FEE SCHEDULE**

<u>Land Use Type (Unit)</u>	<u>Fee per Unit</u>	<u>Effective<sup>†</sup></u> <u>11-15-11</u>	<u>Effective<sup>†</sup></u> <u>2-13-13</u>
<del>Single-family, detached</del>	<del>\$501.00</del>	<del>\$0.00</del>	<del>\$501.00</del>
<del>Single-family, attached</del>	<del>382.00</del>	<del>0.00</del>	<del>382.00</del>
<del>Multifamily</del>	<del>395.00</del>	<del>0.00</del>	<del>395.00</del>
<del>Mobile home--1 acre lot</del>	<del>501.00</del>	<del>0.00</del>	<del>501.00</del>
<del>Mobile home--Other</del>	<del>449.00</del>	<del>0.00</del>	<del>449.00</del>
<del>Recreation vehicle--Lot</del>	<del>182.00</del>	<del>0.00</del>	<del>182.00</del>
<del>Hotel/motel--Room</del>	<del>182.00</del>	<del>0.00</del>	<del>182.00</del>
<del>Other residential</del>	<del>501.00</del>	<del>0.00</del>	<del>501.00</del>

~~†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.~~

**SECTION 23-114**

**PARKS IMPACT FEE SCHEDULE**

<u>Land Use Type (Unit)</u>	<u>Fee per Unit</u>	<u>Effective</u> <u>11-15-12</u>	<u>Effective</u> <u>08-14-13</u>
<u>Single-family, detached</u>		<u>\$0.00</u>	<u>\$411.00</u>
<u>Single-family, attached</u>		<u>0.00</u>	<u>288.00</u>
<u>Multifamily</u>		<u>0.00</u>	<u>311.00</u>
<u>Mobile home--1 acre lot</u>		<u>0.00</u>	<u>411.00</u>
<u>Mobile home--Other</u>		<u>0.00</u>	<u>344.00</u>
<u>Recreation vehicle--Lot</u>		<u>0.00</u>	<u>143.00</u>
<u>Hotel/motel--Room</u>		<u>0.00</u>	<u>143.00</u>
<u>Other residential</u>		<u>0.00</u>	<u>411.00</u>

The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date. A building permit and certificate of use 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 or certificate of use is actually issued by the county, unless excepted pursuant to the process in Exhibit D. A limited exception process to the application of the new fees is provided for in Exhibit D of the ordinance; failure to timely utilize the stated exception process before the deadline is a jurisdictional defect prohibiting any subsequent challenge to the fee.

## **EXHIBIT D** **SAVINGS CLAUSE**

### **Notice**

The Board of County Commissioners intends to put Contractors and property owners on Notice that the existing adopted County impact fees referenced in this Ordinance (which have been temporarily suspended due to the economic down-turn) will be restored, amended, and in some cases increased, effective on August 14, 2013.

The Florida Impact Fee Act, Section 163.31801(3)(d), requires that notice be provided of no less than ninety (90) days before the effective date of an ordinance or resolution imposing a new or increased impact fee. The proposed effective date of the impact fees in this Ordinance will be August 14, 2013; accordingly the notice of such new or increased fees must be provided no later than February 13, 2013.

### **General Rule / Exemption**

Given the extended statutory notice required for the effective date of new or increased fees, the general rule is that the new or increased impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date of the Ordinance -i.e. after August 14, 2013. Accordingly, a complete application for a building permit or certificate of use, filed prior to the effective date of the ordinance but not yet issued a permit on the effective date, will be subject to the impact fee rates in effect at the time the building permit or certificate of use is actually issued by the county except as provided herein. The Board of County Commissioners will provide a savings clause (i.e. a process granting an exemption from the impact fee rates effective on August 14, 2013) for completed building permit or certificate of use applications (as applicable) accepted for filing by the Building Department prior to the effective date (provided that the application remains in an active status) and existing private party construction contracts which *in good faith* contemplated that the fees would still be reduced or non-existent at the time the contract was executed by both parties.

### **Construction Contract Exemption Verification Process / Decision by County Administrator.**

The County recognizes that prior to the effective date of this Ordinance, Hernando County property owners and duly licensed construction contractors have executed bona fide contracts in good faith for the construction of improvements which will be required to pay increased impact fees under this ordinance when the building permit or certificate of occupancy is issued. Because the Commission does not wish to unduly burden existing bona fide contracts entered into between private parties in good faith, the Commission will, upon verification, recognize such contacts as exempt from the new or increased fees which are effective on August 14, 2013, and will permit the responsible party to instead pay the impact fee in place immediately prior to the effective date of this Ordinance.

To be exempt from the fees effective on August 14, 2013, the Owner and Contractor must *both* submit a sworn verification statement on a form provided by the County; the form shall reflect the following mandatory criteria and standards:

1. Both parties executing the original contract for construction must execute and file with the County Building Department, a sworn statement under penalty of perjury and false official statements, attesting to the date the contract was executed, the impact fees, including amounts, the contract contemplated would need to be paid by the respective parties, if any, including the specific reference to the contract language concerning such fees.
2. A true and correct copy of the contract with an execution date prior to August 14, 2013 must be attached to the sworn statement and attested to under oath, and under penalty of perjury and false official statements, as being a true, correct, and unaltered copy of the contract executed on the dates noted in the contract.
3. The party representing the owner must be the record owner of the property or have submitted information showing the party's authority to sign for the owner. Proof of ownership in accordance with the requirements of the Building Official may be provided.
4. The party signing for the contractor must show evidence that the contractor's company is an existing legal entity recognized to do business in the State of Florida and that the party is authorized to sign on behalf of the company.
5. The Contractor must be licensed by applicable local, state and or federal authorities to do the work called for in the contract, including licensed at the time the contract was executed.
6. The sworn statement and supporting materials must be provided to the County Building Department no later than the close of business on September 16, 2013 to be considered exempt from the fees established in this Ordinance to be effective on August 14, 2013. The Administrator may waive strict compliance with the deadline for good cause shown.
7. The Administrator or his/her designee will make a written decision on whether the exemption should be granted to avoid interference with the submitted contract. The decision may be appealed to the Board of County Commissioners only if the written appeal is filed in the County Administrator's office within ten (10) calendar days of mailing or delivery of the written decision. When a contract has been verified in writing by the County, the application shall be considered conditionally exempt from the new impact fees of this ordinance; accordingly, the impact fee rate structure in effect immediately prior to adoption of this Ordinance and shall apply provided a complete application for a building permit or certificate of use (as applicable) is submitted (and all applicable application fees paid) by the close of business on February 13, 2014. If a complete application is not submitted during this period, the property shall no longer be exempt and shall be subject to the prevailing impact fee rates.
8. The exemption referenced herein is further subject to a condition that the building permit or certificate of use must be issued by the Building Department and all fees paid, within one hundred and eighty (180) days from the date of receipt of a complete building permit / certificate of use application. If the permit or certificate is not issued during this period, the application shall no longer be exempt and shall be subject to the prevailing impact fee rates.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

January 14, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Ashley Hofecker, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 10, 2013 and certified copies of Hernando County Ordinance Nos. 2013-1 through 2013-3, which were filed in this office on January 14, 2013.

As requested, the date stamped originals are being return for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure