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**ORDINANCE 201<sup>3</sup>-10**

AN ORDINANCE AMENDING SECTION 24-40.2, OF THE HERNANDO COUNTY CODE OF ORDINANCES REGARDING THE CITIZEN-INITIATED PROCESS TO ESTABLISH A SPECIAL ASSESSMENT OR MUNICIPAL SERVICE BENEFIT UNIT (MSBU); PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO ADOPT A POLICY CREATING A METHOD FOR THE COUNTY TO POLL ALL OWNERS OF PROPERTY PROPOSED TO BE SPECIALLY BENEFITTED BY MAIL BALLOT, PROVIDING FOR ADDRESSING PROPERTY OWNERS WHO RETURNED THEIR BALLOT IF AT LEAST FIFTY-ONE PERCENT OF THE OWNERS OF RECORD VOTE IN FAVOR OF THE SPECIAL ASSESSMENT OR MSBU, THE BOARD MAY AUTHORIZE THE IMPROVEMENTS AND SPECIAL ASSESSMENTS OR MSBU; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are two processes by which the Board of County Commissioners can create municipal services benefit units (“MSBU’s”), Board-Initiated and Citizen-Initiated; and,

WHEREAS, the Board of County Commissioners recently amended Policy 16-1 to modify the process for citizen-initiated MSBU’s; and,

WHEREAS, the Board of County Commissioners now wish to amend Section 24-40.2 to permit the changes provided for in the newly-amended Policy 16-1; and,

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

1           WHEREAS, the Board of County Commissioners also wishes to amend Section 24-40.2 in  
2 a manner so that it will not have to amend the Hernando County Code every time it amends Policy  
3 16-1;

4           NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
5 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

6 **Section 1.     Amendment of Section 24-40.2**

7           Hernando County Code § 24-40.2 is hereby amended to read as follows, with struck-through  
8 material deleted and underlined material added.

9           Power of the Board of County Commissioners to Provide for Special Assessments.

10          (a)     The board is hereby empowered to provide for the following kinds of  
11                   improvements (hereafter "improvements") by levying and collecting in the  
12                   unincorporated areas of the county special assessments on the real property  
13                   specifically benefitted thereby:

14                (1)     The construction, reconstruction, repair, paving, repaving, surfacing,  
15                   widening, guttering, lighting and draining of streets, boulevards,  
16                   roads, alleys and sidewalks.

17                (2)     The construction, reconstruction, repair, renovation, excavation,  
18                   dredging, grading, stabilization and upgrading of greenbelts; swales;  
19                   culverts; sanitary sewers; storm outfalls; canals; primary, secondary,  
20                   and tertiary drains; waterbodies; marshlands; natural areas; and all or

1 part of a comprehensive stormwater management system, including  
2 the necessary appurtenances and structures thereto, and including, but  
3 not limited to, dams, weirs and pumps;

4 (3) The construction or reconstruction of water and/or sewer mains,  
5 laterals, and other distribution facilities, including the necessary  
6 appurtenances thereto;

7 (4) The draining and reclamation of wet, low, or overflowed lands; and

8 (5) The construction, reconstruction and repair of seawalls and other  
9 structures for the prevention or control of erosion.

10 (b) (1) The board may include in the assessments all or any of the cost of the  
11 improvements, whether incurred before or after the improvements are  
12 authorized by the board. The cost of the improvements may include,  
13 without limitation, construction or reconstruction; the cost of  
14 property, rights, easements and franchises; financing charges and  
15 interest payable; or discounts and the like provided in connection with  
16 financing the cost of the improvements; the cost of plans,  
17 specifications, surveys, title assurances and estimates of any kind; the  
18 cost of engineering, design, construction and acquisition of  
19 improvements; salaries, reasonable overhead, and administrative  
20 expenses of county staff and officials; expenses necessary or incident

1 to determining the feasibility or practicability of the improvement;  
2 and such other expenses as may be necessary or incident to the  
3 planning, financing, or construction of improvements as herein  
4 authorized.

5 (2) When the board determines that an unpaved county road, street,  
6 boulevard or alley should be paved, the board may levy and collect  
7 special assessments on the real property specially benefitted thereby,  
8 with such assessments to be based upon the total project cost less the  
9 actual maintenance costs expended by the County on the road, street,  
10 boulevard or alley for the prior seven (7) consecutive fiscal years,  
11 apportioned among benefitted lots or parcels of property. For  
12 purposes of this paragraph, "total project cost" shall be synonymous  
13 with the cost of improvements as that term is used in paragraph (b)(1)  
14 hereof.

15 (c) Special assessments, as authorized herein, may be levied only on real  
16 property benefitted thereby, and each such assessment shall not exceed the  
17 value of the benefit received by the specially assessed property. The special  
18 assessments made against each specifically benefitted property shall be based  
19 upon an apportionment among all such properties of the total cost of the  
20 improvement as identified by the board or, as to improvements described in

1 paragraph (b)(2) above, based on apportionment of the project cost pursuant  
2 to the terms of that paragraph, which apportionment shall be as deemed just  
3 and equitable by the board in each case, and shall be reflected in the special  
4 assessment roll.

5 (d) The board may consider authorizing improvements and special assessments  
6 therefor as provided herein, either:

7 (1) Upon its own, identifying the nature and extent of the improvements  
8 to be considered; or

9 (2) ~~When a petition requesting the same and describing the nature and~~  
10 ~~extent of the improvements to be considered, if presented by at least~~  
11 ~~sixty (60) percent of the owners of property to be specifically~~  
12 ~~benefitted~~ Upon a citizen petition, pursuant to policies to be adopted  
13 by the Board of County Commissioners.

14 **Section 2. Severability.**

15 It is declared to be the intent of the Board of County Commissioners that if any section,  
16 subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held  
17 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining  
18 portions of this ordinance.

19 **Section 3. Inclusion in the Code.**

20 It is the intention of the Board of County Commissioners of Hernando County, Florida, and

1 it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the  
2 Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may  
3 be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be  
4 changed to "section, "article," or other appropriate designation.

5 **Section 4. Conflicting Provisions Repealed.**

6 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are  
7 hereby repealed.

8 **Section 5. Effective Date.**

9 This ordinance shall take effect immediately upon receipt of official acknowledgment from  
10 the office of the Secretary of State of Florida that this ordinance has been filed with said office.

11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
12 **HERNANDO COUNTY** in Regular Session this 9 day of April 2013

13  
14 **BOARD OF COUNTY COMMISSIONERS**  
15 **HERNANDO COUNTY, FLORIDA**



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19 Attest: Don Barbée  
20 **DON BARBEE**  
21 Clerk

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23  
24 By: David Russell, Jr.  
25 **DAVID RUSSELL, JR.**  
26 Chairman

23 Approved for Form and Legal Sufficiency  
24  
25 [Signature]  
26 Assistant County Attorney



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 22, 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 April 15, 2013 and certified copy of Hernando County Ordinance No. 2013-10, which was filed in this office on April 19, 2013.

As requested, the date-stamped original is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure