



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 15, 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 electronic copy of Hernando County Ordinance No. 2013-28, which was filed in this office on October 15, 2013.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

## Ashley Hofecker

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Tuesday, October 15, 2013 10:31 AM  
**To:** Ashley Hofecker  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando 2013-28 - Ack.pdf

@ItsWorkingFL



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**From:** Ashley Hofecker [<mailto:ahofecker@co.hernando.fl.us>]  
**Sent:** Tuesday, October 15, 2013 10:03 AM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

Sender Full Name:	Ashley Hofecker
Sender Phone number:	352-754-4716
County Name:	Hernando
Ordinance Number:	2013-28

*Ashley Hofecker*

Deputy Clerk  
Office of Don Barbee, Jr.  
Clerk of Circuit Court & Comptroller  
Hernando County  
20 N. Main Street, Room 131  
Brooksville, FL 34601  
352-754-4716  
[ahofecker@hernandocounty.us](mailto:ahofecker@hernandocounty.us)

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ORDINANCE NO.: 20~~13~~ 28

AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE; AMENDING SECTION 14-49 TO MODIFY SOLID WASTE RESIDENTIAL FRANCHISE CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

**Section 1. Amendment of Hernando County Code § 14-49; Residential Franchise**

**Conditions.** Section 14-49 of the Hernando County Code is amended to read as follows:

14-49. Residential franchise conditions.

(a) *Residential franchisee.* The board may award residential franchises either through an request for proposal (RFP) process, or bid process, or through negotiations with existing solid waste collectors presently operating in the county. The pre-qualification of proposers will be required as a condition of the RFP.

(b) *Request for proposals or bids.* When the board deems appropriate, a request for proposal or bid to provide residential solid waste collection services may

1           be issued in the interest of ensuring the county residents, consumers and  
2           customers are receiving the best service for the best price.

3           The board will assemble a committee to evaluate the proposals. The  
4           committee will consist of staff members with knowledge of solid  
5           waste disposal and collection, as well as a purchasing and contracts  
6           representative, at a minimum. The committee will make  
7           recommendations to the board.

8           If the board awards a franchise district, then the department must  
9           negotiate a formal franchise agreement with the successful proposer.

10          (c) *Rejection of RFP's or bids.* The board shall have the authority to reject all  
11          proposals or bids. In such case, the board may direct the department to  
12          negotiate franchise agreements with the current solid waste collectors  
13          operating in the county.

14          (1) All negotiations conducted by the department are strictly for the  
15          purpose of making a recommendation to the board. The board has the  
16          final authority to award franchises and approve agreements.

17          (2) All existing franchisees who meet the minimum criteria set forth by  
18          this division, shall be presented to the board. The board shall then  
19          rank, in order of preference, those firms so presented after  
20          considering such factors as past performance, equipment, customer

1 service, recent and projected work loads of the companies, ability and  
2 willingness of management to comply with all applicable federal,  
3 state, and local laws, rules and regulations, and the character of  
4 directors, owners and managers of the company.

5 (3) Staff shall then negotiate a franchise agreement with each  
6 company, in the order of its ranking by the board.

7 (d) *New franchises.* Every new franchisee who desires to engage in the  
8 occupation of collecting or transporting residential solid waste in Hernando  
9 County after the effective date of this division shall enter into a formal  
10 franchise agreement in the manner described herein.

11 (e) *Duration of franchises.* Franchises may be issued for a maximum initial  
12 period of ~~five (5)~~ seven (7) years.

13 (f) *Annual renewal fee.* Franchisees shall be subject to an annual renewal fee as  
14 set from time to time by resolution of the board. The annual fee may be used  
15 to compensate the department for expenses incurred in administration of the  
16 provisions of this division and rules and regulations hereunder, including, but  
17 not limited to, the cost of performing annual inspections of a franchisee's  
18 collection vehicles and complaint investigations. The renewal fee is payable  
19 to the department prior to January 1 of each year.  
20

1 (g) *User rate structure.* The user rate structure shall be determined by procedures  
2 to be negotiated and established in the franchise agreements.

3 (h) *Billings and service:*

4 (1) Services rendered to residential customers by the franchisee shall be  
5 governed by the service standards as established in this division and  
6 federal, state and local rules and regulations, and its franchise  
7 agreement.

8 (2) Unless the County has approved an alternative method of billing  
9 whereby the County or another County-designated entity invoices the  
10 customers, € customers shall be billed directly by the franchisee.  
11 Franchisees may bill for no more than three (3) months in advance.  
12 The franchisee will offer customers the option of paying their bills by  
13 electronic funds transfer or equivalent. Alternative billing methods  
14 may be approved by the County including, but not limited to, billing  
15 for solid waste services on the utility bill.

16 (3) The franchisee may discontinue service to any customer who fails to  
17 pay for solid waste collection service when due. The franchisee may  
18 take any and all steps, including, but not limited to, lien, legal  
19 complaint or other court action, to collect amounts due and, in

1 universal collection service areas, to compel payment and require  
2 payment for future services, provided that no lien shall be placed on  
3 residential property unless and until the franchisee shall have given  
4 certified mail notice to the customer, with separate certified mail  
5 notice to the owner of the property if such owner is not the customer,  
6 and thirty (30) days have passed from the mailing of such notice  
7 without payment of amounts due.

- 8 (4) Suspension of service for absences in excess of ninety (90) days will  
9 be allowed provided the request for the suspension of service is made  
10 at least thirty (30) days in advance of the date the suspension is to be  
11 effective; however, when invoicing and payment for solid waste  
12 collection services are being conducted pursuant to County  
13 utility billing, customer requests for suspension of collection  
14 service for absence will be handled directly between the  
15 customers and the Utility Department in the same manner as  
16 customer requests for the suspension and reactivation of the  
17 water and sewer service. The € customer is not relieved of the  
18 obligation to pay for services billed prior to the required notification.  
19 Any credit due shall be made by the franchisee on the next billing.  
20 The intent of this provision is to relieve the franchisee of the

1 obligation to issue refund checks for suspension of services that occur  
2 after the billing was rendered which included the suspension period.

3 (5) Franchisee shall be entitled to a lien for uncollected fees due from  
4 customers.

5 (i) *Liability of county.* Neither Hernando County nor any of its officers or  
6 employees shall be liable for or in any way responsible for the payments of  
7 any service rates or charges due the franchisee by customers.

8 (j) *Construction with regards to commercial or industrial waste.* Nothing in this  
9 division shall be construed to give the franchisee the right to collect waste  
10 from commercial or industrial establishments without a commercial license.

11 **Section 2. Severability.** It is declared to be the intent of the Board of County  
12 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
13 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the  
14 validity of the remaining portions of this ordinance.

15 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
16 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
17 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the  
18 section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that  
19 the word "ordinance" may be changed to "section," "article," or other appropriate designation.



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

3           **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
4 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
5 been filed with said office.

6           **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
7 **HERNANDO COUNTY** in Regular Session this 8 day of October 2013

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

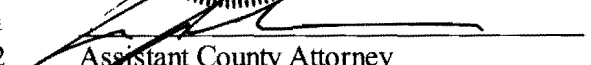
8  
9  
10  
11  
12  
13  
14 Attest:

  
DONALLY C. BARBEE, JR.

Clerk

**SEAL**

Approved for Form and Legal Sufficiency

  
Assistant County Attorney

By:

  
DAVID D. RUSSELL, JR.

Chairman