



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 24, 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. 2013-29, which was filed in this office on October 24, 2013.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

## Sherry Crum

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Thursday, October 24, 2013 1:59 PM  
**To:** Sherry Crum  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando 2013-29 - Ack.pdf

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**From:** Sherry Crum [mailto:scrum@co.hernando.fl.us]  
**Sent:** Thursday, October 24, 2013 12:54 PM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

Sender Full Name:	Sherry L. Crum
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2013-29

*Sherry L. Crum*

Deputy Clerk

Hernando County Clerk of Circuit Court & Comptroller  
20 N. Main Street, Room 131  
Brooksville, FL 34601  
Phone: (352) 540-6209  
Fax: (352) 754-4239  
[scrum@hernandocounty.us](mailto:scrum@hernandocounty.us)

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ORDINANCE NO. 2013-29

AN ORDINANCE AMENDING CHAPTER 10 (COMMUNITY APPEARANCE) OF THE HERNANDO COUNTY CODE OF ORDINANCES, ARTICLE II (LANDSCAPING) BY PROVIDING FOR A LANDSCAPE ENHANCEMENT PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the County desires to update and modernize its code of ordinances to provide requirements for a landscape enhancement program as provided for herein.

WHEREAS, the Board of County Commissioners, for itself and acting as the Local Planning Agency, finds and determines that the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

SECTION I. AMENDING CHAPTER 10 (COMMUNITY APPEARANCE) OF THE HERNANDO COUNTY CODE OF ORDINANCES, ARTICLE II (LANDSCAPING). Chapter 10 (Community Appearance), of the Hernando County Code of Ordinances, Article II (Landscaping), is amended to read as follows, with underlined matter added:

Sec. 10-36. - Landscape Enhancement Program

- (a) Purpose: To create a program that will govern the administration and collection of landscape enhancement funds.
- (b) Authority and Scope: Hernando County Code of Ordinances, Chapter 10, Article II, Section 10-33 and Section 10-35.
- (c) Source of Funds: The Hernando County Landscape Enhancement Program shall consist of the following funds:
  - (1) Mitigation of Specimen and Majestic Protected Trees. If a Commercial, Subdivision, or Residential site cannot accommodate all of the required replacement trees, the developer/applicant shall pay the planted market value of the trees that are unable to be planted, on site, into the Hernando County Landscape Enhancement Fund.
  - (2) Special Penalty Procedures. The illegal removal or damage to a protected tree shall require the violator to contribute the planted market value of the replacement trees on an inch-per-inch basis into the Hernando County Landscape Enhancement Fund.

1           (d) Maintenance of Fund: The Administrative Official or his/her designee shall act as  
2 the local authority to administer this program and is hereby authorized to receive  
3 and disburse moneys in accordance with the provisions of the Landscape  
4 Enhancement Program.

5  
6           (1) Interest. All interest earned by the investment of all moneys in the  
7 Hernando County Landscape Enhancement Fund shall accrue to the fund  
8 and shall be disbursed for any project authorized consistent with the  
9 program.

10  
11           (2) Administrative Costs. The department or agency administering the  
12 Landscape Enhancement Program is entitled to an administrative fee of  
13 3% percent of the funds collected on all contributions for administering  
14 the program.

15  
16           (e) Use of Funds: Use of the Landscape Enhancement fund shall only be made to re-  
17 establish landscaping, or as an enhancement to existing landscaping and trees on  
18 park lands, conservation lands, public rights-of-way and public properties owned  
19 by governmental agencies. Funding shall be limited to material and installation  
20 costs only. Funds may be applied as matching funds for grants associated with,  
21 but not limited to, landscaped street rights-of-way, public lands, parks, scenic  
22 highways, open space, conservation areas, properties owned by Hernando County  
23 governmental agencies, or other similar site locations approved by the  
24 Administrative Official that meet the standards of this program.

25  
26           (f) Application Procedure: An application for the use of funds under the Landscape  
27 Enhancement Program shall be submitted to the Administrative Official. The  
28 application shall be on a form approved by the Administrative Official and shall  
29 include the following minimum information:

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31           (1) The location and amount for which funding is requested.

32  
33           (2) A landscape plan indicating all areas scheduled for new plant installations.  
34 This plan shall be drawn to scale on drawings no larger than 24" x 36"  
35 and shall depict the following minimum information:

36           a. North arrow, date, and scale.

37           b. Property lines.

38           c. Existing structures, rights-of-way, easements, utility lines or other  
39 natural or manmade features, that could be impacted by new plant  
40 installations.

41           d. A table indicating the species, quantity, size, and drought-tolerance  
42 of proposed plant installations.

43           e. All plants within installed planting areas shall be healthy.

44           f. All new plants must be in conformance with the standards adopted  
45 in Chapter 10, Community Appearance, Article II, Landscaping,  
46 including caliper, height, grades and standards, spacing, and  
47 acceptable species.

- 1  
2       (3) A maintenance plan for all plants scheduled for installation. This plan  
3       shall detail the following:  
4       a. A watering schedule in accordance with University of Florida  
5       Extension IFAS standards for both short-term establishment and  
6       long-term survival.  
7       b. A designation of the responsible party including name, contact  
8       phone number, address, and affiliation. This person/entity shall  
9       sign an approved affidavit stating, "I understand that I am  
10       responsible for maintaining all new landscaping and shall replace  
11       any dead plant material." The applicant shall be responsible for the  
12       health and welfare of the installed landscaping for a minimum of 5  
13       years.  
14       c. A certified cost estimate from a landscape architect, professional  
15       engineer, or landscape design professional detailing the cost of the  
16       proposed plant material and installation.  
17       d. A schedule to complete the landscape installation. Landscaping  
18       must be installed within six (6) months of approval by the  
19       Administrative Official or designee.  
20  
21       (g) Review: The Administrative Official or his/her designee shall review the  
22       application, plans, and cost estimate for compliance with the standards set forth in  
23       the Landscape Enhancement program.  
24  
25       (1) Deficiency. If the application does not meet the minimum standards set  
26       forth by the Landscape Enhancement program, the reviewer shall send a  
27       deficiency letter to the applicant detailing a list of items to bring the  
28       application into compliance with the program standards.  
29  
30       (2) Issuance. When the application meets all prescribed standards of this  
31       program and is approved by the Administrative Official or his/her  
32       designee, the applicant shall be notified in writing that the project is  
33       approved for funding.  
34  
35       (h) Final Inspection: Upon completion of the landscaping the applicant shall provide a  
36       final detailed and itemized cost for the project, and call to schedule a final  
37       inspection. After inspecting the site and determining that all landscaping has  
38       received proper care and maintenance for long-term survival, funds shall be  
39       released to the applicant in accordance with the approved final schedule of cost for  
40       the project. It shall be the responsibility of the applicant to replace any  
41       landscaping material that has died or does not pass the inspection and to reschedule  
42       subsequent inspection(s) to verify that the landscaping is healthy and meets the  
43       standards of the Landscape Enhancement program.  
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45

1 **SECTION II. SEVERABILITY.** It is declared to be the intent of the Board of County  
2 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
3 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
4 the validity of the remaining portions of this ordinance.

5  
6 **SECTION III. INCLUSION IN THE 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  
8 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
9 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-  
10 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
11 "article," or other appropriate designation.

12  
13 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing  
14 with the Department of State.

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16 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
17 **HERNANDO COUNTY** in Regular Session this 22nd day of October, 2013.

18  
19  
20 **BOARD OF COUNTY COMMISSIONERS**  
21 **HERNANDO COUNTY, FLORIDA**

22  
23  
24  
25 Attest: [Signature]  
26 DONALD C. BARBEE JR.  
27 CLERK

28  
29  
30  
31 By: [Signature]  
32 DAVID D. RUSSELL, JR.  
33 CHAIRMAN



34  
35 **Approved as to Form and**  
36 **Legal Sufficiency**

37  
38 By: [Signature]  
39 County Attorney's Office  
40