

## Shanna Andrews

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Thursday, March 13, 2014 9:09 AM  
**To:** Shanna Andrews  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando20140311\_Ordinance2014\_6\_Ack.pdf

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**From:** Shanna Andrews [<mailto:sandrews@co.hernando.fl.us>]  
**Sent:** Thursday, March 13, 2014 8:46 AM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

<b>Sender Full Name:</b>	<b>Shanna Andrews</b>
<b>Sender Phone number:</b>	<b>352-754-4970</b>
<b>County Name:</b>	<b>Hernando</b>
<b>Ordinance Number:</b>	<b>2014-06</b>

*Shanna Andrews*  
*Administrative Services*  
Hernando County Clerk of Circuit Court  
20 N. Main Street, Room 131  
Brooksville, FL 34601  
Phone (352) 754-4970  
Fax (352) 754-4239  
[sandrews@hernandocounty.us](mailto:sandrews@hernandocounty.us)

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 13, 2014

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

Attention: Ms. Shannon Andrews, Administrative Services

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. 2014-6, which was filed in this office on March 13, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

ORDINANCE NO.: 2014 - 6

AN ORDINANCE AMENDING HERNANDO COUNTY CODE CHAPTER 12;  
ARTICLE IV, DIVISION 2, RELATING THE HERNANDO BEACH MUNICIPAL  
FIRE SERVICE UNIT; AMENDING SECTION 12-76 TO CLARIFY THE  
PURPOSE OF THE UNIT; REPEALING SECTION 12-82 TO REMOVE  
ANACHRONISTIC REFERENCE TO COUNTY COMMISSION'S DUTIES;  
AMENDING SECTION 12-83 TO REMOVE ANACHRONISTIC REFERENCE  
TO ADVISORY BOARD AND TO CLARIFY PURPOSE OF UNIT; REPEALING  
SECTION 12-85 TO REMOVE ANACHRONISTIC PROVISIONS FOR UNIT  
DURATION; REPEALING SECTION 12-89 TO REMOVE ANACHRONISTIC  
REFERENCE TO CONTRACTS WITH MUNICIPALITIES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING  
FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR  
AN EFFECTIVE DATE.

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

**Section 1. Clarifying Purpose of Unit.**

Hernando County Code § 12-76 is amended to read as follows:

1           Sec. 12-76. Findings of fact and purpose.

2           (a)     It is hereby found by the board of county commissioners that fire  
3           protection is an essential service for the benefit of the health, safety and welfare of  
4           the public. It is further the finding of the board of county commissioners that the  
5           Legislature has, in section 125.01(1)(q), Florida Statutes, provided for the creation  
6           of a municipal service taxing and benefit unit as a taxing vehicle to grant to all  
7           counties taxing flexibility to levy special service charges and special assessments  
8           within the limits fixed for municipal purposes for the furnishing of municipal  
9           services within those areas receiving the benefit of such municipal services in order  
10          to solve the controversy of double taxation between residents of the incorporated and  
11          unincorporated areas and in order to provide a needed and necessary service. ~~It is the~~  
12          ~~purpose of this division to create a county municipal service taxing unit for the~~  
13          ~~purpose of creating, establishing, maintaining and operating a fire protection system~~

14          (b)     The purpose of the unit is to fund fire protection and rescue services  
15          (hereinafter collectively "fire protection services" or "fire services") to be provided  
16          to properties located within the areas described in Exhibit "A", attached hereto and  
17          made a part hereof by reference, from funds derived from special assessments within  
18          the unit. Fire protection services shall be provided by a fire/rescue service provider  
19          as designated and obtained by the governing body of the unit pursuant to a written  
20          agreement.

1           **Section 2. Eliminating Reference to County Commission’s Duties.**

2           Hernando County Code § 12-82 is repealed in its entirety.

3           **Section 3. Clarifying Powers of County Commission and Eliminating Reference to**  
4 **Previously Abolished Advisory Board.**

5           Hernando County Code § 12-83 is amended to read as follows:

6           Sec. 12-83. Powers of board of county commissioners.

7           The board of county commissioners is authorized and empowered to:

8                   (1)    To make rules and regulations for its own government and  
9                   proceedings and to adopt an official seal for the unit.

10                   (2)   To employ engineers, attorneys, accountants, financial and other  
11                   experts and such other agents and employees, as such board may require or deem  
12                   necessary to effectuate the purposes of this division or to contract for any such  
13                   services authorized by this division.

14                   (3)   To acquire in the name of the district by purchase, lease, gift, or the  
15                   exercise of the right of eminent domain, such lands and rights and interest therein,  
16                   as it may deem necessary in connection with the furnishing of services authorized by  
17                   this division and to hold and dispose of all real and personal property under its  
18                   control; provided, however, nothing herein contained shall authorize the power to  
19                   eminent domain to be exercised beyond the limits of the district.

1                   (4)    To designate the official address of the unit and where the records and  
2                   seal shall be kept.

3                   (5)    To designate the bank or proper institution for the deposit and care of  
4                   any funds and negotiable documents of the unit not required to be deposited with the  
5                   county treasurer.

6                   (6)    To sue and be sued in its own name, plead and be impleaded.

7                   (7)    To acquire, lease as lessee or lessor, construct, reconstruct, improve,  
8                   enlarge, equip, repair, maintain and operate fire fighting equipment and units within  
9                   the jurisdiction of the unit.

10                  (8)    To determine the rate of special assessments, fees, and other charges  
11                  for operation of the system and/or for the use of the above services.

12                  (9)    To acquire in the name of the unit, by gift or purchase, any lands or  
13                  rights in land, and to acquire such personal property as it may deem necessary in  
14                  connection with the acquisition, construction, reconstruction, improvement,  
15                  extension, enlargement or operation of fire fighting and rescue equipment and units  
16                  within the district, and to hold and dispose of all real and personal property under its  
17                  control.

18                  (10)   To accept grants of money or materials or property of any kind for the  
19                  district from any federal or state agency, political subdivision, or other public body  
20                  or from any private agency or individual, upon such terms and conditions as may be

1 imposed.

2 (11) To do all acts and things necessary or convenient to carry out the  
3 powers and duties granted by this division.

4 (12) To borrow money to enable the unit to carry out the provisions of this  
5 division.

6 (13) ~~The powers herein granted shall be exercised by the advisory board;~~  
7 ~~provided, however, that, all actions of the advisory board shall be subject to the~~  
8 ~~ratification and approval of the board of county commissioners.~~ To provide for fire  
9 protection services through a contracted provider through the imposition of fire  
10 protection service assessments (hereinafter "assessment" or assessments") upon  
11 property within the unit at a rate of assessment based on the special benefit accruing  
12 to such property from the fire services provided.

13 **Section 4. Eliminating Reference to Unit Duration.**

14 Hernando County Code § 12-85 is repealed in its entirety.

15 **Section 5. Eliminating Reference to Fire Protection Contracts with Municipalities.**

16 Hernando County Code § 12-89 is repealed in its entirety.

1           **Section 6. Severability.**

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

6           **Section 7. Inclusion in the Code.**

7           It is the intention of the Board of County Commissioners of Hernando County, Florida, and  
8 it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the  
9 Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be  
10 renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be  
11 changed to “section, “article,” or other appropriate designation.

12           **Section 8. Conflicting Provisions Repealed.**

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

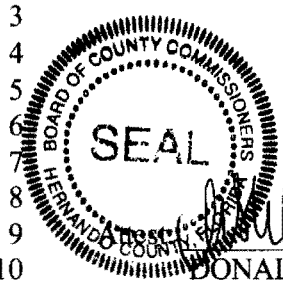
15           **Section 9. Effective Date.**

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

18



1           **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
2   **HERNANDO COUNTY** in Regular Session this 11 day of MARCH 2014



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

10           Donald C. Barbee, Jr.  
11           **DONALD C. BARBEE, JR.**  
12           Clerk

By: Wayne Dukes  
          **WAYNE DUKES**  
          Chairman

13           Approved for Form and Legal Sufficiency  
14  
15  
16           [Signature]  
17           Deputy County Attorney