

Ashley Hofecker

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Thursday, May 14, 2015 3:54 PM
To: Ashley Hofecker
Cc: County Ordinances
Attachments: Hernando20150514_Ordinance2015_07_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 14, 2015

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Ashley Hofecker

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. 2015-07, which was filed in this office on May 14, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2015 - 07

1
2
3 **AN ORDINANCE AMENDING CHAPTER 23, ARTICLE III, DIVISION 5 OF THE**
4 **HERNANDO COUNTY CODE OF ORDINANCES RELATING TO IMPACT FEES;**
5 **AMENDING IMPACT FEE SCHEDULES IN SECTION 23-138 (ROADS IMPACT**
6 **FEES), PROVIDING FOR THE EFFECTIVE DATE OF ROADS IMPACT FEE RATES;**
7 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS;**
8 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR**
9 **INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

10
11 **WHEREAS,** the Board of County Commissioners enacted Ordinance 2013-13 on
12 April 23, 2013, which imposed an impact fee schedule for roads, but delayed the effective date
13 thereof until June 12, 2015; and,
14

15 **WHEREAS,** the ordinance enacted by the Hernando County Board of County
16 Commissioners met the requirements of Chapter 163.31801 (3)(d) as it provided no less than 90
17 days' notice before the effective date of any new or increased fee; and,
18

19 **WHEREAS,** the ordinance enacted by the Hernando County Board of County
20 Commissioners met the requirements of Chapter 163.31801 (3)(a) as it was based upon a
21 substantially competent professional study using the most recent and localized data to set the
22 impact fee rates; and,
23

24 **WHEREAS,** the Hernando County Board of County Commissioners desires to establish a
25 reduced schedule of impact fee rates for Roads consistent with the study results; and
26

27 **WHEREAS,** the Hernando County Board of County Commissioners desires to establish
28 the effective date of the reduced roads impact fee schedule of March 1, 2016.
29

30 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
31 **COMMISSIONERS OF HERNANDO COUNTY:**
32

33 **Section 1. Establishing Effective Date of Roads Impact Fee Schedule.** Section I of
34 Hernando County Ordinance No. 2014-16, is hereby amended to read as follows, with underlined
35 matter added and struck-through matter deleted:
36

37 *The Schedule of Roads Impact Fees* contained in Hernando County Code of Ordinances,
38 Chapter 23, Article III, Division 5 (*Roads Impact Fee*), Section 23-183 (*Computation of*
39 *the amount of roads impact fees*) (a), is hereby amended with the updated SCHEDULE
40 OF ROADS IMPACT FEES set forth in Exhibit A, attached hereto and made a part
41 hereof by this reference, which shall be effective on March 1, 2016.
42

43 **Section 2. Amending Impact Fee Savings Clause.** Section II of Hernando County
44 Ordinance No. 2014-16, is hereby amended to read as follows, with underlined matter added and
45 struck-through matter deleted:

1
2 All complete building permit or certificate of use applications (as applicable)
3 accepted for filing by the Building Department prior to the effective date of the fees
4 provided for in this Ordinance and which remain active, together with all contracts
5 for construction of improvements requiring payment of impact fees under this
6 Ordinance, which have been fully executed by all parties prior to the effective date
7 of the fees provided for in this ordinance, shall be exempt from the new impact fees
8 which become effective on ~~June 12, 2015~~ March 1, 2016, provided that the
9 contracts meet the applicable qualifying criteria and submit to the mandatory
10 verification process as fully set forth in Exhibit B attached hereto and made a part
11 hereof by this reference.

12
13 **Section 3. Amending Impact Fee Savings Clause Exhibit.** Exhibit "B" of Hernando
14 County Ordinance No. 2014-16, is hereby amended to read as follows, with underlined matter
15 added and struck-through matter deleted:

16
17 EXHIBIT B
18 SAVINGS CLAUSE

19 **Notice**

20
21 The Board of County Commissioners intends to put Contractors and
22 property owners on Notice that the existing adopted County impact fees
23 referenced in this Ordinance (which have been temporarily suspended due to the
24 economic downturn) will be restored, amended, and in some cases increased,
25 effective on ~~June 12, 2015~~ March 1, 2016.

26
27 The Florida Impact Fee Act, Section 163.31801 (3)(d), requires that notice
28 be provided of no less than ninety (90) days before the effective date of an
29 ordinance or resolution imposing a new or increased impact fee. The proposed
30 effective date of the impact fees in this Ordinance will be ~~June 12, 2015~~
31 March 1, 2016; accordingly the notice of such new or increased fees was provided
32 on April 23, 2013.

33
34 **General Rule / Exemption**

35
36 Given the extended statutory notice required for the effective date of new
37 or increased fees, the general rule is that the new or increased impact fee rates
38 shall apply to all building permits and certificates of use issued after the stated
39 effective date of the Ordinance, i.e. after ~~June 12, 2015~~ March 1, 2016.
40 Accordingly, a complete application for a building permit or certificate of use,
41 filed prior to the effective date of the ordinance but not yet issued a permit on the
42 effective date, will be subject to the impact fee rates in effect at the time the
43 building permit or certificate of use is actually issued by the county except as
44 provided herein. The Board of County Commissioners will provide a savings
45 clause (i.e. a process granting an exemption from the impact fee rates effective on

1 ~~June 12, 2015~~ March 1, 2016) for completed building permit or certificate of use
2 applications (as applicable) accepted for filing by the Building Department prior
3 to the effective date (provided that the application remains in an active status) and
4 existing private party construction contracts which in good faith contemplated that
5 the fees would still be reduced or non-existent at the time the contract was
6 executed by both parties.

7
8 **Construction Contract Exemption Verification Process / Decision by County**
9 **Administrator**

10
11 The County recognizes that prior to the effective date of this Ordinance,
12 Hernando County property owners and duly licensed construction contractors
13 have executed bona fide contracts in good faith for the construction of
14 improvements which will be required to pay increased impact fees under this
15 ordinance when the building permit or certificate of occupancy is issued.
16 Because the Commission does not wish to unduly burden existing bona fide
17 contracts entered into between private parties in good faith, the Commission will,
18 upon verification, recognize such contacts as exempt from the new or increased
19 fees which are effective on ~~June 12, 2015~~ March 1, 2016, and will permit the
20 responsible party to instead pay the impact fee in place immediately prior to the
21 effective date of this Ordinance.

22
23 To be exempt from the fees effective on ~~June 12, 2015~~ March 1, 2016, both
24 the Owner and Contractor must submit a sworn verification statement on a form
25 provided by the County; the form shall reflect the following mandatory criteria
26 and standards:

27
28 1. Both parties executing the original contract for construction must
29 execute and file with the County Building Department, a sworn statement under
30 penalty of perjury and false official statements, attesting to the date the contract
31 was executed, the impact fees, including amounts, the contract contemplated
32 would need to be paid by the respective parties, if any, including the specific
33 reference to the contract language concerning such fees.

34
35 2. A true and correct copy of the contract with an execution date prior
36 to ~~June 12, 2015~~ March 1, 2016 must be attached to the sworn statement and
37 attested to under oath, and under penalty of perjury and false official statements,
38 as being a true, correct, and unaltered copy of the contract executed on the dates
39 noted in the contract.

40
41 3. The party representing the owner must be the record owner of the
42 property or have submitted information showing the party's authority to sign for
43 the owner. Proof of ownership in accordance with the requirements of the
44 Building Official may be provided.

1 4. The party signing for the contractor must show evidence that the
2 contractor's company is an existing legal entity recognized to do business in the
3 State of Florida and that the party is authorized to sign on behalf of the company.
4

5 5. The Contractor must be licensed by applicable local, state and or
6 federal authorities to do the work called for in the contract, including licensed at
7 the time the contract was executed.
8

9 6. The sworn statement and supporting materials must be provided to
10 the County Building Department no later than the close of business on
11 ~~July 13, 2015~~ April 4, 2016 to be considered exempt from the fees established in
12 this Ordinance to be effective on ~~June 12, 2015~~ March 1, 2016. The
13 Administrator may waive strict compliance with the deadline for good cause
14 shown.
15

16 7. The Administrator or his/her designee will make a written decision
17 on whether the exemption should be granted to avoid interference with the
18 submitted contract. The decision may be appealed to the Board of County
19 Commissioners only if the written appeal is filed in the County Administrator's
20 office within ten (10) calendar days of mailing or delivery of the written decision.
21 When a contract has been verified in writing by the County, the application shall
22 be considered conditionally exempt from the new impact fees of this ordinance;
23 accordingly, the impact fee rate structure in effect immediately prior to adoption
24 of this Ordinance shall apply provided a complete application for a building
25 permit or certificate of use (as applicable) is submitted (and all applicable
26 application fees paid) by the close of business on ~~December 14, 2015~~ August 31,
27 2016. If a complete application is not submitted during this period, the property
28 shall no longer be exempt and shall be subject to the prevailing impact fee rates.
29

30 8. The exemption referenced herein is further subject to a condition
31 that the building permit or certificate of use must be issued by the Building
32 Department and all fees paid, within one hundred and eighty (180) days from the
33 date of receipt of a complete building permit/certificate of use application. If the
34 permit or certificate is not issued during this period, the application shall no
35 longer be exempt and shall be subject to the prevailing impact fee rates.
36

37 **Section 4. Severability.** It is declared to be the intent of the Board of County
38 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
39 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
40 the validity of the remaining portions of this ordinance.
41

42 **Section 5. Inclusion in the Code.** It is the intention of the Board of County
43 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
44 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
45 Florida. To this end, the sections of this Ordinance may be renumbered or relettered to

1 accomplish such intention, and that the word "ordinance" may be changed to "section," "article,"
2 or other appropriate designation.

3
4 **Section 6. Conflicting Provisions Repealed.** All ordinances or parts of ordinances
5 in conflict with the provisions of this ordinance are hereby repealed.

6
7 **Section 7. Effective Date.** This ordinance shall take effect immediately upon receipt
8 of official acknowledgment from the office of the Secretary of State of Florida that this
9 ordinance has been filed with said office.

10
11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
12 **HERNANDO COUNTY, FLORIDA in Regular Session this 12th day of May, 2015.**

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



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Wrest: _____
CONRAD C. BARBEE JR., CLERK

By: _____
NICHOLAS W. NICHOLSON, CHAIRMAN

(SEAL)

**Approved as to Form and
Legal Sufficiency**

By: _____

EXHIBIT A
SECTION 23-138

SCHEDULE OF ROADS IMPACT FEES

ITE LUC	Land Use	Unit	Net Impact Fee @44% ⁽¹⁾	Net Impact Fee @22% ⁽¹⁾
RESIDENTIAL:				
210	Single Family/Mobile Home (Detached)	du	\$2,527	\$1,269
220	Multi-Family (Apartment)	du	\$1,644	\$822
230	Residential Condominium/Townhouse	du	\$1,432	\$716
240	Mobile Home Park	du	\$934	\$467
251	Retirement Community/Age-Restricted	du	\$828	\$414
253	Congregate Care Facility	du	\$242	\$121
LODGING:				
310	Hotel	room	\$1,288	\$644
320	Motel	room	\$910	\$455
RECREATION:				
416	Recreational Vehicle Park	site	\$361	\$181
420	Marina	berth	\$866	\$433
430	Golf Course	acre	\$1,474	\$737
444	Movie Theater with Matinee	screen	\$9,768	\$4,884
492	Health/Fitness Club	1,000 sf	\$7,777	\$3,889
INSTITUTIONS:				
520	Elementary School (Private)	student	\$214	\$107
522	Middle School (Private)	student	\$301	\$150
530	High School (Private)	student	\$323	\$161
540	University (7,500 or fewer students) (Private)	student	\$585	\$293
550	University (more than 7,500 students) (Private)	student	\$441	\$220
565	Day Care	1,000 sf	\$4,960	\$2,480
610	Hospital	1,000 sf	\$3,310	\$1,655
620	Nursing Home	bed	\$298	\$149
630	Clinic	1,000 sf	\$7,681	\$3,841
OFFICE:				
710	General Office 100,000 sf or less	1,000 sf	\$3,031	\$1,516
710	General Office 100,001-200,000 sf	1,000 sf	\$2,568	\$1,284
710	General Office greater than 200,000 sf	1,000 sf	\$2,174	\$1,087
720	Medical Office 10,000 sf or less	1,000 sf	\$5,749	\$2,875
720	Medical Office greater than 10,000 sf	1,000 sf	\$8,381	\$4,190
RETAIL:				
812	Building Materials and Lumber Store	1,000 sf	\$10,268	\$5,134
813	Discount Superstore	1,000 sf	\$13,523	\$6,761
816	Hardware/Paint Store	1,000 sf	\$2,489	\$1,244
820	General Commercial Center 50,000 sf gla or less	1,000 sf gla	\$4,200	\$2,100
820	General Commercial Center greater than 50,000	1,000 sf gla	\$3,769	\$1,884
841	New/Used Auto Sales	1,000 sf	\$4,792	\$2,396
850	Supermarket	1,000 sf	\$5,625	\$2,812
853	Convenience Market w/Gas Pumps	1,000 sf	\$18,413	\$9,206
862	Home Improvement Superstore	1,000 sf	\$2,333	\$1,167
880/88	Pharmacy/Drug Store w/Drive-Thru	1,000 sf	\$2,985	\$1,492
890	Furniture Store	1,000 sf	\$818	\$409
912	Bank/Savings Drive-In	1,000 sf	\$8,514	\$4,257
931	Quality Restaurant	1,000 sf	\$10,541	\$5,271
932	High-Turnover Restaurant	1,000 sf	\$12,566	\$6,283
934	Fast Food Rest. w/Drive-Thru	1,000 sf	\$34,795	\$17,397
942	Automobile Care Center	1,000 sf	\$3,942	\$1,971
944	Service Station	fuel pos.	\$3,416	\$1,708
947	Self-Service Car Wash	wash station	\$3,051	\$1,525
n/a	Convenience/Gasoline/Fast Food w/Drive-Thru	1,000 sf	\$39,608	\$19,804
INDUSTRIAL:				
110	General Light Industrial	1,000 sf	\$1,611	\$806
120	General Heavy Industrial	1,000 sf	\$347	\$173
130	Industrial Park	1,000 sf	\$1,577	\$788
140	Manufacturing	1,000 sf	\$880	\$440
150	Warehousing	1,000 sf	\$825	\$412
151	Mini-Warehouse	1,000 sf	\$291	\$146

(1) 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 B. A limited exception process to the application of the new fees is provided for in Exhibit B 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.