

## Marguerite Linke

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**From:** Kerce, Whitley L. <Whitley.Kerce@dos.myflorida.com>  
**Sent:** Wednesday, August 29, 2018 2:06 PM  
**To:** Marguerite Linke  
**Cc:** County Ordinances  
**Subject:** Hernando20180829\_Ordinance2018\_14\_Ack.pdf  
**Attachments:** Hernando20180829\_Ordinance2018\_14\_Ack.pdf

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## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

August 29, 2018

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

Attention: Marguerite Linke

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. 2018-14, which was filed in this office on August 29, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2018- 14**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, APPENDIX A (ZONING CODE), ARTICLE X (AIRPORT ZONING ORDINANCE) BY DELETING THE VARIOUS CODE SECTIONS IN THEIR ENTIRETY; BY CREATING A NEW ARTICLE X TITLED HERNANDO COUNTY AIRPORT ZONING ORDINANCE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Federal Aviation Administration (Part 77, Title 14, Code of Federal Regulations) and the State of Florida (Chapter 333, Florida Statutes) regulate development within the vicinity of airports to prevent obstructions that could pose a hazard to aircraft and airport operations; and

**WHEREAS**, pursuant to the statutory requirements of Chapter 333, Florida Statutes, all local governments in the State of Florida are required to adopt airport protection standards for lands within the vicinity of a public-use airport by implementing local land use regulations within their jurisdictions; and

**WHEREAS**, the purpose of these regulations is to establish reasonable protections for airport operations and aircraft, to minimize the exposure of adjacent properties to airport hazards and noise and to prohibit incompatible land uses and structures; and

**WHEREAS**, this proposed amendment to the Hernando County Land Development Regulations, Appendix "A", (Zoning Code), has received public hearings before the Planning Commission, Local Planning Agency, and the Board of County Commissioners as required by state and local law; and

**WHEREAS**, the Board of County Commissioners, for itself and acting as the Local Planning Agency, finds 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.** Hernando County Code of Ordinances, **ARTICLE X (HERNANDO COUNTY AIRPORT ZONING ORDINANCE), OF APPENDIX A (ZONING) THE HERNANDO COUNTY CODE OF ORDINANCES** is hereby repealed and replaced in its entirety as delineated below:

**Section 1. – Short Title**

This section shall be known as the Hernando County Airport Zoning Ordinance.

1           **Section 2. – Purpose and Intent**

2           A. It is hereby found that an airport hazard endangers the lives and property of users  
3           of the airport and of occupants of land in its vicinity and also, if obstructive in  
4           nature, reduces the size of the area available for the taking off, maneuvering, or  
5           landing of aircraft, and thereby destroys or impairs the utility of the airport and the  
6           public investment therein. It is further found that certain activities and uses of land  
7           in the immediate vicinity of airports as enumerated in this ordinance and Subsection  
8           333.03(2), Florida Statutes are not compatible with normal airport operations, and  
9           may, if not regulated, also endanger the lives of the public, adversely affect their  
10           health, or otherwise limit the accomplishment of such operations. Accordingly, it  
11           is hereby declared:

- 12           1. That the creation or establishment of an airport hazard and the incompatible  
13           use of land in airport vicinities are public nuisances and injure the  
14           community served by the airport in question;  
15           2. That it is therefore necessary in the interest of the public health, public  
16           safety, and general welfare that the creation or establishment of airport  
17           hazards and incompatible land uses be prevented; and  
18           3. That this shall be accomplished, to the extent legally possible, by the  
19           exercise of land use regulations.

20           B. It is further declared that the limitation of land uses incompatible with normal  
21           airport operations, the prevention of the creation or establishment of airport  
22           hazards, and the elimination, removal, alteration, mitigation, or marking and  
23           lighting of existing airport hazards are public purposes.

24  
25           **Section 3. – Definitions**

26           The following definitions shall apply only to the Airport Zoning Ordinance.

- 27  
28           1. *Aeronautical study*: A Federal Aviation Administration study, conducted in  
29           accordance with the standards of 14 C.F.R. part 77, subpart C, and Federal  
30           Aviation Administration policy and guidance, on the effect of proposed  
31           construction or alteration upon the operation of air navigation facilities and  
32           the safe and efficient use of navigable airspace.  
33           2. *Airport*: The Brooksville-Tampa Bay Regional Airport.  
34           3. *Airport elevation*: The highest point of an airport's usable landing area  
35           measured in feet above mean sea level (AMSL). The current elevation is  
36           seventy-six (76) feet AMSL.  
37           4. *Airport hazard*: An obstruction to air navigation which affects the safe and  
38           efficient use of navigable airspace or the operation of planned or existing  
39           air navigation and communication facilities.  
40           5. *Airport layout plan*: A set of scaled drawings that provides a graphic  
41           representation of the existing and future development plan for the airport

- 1                                    and demonstrates the preservation and continuity of safety, utility, and  
2                                    efficiency of the airport.
- 3                                    6.    Airport Protection Zoning Regulations: Airport zoning regulations  
4                                    governing airport hazards.
- 5                                    7.    Airspace height: The highest point of an Airport’s usable landing area  
6                                    measured in feet above mean sea level.
- 7                                    8.    Avigation easement: Legal document that grants to the owner/operator of a  
8                                    nearby airport a right to continue to operate the airport, despite potential  
9                                    nuisance effects upon uses that are being established in close proximity to  
10                                   the airport. Applicants choosing to provide an avigation easement shall  
11                                   execute said easement.
- 12                                   9.    Department: Florida Department of Transportation (FDOT).
- 13                                   10.   Education Facility: Any structure, land, or use that includes a public or  
14                                   private kindergarten through 12<sup>th</sup> grade school, charter school, magnet  
15                                   school, college campus, or university campus. The term does not include  
16                                   space used for educational purposes within a multitenant building.
- 17                                   11.   Instrument runway: A runway having an instrument approach procedure  
18                                   utilizing an instrument landing system (ILS) or a precision approach radar  
19                                   (PAR). It also means a runway for which a precision approach system is  
20                                   planned and is so indicated on an FAA-approved airport layout plan; a  
21                                   military services approved military layout plan; any other FAA planning  
22                                   document, or military services military airport planning document.
- 23                                   12.   Landfill: The same meaning as provided in Section 403.703, Florida  
24                                   Statutes.
- 25                                   13.   Nonconforming Use: Any preexisting obstruction, structure or use of land  
26                                   which lawfully exists at the time of this regulation, and which existence is  
27                                   inconsistent with the provisions of these regulations or amendment thereto.
- 28                                   14.   Obstruction: Any existing or proposed object, terrain, or structure the  
29                                   construction or alteration of which exceeds the federal obstruction standards  
30                                   contained in 14 C.F.R. part 77, subpart C. The term includes:
- 31                                   (a)   Any object of natural growth or terrain;
- 32                                   (b)   Permanent or temporary construction or alteration, including  
33                                   equipment or materials used and any permanent or temporary  
34                                   apparatus; or
- 35                                   (c)   Alteration of any permanent or temporary existing structure by a  
36                                   change in the structure’s height, including appurtenances, lateral  
37                                   dimensions, and equipment or materials used in the structure.
- 38                                   15.   Permit: Any development permit, building permit, zoning permit, plat  
39                                   approval, rezoning, variance or other action having the effect of permitting  
40                                   development activity

- 1            16. Person: Any individual, firm, co-partnership, corporation, company,  
2            association, joint-stock association, or body politic, and includes any  
3            trustee, receiver, assignee, or other similar representative thereof.
- 4            17. Political subdivision: The local government of any county, municipality,  
5            town, village, or other subdivision or agency thereof, or any district or  
6            special district, port commission, port authority, or other such agency  
7            authorized to establish or operate airports in the state.
- 8            18. Public-use airport: An airport, publicly or privately owned, licensed by the  
9            state, which is open for use by the public.
- 10           19. Runway protection zone: An area at ground level beyond the runway end to  
11           enhance the safety and protection of people and property on the ground.
- 12           20. Structure: Any object constructed, erected, altered, or installed, including,  
13           but not limited to, buildings, towers, smokestacks, utility poles, power  
14           generation equipment, and overhead transmission lines.
- 15           21. Substantial modification: Any repair, reconstruction, rehabilitation, or  
16           improvement of a structure when the actual cost of the repair,  
17           reconstruction, rehabilitation, or improvement of the structure equals or  
18           exceeds 50 percent of the market value of the structure.

19  
20           **Section 4. – Airport height notification and regulations.**

- 21           A. Height notification regulations. All development proposals for land underlying the  
22           Brooksville-Tampa Bay Regional Airport’s 14 CFR Part 77 Surfaces, shall use the  
23           Federal Aviation Administration (FAA) Notice Criteria Tool to determine if an  
24           aeronautical study is required. When the results of the Criteria Tool determine that  
25           additional future analysis is required, an FAA Form 7460-1, Notice of Proposed  
26           Construction or Alterations shall be filed with the FAA for a full Aeronautical  
27           Study. The FAA will issue a Letter of Determination stating if the construction or  
28           alteration is an obstruction in accordance with the obstructions standards detailed  
29           in Title 14, Code of Federal Regulations, Part 77 Subpart B and Subpart C (14 CFR  
30           Part 77), and its successors and amendments. The following is also required:
- 31           1. Any communication tower shall be presumed to be an airport obstruction  
32           and require notification to the Federal Aviation Administration.
- 33           2. Any proposed development must, at a minimum require:
- 34           a. A building or development permit for the construction or alteration  
35           of an obstruction;
- 36           b. The required marking and lighting for obstructions;
- 37           c. Documentation showing compliance with the federal requirement  
38           for notification of proposed construction or alteration of structures  
39           and a valid aeronautical study submitted by each person applying  
40           for a permit;

- 1                   d.       Consideration of the criteria in Subsection 333.025(6), Florida  
2                   Statutes when determining whether to issue or deny a permit; and
- 3                   e.       That approval of a permit shall not be based solely on the  
4                   determination by the Federal Aviation Administration that the  
5                   proposed structure is not an airport hazard.

6

7       **Section 5. – Airport Permit Procedure and Criteria**

- 8           A.       Airport Permit Required: Any person proposing to construct, alter, or allow an  
9           obstruction in an airport hazard area, as required by this Article, shall apply for an  
10           airport permit, as applicable. An airport permit may not be issued if it would  
11           allow the establishment or creation of an airport hazard or if it would permit a  
12           nonconforming obstruction to become a greater hazard to air navigation than it  
13           was when the applicable airport zoning ordinance was adopted which allowed the  
14           establishment or creation of the obstruction, or than it is when the application for  
15           a permit was made.
- 16           B.       Federal Aviation Administration (FAA) Coordination: All applicable FAA forms  
17           shall be completed, and a determination letter shall be filed with the application  
18           for a permit. Refer to the FAA Notice Criteria Tool on the FAA website to  
19           determine whether an aeronautical study is required for the proposed  
20           development.
- 21           C.       Airport Permit Application:
  - 22           1.       In addition to the standard requirements to obtain a permit, the applicant  
23           shall submit to the County Airport Manager a completed airport permit  
24           application form (as provided by the county). Airport Permit requests may  
25           be considered concurrent with development plan or other permit approval  
26           process. The FAA Determination Letter received as part of the FAA  
27           coordination shall be submitted to the County along with the airport permit  
28           application, if applicable.
  - 29           2.       The County Airport Manager shall provide a copy of the application to the  
30           Florida Department of Transportation Aviation and Spaceports Office by  
31           certified mail, return receipt requested or by email to  
32           DOTAirportZoning@dot.state.fl.us. In accordance with Subsection  
33           333.025(4), Florida Statutes, the Department has a 15-day review period  
34           following receipt of the application, which runs concurrently with the  
35           County’s permitting process.
  - 36           3.       Cranes, construction, equipment, and other temporary structures in use or in  
37           place for a period not to exceed 18 consecutive months are exempt from the  
38           Department review unless such review is requested by the Department.
- 39           D.       Criteria for granting or denying an airport permit:
  - 40           1.       In determining whether to issue or deny an airport permit, the following  
41           criteria shall be considered, as applicable:
    - 42           a.       The safety of persons on the ground and in the air.

- 1                    b.        The safe and efficient use of navigable airspace.
- 2                    c.        The nature of the terrain and height of existing structures.
- 3                    d.        The effect of the construction or alteration on the state licensing  
4                    standards for a public-use airport contained in chapter 330 and rules  
5                    adopted thereunder.
- 6                    e.        The character of existing and planned flight operations and  
7                    developments at public-use airports.
- 8                    f.        Federal airways, visual flight rules, flyways and corridors, and  
9                    instrument approaches as designated by the Federal Aviation  
10                   Administration.
- 11                   g.        The effect of the construction or alteration of the proposed structure  
12                   on the minimum descent altitude or the decision height at the  
13                   affected airport.
- 14                   h.        The cumulative effects on navigable airspace of all existing  
15                   structures and all other known proposed structures in the area.

16  
17        **Section 6. – 14 CFR Part 77 Surfaces**

18                To protect the airspace of public airports, Part 77 imaginary surfaces and their associated  
19                airspace height restrictions consistent with 14 CFR, Part 77, Subpart C (77.19) are hereby  
20                created and established by the County and incorporated herein by reference.

21  
22        **Section 7. – Land Use Restrictions**

23                Notwithstanding any other provisions of this section, no use may be made of land or  
24                water within Hernando County in such a manner as to create an airport hazard or  
25                compromise the health, safety, and welfare of any person on the ground. The following  
26                special requirements shall apply:

- 27                A.        Prohibited Uses in the Runway Protection Zone. The Runway Protection Zone  
28                (RPZ) is an area at ground level prior to the threshold or beyond the runway end to  
29                enhance safety and protection of people and property on the ground. New  
30                incompatible uses or activities, or substantial modifications to existing  
31                incompatible uses within any Runway Protection Zone (RPZ) are prohibited. Such  
32                uses include the following:
  - 33                    1.        Recreational.
  - 34                    2.        Residential.
  - 35                    3.        Hospitals / Inpatient Treatment Facilities / Nursing Homes.
  - 36                    4.        Educational Facilities.
  - 37                    5.        Churches / Places of Worship.
  - 38                    6.        Storage of Explosive Materials



1           7.       Uses that assemble large groups of people and/or other uses that could  
2                    produce a major catastrophe as a result of an aircraft incident.

3       B.       Prohibited Residential Construction and Educational Facilities. New educational  
4       facilities and new residential construction shall be prohibited within an area  
5       contiguous to the airport measuring one-half the length of the longest runway on  
6       either side of and at the end of each runway centerline.

7       C.       Landfills. No landfills (as defined in F.S. 403.703) shall be permitted to be located  
8       as follows within the following areas:

9           1.       Within 10,000 feet from the nearest point of any runway used or planned to  
10                   be used by turbine aircraft.

11          2.       Within 5,000 feet from the nearest point of any runway used by only non-  
12                   turbine aircraft.

13          3.       Outside the perimeters defined above in subparagraphs 1) and 2), but still  
14                   within the lateral limits of the civil airport imaginary surfaces defined in 14  
15                   C.F.R. s. 77.19.

16           Where any landfill is located and constructed in a manner that attracts or sustains  
17           hazardous bird movements from feeding, water, or roosting areas into, or across,  
18           the runways or approach and departure patterns of aircraft, the landfill operator  
19           shall incorporate bird management techniques or other practices to minimize bird  
20           hazards to airborne aircraft.

21       D.       Visibility and Glare. Notwithstanding any other provision of this article, no use  
22       may be made on land or water within the county in such a manner as to interfere  
23       with the operation of airborne aircraft. The following special requirements shall  
24       apply:

25           1.       All lights or illumination used in conjunction with streets, parking, signs, or  
26                   use of land and structures, shall be arranged and operated in such a manner  
27                   that it is not misleading or dangerous to aircraft operating from the airport  
28                   or in the vicinity thereof.

29          2.       No operations from any use shall produce smoke, glare, or other visual  
30                   hazards within three (3) statute miles of any usable runway of the airport.

31          3.       No operations from any use in the county shall produce electronic  
32                   interference with navigation signals or radio communication between the  
33                   airport, air traffic controller and the aircraft.

34  
35       **Section 8. - Nonconforming Uses and Obstructions**

36       The regulations prescribed in this article shall not be construed to require the removal,  
37       lowering or other change or alteration of any obstruction or use not conforming to the  
38       regulations when adopted or amended; or otherwise interfere with the continuance of any  
39       nonconforming use which has not been abandoned as provided below.

40       A.       Abandonment. If a nonconforming use has been abandoned or is more than 80  
41                   percent demolished, destroyed, deteriorated, or decayed, as determined by the local

1           Building Official or a certified engineer’s estimate, the owner of an abandoned or  
2           deteriorated nonconforming obstruction may be required, at his or her own expense,  
3           to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary  
4           to conform to the current airport zoning regulations. If the owner of the  
5           nonconforming obstruction neglects or refuses to comply with such requirement for  
6           30 days after such notice, the County may proceed to have the obstruction so  
7           lowered, removed, reconstructed, altered, or equipped, and assess the cost and  
8           expense thereof upon the owner of the obstruction or the land whereon it is, or was,  
9           located.

10           B. Acquisition of Air Rights. If a nonconforming use or obstruction is determined to  
11           be an airport hazard and the owner will not remove, lower, or otherwise eliminate  
12           it, the necessary approach protection may be provided by acquisition of property  
13           rights rather than by airport zoning regulations. The Board of County  
14           Commissioners, pursuant to a recommendation from the County Airport Manager,  
15           may purchase the property in fee simple, or acquire an avigation easement. The  
16           County shall, in addition to the damages for the taking, injury, or destruction of  
17           property, also pay the cost of the removal and relocation of any structure or any  
18           public utility that is required to be moved to a new location.

19  
20           **Section 9. – Lighting**

21           In issuing a permit under this section, Hernando County or its Airport Manager shall  
22           require the owner of the obstruction to install, operate, and maintain thereon, at his or her own  
23           expense, marking and lighting in conformance with the specific standards established by the  
24           Federal Aviation Administration.

25  
26           **Section 10. – Administration**

27           The County Airport Manager is charged with administering and enforcing the regulations  
28           herein prescribed.

29  
30           **Section 11. – Powers of the Board of County Commissioners**

31           A. The Board of County Commissioners shall exercise the following powers within  
32           their respective territorial limits:

- 33           1.       To adopt and amend Article X, Airport Zoning Ordinance. Amendments  
34           will be provided to the Florida Department of Transportation Aviation  
35           Office within 30-days of adoption.
- 36           2.       To hear and decide appeals from any order, requirement, decision, or  
37           determination made by the Airport Manager in the enforcement of this  
38           article.

1       **Section 12. – Appeals**

2           Any person affected by any decision of the County Airport Manager made in administering  
3 the airport zoning regulation may appeal to the Board of County Commissioners. Appeals shall  
4 be filed no later than 30-days after the date of notification of the decision appealed from by  
5 filing a notice of appeal with the County Airport Manager specifying the grounds for the  
6 appeal. The County Airport Manager will transmit to the Board of County Commissioners  
7 copies of the action appealed. An appeal stays all proceedings in furtherance of the action  
8 appealed from, unless the County Airport Manager certifies to the Board of County  
9 Commissioners after the notice of appeal has been filed that, by reason of facts stated in the  
10 certificate, a stay would cause imminent peril to life and property. In such case, proceedings  
11 will not be stayed other than by order by the Board of County Commissioners or by a court of  
12 competent jurisdiction. The Board of County Commissioners will conduct a public hearing of  
13 appeals within 30-days of receiving the notice of appeal.

- 14           A.     Notice of Hearing: Notice of time, date and location will be sent to the petitioner  
15                   10 calendar days prior to the hearing. The Board of County Commissioners will  
16                   give public notice of the hearing in a newspaper of general circulation in the county  
17                   once a week for 2 weeks consecutive weeks prior to the date of the public hearing.
- 18           B.     Commission Decision: The Board of County Commissioners may affirm, reverse,  
19                   or modify the terms of the permit or other determination for which the appeal is  
20                   taken. The Board of County Commissioners will issue a decision within 30 calendar  
21                   days following the public hearing if a decision on the appeal is not reached at the  
22                   public hearing.

23  
24       **Section 13. – Judicial Review**

25           Any person or political subdivision affected by any decision of the Board of County  
26 Commissioners may apply for judicial relief to the circuit court within 30 days after rendition  
27 of the decision. Review shall be by petition for writ of certiorari, which shall be governed by  
28 the Florida Rules of Appellate Procedure.

29  
30           The court has exclusive jurisdiction to affirm, reverse, or modify the decision on the permit  
31 or other determination from which the appeal is taken and, if appropriate, to order further  
32 proceedings by the political subdivision or its administrative agency. The findings of fact by  
33 the Board of County Commissioners, if supported by substantial evidence, shall be accepted  
34 by the court as conclusive, and an objection to a decision of the political subdivision or its  
35 administrative agency may not be considered by the court unless such objection was raised in  
36 the underlying proceeding.

37  
38           If airport zoning regulations adopted are held by a court to interfere with the use and  
39 enjoyment of a particular structure or parcel of land, or to be so onerous in their application to  
40 such a structure or parcel of land, as to constitute a taking or deprivation of that property in  
41 violation of the State Constitution or the Constitution of the United States, such holding shall  
42 not affect the application of such regulations to other structures and parcels of land, or such  
43 regulations as are not involved in the particular decision.

1  
2       A judicial appeal to any court may not be permitted until the appellant has exhausted all its  
3 remedies through application for local government permits, exceptions, and appeals.

4  
5       **Section 14. – Enforcement and Remedies**

6       In the event a person violates airport zoning regulations, the County Administrative  
7 Official will provide a citation to the property owner indicating the nature of the violation and  
8 the course of action to remedy the violation. Violation of airport zoning regulations is a  
9 misdemeanor of the second degree. Nothing contained in this article shall be construed to  
10 prevent Hernando County from enforcing its code or ordinances, including this article, by any  
11 other means allowed or permitted by law, including, but not limited to, proceedings to enjoin  
12 continuation or maintenance of any condition prohibited by this article upon such terms and  
13 with such notice as the code enforcement department and the court may determine to be  
14 applicable.

15  
16       In addition, the Board of County Commissioners may institute in any court of competent  
17 jurisdiction an action to prevent, restrain, correct, or abate any violation of these regulations or  
18 of any order or ruling made in connection with their administration or enforcement, and the  
19 court shall adjudge to the County such relief, by way of injunction, mandatory or otherwise,  
20 as may be proper under all the facts and circumstances of the case in order to fully effectuate  
21 the purposes of these regulations adopted and orders and rulings made pursuant thereto.

22  
23       **Section 15. – Conflicting Regulations**

24       In the event of conflict between airport zoning regulations adopted under this ordinance  
25 and any other regulations or ordinances applicable to the same area, whether the conflict be  
26 with respect to the height of structures or vegetation, or the use of land, the more stringent  
27 limitation or requirement shall govern.

28  
29       **SECTION II. APPLICABILITY.** This Ordinance shall be applicable throughout the  
30 unincorporated area of Hernando County.

31  
32       **SECTION III. SEVERABILITY.** It is declared to be the intent of the Board of County  
33 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
34 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
35 the validity of the remaining portions of this ordinance.

36  
37       **SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
38 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
39 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
40 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
41 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

42  
43       **SECTION V. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is  
44 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the

1 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,  
2 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

3  
4 **SECTION VI. INCLUSION IN CODE.** It is the intention of the Board of County  
5 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this  
6 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
7 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-lettered  
8 to accomplish such intention, and the word "ordinance" may be changed to "section, "article," or  
9 other appropriate designation.

10  
11 **SECTION VII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
12 receipt of official acknowledgment from the Office of the Secretary of State of Florida that this  
13 ordinance has been filed with said office.

14  
15 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 28<sup>th</sup> DAY OF**  
16 **August**, 2018.

17  
18 BOARD OF COUNTY COMMISSIONERS  
19 HERNANDO COUNTY, FLORIDA

20  
21 Attest: Marguerite Lenke, D.C. By: [Signature]  
22 DONALD C. BARBEE JR, CLERK STEVE CHAMPION, CHAIRMAN

23  
24 (SEAL)



25  
26 **Approved as to Form and**  
27 **Legal Sufficiency**

28  
29 By: [Signature]