
From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Wednesday, April 15, 2020 12:28 PM
To: Ordinances
Cc: County Ordinances
Subject: [EXT.] -
Attachments: Hernando20200415_Ordinance2020_4_Ack.pdf



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 15, 2020

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Darlene Christensen, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2020-4, which was filed in this office on April 15, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2020 - 4

1
2 AN ORDINANCE CREATING A DEPENDENT SPECIAL DISTRICT FOR THE
3 PROTECTION OF THE CREDITORS OF THE FORMER CITY OF WEEKI
4 WACHEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION
5 IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING
6 PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

7 WHEREAS, the Florida Legislature has adopted CS/HB 1215, which, as an enrolled bill, will
8 be converted into an act for presentation to the Governor; and,

9 WHEREAS, CS/HB 1215 provides for the dissolution of the City of Weeki Wachee; and,

10 WHEREAS, CS/HB 1215, § 2, states in pertinent part that “[a]ll . . . legitimate liabilities of
11 the City of Weeki Wachee are transferred to Hernando County”; and,

12 WHEREAS, Fla. Stat. § 165.071(3) states that “[t]he dissolution of a municipal government
13 shall transfer the title to all property owned by the preexisting municipal government to the county,
14 which shall also assume all indebtedness of the preexisting municipality, unless otherwise provided
15 in the dissolution plan”; and,

16 WHEREAS, the most recent audit report submitted by the City of Weeki Wachee to the
17 Auditor General found that as a result of the City incurring legal fees in prior fiscal years totaling
18 \$1,239,350, the City of Weeki Wachee had a total net position of negative \$1,101,640; and,

1 WHEREAS, the City’s auditor found that the City of Weeki Wachee had met one or more
2 of the conditions of financial emergency set forth in Fla. Stat. § 218.503(1); and,

3 WHEREAS, pursuant to Fla. Stat. § 165.071(3), Hernando County may act to limit the
4 possibility that the City of Weeki Wachee’s dissolution will harm Hernando County’s taxpayers
5 financially by “levy[ing] and collect[ing] ad valorem taxes . . . from the area of the preexisting
6 municipality for repayment of any assumed indebtedness through a special district created for such
7 purpose”; and,

8 WHEREAS, Fla. Stat. § 189.4041 authorizes counties to create dependent special districts
9 within its geographic borders; and,

10 WHEREAS, the Hernando County Board of County Commissioners has determined that
11 Hernando County must take all steps necessary to protect the health, safety, and welfare of its
12 citizenry, businesses, and property owners; and,

13 WHEREAS, the Hernando County Board of County Commissioners has determined that
14 Hernando County must take all steps necessary to protect the creditors of the City of Weeki Wachee;
15 and,

16 WHEREAS, the Hernando County Board of County Commissioners, after having held a duly
17 noticed public hearing, hereby creates the “City of Weeki Wachee Dissolution and Creditor
18 Protection District” as a dependent special district; and,

1 WHEREAS, this Ordinance shall establish the charter for the creation and operation of the
2 dependent special district.

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

5 **Section 1. Dependent Special District Created for the Protection of the Creditors**
6 **of the Former City of Weeki Wachee.**

7 A new Article IV of Chapter 10.5 of the Hernando County Code, to be entitled “Former City
8 of Weeki Wachee,” is hereby created to read as follows:

9 Short Title.

10 This ordinance may be cited as the “City of Weeki Wachee Dissolution and
11 Creditor Protection District Ordinance.”

12 Definitions.

13 As used in this article, the following words and terms shall have the following
14 meanings, unless the context shall indicate otherwise:

15 (a) *County* shall mean Hernando County, Florida.

16 (b) *Board* shall mean the Board of County Commissioners of Hernando
17 County, Florida.

18 (c) *City* shall refer to the former municipal corporation that was created
19 by Chapter 65-2378, Laws of Florida, and known as the City of Weeki Wachee.

1 (d) *District* shall mean the special district created and established under
2 the provisions of this ordinance.

3 (e) *Legitimate Liability* means a debt which arises from a debtor-creditor
4 relationship based upon a valid and legally enforceable obligation to pay a fixed or
5 determinable sum of money.

6 (f) *Special Act* shall refer to Chapter ____, Laws of Florida.¹
7 Legislative Findings.

8 The Board of County Commissioners of Hernando County, Florida, hereby
9 adopts the above-stated recitals as its legislative findings in support of this Ordinance.

10 Authority.

11 This Ordinance is adopted pursuant to Fla. Stat. §§ 125.01, 165.071(3), and
12 189.4041, as they may be amended from time-to-time.

13 Creation and Geographic Boundaries.

14 (a) There is hereby created the “City of Weeki Wachee Dissolution and
15 Creditor Protection District.” The District shall be a dependent special district of
16 Hernando County, Florida.

17 (b) The geographic boundaries of the District shall include all of the lands
18 that are situated within the boundaries of the City, as more formally described in

¹Note to Codifier: It is the intent of the Board of County Commissioners that the to-be-assigned chapter number be inserted in the blank after CS/HB 1215 becomes law.

1 Section 2 of Chapter 65-2378, Laws of Florida, which is incorporated as if fully set
2 forth herein by reference.

3 Consent of Municipalities.

4 The provisions of this ordinance shall not be effective within any municipality
5 in Hernando County unless and until such municipality consents by ordinance in
6 accordance with the provisions of Fla. Stat. §§ 125.01 and 189.02, as they may be
7 amended from time-to-time.

8 Purpose, Powers, Functions, and Duties.

9 The general purpose, powers, functions and duties of the District will be to:

10 (a) Levy ad valorem taxes on properties that are situated within the City's
11 boundaries to raise the funds necessary to cover the repayment of interest and
12 principal on a valid obligation of the City.

13 (b) Fund costs ancillary to the performance of the function described in
14 subpart (a) supra.

15 Authority.

16 The authority of the District shall include those powers that are necessary to
17 perform the functions described supra. The District shall be granted only the powers
18 and authority set forth herein and shall not have any additional implied powers or
19 authority.

1 Best Alternative.

2 The Board hereby finds that the creation of the District is the best alternative
3 available in order to further the purposes described supra. The Board specifically
4 finds that the assessment of ad valorem taxes is the most equitable method available
5 to fairly apportion the cost of repaying the valid obligations of the City.

6 Governing Board.

7 The Board shall be the District's governing body.

8 Statement of Dependent Special District Status.

9 Pursuant to Fla. Stat. § 189.012(2)(a), the District is a dependent special
10 district because the membership of its governing body is identical to that of the Board.

11 Budget and Millage, Financial Disclosure, Noticing, and Reporting Requirements of
12 the District.

13 The Board shall annually adopt the budget for the District in the manner
14 provided by law. The Board shall annually set the ad valorem rates for this District
15 as provided by law. The District shall comply with the financial disclosure, noticing,
16 and reporting requirements of Fla. Stat. Ch. 189. The District shall prepare and
17 submit reports, budgets, and audits as provided in Fla. Stat. Ch. 189.

1 Duties of the Board of County Commissioners.

2 The Board shall have the discretion to fund the functions described supra by
3 levying ad valorem taxes within the District up to the limits established by the Florida
4 Constitution and Florida Statutes.

5 Administration.

6 A. The District shall be administered in accordance with the policies and
7 procedures adopted by the Board for the administration of all county departments,
8 divisions, and operations. The County Administrator shall be responsible for
9 administering the District to the extent necessary to implement the purpose of this
10 ordinance. The powers to be exercised by the District are specifically made subject
11 to all applicable federal, state, and county laws. The powers to be exercised by the
12 District shall not derogate from the constitutional or statutory authority of any local
13 governmental entity or constitutional officer.

14 B. Subject to approval by the Board, the County Administrator is
15 authorized to negotiate, compromise, and reach a determination on claims derived
16 from legitimate liabilities of the City, if any, that were transferred from the City to the
17 County by the operation of Chapter _____, Laws of Florida.²

²Note to Codifier: It is the intent of the Board of County Commissioners that the to-be-assigned chapter
number be inserted in the blank after CS/HB 1215 becomes law.

1 Reserves.

2 The Board is empowered to set up reserves in the budget to fund the functions
3 described supra in excess of its estimated expenditures for any fiscal year for the
4 purpose of creating reasonable reserves for any lawful purposes for which reserves
5 may be used.

6 Financing the District.

7 As provided herein, the District shall be financed by ad valorem taxes levied
8 by the Board. The District may only expend funds derived from ad valorem tax
9 proceeds for:

10 A. To pay claims or settlements of claims made against the City
11 that have been approved by the Board pursuant to the terms of this Ordinance; or,

12 B. To pay claims that have been determined to be legitimate either
13 by a court of competent jurisdiction; or,

14 C. To fund reserves as provided in this Ordinance; or,

15 D. To pay the commissions imposed by Fla. Stat. § 192.091(2)(b)
16 to the Hernando County Property Appraiser's Office and the Hernando County Tax
17 Collector's Office; or,

18 E. To compensate the Board for any expenses that it incurs in
19 administering the District; or,

1 F. To fund any litigation related to claims made against the City.

2 Consistency with Comprehensive Plan.

3 The creation of the District is consistent with the Hernando County
4 Comprehensive Plan.

5 Notices.

6 The County Administrator is hereby directed to provide a certified copy of this
7 Ordinance, within five (5) days of its adoption, to both the Property Appraiser and the
8 Tax Collector of Hernando County, so as to provide said constitutional officers with
9 notice of the creation of the District for the purposes of including the ad valorem
10 taxes on the 2021 and subsequent years' tax bills. The District will provide all
11 financial disclosures required by Florida law relating to dependent special districts,
12 including but not limited to, all financial disclosure relating to bonds, financing, non-
13 ad valorem special assessments, and the like.

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

18 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
19 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall

1 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
2 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the
3 word "ordinance" may be changed to "section," "article," or another appropriate designation.

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

6 **Section 5. Effective Date; Proviso.** This ordinance shall take effect immediately upon
7 receipt of official acknowledgment from the office of the Secretary of State of Florida that this
8 ordinance has been filed with said office; provided, this ordinance shall be null and void if CS/HB
9 1215 does not become law.

10 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

11 **HERNANDO COUNTY** in Regular Session this 14th day of April, 2020.



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

14
15
16
17 Attest: Darlene M. Christensen, O.C.
18 *for* DOUGLAS CHORVAT, JR.
19 Clerk

20
21 By: [Signature]
22 JOHN MITTEN
23 Chairman

24 Approved for Form and Legal Sufficiency

[Signature]
Deputy County Attorney