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**From:** Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>  
**Sent:** Wednesday, August 12, 2020 8:30 AM  
**To:** Ordinances  
**Cc:** County Ordinances  
**Subject:** [EXT.] -  
**Attachments:** Hernando20200812\_Ordinance2020\_6\_Ack.pdf



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 12, 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. 2020-6, which was filed in this office on August 12, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

42

SCHEDULE OF ROADS IMPACT FEES

ITE LUC	Land Use	Unit	Net Impact Fee @22% <sup>(1)</sup>
	RESIDENTIAL		
210	Single-Family/Mobile Home (Detached)	du	\$1,269.00
220	Multi-Family ( <del>Apartment</del> <u>Low Rise, 1-2 stories</u> )	du	822.00
<u>221</u>	<u>Multi-Family (Mid Rise, 3-10 stories)</u>	<u>du</u>	<u>729.00 (2)</u>
230	<del>Residential Condominium/Townhouse</del>	<del>du</del>	<del>716.00</del>
240	Mobile Home Park	du	467.00
251	<del>Retirement Community/Age-Restricted Senior Adult Living Detached</del>	du	<del>414.00</del> <u>500.00 (2)</u>
<u>252</u>	<u>Senior Adult Living Attached</u>	du	<u>377.00 (2)</u>
253	Congregate Care Facility	du	121.00
<u>254</u>	<u>Assisted Living</u>	<u>bed</u>	<u>148.00 (2)</u>
<u>255</u>	<u>Continuing Care Retirement Center</u>	<u>du</u>	<u>136.00 (2)</u>
	LODGING		
310	Hotel	room	644.00
320	Motel	room	455.00
	RECREATION		
416	Recreational Vehicle Park	site	181.00
420	Marina	berth	433.00
430	Golf Course	acre	737.00
444	Movie Theater <del>with Matinee</del>	screen	4,884.00
492	Health/Fitness Club	1,000 sf	3,889.00

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INSTITUTIONS			
520	Elementary School (Private)	student	107.00
522	Middle School (Private)	student	150.00
530	High School (Private)	student	161.00
540	University (7,500 or fewer students) (Private)	student	293.00
550	University (more than 7,500 students) (Private)	student	220.00
<u>560</u>	<u>Public Assembly</u>	<u>1,000 sf</u>	<u>634.00 (2)</u>
565	Day Care	1,000 sf	2,480.00
MEDICAL			
610	Hospital	1,000 sf	1,655.00
620	Nursing Home	bed	149.00
630	Clinic	1,000 sf	3,841.00
OFFICE			
710	General Office <del>100,000 sf or less</del>	1,000 sf	<del>1,516.00</del> <u>1212.00 (2)</u>
710	General Office <del>100,001 — 200,000 sf</del>	1,000 sf	<del>1,284.00</del>
710	General Office <del>greater than 200,000 sf</del>	1,000 sf	<del>1,087.00</del>
720	Medical Office 10,000 sf or less	1,000 sf	2,875.00
720	Medical Office greater than 10,000 sf	1,000 sf	4,190.00
RETAIL			
812	Building Materials and Lumber Store	1,000 sf	5,134.00
813	Discount Superstore <u>Free Standing</u>	1,000 sf	6,761.00

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816	Hardware/Paint Store	1,000 sf	1,244.00
820	<del>General Commercial Retail</del> /Center 50,000 sfgla or less	1,000 sfgla	<del>2,100.00</del> <u>1917.00 (2)</u>
820	General Commercial Center greater than 50,000	1,000 sfgla	1,844.00
<u>840/841</u>	New/Used Auto Sales	1,000 sf	2,396.00
850	Supermarket	1,000 sf	2,812.00
<del>853</del>	<del>Convenience Market w/Gas Pumps</del>	<del>1,000 sf</del>	<del>9,206.00</del>
862	Home Improvement Superstore	1,000 sf	1,167.00
880/88	Pharmacy/Drug Store w/Drive-Thru	1,000 sf	1,492.00
890	Furniture Store	1,000 sf	409.00
	SERVICES		
912	Bank/Savings Drive-In	1,000 sf	4,257.00
931	Quality Restaurant	1,000 sf	5,271.00
932	High-Turnover Restaurant	1,000 sf	6,283.00
934	Fast Food Rest. w/Drive-Thru	1,000 sf	17,397.00
942	Automobile Care Center	1,000 sf	1,971.00
944	<del>Service Station</del> <u>Gas station with convenience market under 2000 sq. ft.</u>	fuel pos.	<del>1,708.00</del> <u>1864.00 (2)</u>
945	<u>Gas station with convenience market 2000- 2999 sq. ft.</u>	fuel pos.	<u>2226.00 (2)</u>
960	<u>Gas station with convenience market over 3000 sq. ft.</u>	fuel pos.	<u>2500.00 (2)</u>
947	Self-Service Car Wash	wash station	1,525.00
n/a	Convenience/Gasoline/Fast Food w/Drive-Thru	1,000 sf	19,804.00
	INDUSTRIAL		

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110	General Light Industrial	1,000 sf	806.00
120	<del>General Heavy Industrial</del>	<del>1,000 sf</del>	<del>173.00</del>
130	Industrial Park	1,000 sf	788.00
140	Manufacturing	1,000 sf	440.00
150	Warehousing	1,000 sf	412.00
151	Mini-Warehouse	1,000 sf	146.00

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- (1) The new impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date. 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~~ [of the ordinance from which this schedule derived]. A limited exception process to the application of the new fees is provided for in ~~exhibit B~~ of the ordinance [from which this schedule derived]; failure to timely utilize the stated exception process before the deadline is a jurisdictional defect prohibiting any subsequent challenge to the fee.
- (2) New rates at 22% and land use category changes derived from an updated Roads Impact Fee Study accepted by the Board of County Commissioners on June 23, 2020.

**SECTION II. SAVINGS CLAUSE.** The Board of County Commissioners intends to put Contractors and property owners on Notice that the existing adopted County impact fees referenced in this Ordinance will be increased effective on November 9, 2020. Given the extended statutory notice required for the effective date of new or increased fees, the general rule is that the new or increased impact fee rates shall apply to all building permits and certificates of use issued after the stated effective date of the Ordinance, i.e. after November 9, 2020. Accordingly, a complete application for a building permit or certificate of use, filed prior to the effective date of the ordinance but not yet issued a permit on the effective date, will 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 except as provided herein. The Board of County Commissioners will provide a savings clause (i.e. a process granting an exemption from the impact fee rates effective on November 9, 2020) for completed building permit or certificate of use applications (as applicable) accepted for filing by the Building Department prior to the effective date (provided that the application remains in an active status) and existing private party construction contracts which in good faith contemplated that the fees would still be reduced or non-existent at the time the contract was executed by both parties.

74 **SECTION III. CONSTRUCTION CONTRACT EXEMPTION VERIFICATION**  
75 **PROCESSING/DECISIONS BY COUNTY ADMINISTRATOR.**

76 The County recognizes  
77 that prior to the effective date of this Ordinance, Hernando County property owners and duly  
78 licensed construction contractors have executed bona fide contracts in good faith for the  
79 construction of improvements which will be required to pay increased impact fees under this  
80 ordinance when the building permit or certificate of occupancy is issued. Because the  
81 Commission does not wish to unduly burden existing bona fide contracts entered into between  
82 private parties in good faith, the Commission will, upon verification, recognize such contacts as  
83 exempt from the new or increased fees which are effective November 9, 2020, and will permit  
84 the responsible party to instead pay the impact fee in place immediately prior to the effective  
85 date of this Ordinance.

86 To be exempt from the fees effective on November 9, 2020, both the Owner and Contractor must  
87 submit a sworn verification statement on a form provided by the County; the form shall reflect  
88 the following mandatory criteria and standards:  
89

90 1. Both parties executing the original contract for construction must execute and file  
91 with the County Building Department, a sworn statement under penalty of perjury and false  
92 official statements, attesting to the date the contract was executed, the impact fees, including  
93 amounts, the contract contemplated would need to be paid by the respective parties, if any,  
94 including the specific reference to the contract language concerning such fees.  
95

96 2. A true and correct copy of the contract with an execution date prior to November  
97 9, 2020, must be attached to the sworn statement and attested to under oath, and under penalty of  
98 perjury and false official statements, as being a true, correct, and unaltered copy of the contract  
99 executed on the dates noted in the contract.  
100

101 3. The party representing the owner must be the record owner of the property or  
102 have submitted information showing the party's authority to sign for the owner. Proof of  
103 ownership in accordance with the requirements of the Building Official may be provided.  
104

105 4. The party signing for the contractor must show evidence that the contractor's  
106 company is an existing legal entity recognized to do business in the State of Florida and that the  
107 party is authorized to sign on behalf of the company.  
108

109 5. The Contractor must be licensed by applicable local, state and or federal  
110 authorities to do the work called for in the contract, including licensed at the time the contract  
111 was executed.  
112

113 6. The sworn statement and supporting materials must be provided to the County  
114 Building Department no later than the close of business on December 9, 2020 to be considered  
115 exempt from the fees established in this Ordinance to be effective on November 9, 2020. The  
116 Administrator may waive strict compliance with the deadline for good cause shown.  
117



118           7.       The Administrator or his/her designee will make a written decision on whether the  
119 exemption should be granted to avoid interference with the submitted contract. The decision may  
120 be appealed to the Board of County Commissioners only if the written appeal is filed in the  
121 County Administrator's office within ten (10) calendar days of mailing or delivery of the written  
122 decision. When a contract has been verified in writing by the County, the application shall be  
123 considered conditionally exempt from the new impact fees of this ordinance; accordingly, the  
124 impact fee rate structure in effect immediately prior to adoption of this Ordinance shall apply  
125 provided a complete application for a building permit or certificate of June 9, 2021. If a  
126 complete application is not submitted during this period, the property shall no longer be exempt  
127 and shall be subject to the prevailing impact fee rates.

128  
129           8.       The exemption referenced herein is further subject to a condition that the building  
130 permit or certificate of use must be issued by the Building Department and all fees paid, within  
131 one hundred and eighty (180) days from the date of receipt of a complete building permit/  
132 certificate of use application. If the permit or certificate is not issued during this period, the  
133 application shall no longer be exempt and shall be subject to the prevailing impact fee.

134  
135 **SECTION IV. APPLICABILITY.** This Ordinance shall be applicable throughout the  
136 unincorporated area of Hernando County.

137  
138 **SECTION V. SEVERABILITY.** It is declared to be the intent of the Board of County  
139 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
140 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
141 the validity of the remaining portions of this ordinance.

142  
143 **SECTION VI. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
144 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
145 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
146 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
147 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

148  
149 **SECTION VII. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is  
150 hereby directed forthwith to send a certified copy of this ordinance or electronically transmit the  
151 ordinance by email to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg.,  
152 Room 101, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

153  
154 **SECTION VIII. INCLUSION IN CODE.** It is the intention of the Board of County  
155 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of  
156 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,  
157 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-  
158 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,  
159 "article," or other appropriate designation.

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161 SECTION IX. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing  
162 with the Department of State.

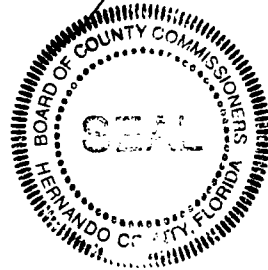
163  
164 DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 11<sup>th</sup> DAY OF  
165 August, 2020  
166

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

167  
168  
169  
170  
171 Attest: Douglas A. Chorvat, Jr.  
172 *for* DOUGLAS A. CHORVAT, JR.  
173 CLERK OF CIRCUIT COURT AND  
174 COMPTROLLER

By: [Signature]  
JOHN MITTEN  
CHAIRMAN

175  
176 (SEAL)



177  
178 Approved as to Form and  
179 Legal Sufficiency

180  
181  
182 By: [Signature]  
183 Kyle Benda, Assistant County Attorney