

**From:** [Harris, Whitley](#)  
**To:** [Ordinances](#)  
**Cc:** [County Ordinances](#)  
**Date:** Thursday, October 28, 2021 9:15:57 AM  
**Attachments:** [Hernando20211027 Ordinance2021 22 Ack.pdf](#)

---



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 28, 2021

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

Attention: Ms. Heidi Kurppe, 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. 2021-22, which was filed in this office on October 27, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

ORDINANCE NO. 2021-22

**AN ORDINANCE AMENDING THE 2040 HERNANDO COUNTY COMPREHENSIVE PLAN BY REMOVING GOAL CLUSTER 1.02, PROPERTY RIGHTS, FROM THE FUTURE LAND USE ELEMENT AND CREATING CHAPTER 12, PROPERTY RIGHTS ELEMENT, AND GOAL CLUSTER 12.01, PROPERTY RIGHTS, AND AN ASSOCIATED OBJECTIVE AND STRATEGIES; APPROVING AND ADOPTING CPAM-21-04; PROVIDING FOR TRANSMITTAL OF ADOPTED CPAM-21-04 TO THE STATE LAND PLANNING AGENCY AND REVIEW AGENCIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 1985, the Florida Legislature adopted the Local Government Comprehensive Planning and Land Development Regulation Act (now known as the Community Planning Act), as set forth in Sections 163.3161 through 163.3215, Florida Statutes (the “Act”); and,

**WHEREAS**, on September 25, 2018, the Hernando County Board of County Commissioners (“BOCC”) adopted the 2040 Hernando County Comprehensive Plan (Ordinance 2018-16), within which, are included goals, objectives, and strategies used to guide future growth; and,

**WHEREAS**, the BOCC, following a public hearing on August 10, 2021, approved Removing Goal Cluster 1.02, Property Rights, from the Future Land Use Element and Creating Chapter 12, Property Rights Element, and Goal Cluster 12.01, Property Rights, and an associated Objective and Strategies (a complete copy of the amendment is attached as **Exhibit “A”** hereto and made a part hereof and referred to as CPAM-21-04); and,

**WHEREAS**, the County subsequently transmitted CPAM-21-04 to the State Land Planning Agency for review pursuant to the Act, and it was assigned tracking number “Hernando County 21-03ESR” by the State Land Planning Agency; and,

**WHEREAS**, the State Land Planning Agency and the other Review Agencies reviewed CPAM-21-04 and, thereafter, comments concerning same were submitted to the County; and,

**WHEREAS**, the BOCC finds and determines that CPAM-21-04 is internally consistent with other Elements and Strategies of the 2040 Hernando County Comprehensive Plan, and is now ready for final adoption by the BOCC; and,

**WHEREAS**, the BOCC conducted a second public hearing on October 26, 2021, in connection with the final adoption of CPAM-21-04 as an amendment to the 2040 Hernando County Comprehensive Plan; and,

1       **WHEREAS**, upon enactment of this Ordinance, CPAM-21-04 will be transmitted as an  
2 adopted comprehensive plan amendment to the State Land Planning Agency and the other Review  
3 Agencies.  
4

5       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
6 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**  
7

8       **SECTION I. Recitals.** The recitals set forth above are true and correct and incorporated  
9 herein by this reference.  
10

11       **SECTION II. Adopting CPAM-21-04 (Hernando County 21-03ESR).** CPAM-21-04  
12 (Hernando County 21-03ESR attached as **Exhibit “A”** hereto and incorporated herein by this  
13 reference), is hereby approved and adopted and the 2040 Hernando County Comprehensive Plan  
14 is amended accordingly, subject to the Effective Date provision (Section X) below.  
15

16       **SECTION III. Execution.** The Chairman of the Hernando County Board of County  
17 Commissioners is hereby authorized to execute this Ordinance, and all related documents.  
18

19       **SECTION IV. Transmittal of Adopted CPAM-21-04 to State Land Planning Agency**  
20 **and Review Agencies.** County staff shall transmit an executed copy of this Ordinance adopting  
21 CPAM-21-04 to the State Land Planning Agency and the other Review Agencies within ten (10)  
22 days of adoption hereof pursuant to Section 163.3184, Florida Statutes.  
23

24       **SECTION V. Publication.** This Ordinance shall be published as required by law.  
25

26       **SECTION VI. Applicability.** This Ordinance shall be applicable throughout the  
27 unincorporated area of Hernando County.  
28

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

34       **SECTION VIII. Conflicting Provisions.** Special acts of the Florida Legislature applicable  
35 only to unincorporated areas of Hernando County, Hernando County ordinances, County  
36 resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this  
37 Ordinance to the extent of such conflict except for ordinances concerning either adoption or  
38 amendment of the Comprehensive Plan, pursuant to Chapter 163, Part II, Florida Statutes.  
39

40       **SECTION IX. Filing with the Department of State.** The clerk shall be and is hereby  
41 directed forthwith to send a certified copy of this Ordinance, or electronically transmit this  
42 Ordinance by email, to the Bureau of Administrative Code, Department of State, R.A. Gray  
43 Building, Room 101, 500 South Bronough Street, Tallahassee, Florida 32399-0250.  
44

45       **SECTION X. Effective Date.** This Ordinance shall take effect upon filing with the  
46 Florida Secretary of State; however, the adopted amendment (CPAM-21-04) shall take effect, and

1 be considered an amendment to the 2040 Hernando County Comprehensive Plan, if the  
2 amendment is not timely challenged, 31 days after the State Land Planning Agency notifies the  
3 local government that the plan amendment package is complete or as otherwise provided in Section  
4 163.3184, Florida Statutes. If timely challenged, this amendment shall become effective on the  
5 date the State Land Planning Agency or the Administration Commission enters a final order  
6 determining this adopted amendment to be in compliance. No development orders, development  
7 permits, or land uses dependent on this amendment may be issued or commence before it has  
8 become effective. If a final order of noncompliance is issued by the Administration Commission,  
9 this amendment may nevertheless be made effective by adoption of a resolution affirming its  
10 effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

11  
12 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
13 **HERNANDO COUNTY** in Regular Session this 26th day of October 2021.

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

17  
18  
19  
20 Attest: Heidi Kuppe, D.C.  
21 *for* DOUGLAS A. CHORVAT, JR.  
22 CLERK OF CIRCUIT COURT  
23 AND COMPTROLLER

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36 By: [Signature]  
37 JOHN ALLOCCO  
CHAIRMAN



33 **Approved as to Form and**  
34 **Legal Sufficiency**

35  
36 By: [Signature]  
37 Assistant County Attorney