

From: [County Ordinances](#)
To: [Ordinances](#); [County Ordinances](#)
Cc: [Heidi Kurppe](#); [Patricia Tapia](#)
Subject: RE: Hernando County Ordinance No. 2023-11 - Adopted on September 26, 2023
Date: Wednesday, October 4, 2023 1:16:38 PM
Attachments: [Hernando20231003_Ordinance2023_11_Ack.pdf](#)

Good afternoon,

Please find the attached acknowledgment letter for Hernando County Ordinance No. 2023-11, which was filed in this office on October 3, 2023.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Ordinances <ord@hernandoclerk.org>
Sent: Tuesday, October 3, 2023 3:48 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Heidi Kurppe <hkurppe@hernandoclerk.org>; Patricia Tapia <ptapia@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2023-11 - Adopted on September 26, 2023

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2023-11

Thank You,

Heidi Kurppe
Administrative Services | Administrative Services Supervisor
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller
Phone: (352)754-4201 | Email: hkurppe@hernandoclerk.org
20 N Main Street, Brooksville, FL 34601

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 4, 2023

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

Attention: Heidi Kurppe

Dear Honorable Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2023-11, which was filed in this office on October 3, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

1 **ORDINANCE NO.: 2023- 11**

2 AN ORDINANCE RELATED TO THE FIRE PROTECTION AND EMERGENCY
3 MEDICAL SERVICES CAPITAL FACILITIES IMPACT FEE; PROVIDING FOR
4 THE INCORPORATION OF RECITALS; AMENDING HERNANDO COUNTY
5 CODE §§ 23-44, 23-46, 23-48, 23-49, 23-50, AND 23-51 TO REFLECT THE
6 ABOLITION OF THE SPRING HILL FIRE RESCUE AND EMERGENCY
7 MEDICAL SERVICES DISTRICT AND THE HERNANDO BEACH
8 VOLUNTEER FIRE COMPANY; PROVIDING FOR PROSPECTIVE
9 APPLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR
10 INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF
11 CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

12
13 WHEREAS, Hernando County’s 2040 Comprehensive Plan prohibits land development
14 unless adequate fire protection and emergency medical services capital facilities are available,
15 planned, provided, or mitigated consistent with the projected impact of the applicable development;¹
16 and,

17 WHEREAS, the 2040 Comprehensive Plan mandates that new land developments bear a
18 proportionate share of the cost of the provision of the new or expanded fire protection and
19 emergency medical services capital facilities required by such development;² and,

20 WHEREAS, the 2040 Comprehensive Plan directs the Hernando County Board of County
21 Commissioners (the “Board”) to implement impact fees, calculated by using professionally-accepted
22 methodologies, to help mitigate the cost of providing future developments with new or expanded

¹See 2040 Comprehensive Plan, Objective 1.12A (New Development Proportionate Share) and Objective 9.01C (Capital Facilities Funding).

²See *id.* at Strategies 1.12A(1)a, 1.12A(2)e., 1.12A(3), 9.01C(3), and 9.01C(4).

1 fire protection and emergency medical services capital facilities at the applicable level of service;³
2 and,

3 WHEREAS, the Florida Legislature, through the enactment of Fla. Stat. § 163.3202(3),
4 encourages local governments to enact impact fees as land development regulations; and,

5 WHEREAS, to those ends, the Board enacted the “Fire Protection and Emergency Medical
6 Services Impact Fee Ordinance,” Ordinance 86-31, on December 16, 1986; and,

7 WHEREAS, Ordinance 86-31, § 9, created an impact fee benefit district for the imposition
8 and collection of fire protection and medical services impact fees that corresponded to the
9 geographic boundaries of each agency that provided such services in Hernando County⁴; and,

10 WHEREAS, Ordinance 86-31, § 10, mandated that the funds collected in each impact fee
11 benefit district, after Hernando County deducted its administrative expenses, can only be used to
12 construct qualifying capital improvements within the applicable benefit district; and,

13 WHEREAS, as the agencies providing fire protection and medical services, and the service
14 boundaries thereof, subsequently changed, the Board adopted ordinances modifying the impact fee
15 benefit districts accordingly⁵; and,

³See *id.* at Strategies 1.12A(1)a, 1.12A(2)e., 1.12A(4), 9.01C(5), 9.01C(6), and 9.01C(7).

⁴See Ordinance 86-31, § 9 (creating the Township 22 Fire Protection and Emergency Medical Services Impact Fee Trust Fund, the Spring Hill Fire Protection and Emergency Medical Services Impact Fee Trust Fund, and the Northwest Fire Protection and Emergency Medical Services Impact Fee Trust Fund).

⁵See Ordinance 93-11, § 8 (establishing 5 benefit districts); Ordinance 96-12, § 8 (same); Ordinance 97-17, § 8 (modifying districts); Ordinance 2001-1, § 8 (same); Ordinance 2005-5, § 3

1 WHEREAS, currently Hernando County Code § 23-48 provides for 5 benefit districts, to wit:
2 “(a) those areas contained within the Spring Hill Fire and Rescue Municipal Service Taxing Unit
3 (MSTU), the boundaries of which shall conform, to the extent practicable, to the boundaries of the
4 Spring Hill Fire Rescue and Emergency Services District established by the Florida Legislature
5 pursuant to Chapter 2009-261, Laws of Florida; (b) those areas contained within the Hernando
6 County Fire Protection Services Unit; (c) those areas contained within the City of Brooksville; (d)
7 those areas contained within the Hernando Beach Municipal Fire Service Unit; and (e) those areas
8 contained within the Hernando County Emergency Medical Services District (those land areas of the
9 County lying outside of the Spring Hill Fire and Rescue Municipal Service Taxing Unit (MSTU));
10 and,

11 WHEREAS, subsequent to the Board’s enactment of the current version of Hernando County
12 Code § 23-48 in 2009, the Legislature abolished the Spring Hill Fire Rescue and Emergency Services
13 District⁶ and the Board abolished the Hernando Beach Municipal Fire Service Unit⁷; and,

14 WHEREAS, the Board is enacting the instant ordinance to remove the anachronistic
15 references to the defunct fire protection agencies and to make the remaining benefit districts
16 correspond to the geographic boundaries of the extant agencies.

(same); Ordinance 2009-14, § 1 (same).

⁶See Chapter 2012-265, Laws of Florida (enacted April 13, 2012).

⁷See Ordinance 2017-8, § 1 (adopted Feb. 28, 2017).

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF HERNANDO COUNTY:

3 **Section 1. Incorporation of Recitals.**

4 The above-stated recitals are hereby incorporated into this ordinance as if fully set forth
5 herein.

6 **Section 2. Amendment of Hernando County Code § 23-44.** Hernando County Code §
7 23-44, Definitions, is amended to read as follows, with deleted text struck-out and added text
8 underlined:

9 Definitions.

10 The following definitions shall apply to this division:

11 Building permit means an official document or official certification which
12 authorizes the construction, alteration, enlargement, conversion, reconstruction,
13 remodeling, rehabilitation, erection, demolition, moving or repair of a building or
14 structure. In the case of a change in use or occupancy of an existing building or
15 structure, the term shall specifically include Certificates of Occupancy, Certificates
16 of Completion, and Occupancy Permits, as those terms are defined by the Hernando
17 County land development regulations. The terms "building permit" and "certificate
18 of occupancy permit" also mean those municipal permits which are equivalent to
19 these County permits, regardless of the names by which they are called within a

1 municipality. Building permits shall include those permits which allow the
2 installation or location of a mobile home or recreational vehicle on a site or lot.

3 Capital equipment is equipment with an expected use life of three (3) years
4 or more.

5 Certificate of use means a certificate, required by appropriate authority under
6 the provisions of the zoning ordinance, which authorizes the occupancy of a structure
7 or premises and is required prior to the occupancy, change in use and under other
8 specific conditions as outlined in the zoning ordinance.

9 County administrator means the county administrator and/or the county
10 officials he or she may designate to administer the various provisions of this division.

11 Fee payer is a person commencing a land development activity by applying
12 for the issuance of a building permit or certificate of use.

13 Fire protection and emergency medical services capital facilities are
14 buildings, building sites, motor vehicles, communications capital equipment and
15 other capital equipment related to fire protection and emergency medical facilities.

16 Independent fee calculation study means the impact documentation prepared
17 by a fee payer to allow the determination of the impact fee other than by the use of
18 the table in subsection 23-46(a) of this division.

19 ~~Spring Hill Fire shall refer to the Spring Hill Fire Rescue and Emergency~~
20 ~~Medical Services District, an independent special district created by the Florida~~

1 legislature pursuant to Chapter 2009-261, Laws of Florida, and Chapter 191, Florida
2 Statutes.

3 **Section 3. Amendment of Schedule of Fire and EMS Impact Fees Contained in**
4 **Hernando County Code § 23-46.** The Schedule of Fire and EMS Impact Fees contained in
5 Hernando County Code § 23-46(a) is hereby amended as set forth in Exhibit “A,” which is attached
6 hereto and incorporated herein as fully as if set forth *in haec verba*, with deleted text struck-out and
7 added text underlined.

8 **Section 4. Amendment of Hernando County Code § 23-48.** Hernando County Code §
9 23-48, Fire Protection and Emergency Medical Facilities Impact Fee Benefit Districts Created, is
10 amended to read as follows, with deleted text struck-out and added text underlined:

11 Fire Protection and Emergency Medical Facilities Impact Fee Benefit Districts
12 Created.

13 There are hereby established ~~five (5)~~ three (3) fire protection and/or emergency
14 medical facilities impact fee benefit districts as follows:

15 (a) ~~Those areas contained within the Spring Hill Fire and Rescue~~
16 ~~Municipal Service Taxing Unit (MSTU), the boundaries of which shall conform, to~~
17 ~~the extent practicable, to the boundaries of the Spring Hill Fire Rescue and~~
18 ~~Emergency Services District established by the Florida Legislature pursuant to~~
19 ~~Chapter 2009-261, Laws of Florida;~~

1 ~~(b)~~ Those areas contained within the Hernando County Fire Protection
2 Services Unit;

3 ~~(c)~~(b) Those areas contained within the City of Brooksville; and,

4 ~~(d)~~ Those areas contained within the Hernando Beach Municipal Fire
5 Service Unit; and

6 (c)~~(e)~~ Those areas contained within the Hernando County Emergency
7 Medical Services District ~~(those land areas of the County lying outside of the Spring~~
8 ~~Hill Fire and Rescue Municipal Service Taxing Unit (MSTU)).~~

9 **Section 5. Amendment of Hernando County Code § 23-49.** Hernando County Code §
10 23-49, Fire Protection and Emergency Medical Services Capital Facilities Impact Fee Trust Fund
11 Established, is amended to read as follows, with deleted text struck-out and added text underlined:

12 Fire Protection and Emergency Medical Services Capital Facilities Impact Fee Trust
13 Fund Established.

14 (a) A Fire Protection and Emergency Medical Services Capital Facilities
15 Impact Fees Trust Fund is hereby established for each benefit district established in
16 section 23-48 of this division:

17 (1) The City of Brooksville Fire Protection Impact Fee Trust Fund
18 (which shall be held and administered by the City of Brooksville absent an interlocal
19 agreement between the county and the city which provides for some other
20 arrangement);

1 (2) ~~The Spring Hill Fire Rescue and Emergency Medical Services~~
2 ~~Impact Fee Trust Fund (which shall be held and administered by the Board of Fire~~
3 ~~Commissioners who oversee the Spring Hill Fire Rescue and Emergency Services~~
4 ~~District);~~

5 (3) The Hernando County Fire Protection Impact Fee Trust Fund;
6 and,

7 (4) ~~The Hernando Beach Fire Protection Impact Fee Trust Fund;~~
8 ~~and~~

9 (5)(3) The Hernando County Emergency Medical Services Impact
10 Fee Trust Fund.

11 The fees collected from each benefit district shall be deposited in the appropriate
12 trust fund.

13 (b) Funds withdrawn from these accounts must be used in accordance
14 with the provisions of section 23-50 of this division.

15 **Section 6. Amendment of Hernando County Code § 23-50.** Hernando County Code §
16 23-50, Use of Funds, is amended to read as follows, with deleted text struck-out and added text
17 underlined:

18 Use of funds.

19 (a) The collecting governmental unit shall be entitled to up to but not more than
20 three (3) percent of the funds collected to compensate them for the administrative

1 expense of collecting and administering the Fire Protection and Emergency Medical
2 Services Capital Facilities Impact Fee Ordinance. All remaining funds collected from
3 fire protection and emergency medical services capital facilities impact fees shall be
4 used exclusively for the purpose of capital improvements which are of direct benefit
5 to the benefit district from which the funds were collected in Hernando County. Fire
6 districts under the control of the county shall be administered by the county; and
7 those under the control of the City of Brooksville shall be administered by the city;
8 ~~and under the control of the Spring Hill Fire Rescue and Emergency Services District~~
9 ~~shall be administered by the district (absent a duly enacted interlocal agreement~~
10 between the affected entities which provides for some other arrangement).

11 (b) Funds shall be expended in the order in which they are collected.

12 (c) (1) Each fiscal period the county administrator or his designee, after
13 consultation with the affected fire districts under the county's control, shall present
14 to the board of county commissioners proposed capital improvement expenditures
15 for fire protection and emergency medical services, assigning funds, including any
16 accrued interest, from the Fire Protection and Emergency Medical Services Capital
17 Facilities Impact Fees Trust Fund to capital facilities projects and related expenses.
18 Monies, including any accrued interest, not assigned in any fiscal period shall be
19 retained in the trust funds until the next fiscal period except as provided by the refund
20 provisions of this division.

1 (2) The use of funds collected from those properties within the boundaries
2 of the City of Brooksville shall be determined by the City Council of the City of
3 Brooksville consistent with this division or as otherwise provided in a duly enacted
4 interlocal agreement between the county and the City of Brooksville.

5 ~~(3) The use of funds collected from those properties within the boundaries
6 of the Spring Hill Fire Rescue and Emergency Services District (as set forth in
7 Chapter 2009-261, Laws of Florida) shall be determined by the Board of Fire
8 Commissioners who oversee Spring Hill Fire consistent with this division or as
9 otherwise provided in a duly enacted interlocal agreement between the county and
10 Spring Hill Fire.~~

11 (d) In the event that bonds or similar debt instruments are issued for advanced
12 provision of capital facilities for which fire protection and emergency medical
13 services capital facilities impact fees may be expended, impact fees may be used to
14 pay debt service on such bonds or similar debt instruments to the extent that the
15 facilities provided are of the type described in paragraph (a) above and are located
16 within the appropriate impact fee districts created by section 23-48 of this division.

17 **Section 7. Amendment of Hernando County Code § 23-51.** Hernando County Code §
18 23-51, Refund of Fees Paid, is amended to read as follows, with deleted text struck-out and added
19 text underlined:

1 Refund of Fees Paid.

2 (a) If a building permit or certificate of use expires, is revoked or is voluntarily
3 surrendered and is, therefore, voided, and no construction or improvement of land
4 (including moving a mobile or recreational vehicle on to land) has been commenced,
5 then the current parcel owner of record shall be entitled to request a refund of the fire
6 protection and emergency medical services capital facilities impact fee paid as a
7 condition for its issuance, except that three (3) percent of the fee paid shall be
8 retained an administrative fee to offset the cost of processing the refund; accordingly,
9 the current parcel owner of record shall be entitled to request a refund equal to
10 ninety-seven (97) percent of the fire protection and emergency medical services
11 capital facilities impact fee paid by making application to either the county where the
12 subject parcel is located within one of the three (3) fire districts under the county's
13 control, or to the City of Brooksville where the subject parcel is located within the
14 boundaries of the City of Brooksville, ~~or to Spring Hill Fire where the subject parcel~~
15 ~~is located within the Spring Hill Fire District.~~ No interest shall be paid on refunds
16 under this section.

17 (b) Any funds not expended or encumbered by the end of the calendar quarter
18 immediately following ten (10) years from the date the fire protection and emergency
19 medical services capital facilities impact fee was recorded as revenue by the county
20 shall, upon application of the current parcel owner of record within one hundred

1 eighty (180) days of the expiration of the ten-year period, be returned to the current
2 parcel owner of record with interest at the county's average annual rate of return.

3 **Section 8. Prospective Effect.** This ordinance is intended to be prospective, not retroactive,
4 in its application. Impact fees collected within the Spring Hill Fire Rescue and Emergency Medical
5 Services Impact Fee Benefit District and the Hernando Beach Fire Protection Impact Fee Benefit
6 District prior to the effective date of this ordinance shall continue to be governed by Ordinances
7 86-31, 93-11, 96-12, 97-17, 2001-01, 2005-05, 2009-14, and 2013-9, as they may be applicable;
8 provided, that both benefit districts shall hereinafter be governed by the Hernando County Board of
9 County Commissioners. The Spring Hill Fire Rescue and Emergency Medical Services Impact Fee
10 Trust Fund and the Hernando Beach Fire Protection Impact Fee Trust Fund shall automatically cease
11 to exist when all the funds deposited therein have been expended or refunded.

12 **Section 9. Severability.** It is declared to be the intent of the Board of County
13 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
14 Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
15 the validity of the remaining portions of this ordinance.

16 **Section 10. Inclusion in the Code.** It is the intention of the Board of County
17 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
18 ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.
19 To this end, the sections of this ordinance may be renumbered or relettered to accomplish such

intention, and that the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

Section 11. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 26th day of September 2023.

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

Attest: Haidi Kuppe, Deputy Clerk By: John Allocco
DOUGLAS CHORVAT, JR. JOHN ALLOCCO
Clerk and Comptroller Chairman

Approved for Form and Legal Sufficiency

[Signature]
County Attorney



EXHIBIT "A"

SCHEDULE OF FIRE AND EMS IMPACT FEES

Land Use Type	Spring-Hill Fire See Note 1		Hernando Beach		Hernando County		Consolidated Rate	H County EMS		City of Brooksville	
	effective 11-15- 12	effective 08-14- 13	effective 11-15- 12	effective 08-14- 13	effective 11-15- 12	effective 08-14- 13		effective 10-01-13	effective 11-15- 12	effective 08-14- 13	effective 11-15- 12
Residential, per unit:											
Single-family, detached	\$0.00	\$153.00	\$0.00	\$284.00	\$0.00	\$284.00	\$209.00	\$0.00	\$26.00	\$0.00	\$215.00
Single-family, attached	0.00	102.00	0.00	199.00	0.00	199.00	147.00	0.00	18.00	0.00	151.00
Multifamily, 1 & 2 story	0.00	115.00	0.00	215.00	0.00	215.00	158.00	0.00	19.00	0.00	162.00
Multifamily 3 story & up	0.00	121.00	0.00	222.00	0.00	222.00	161.00	0.00	19.00	0.00	216.00
Mobile home, 1 acre	0.00	153.00	0.00	284.00	0.00	284.00	209.00	0.00	26.00	0.00	215.00
Mobile home, other	0.00	128.00	0.00	238.00	0.00	238.00	175.00	0.00	21.00	0.00	180.00
Recreational vehicle-lot	0.00	71.00	0.00	132.00	0.00	132.00	97.00	0.00	12.00	0.00	100.00
Hotel/motel, 1 & 2 story	0.00	71.00	0.00	132.00	0.00	132.00	97.00	0.00	12.00	0.00	100.00
Hotel/motel, 3 story & up	0.00	74.00	0.00	136.00	0.00	136.00	99.00	0.00	12.00	0.00	133.00
Residential-Other	0.00	153.00	0.00	284.00	0.00	284.00	209.00	0.00	26.00	0.00	215.00
<i>Industrial & warehousing, per 1,000 sq. ft.</i>											
Industrial—Under 30,000 sq. ft.	0.00	55.00	0.00	102.00	0.00	102.00	75.00	0.00	9.00	0.00	77.00
Industrial—30,000 sq. ft. and over	0.00	58.00	0.00	106.00	0.00	106.00	77.00	0.00	9.00	0.00	103.00
Warehouse—Under 30,000 sq. ft.	0.00	41.00	0.00	75.00	0.00	75.00	55.00	0.00	7.00	0.00	57.00
Warehouse—30,000 sq. ft. and over	0.00	42.00	0.00	78.00	0.00	78.00	57.00	0.00	7.00	0.00	76.00
Storage—Under 30,000 sq. ft.	0.00	24.00	0.00	44.00	0.00	44.00	32.00	0.00	4.00	0.00	33.00
Storage—30,000 sq. ft. and over	0.00	25.00	0.00	45.00	0.00	45.00	33.00	0.00	4.00	0.00	44.00
<i>Office, financial, retail & restaurant, per 1,000 sq. ft.</i>											
Medical—Under 30,000 sq. ft.	0.00	189.00	0.00	351.00	0.00	351.00	258.00	0.00	32.00	0.00	265.00
Medical—30,000 sq. ft. and over	0.00	198.00	0.00	363.00	0.00	363.00	263.00	0.00	32.00	0.00	354.00
General—Under 30,000 sq. ft.	0.00	110.00	0.00	205.00	0.00	205.00	150.00	0.00	18.00	0.00	154.00
General—30,000 sq. ft. and over	0.00	115.00	0.00	211.00	0.00	211.00	153.00	0.00	18.00	0.00	206.00
Retail—Under 30,000 sq. ft. and 36 ft.	0.00	214.00	0.00	397.00	0.00	397.00	292.00	0.00	36.00	0.00	300.00
Retail—30,000 sq. ft. or 36 ft. and over	0.00	224.00	0.00	410.00	0.00	410.00	298.00	0.00	36.00	0.00	400.00
Restaurant—Under 30,000 sq. ft. and 36 ft. and under.	0.00	332.00	0.00	617.00	0.00	617.00	454.00	0.00	56.00	0.00	466.00
Restaurant—30,000 sq. ft. or 36 ft. and over	0.00	347.00	0.00	638.00	0.00	638.00	463.00	0.00	56.00	0.00	622.00