

From: [County Ordinances](#)
To: [Ordinances](#); [County Ordinances](#)
Cc: [Heidi Kurppe](#); [Patricia Tapia](#)
Subject: RE: Hernando County Ordinance No. 2024-01 - Adopted on February 13, 2024
Date: Thursday, February 15, 2024 2:00:29 PM
Attachments: [Hernando20240215 Ordinance 2024 01 Ack.pdf](#)

Good afternoon,

Please find the attached acknowledgment letter for Hernando County Ordinance No. 2024-01, which was filed in this office on February 15, 2024.

Best,

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

From: Ordinances <ord@hernandoclerk.org>
Sent: Thursday, February 15, 2024 11:44 AM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Heidi Kurppe <hkurppe@hernandoclerk.org>; Patricia Tapia <ptapia@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2024-01 - Adopted on February 13, 2024

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:	2024-01

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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NOTICE:

Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 15, 2024

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

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. 2024-01, which was filed in this office on February 15, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

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ORDINANCE NO.: 2024-01

AN ORDINANCE MODIFYING THE REQUIREMENTS TO ALLOW A PROPERTY OWNER WITH AN ACTIVE BUILDING PERMIT TO CHANGE A CONTRACTOR WITHOUT VOIDING THE BUILDING PERMIT AND SUBMITTING A NEW BUILDING PERMIT APPLICATION UNLESS THERE IS A CHANGE IN THE SCOPE OF WORK; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 8, Article II of the Hernando County Code of Ordinances provides the construction code in Hernando County; and,

WHEREAS, Chapter 8, Article II, Division 2, Subdivision A, Section 8-35 of the Hernando County Code of Ordinances provides requirements for the issuance of building permits for contracting work performed in Hernando County; and,

WHEREAS, Hernando County desires to amend the provisions in the Hernando County Code of Ordinances to allow a property owner with an active building permit to change the contractor on the permit without having to void the building permit and submit a new building permit application.

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

3 **Section 1.** Chapter 8, Article II, Division 2, Subdivision A, Section 8-35 of the Hernando
4 County Code of Ordinances is hereby amended to read as follows:

5 **Sec. 8-35. - Building permits.**

6 (1) For the purposes of this code the governing of permits and ancillary issues
7 shall be as provided for in both this code, other applicable county ordinances
8 and the Florida Building Code as amended.

9 (2) If any building or structure is being constructed, altered, enlarged, repaired,
10 replaced, demolished or otherwise constructed without a permit or any
11 building permit or applicable permit issued for such building or structure
12 expires or is revoked by the building official, and the owner of the building
13 or structure fails within thirty (30) days of the revocation or expiration to
14 obtain either a certificate of occupancy as provided by the Florida Building
15 Code or other applicable county ordinance or to obtain another building
16 permit or applicable permit; then that building or structure shall be deemed
17 a public nuisance and therefore declared unsafe. Penalties for maintaining a
18 nuisance/unsafe buildings or structures shall be as provided for by the

1 requirements of applicable county ordinances. Standard Unsafe Building and
2 ~~Abatement Code (1985 edition) as amended and adopted by Hernando~~
3 ~~County Ordinance.~~

4 (3) (a) A permit holder (owner/contractor) is responsible for requesting; a
5 final inspection within ten (10) days of the completion of permitted
6 work, and if applicable; a reinspection within seven (7) days of the
7 issuance of a red-tag.

8 (b) A person failing to request an inspection as described in this section
9 is deemed to have violated this code, including but not limited to
10 section 8-47 and 8-62(d), (j), (n) and (p), and is subject to applicable
11 disciplinary guidelines/penalties as provided for in this code.

12 (4) (a) The building official, his/her designee or other persons charged with
13 the enforcement of this code, other county ordinances and the Florida
14 Building Code as they may relate to permitting; are hereby authorized
15 to issue stop-work orders. A stop work order shall order all work
16 and/or acts being performed in violation of a particular ordinance or
17 law be ceased immediately.

- 1 (b) It shall be unlawful for any person to continue to work or perform
2 acts for which a stop work order was issued. A person failing to
3 comply with a stop work order or otherwise violate a stop work order;
4 shall be deemed to have violated this code and subject to applicable
5 disciplinary guidelines/penalties as provided herein.
- 6 (5) The governing body, or any official of the governing body; may institute any
7 appropriate action or proceedings in a civil action in the circuit court to
8 restrain, correct or abate any violation of this code or the Florida Building
9 Code or to prevent the occupancy of any building or structure that is erected,
10 constructed, reconstructed, altered, repaired or maintained in violation of this
11 code or the Florida Building Code.
- 12 (6) With respect to evaluation of design professionals' documents, if the
13 department, building official or his/her designee finds it necessary, in order
14 to enforce compliance with the Florida Building Code and issue a permit, to
15 reject design documents required by the code three (3) or more times for
16 failure to correct a code violation specifically and continuously noted in each
17 rejection, including, but not limited to, egress, fire protection, structural
18 stability, energy, accessibility, lighting, ventilation, electrical, mechanical,

1 plumbing, and gas systems, or other requirements identified by rule of the
2 Florida Building Commission adopted pursuant to chapter 120, a fine shall
3 be imposed, each time after the third such review the plans are rejected for
4 that code violation, a fee of four (4) times the amount of the proportion of the
5 permit fee attributed to plans review. (Specific Authority § 553.80[2][b].)

6 (7) With respect to inspections, if the department, building official or his/her
7 designee finds it necessary, in order to enforce compliance with the Florida
8 Building Code, to conduct any inspection after an initial inspection and one
9 subsequent reinspection of any project or activity for the same code violation
10 specifically and continuously noted in each rejection, including, but not
11 limited to, egress, fire protection, structural stability, energy, accessibility,
12 lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or
13 other requirements identified by rule of the Florida Building Commission
14 adopted pursuant to chapter 120, the local government shall impose a fee of
15 four (4) times the amount of the fee imposed for the initial inspection or first
16 reinspection, whichever is greater, for each such subsequent reinspection.
17 (Specific Authority § 553.80[2][b].)

- 1 (8) Upon a determination that a person licensed, certified or registered under Florida
2 Statutes Chapter 455, 471, 481, 489 and/or this code has committed a material
3 violation of the Florida Building Code and failed to correct the violation within a
4 reasonable time, such local jurisdiction shall impose a fine of no less than five
5 hundred dollars (\$500.00) and no more than five thousand dollars (\$5,000.00) per
6 material violation.
- 7 For purposes of this section and the applicable fee schedule; a material code violation
8 is a violation that exists within a building, structure, or facility which may reasonably
9 result, or has resulted, in physical harm to a person or significant damage to the
10 performance of a building or its systems. Except when the fine is abated as provided
11 by § 553.781, failure to pay the fine within thirty (30) days shall result in a
12 suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits
13 within Hernando County until the fine is paid. (Specific Authority § 553.781.)
- 14 (9) Upon request by the owner and/or permit holder (owner/contractor), a change of the
15 contractor for an active building permit may be issued without the initial permit being
16 revoked or suspended. The foregoing will be approved by the building official or
17 his/her designee upon receipt of the following in writing from the owner and/or
18 permit holder (owner/contractor): (a) a letter stating the reason for the change in

1 contractor and (b) the completion of a hold harmless affidavit by the owner and new
2 permit holder (owner/contractor) that releases the county from any legal involvement
3 in any dispute between the original permit holder (owner/contractor) and the new
4 permit holder (owner/contractor). ~~A permit shall be deemed void if a change of the~~
5 ~~primary contractor is made. No work shall proceed on a voided permit. A new permit~~
6 ~~for remaining work shall be obtained and must meet all applicable codes, laws and~~
7 ~~ordinances. Notification may be in writing and provided by way of regular mail,~~
8 ~~facsimile or email.~~

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

13 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
14 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
15 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
16 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
17 the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2023 760 Modify Building Permit Contractor\Modify Building Permit Contractor Ordinance.wpd, December 29, 2023 (9:26am) NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

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

3 **Section 5. Effective Date.** This ordinance shall take effect *nunc pro tunc* to June 30, 2023,
 4 upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this
 5 ordinance has been filed with said office.

6 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
 7 **HERNANDO COUNTY** in Regular Session this 13th day of February 2024.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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Attest: Heidi Kuyper, Deputy Clerk By: Elizabeth Narverud
 DOUG CHORVAT, JR. ELIZABETH NARVERUD
 Clerk Chairwoman

Approved for Form and Legal Sufficiency

Kyle J Benda
 County Attorney's Office

