

**From:** [County Ordinances](#)  
**To:** [Ordinances](#); [County Ordinances](#)  
**Cc:** [Patricia Tapia](#); [Paige Jefferys](#); [Heidi Kurppe](#)  
**Subject:** RE: Hernando County Ordinance No. 2025-02 - Adopted on March 12, 2025  
**Date:** Thursday, March 13, 2025 9:29:05 AM  
**Attachments:** [Hernando20250312\\_Ordinance2025\\_02\\_Ack.pdf](#)

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Good morning,

Attached is the acknowledgement letter for Hernando County Ordinance 2025-02.

Thank you,

**David Parrish**

Government Operations Consultant II  
Office of the General Counsel  
Department of State  
Room 701 – The Capital – Tallahassee, FL  
P: (850) 245-6270

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**From:** Ordinances <ord@hernandoclerk.org>  
**Sent:** Wednesday, March 12, 2025 3:29 PM  
**To:** County Ordinances <CountyOrdinances@dos.fl.gov>  
**Cc:** Patricia Tapia <ptapia@hernandoclerk.org>; Paige Jefferys <pjefferys@hernandoclerk.org>; Heidi Kurppe <hkurppe@hernandoclerk.org>  
**Subject:** Hernando County Ordinance No. 2025-02 - Adopted on March 12, 2025

**EMAIL RECEIVED FROM EXTERNAL SOURCE**

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

Sender Full Name:	Patricia Tapia
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2025-02

Thank You,

Patricia Tapia  
Administrative Services | Administrative Services Clerk I  
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller  
Phone: 352-754-4201 | Email: [ptapia@hernandoclerk.org](mailto:ptapia@hernandoclerk.org)  
20 N Main Street, Brooksville, FL 34601



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 13, 2025

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

Dear 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. 2025-02, which was filed in this office on March 12, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp



1           **WHEREAS**, the County has considered the record of the public hearing.

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

4           **Section 1.** Chapter 12 (Fire Prevention and Protection), Article I (In General); Article II (Fire  
5 Prevention and Arson Detection Code); Article V (Fire Rescue Assessment), Division 2 (Annual Fire  
6 Rescue Assessments); and Article VI (Regulation of Fire Hazards and Incendiary Devices During  
7 Drought Conditions), of the Hernando County Code are hereby amended as follows:

8  
9           **ARTICLE I (In General)** is amended as follows:

10           **Sec. 12-1. Adoption of the Florida Fire Prevention Code.**

11           (a)   The most recent edition of the Florida Fire Prevention Code adopted by  
12 the State Fire Marshall is adopted by the County and fully incorporated in this section,  
13 and is controlling within the unincorporated areas of the county for the purpose of  
14 prescribing regulations governing conditions hazardous to life and property and to  
15 prevent fire or explosion.

16           (b)   The Florida Fire Prevention Code (including the codes it incorporates such  
17 as the NFPA 101 Life Safety Code® and the NFPA 1 Fire Prevention Code among  
18 others) may be accessed online (with free registration) at  
19 <https://www.nfpa.org/for-professionals/codes-and-standards/nfpa-link>.

1           (c) If any conflict occurs between this section and any other applicable state or  
2           county law, ordinance, rule or regulation, the more stringent requirement applies.

3           **Secs. 12-~~12~~-12-15. Reserved.**

4           ARTICLE II (Fire Prevention and Arson Detection Code) is amended as follows:

5           **Sec. 12-16. Short title.**

6                     This article shall be known and may be cited as the “Fire Prevention and Arson  
7           ~~Detection~~Protection Code.”

8           **Sec. 12-17. Intent and purpose.**

9                     (a) It is the intent and purpose of this article to provide the fire  
10           department~~districts~~ with the ability to control hazardous conditions countywide, provide  
11           public education and fire safety programs, and assist state agencies in determining the  
12           origins and causes of fires and explosions, in order to better ~~work together to control~~  
13           ~~hazardous conditions county-wide, investigate arsons, suspected arsons, and related~~  
14           ~~crimes, to share men, equipment and knowledge to better~~ provide for the health, safety  
15           and welfare of the people of the county.

16                     (b) It is further the intent and purpose of this article to provide fire districts  
17           department with the authority and mechanisms, within the ~~perimeters~~parameters of  
18           judicial, federal, state and local laws, to investigate, inspect, review and enforce laws,

1 rules and regulations for the health, safety, welfare and benefit of the citizens of the  
2 county.

3 (c) It is further the intent and purpose of this article to protect the persons and  
4 property of the citizens of the county from hazardous and dangerous conditions caused by  
5 others.

6 **Sec. 12-18. Definitions.**

7 As used in this article, the following terms shall have the indicated meaning:

8 ~~Arson detection unit or squad. Designated firefighter or firefighters, who have~~  
9 ~~specialized training relating to detection of arson, suspected arson and related crimes.~~

10 ~~Such persons shall have the following minimum qualifications:~~

11 ~~(1) Hold a Florida state certification as a Fire Investigator I, and;~~

12 ~~(2) Have achieved a certificate of compliance with the state minimum~~  
13 ~~standards council, and;~~

14 ~~(3) Have a thorough understanding of building codes and arson laws, shown~~  
15 ~~through examination.~~

16 ~~(4) Experience in fire prevention, detection, firefighting, and or law~~  
17 ~~enforcement, and;~~

---

1           ~~—— (5) ——~~ Be interviewed and approved by the fire chief, or the designee thereof, of  
2           the applicable fire district.

3                   Board means in the Hernando County Board of County Commissioners.

4                   Broadcast burning is a form of open burning and means the burning of  
5           agricultural or natural vegetation by allowing fire to move across a predetermined area of  
6           land. The term does not include the burning of vegetative debris that is piled or stacked.

7                   Commercial Building, for purposes of this chapter of the Hernando Code, means  
8           any building of a commercial nature as well as any residential building with three or more  
9           dwelling units.

10           ~~—— Division. The Division of State Fire Marshal within the Department of Financial~~  
11           Services.

12                   Dwelling Unit means a single unit providing complete, independent living  
13           facilities for one or more persons, including permanent provisions for living, sleeping,  
14           eating, cooking and sanitation.

15                   Fire chief: means ~~the~~The person appointed by the appropriate governing body as  
16           head of the fire fighting unit serving the designated fire district to serve at the pleasure of  
17           such governing body Hernando County Fire and Emergency Services within the  
18           unincorporated areas of the County.

1            Fire department means the Hernando County Fire and Emergency Services (also  
2            known as Hernando County Fire Rescue).

3            ~~Fire district~~ means all unincorporated areas of Hernando County ~~Any county,~~  
4            ~~municipality, or independent special fire control district.~~

5            Firefighter: means a ~~A~~ person as defined in Fla. Stat. s. Section 633.102(9),  
6            ~~Florida Statutes,~~ as same may be amended from time to time, and who has the  
7            qualifications defined therein.

8            ~~Fire safety inspector~~: ~~means an~~ An individual who holds a current and valid Fire  
9            Safety Inspector Certificate of Compliance issued by the division under Fla. Stat. s.  
10           ~~Section 633.216, Florida Statutes,~~ as same may be amended from time to time, who is  
11           officially assigned the duties of conducting fire safety inspections of buildings and  
12           facilities on a recurring or regular basis on behalf of the state or any county, municipality,  
13           or special district with fire safety responsibilities.

14           Governing body: ~~means the~~ The governing collegial body of a county,  
15           municipality, or independent special fire control district.

16           Open burning means the burning of any matter in such a manner that the products  
17           of combustion resulting from the burning are emitted directly into the outdoor atmosphere  
18           without passing through a stack or chimney. Broadcast burning and pile burning, as  
19           defined herein, are forms of open burning.



1           Pile burning is a form of open burning and means the burning of silvicultural,  
2           agricultural, land-clearing, or tree-cutting debris originating onsite, which is stacked  
3           together in a round or linear fashion, including, but not limited to, a windrow. Pile  
4           burning authorized by the Florida Forest Service is a temporary procedure, which  
5           operates on the same site for 6 months or less.

6           *Uniform fire safety standard:* is a ~~A~~ requirement or group of requirements for the  
7           protection of life and property from loss by fire which shall be met by every building and  
8           structure specified in Fla. Stat. s. Section 633.206, Florida Statutes, as same may be  
9           amended from time to time, and is not weakened or exceeded by law, rule, or ordinance  
10          of any other state agency or political subdivision or county, municipality, or special  
11          district with fire safety responsibilities.

12          ~~Sec. 12-19. Codes and statutes adopted.~~

13          ~~—(a)— There is hereby adopted by the county of Hernando, Florida the Florida~~  
14          ~~Fire Prevention Code, Sixth Edition which includes the National Fire Protection~~  
15          ~~Association's NFPA 1 Fire Code and NFPA 101 Life Safety Code with modifications~~  
16          ~~made by the State Fire Marshal's Office as needed to accommodate the specific needs of~~  
17          ~~the state; and subsequent editions as adopted by the State Fire Marshal's office which~~  
18          ~~shall contain or incorporate by reference all fire safety laws and rules that pertain to and~~  
19          ~~govern the design, construction, erection, alteration, modification, repair, and demolition~~

1 of public and private buildings, structures, and facilities and the enforcement of such fire  
2 safety laws and rules.

3 ~~———— (b) ——— Pursuant to Section 633.15, Florida Statutes, Chapter 633, Florida~~  
4 ~~Statutes, as all of same may be amended from time to time, and all the rules promulgated~~  
5 ~~thereunder by the State Fire Marshal, as same may be amended from time to time, are~~  
6 ~~hereby adopted by reference as if fully set forth herein.~~

7 ~~———— (c) ——— Chapter 791, Florida Statutes, and all the rules and regulations~~  
8 ~~promulgated thereunder, as all of same may be amended from time to time, are hereby~~  
9 ~~adopted by reference as if fully set forth herein.~~

10 ~~———— (d) ——— Section 806.10, Florida Statutes, as same may be amended from time to~~  
11 ~~time, is hereby adopted by reference as if fully set forth herein.~~

12 ~~———— (e) ——— Section 806.101, Florida Statutes, as same may be amended from time to~~  
13 ~~time, is hereby adopted by reference as if fully set forth herein.~~

14 ~~———— (f) ——— Section 823.02, Florida Statutes, as same may be amended from time to~~  
15 ~~time, is hereby adopted by reference as if fully set forth herein.~~

16 **Sec. 12-~~20~~19. Enforcement of article and duties of fire departmentchief.**

17 ~~(a) ——— This article shall be enforced by the fire department of the fire districts~~  
18 ~~which are already established and which may be established in the future, operated under~~

1 the supervision of the chiefs of the fire departments of the respective fire districts and  
2 enforced by firefighters, the fire safety inspector, or the appointed representative certified  
3 pursuant to Chapter 633, Florida Statutes.

4 (ba) The fire chief, or his designee, shall be responsible for enforcing this  
5 article.

6 (c) The fire chief shall make an annual report to the appropriate governing  
7 body of all proceedings under this article.

8 (d) The fire chief, or his designee, shall review and approve fire and life safety  
9 plans for all new commercial buildings in the fire district in cooperation with county  
10 and/or city building departments.

11 (eb) The fire chief and fire safety inspectors are also designated code  
12 enforcement officers for purposes of Fla. Stat. s. Section 162.21, Florida Statutes, when  
13 enforcing provisions of this article.

14 (c) The fire chief shall make an annual report to the county administrator of  
15 all proceedings under this article.

16 (d) The fire chief or his designee shall review and approve fire and life safety  
17 plans for all new commercial buildings in the fire district in cooperation with the county  
18 building department.

1           **Sec. 12-210. Establishments of zones in which explosives, blasting agents, flammable**  
2           **liquids, liquified petroleum gases, or other dangerous and hazardous materials may**  
3           **be stored, and restrictions placed thereon.**

4           (a)     The planning and zoning department of the ~~appropriate governing~~  
5           ~~body~~county, working in conjunction with the fire chief; or designee; shall make  
6           recommendations to the board of ~~county commissioners or to the city council of the City~~  
7           ~~of Brooksville~~; to establish certain zones within ~~each fire district~~the county where  
8           explosives, blasting agents, flammable liquids, liquified petroleum gases, or other  
9           dangerous and hazardous materials may be stored, using the Florida Building Code and  
10          the Florida Fire Prevention Code, as they may be amended from time to time, as  
11          guidelines for such storage and prohibitions relating to such storage.

12          (b)     It ~~shall be~~is a violation of this article to store or maintain in any manner  
13          the materials as enumerated in subsection (a) of this section in areas not zoned as  
14          described in subsection (a) of this section.

15          (c)     Violators of this section shall be subject to those penalties as described in  
16          section 12-28 of this article.

17           **Sec. 12-221. Establishment of motor vehicle routes for vehicles transporting**  
18           **hazardous chemicals or other dangerous materials.**

1 Motor vehicle routes for vehicles transporting hazardous chemicals or other  
2 dangerous materials shall be established in accordance with guidelines and standards  
3 pursuant to the United States Government and the state laws and rules and regulations  
4 promulgated by the appropriate agencies of the aforementioned governmental bodies.

5 **Sec. 12-232. Fire hazards; inspection and abatement; limitations.**

6 (a) The fire chief; or his appointed representative; is hereby  
7 ~~empowered~~authorized to enter any commercial and public buildings, premises, storage  
8 areas, or other places, at any reasonable hour for the purpose of making inspections and to  
9 serve written notice upon the owner or occupant to abate a violation of this article within  
10 a specified time; said notice shall require abatement to be completed not to be less than  
11 ten (10) days nor more than thirty (30) days from the date of the notice.

12 (b) If the owner or occupant fails to abate within the specified time limit, the  
13 ~~fire chief, or his representative,~~ or his designee may apply to a court of competent  
14 jurisdiction for an order of abatement or temporary or permanent injunction against the  
15 violation of this article.

16 (c) Notwithstanding anything contained in this article, ~~neither the~~ no fire  
17 ~~chief, or~~ nor his ~~representative,~~ designee may enter in or on a building or premises for  
18 reasons stated in this article without the consent of the owner or occupant, or, if consent is  
19 not given, without an administrative ~~search~~ inspection warrant signed by a judge of

1           competent jurisdiction; or without a court order allowing such entry, except during  
2           exigent circumstances as permitted by law.

3           **Sec. 12-243. ~~Arson; investigation; detection and prevention~~Fire Investigations.**

4           (a)     The fire chief, or his designee, ~~of each fire district~~ is hereby authorized to  
5           create ~~within each~~the fire department an arson unit Fire Investigation Division, which  
6           shall be a subdivision of the Fire Prevention Division. ~~The arson unit shall be composed~~  
7           ~~of only those firefighters who meet the qualifications as stated in section 12-18 of this~~  
8           ~~article.~~

9           (b)     Each ~~arson unit~~ shall have the responsibility for investigation of ~~arsons;~~  
10          ~~suspected arsons, and other related crimes.~~The Fire Investigation Division shall  
11          investigate the cause of any fire or explosion.

12          (c)     The technical investigation procedures to be used by the ~~arson unit~~fire  
13          investigator shall be established by the fire chief, or his ~~designated~~  
14          ~~representative,~~designee after ~~having consulted~~consulting with local, state and federal law  
15          enforcement officials.

16          (d)     ~~Each fire district's technical investigation procedures shall be substantially~~  
17          ~~the same as other fire districts covered under this chapter, with variations being allowed~~  
18          ~~due to the particular circumstances of the individual fire district.~~

1           ~~———— (c) ——— Each fire district is hereby authorized, when needed, to loan, exchange and~~  
2           ~~otherwise contribute specialized personnel, equipment, information, and procedures from~~  
3           ~~one arson unit to another under controlled methods to be established between the fire~~  
4           ~~districts and approved by the appropriate governing bodies.~~

5           **Sec. 12-25. Burning permits, exceptions, governmental cooperation.**

6           ~~———— (a) ——— It shall be unlawful for any persons to burn any material in the open within~~  
7           ~~any fire district without having first obtained a permit from the state forest service.~~

8           ~~———— (b) ——— This section shall not apply to residential indoor fireplaces, residential~~  
9           ~~outdoor cooking areas, silviculture businesses, residential yard maintenance, vegetation~~  
10           ~~burning outside incorporated municipalities and governmental fire departments, and fire~~  
11           ~~control units. Residential yard vegetation burning shall be conducted in accordance with~~  
12           ~~Florida Forest Service requirements that address burning of yard waste including meeting~~  
13           ~~required setbacks, hours of burning, size of piles, safety and nuisance smoke. Residents~~  
14           ~~shall contact the state forest service or the local fire district before burning to ensure that~~  
15           ~~there is no burn ban currently in effect.~~

16           ~~———— (c) ——— This article shall be supplemental to Chapter 590, Florida Statutes, as~~  
17           ~~same may be amended from time to time, and each fire district in the county is hereby~~  
18           ~~authorized to enter into agreements with the division of forestry of the department of~~

1 agriculture and consumer services of the state to determine and define which department  
2 shall issue burn permits within each fire district.

3 ~~—— (d) ——~~ Nothing provided for in this article shall be interpreted as affecting or  
4 limiting the application of Hernando County Code, Chapter 12, Article VI, "Regulation of  
5 Fire Hazards and Incendiary Devices During Drought Conditions."~~—~~

6 **Sec. 12-24. Open burning and recreational burning.**

7 (a) Pursuant to Fla. Stat. s. 590.02(10), the Florida Forest Service has  
8 exclusive authority to require and issue authorizations for open burning. Except as  
9 authorized by the Florida Forest Service, open burning is prohibited in Hernando County.  
10 Enforcement of this provision, pursuant to Section 12-19 above, is supplemental to, and  
11 not in derogation or substitution of, the Florida Forest Service's enforcement of Fla. Stat.  
12 ch. 590.

13 (b) Recreational Open Burning. Notwithstanding subsection (a) of this  
14 section, nothing in this section prohibits the recreational open burning of vegetative  
15 debris and untreated wood, such as in a campfire, outdoor fireplace, or other contained  
16 outdoor heating or cooking device, on cold days for warming of outdoor workers, or in a  
17 recreational or ceremonial bonfire, as long as the fire is attended at all times and is  
18 completely smothered with no visible flame, smoke or emissions if the area is to be left



1 unattended. The person or persons responsible for the recreational fire shall ensure  
2 compliance with any applicable open burning rules adopted by the Florida Forest Service.

3 (c) Except as otherwise provided herein, the prohibitions against open burning  
4 contained in Fla. Stat. ch. 590, and in the Florida Administrative Code, chs. 5I-2 and  
5 62-256, and any revisions thereof, are hereby adopted by reference.

6 (d) Enforcement of this section, pursuant to Section 12-19 above, is  
7 supplemental to, and not in derogation or substitution of, the Florida Forest Service's  
8 enforcement of Fla. Stat. ch. 590.

9 (e) Violations of this section are punishable under the provisions of Fla. Stat.  
10 s. 125.69.

11 (f) Any person responsible for unlawful open burning shall bear any and all  
12 applicable costs involved in extinguishing the fire, in addition to the fines provided in the  
13 uniform fine schedule.

14 **Sec. 12-25. Provisions inapplicable.**

15 The provisions of this article do not apply to:

16 (a) Barbecue grill fires used solely for the preparation of food, provided that a  
17 grate is maintained over the fire;

1           **(b)**    Lawful activities involving incendiary devices, fireworks, sparklers, or any  
2           similar instrumentality Hernando County is preempted from regulating;

3           **(c)**    Fire or flame controlled industrial or commercial processes for which  
4           permits have been issued, or if no permit is issued, take place in a controlled environment  
5           that makes it unlikely that such incendiary, flame, or heat generating device will cause  
6           any type of wildfire or be a danger outside of the premises where the procedure or process  
7           is being used;

8           **(d)**    Residential outdoor cooking done on a suitable piece of equipment  
9           designed to contain the fire, flame and heat generated thereby;

10          **(e)**    Outdoor cooking done in any public or private place where there are  
11          facilities designated for outdoor cooking which would contain the heat, flames, or fire  
12          otherwise generated by outdoor cooking; and

13          **(f)**    Any duly existing or constituted fire department, fire district, or volunteer  
14          fire department conducting training exercises involving open fire or flame solely for  
15          training purposes under controlled conditions.

16          **Sec. 12-29. Ordinance supplemental to statutory prohibitions.**

17                 The provisions of this article are intended to be supplemental to those provisions  
18                 of the Florida Statutes that regulate fire prevention and arson detection. Therefore, no

1 provisions of this article ~~shall preclude~~ the criminal prosecution of a suspect for a  
2 violation of any Florida Statute.

3 Article V (Fire Rescue Assessment), Division 2 (Annual Fire Rescue Assessments) is amended  
4 as follows:

5 **Sec. 12-520. Notice by publication.**

6 Upon completion of the initial assessment roll, the county ~~manager~~administrator  
7 shall publish, or direct the publication of, once in a newspaper of general circulation  
8 within the county a notice stating that at a meeting of the board on a certain day and hour,  
9 not earlier than twenty (20) calendar days from such publication, which meeting shall be a  
10 regular, adjourned, or special meeting, the board will hear objections of all interested  
11 persons to the final assessment resolution which shall establish the rate of assessment and  
12 approve the aforementioned initial assessment roll. The published notice shall conform to  
13 the requirements set forth in the ~~uniform assessment collection act~~Uniform Assessment  
14 Collection Act. Such notice shall include (a) a geographic depiction of the property  
15 subject to the fire rescue assessment; (b) a brief and general description of the fire rescue  
16 services, facilities, or programs to be provided; (c) the rate of assessment including a  
17 maximum assessment rate in the event one was adopted by in the initial assessment  
18 resolution; (d) the procedure for objecting provided in section 12-522 hereof; (e) the  
19 method by which the fire rescue assessment will be collected; and (f) a statement that the

1 initial assessment roll is available for inspection at the office of the county  
2 manageradministrator and all interested persons may ascertain the amount to be assessed  
3 against a parcel of assessed property at the office of the county manageradministrator.

4 **Sec. 12-521. Notice by mail.**

5 In addition to the published notice required by section 12-520, the county  
6 manageradministrator shall provide notice, or direct the provision of notice, of the  
7 proposed fire rescue assessment by first class mail to the owner of each parcel of property  
8 (except government property) subject to the fire rescue assessment. Such notice shall  
9 include (a) the purpose of the fire rescue assessment; (b) the rate of assessment to be  
10 levied against each parcel of property including a maximum assessment rate in the event  
11 one was adopted by the initial assessment resolution; (c) the unit of measurement applied  
12 to determine the fire rescue assessment; (d) the number of such units contained in each  
13 parcel of property; (e) the total revenue to be collected by the county from the fire rescue  
14 assessment; (f) a statement that failure to pay the fire rescue assessment will cause a tax  
15 certificate to be issued against the property or foreclosure proceedings to be instituted,  
16 either of which may result in a loss of title to the property; (g) a statement that all affected  
17 owners have a right to appear at the hearing and to file written objections with the board  
18 within twenty (20) days of the notice; and (h) the date, time, and place of the hearing. The  
19 mailed notice shall conform to the requirements set forth in the Uniform Assessment

1 Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the  
2 hearing to each owner at such address as is shown on the tax roll. Notice ~~shall be~~is  
3 deemed mailed upon delivery thereof to the possession of the United States Postal  
4 Service. The county ~~manager~~administrator may provide proof of such notice by affidavit.  
5 Failure of the owner to receive such notice due to mistake or inadvertence shall not affect  
6 the validity of the assessment roll nor release or discharge any obligation for payment of a  
7 fire rescue assessment imposed by the board pursuant to this article.

8 **Sec. 12-522. Adoption of final assessment resolution.**

9 At the day and time named in such notice, or to which an adjournment or  
10 continuance may be taken by the board, the board shall receive any oral or written  
11 objections of interested persons and may then, or at any subsequent meeting of the board,  
12 adopt the final assessment resolution which ~~shall~~must (a) confirm, modify, or repeal the  
13 initial assessment resolution with such amendments, if any, as may be deemed  
14 appropriate by the board; (b) establish the rate of assessment to be imposed in the  
15 upcoming fiscal year; (c) establish a maximum assessment rate that may be imposed in  
16 the event such rate was included in the initial assessment resolution; (d) approve the  
17 initial assessment roll, with such amendments as it deems just and right; and (e)  
18 determine the method of collection. The adoption of the final assessment resolution by  
19 the board shall constitute a legislative determination that all parcels assessed derive a

1 special benefit from the fire rescue services, facilities, or programs to be provided or  
2 constructed and a legislative determination that the fire rescue assessments are fairly and  
3 reasonably apportioned among the properties that receive the special benefit. All written  
4 objections to the final assessment resolution shall be filed with the county  
5 ~~manager~~administrator at or before the time or adjourned time of such hearing. The final  
6 assessment resolution ~~shall constitute~~s the annual rate resolution for the initial fiscal year  
7 in which fire rescue assessments are imposed or reimposed hereunder.

8 Article VI (Regulation of Fire Hazards and Incendiary Devices During Drought Conditions) is  
9 amended as follows:

10 **Sec. 12-564. Implementation.**

11 ~~This article is adopted with the intent to limit fire hazards in Hernando County~~  
12 ~~during periods and conditions of extreme drought. This article is further adopted to~~  
13 ~~effectuate a mechanism whereby the board can act relatively quickly to rapidly changing~~  
14 ~~drought conditions. When the fire chief, or his or her designee, makes a determination~~  
15 ~~that there exists a drought emergency, the fire chief or designee shall send written~~  
16 ~~notification of such condition to the board. The fire chief in making the determination of~~  
17 ~~the existence of a drought emergency shall take into consideration such factors including,~~  
18 ~~but not limited to the following:~~

- 1           (a) This section is supplemental to, and shall not be construed to supersede or  
2           replace, Fla. Stat. ss. 590.081 and 590.082. This article is adopted with the intent to limit  
3           fire hazards in Hernando County during periods and conditions of extreme drought. When  
4           the fire chief or his designee determines that there exists a drought emergency in  
5           Hernando County, the fire chief or designee shall notify the county administrator. When  
6           determining the existence of a drought emergency, the fire chief shall take into  
7           consideration such factors including, but not limited to, the following:
- 8           A. ~~\_\_\_\_\_~~(1)     The Keetch/Byram Drought Index.
- 9           B. ~~\_\_\_\_\_~~(2)     Discussions and consultation with the ~~Division of State~~  
10          ForestryFlorida Forest Service and the Florida Commissioner of Agriculture.
- 11          C. ~~\_\_\_\_\_~~(3)     Consultation with other fire chiefs in the county.
- 12          D. ~~\_\_\_\_\_~~(4)     Study of meteorological conditions and climatological forecasts.
- 13          E.     (5)     Condition of the vegetation in the county; i.e., whether it is  
14          susceptible to ignition.
- 15          F. ~~\_\_\_\_\_~~(6)     Any actions taken by surrounding jurisdictions in regard to drought  
16          conditions and fire hazards.



1           G. ~~—~~(7) Any other condition or factor which could have a bearing on  
2 existing fire hazard conditions and which reasonable persons of prudence would normally  
3 rely on to determine if a fire hazard condition exists.

4           (b) ~~In making such written presentation to the board, the fire chief will~~  
5 ~~recommend which prohibitions to impose and under what, if any, conditions open~~  
6 ~~burning or the discharge of fireworks or other incendiary devices will be allowed. The~~  
7 ~~board may impose any or all of the prohibitions as conditions warrant. When outdoor~~  
8 ~~burning is prohibited, such prohibition shall not be construed to apply to outdoor burning~~  
9 ~~or land clearing where the division of forestry has issued a permit. Further, it is the intent~~  
10 ~~of the board not to prohibit the sale of fireworks except under the most exigent of~~  
11 ~~circumstances and where drought conditions are so severe that an actual emergency~~  
12 ~~exists. The use or discharge of fireworks or incendiary devices may be prohibited or~~  
13 ~~regulated even if the drought conditions are at less than an emergency state. After~~  
14 ~~receiving the recommendation from the fire chief at a public meeting and considering all~~  
15 ~~of the evidence before it, the board may adopt a resolution imposing appropriate~~  
16 ~~restrictions or prohibitions on open burning and discharge of fireworks or incendiary~~  
17 ~~devices. The ban shall take effect upon approval of the resolution of the board and shall~~  
18 ~~remain in effect until a like resolution repealing the burning ban is adopted by the board~~  
19 ~~and upon adoption of the repeal, the restrictions on burning or discharge of fireworks~~  
20 ~~shall be immediately lifted. Further, the board from time to time may amend any~~



1        ~~resolution by changing, deleting, or modifying the provisions on burning and discharge of~~  
2        ~~fireworks depending on changes in the drought conditions. In his notification to the~~  
3        ~~county administrator, the fire chief or his designee shall recommend, as drought~~  
4        ~~conditions warrant, prohibitions against the outdoor use of incendiary devices or the~~  
5        ~~discharge of fireworks, and under what conditions, if any, the outdoor use of incendiary~~  
6        ~~devices or the discharge of fireworks will be allowed.~~

7            (c)    The county administrator shall have the authority to impose an emergency  
8        temporary prohibition adopting any or all of the prohibitions recommended by the fire  
9        chief or his designee as conditions warrant on an emergency basis.

10           (d)    If the county administrator imposes an emergency temporary prohibition  
11        under this provision, the fire chief shall bring the matter before the board at the next  
12        public meeting that will permit time to comply with notice requirements for such  
13        meetings.

14           (e)    After receiving the recommendation from the fire chief at the public  
15        meeting and considering all of the evidence before it, the board may adopt a resolution  
16        ratifying, modifying or terminating the emergency temporary prohibition. The board may,  
17        from time to time, modify the resolution adopting the emergency temporary prohibition  
18        depending on changes in the drought conditions.

1           (f)    If the board adopts or modifies the emergency temporary prohibition, such  
2           prohibition shall remain in effect until the board adopts a resolution repealing the  
3           emergency temporary prohibition; such resolution shall take effect immediately upon  
4           adoption.

5           (g)    When the outdoor use of incendiary devices or discharge of fireworks is  
6           prohibited, such prohibition shall not be construed to apply to outdoor burning or land  
7           clearing where the Florida Forest Service has issued a permit. Further, it is the intent of  
8           the board not to prohibit the retail sale of fireworks except under the most exigent of  
9           circumstances and where drought conditions are so severe that an actual emergency  
10          exists.

11          (h)    The outdoor use of incendiary devices or discharge of fireworks may be  
12          prohibited or regulated even if the drought conditions are at less than an emergency state.

13          **Sec. 12-565. Prohibition.**

14                ~~The resolution imposing the ban on open burning or discharge of fireworks may~~  
15                ~~prohibit any or all of the following, depending on the recommendation of the fire chief~~  
16                ~~and the severity of the drought conditions. A resolution may make it unlawful for any~~  
17                ~~person to set fire or cause fire to be set to any forest, grassland, wild land, marshes,~~  
18                ~~vegetation, or land in an urban or rural area including those associated with agriculture,~~  
19                ~~silviculture, pile burning, or the building of campfires, bonfires, the burning of yard trash,~~

1 household garbage, refuse, or other debris in the unincorporated areas of Hernando  
2 County, unless otherwise provided herein. In addition, the resolution may prohibit any  
3 person or entity from discharging, causing to be discharged, or the sale of any fireworks  
4 or incendiary devices as defined in Fla. Stat. ch. 791, as it may be amended from time to  
5 time, that may cause or have a tendency to cause wild fires as defined in Fla. Stat.  
6 590.015. Further, the resolution may prohibit the holding of any event including, but not  
7 limited to, events involving motorcycles, automobiles, or any other vehicles or equipment  
8 that may cause hot exhaust gases or high temperatures that may be generated by catalytic  
9 converters or other devices on such vehicles in an open or uncontrolled area that is  
10 susceptible to wild fires. Bans on the sale of fireworks shall only be done in the most  
11 exigent of circumstances and when drought conditions are so severe as to constitute an  
12 actual emergency:

13 (a) The emergency temporary prohibition on the outdoor use of incendiary  
14 devices or discharge of fireworks may prohibit any or all of the following in the  
15 unincorporated areas of Hernando County, depending on the recommendation of the fire  
16 chief and the severity of the drought conditions:

17 (1) setting fire to or causing fire to be set to any forest, grassland, wild  
18 land, marshes, vegetation, or land in an urban or rural area including those associated  
19 with agriculture, silviculture, or pile burning:

1                   (2)    the building of campfires or bonfires;

2                   (3)    the burning of yard trash, household garbage, refuse, or other  
3                   debris unless otherwise provided herein.

4                   (b)    The emergency temporary prohibition may prohibit any person or entity  
5                   from discharging, causing to be discharged, or the retail sale of, any fireworks or  
6                   sparklers as defined in Fla. Stat. ch. 791, as it may be amended from time to time. Bans  
7                   on the retail sale of fireworks shall only be done in the most exigent of circumstances and  
8                   when drought conditions are so severe as to constitute an actual emergency.

9                   (c)    The emergency temporary prohibition may prohibit any event including,  
10                  but not limited to, events involving motorcycles, automobiles, or any other vehicles or  
11                  equipment, that may cause hot exhaust gases or high temperatures that may be generated  
12                  by catalytic converters or other devices on such vehicles in an open or uncontrolled area  
13                  that is susceptible to wild fires.

14                  **Sec. 12-566. Publication.**

15                  **Within a reasonable time after ~~adopting such resolution~~imposing an emergency**  
16                  temporary prohibition on the outdoor use of incendiary devices or discharge of fireworks,  
17                  the county administrator shall cause to be posted on the county's website, Facebook page  
18                  and X (formerly Twitter) page the complete contents of the emergency temporary  
19                  prohibition, as modified from time to time, and shall post it thereon twice per week until

1 the board adopts a resolution repealing said emergency prohibition, at which time the  
2 complete contents of the resolution repealing said emergency temporary prohibition shall  
3 be posted thereon at least twice.~~the board shall cause to be published in a newspaper of~~  
4 ~~general circulation a quarter page advertisement, not to be placed in the section reserved~~  
5 ~~for legal advertisements, a summary of the resolution imposing a burning and fireworks~~  
6 ~~ban or repealing such ban. The advertisement shall be published twice with the second~~  
7 ~~advertisement appearing no more than five (5) days after the first advertisement.~~

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

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

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

1           **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
2 official acknowledgment from the office of the Secretary of State of Florida that this ordinance  
3 has been filed with said office.

4           **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
5 **HERNANDO COUNTY** in Regular Session this 11<sup>th</sup> day of March 2025.



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

10  
11 Attest:

12 *Douglas Chorvat, Jr.*  
13 DOUGLAS CHORVAT, JR.  
14 Clerk and Comptroller

By:

15 *Brian Hawkins*  
16 BRIAN HAWKINS  
17 Chairman

18 Approved for Form and Legal Sufficiency

*Melissa Tartaglia*  
County Attorney's Office