

ORDINANCE NO.: 2005-16

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2  
3 AN ORDINANCE AMENDING SUBSECTIONS 23-45(d), 23-68(b),  
4 23-90(d), 23-113(d) AND 23-137(e) OF THE HERNANDO COUNTY CODE  
5 OF ORDINANCES RELATING TO PERSONS WHOSE PREPAID  
6 IMPACT FEES WERE RECEIVED BY THE BUILDING DEPARTMENT  
7 ON OR PRIOR TO JUNE 2, 2005 BY EXTENDING THE TIME IN  
8 WHICH TO OBTAIN A VALID BUILDING PERMIT ISSUED BY THE  
9 BUILDING DEPARTMENT FROM JUNE 2, 2006 TO JUNE 2, 2008;  
10 PROVIDING FOR SEVERABILITY; PROVIDING FOR FULL FORCE  
11 AND EFFECT OF REMAINDER; PROVIDING FOR INCLUSION IN THE  
12 CODE; AND PROVIDING FOR AN EFFECTIVE DATE.  
13

14 WHEREAS, on June 2, 2005 and pursuant to ordinance, the Hernando County Board of  
15 County Commissioners adopted, among other things, changes to the way that impact fees could  
16 be paid and imposing a one year sunset provision on impact fees that were previously prepaid;  
17 and,  
18

19 WHEREAS, the Board of County Commissioners desires to extend the sunset provision  
20 relating to impact fees that were prepaid on or before June 2, 2005 from one (1) year to three (3)  
21 years subject to the property owner obtaining a valid building permit within said period.  
22

23 NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY  
24 COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:  
25

26 SECTION 1. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 1 (Fire  
27 Protection and Emergency Medical Services Capital Facilities Impact Fee), Section 23-  
28 45(d) (prepayment of impact fees). Section 23-45(d) is hereby amended to read as follows,  
29 with any underlined language added and any struck-through language deleted:  
30

31 (d) Impact fees under this division may not be prepaid after June, 2, 2005. Impact fees are not  
32 transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005  
33 under this division shall vest the parcel for the land use for which the fees are paid from any  
34 increase in the fire protection and emergency medical services capital facilities impact fee  
35 through the period ending June 2, 2006~~8~~ and further provided that a valid building permit has  
36 been issued by the Building Department for said parcel within this period. In the event that the  
37 parcel owner does not obtain, or chooses not to obtain, a valid building permit by June 2, 2006~~8~~,  
38 then all impact fees previously prepaid against said parcel shall become refundable to the current  
39 parcel owner of record, together with interest at the County's average annual rate of return (and  
40 calculated from the date the impact fee was paid to the County through the date the County issues  
41 a refund check, but no later than June 2, 2006~~8~~); however, nothing herein shall prevent the parcel  
42 owner from requesting this refund at any time after June 2, 2005. The current parcel owner of  
43 record must file a written request with the County Building Department as a prerequisite to

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1 obtaining this refund. Following June 2, 2006~~8~~, all amounts previously prepaid under this  
2 division together with afore-described interest (and not otherwise refunded) shall continue to  
3 remain as a credit against future impact fees requirements (the prevailing impact fee rate  
4 structure at time of building permitting) as to said parcel, or until such time as a request for  
5 refund has been received; however, interest shall no longer accrue after June 2, 2006~~8~~. No  
6 refunds shall be made for any prepaid impact fees except as otherwise provided for in this  
7 division.  
8

9 **SECTION 2. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 2**  
10 **(Educational Facilities Impact Fee), Section 23-68(b) (prepayment of impact fees).** Section  
11 23-68(b) is hereby amended to read as follows, with any underlined language added and any  
12 struck-through language deleted:  
13

14 (b) Impact fees under this division may not be prepaid after June 2, 2005. Impact fees are not  
15 transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005  
16 under this division shall vest the parcel for the land use for which the fees are paid from any  
17 increase in the educational facilities impact fee through the period ending June 2, 2006~~8~~ and  
18 further provided that a valid building permit has been issued by the Building Department for said  
19 parcel within this period. In the event that the parcel owner does not obtain, or chooses not to  
20 obtain, a valid building permit by June 2, 2006~~8~~, then all impact fees previously prepaid against  
21 said parcel shall become refundable to the current parcel owner of record, together with interest  
22 at the County's average annual rate of return (and calculated from the date the impact fee was  
23 paid to the County through the date the County issues a refund check, but no later than June 2,  
24 2006~~8~~); however, nothing herein shall prevent the parcel owner from requesting this refund at  
25 any time after June 2, 2005. The current parcel owner of record must file a written request with  
26 the County Building Department as a prerequisite to obtaining this refund from or on behalf of  
27 the Hernando County School Board. Following June 2, 2006~~8~~, all amounts previously prepaid  
28 under this division together with afore-described interest (and not otherwise refunded) shall  
29 continue to remain as a credit against future impact fees requirements (the prevailing impact fee  
30 rate structure at time of building permitting) as to said parcel, or until such time as a request for  
31 refund has been received; however, interest shall no longer accrue after June 2, 2006~~8~~. No  
32 refunds shall be made for any prepaid impact fees except as otherwise provided for in this  
33 division.  
34

35 **SECTION 3. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 3**  
36 **(Public Capital Facilities Impact Fee), Section 23-90(d) (prepayment of impact fee).** Section  
37 23-90(d) is hereby amended to read as follows, with any underlined language added and any  
38 struck-through language deleted:  
39

40 (d) Impact fees under this division may not be prepaid after June 2, 2005. Impact fees are not  
41 transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005  
42 under this division shall vest the parcel for the land use for which the fees are paid from any  
43 increase in the public capital facilities impact fee through the period ending June 2, 2006~~8~~ and

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1 further provided that a valid building permit has been issued by the Building Department for said  
2 parcel within this period. In the event that the parcel owner does not obtain, or chooses not to  
3 obtain, a valid building permit by June 2, 20068, then all impact fees previously prepaid against  
4 said parcel shall become refundable to the current parcel owner of record, together with interest  
5 at the County's average annual rate of return (and calculated from the date the impact fee was  
6 paid to the County through the date the County issues a refund check, but no later than June 2,  
7 20068); however, nothing herein shall prevent the parcel owner from requesting this refund at  
8 any time after June 2, 2005. The current parcel owner of record must file a written request with  
9 the County Building Department as a prerequisite to obtaining this refund. Following June 2,  
10 20068, all amounts previously prepaid under this division together with afore-described interest  
11 (and not otherwise refunded) shall continue to remain as a credit against future impact fees  
12 requirements (the prevailing impact fee rate structure at time of building permitting) as to said  
13 parcel, or until such time as a request for refund has been received; however, interest shall no  
14 longer accrue after June 2, 20068. No refunds shall be made for any prepaid impact fees except  
15 as otherwise provided for in this division.  
16

17 **SECTION 4. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 4 (Parks**  
18 **Impact Fee), Section 23-113(d) (prepayment of impact fee).** Section 23-113(d) is hereby  
19 amended to read as follows, with any underlined language added and any struck-through  
20 language deleted:  
21

22 (d) Impact fees under this division may not be prepaid after June 2, 2005. Impact fees are not  
23 transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005  
24 under this division shall vest the parcel for the land use for which the fees are paid from any  
25 increase in the parks impact fee through the period ending June 2, 20068 and further provided  
26 that a valid building permit has been issued by the Building Department for said parcel within  
27 this period. In the event that the parcel owner does not obtain, or chooses not to obtain, a valid  
28 building permit by June 2, 20068, then all impact fees previously prepaid against said parcel shall  
29 become refundable to the current parcel owner of record, together with interest at the County's  
30 average annual rate of return (and calculated from the date the impact fee was paid to the County  
31 through the date the County issues a refund check, but no later than June 2, 20068); however,  
32 nothing herein shall prevent the parcel owner from requesting this refund at any time after June  
33 2, 2005. The current parcel owner of record must file a written request with the County Building  
34 Department as a prerequisite to obtaining this refund. Following June 2, 20068, all amounts  
35 previously prepaid under this division together with afore-described interest (and not otherwise  
36 refunded) shall continue to remain as a credit against future impact fees requirements (the  
37 prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such  
38 time as a request for refund has been received; however, interest shall no longer accrue after June  
39 2, 20068. No refunds shall be made for any prepaid impact fees except as otherwise provided for  
40 in this division.  
41

1 **SECTION 5. Amending Chapter 23 (Planning), Article III (Impact Fees), Division 5**  
2 **(Roads Impact Fee), Section 23-137(e) (prepayment of road impact fees).** Section 23-137(e)  
3 is hereby amended to read as follows, with any underlined language added and any struck-  
4 through language deleted:  
5

6 (e) Impact fees under this division may not be prepaid after June 2, 2005. Impact fees are not  
7 transferable from one parcel to another. Impact fees that were prepaid on or prior to June 2, 2005  
8 under this division shall vest the parcel for the land use for which the fees are paid from any  
9 increase in the roads impact fee through the period ending June 2, 20068 and further provided  
10 that a valid building permit has been issued by the Building Department for said parcel within  
11 this period. In the event that the parcel owner does not obtain, or chooses not to obtain, a valid  
12 building permit by June 2, 20068, then all impact fees previously prepaid against said parcel shall  
13 become refundable to the current parcel owner of record, together with interest at the County's  
14 average annual rate of return (and calculated from the date the impact fee was paid to the County  
15 through the date the County issues a refund check, but no later than June 2, 20068); however,  
16 nothing herein shall prevent the parcel owner from requesting this refund at any time after June  
17 2, 2005. The current parcel owner of record must file a written request with the County Building  
18 Department as a prerequisite to obtaining this refund. Following June 2, 20068, all amounts  
19 previously prepaid under this division together with afore-described interest (and not otherwise  
20 refunded) shall continue to remain as a credit against future impact fees requirements (the  
21 prevailing impact fee rate structure at time of building permitting) as to said parcel, or until such  
22 time as a request for refund has been received; however, interest shall no longer accrue after June  
23 2, 20068. No refunds shall be made for any prepaid impact fees except as otherwise provided for  
24 in this division.  
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26 **SECTION 6. Severability.** It is declared to be the intent of the Board of County  
27 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
28 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect  
29 the validity of the remaining portions of this ordinance.  
30

31 **SECTION 7. Full Force and Effect of Remainder.** All sections, subsections, clauses,  
32 sentences, phrases, and provisions of Chapter 23, Article III, of the Code not amended herein  
33 shall stay the same and remain in full force and effect until amended, repealed or otherwise acted  
34 upon by the Board of County Commissioners.  
35

36 **SECTION 8. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
37 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance  
38 shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To  
39 this end, any section or subsection of this Ordinance may be renumbered or relettered to  
40 accomplish such intention, and the word "ordinance" may be changed to "section," "article," or  
41 other appropriate designation.  
42

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1 SECTION 9. **Effective date.** This ordinance shall take effect immediately upon filing with the  
2 office of the Secretary of State of Florida.

3  
4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
5 **HERNANDO COUNTY** in Regular Session this 20th day of September, 2005.

6  
7 **BOARD OF COUNTY COMMISSIONERS**  
8 **HERNANDO COUNTY, FLORIDA**

9  
10  
11 Attest: *Karen Nicolal*  
12 **KAREN NICOLAL**  
13 **CLERK**

11 By: *Robert C. Schenck*  
12 **ROBERT C. SCHENCK**  
13 **CHAIRMAN**

14  
15 **Approved as to Form and**  
16 **Legal Sufficiency**

17  
18 By: *Geoffrey T. Kirk* 9/20/05  
19 **Assistant County Attorney**  
20 **Geoffrey T. Kirk**

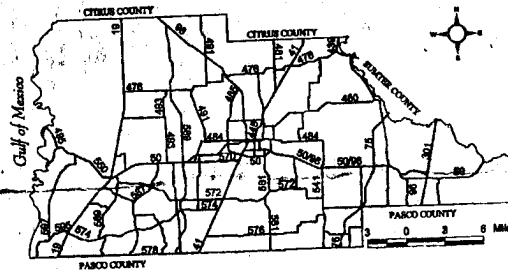
PD-05-42/CLK-05-76/PD

# NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND

The Hernando County Board of County Commissioners proposes to change a regulation affecting the use of land for the area shown in the map in this advertisement. A Public Hearing on the regulation affecting the use of land will be held on September 20, 2005, at 10:00 a.m. in the John Law Ayers County Commission Chambers, which is located in the Hernando County Government Complex/Administrative Building, 20 North Main Street, Room 160, Brooksville, Florida, to consider adoption of the following ordinance:

**AN ORDINANCE AMENDING SUBSECTIONS 23-45(d), 23-68(b), 23-90(d), 23-113(d) AND 23-137(e) OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO PERSONS WHOSE PREPAID IMPACT FEES WERE RECEIVED BY THE BUILDING DEPARTMENT ON OR PRIOR TO JUNE 2, 2005, BY EXTENDING THE TIME IN WHICH TO OBTAIN A VALID BUILDING PERMIT ISSUED BY THE BUILDING DEPARTMENT FROM JUNE 2, 2006, TO JUNE 2, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR FULL FORCE AND EFFECT OF REMAINDER; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Hernando County, Florida  
PREPARED BY: HERNANDO COUNTY PLANNING DEPARTMENT  
PREPARED DATE: NOVEMBER 2005



NOTE: THIS AMENDMENT AFFECTS THE UNINCORPORATED AREAS OF HERNANDO COUNTY

Copies of the proposed Ordinance may be reviewed at the Hernando County Planning Department, which is located in the Hernando County Government Complex/ Administrative Building, 20 North Main Street, Room 262, Brooksville, Florida, between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday or at the Office of the Clerk of Circuit Court, Hernando County Courthouse, 20 N. Main Street, Room 131, Brooksville, Florida, between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday. Copies of the proposed Ordinance may also be reviewed at the Lykes Memorial Library, the Staffordene Foggia West Side Library, Little Red School House Library and the East Hernando Branch Library. For further information, please contact Paul Wiczorek, Concurrency Coordinator, at (352) 754-4057.

You are further advised that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at such hearing or meeting, he or she will need a record of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the American Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Alice Gura, County Administration, 20 N. Main Street, Room 462, Brooksville, FL 34601, telephone (352) 754-4002, no later than three (3) days prior to the proceedings. If hearing impaired please call 1-800-676-3777 for assistance.

/s/ Jerry Greif, Chief Planner  
Hernando County Planning Department

**HERNANDO TODAY**  
Published Daily  
BROOKSVILLE, HERNANDO, FLORIDA  
STATE OF FLORIDA  
COUNTY OF HERNANDO:

Before the undersigned authority personally appeared Sylvia Spivey, who on oath says that he/she is Legal Ad Coordinator of the Hernando Today/Hernando Sunday, a daily newspaper published at Brooksville in Hernando County, Florida: that the attached copy of the advertisement, being a Legal Notice ..... in the matter of ...PD-05-42/CLK-05-76/PD..... Notice of Establishment or Change of a Regulation Affecting The Use of Land..... in the n/a..... Court, was published in said newspaper in the issues of ...September 9, 2005.....

Affiant further says that the said Hernando Today/Hernando Sunday is a newspaper published at Brooksville, in said Hernando County, Florida, and that the said newspaper has heretofore been continuously published in said Hernando County, Florida, each week and has been entered as a second class mail matter at the post office in Brooksville, in said Hernando County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sylvia Spivey  
(Signature of Affiant)

Sworn to and subscribed before me this 9 day of September, 2005

Denise Nohaj  
(Signature of Notary Public)



My Commission DD361939  
Expires 19, 2008

(Name of Notary typed, printed or stamp)

Personally Known X or  
Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_