

RESOLUTION NO. 2023-127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, ADOPTING INCREASED ANNUAL SOLID WASTE COLLECTION ASSESSMENTS FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICES WITHIN THE BOUNDARIES OF THE SOUTHWEST HERNANDO COUNTY SOLID WASTE COLLECTION MUNICIPAL SERVICE BENEFIT UNIT, WHICH INCLUDES ALL REAL PROPERTY LOCATED IN THE AREA DESCRIBED IN HERNANDO COUNTY ORDINANCE NO. 92-24, AS AMENDED BY ORDINANCE NO. 2017-39; INCORPORATING WHEREAS CLAUSES; ADOPTING INCREASED SOLID WASTE COLLECTION ASSESSMENTS FOR COLLECTION OF SOLID WASTE FROM RESIDENTIAL REAL PROPERTY WITHIN THE SOUTHWEST HERNANDO COUNTY SOLID WASTE COLLECTION MUNICIPAL SERVICE BENEFIT UNIT; PROVIDING FOR SOLID WASTE COLLECTION ASSESSMENTS TO CONSTITUTE LIENS ON REAL PROPERTY AND FOR ISSUANCE AND SALE OF TAX CERTIFICATES FOR UNPAID ASSESSMENTS; PROVIDING FOR APPLICATION OF SOLID WASTE COLLECTION ASSESSMENTS TO ASSESSMENT ROLL SUBMITTED TO THE TAX COLLECTOR; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

WHEREAS, Paragraph 125.01(1)(k), Florida Statutes, authorizes and empowers the Board of County Commissioners of Hernando County, Florida, to provide and regulate waste collection; and

WHEREAS, Paragraph 125.01(1)(q), Florida Statutes, authorizes and empowers the Board of County Commissioners to establish municipal service taxing or benefit units for any part or all of the unincorporated area of the county to provide trash collection services with funds derived from service charges, special assessments, or taxes within such unit only; and

WHEREAS, Ordinance No. 92-24, codified as Division 2 of Article IV of Chapter 14, Hernando County Code of Ordinances, created the Southwest Hernando County Solid Waste Collection Municipal Service Benefit Unit ("MSBU") for the purpose of creating, establishing, maintaining, and operating solid waste collection services for all real property located in Hernando County within the boundaries described in said Ordinance; and

WHEREAS, Ordinance No. 2017-39 amended the boundaries of the MSBU for the purpose of levying special assessments to recover the cost of providing garbage collection services to properties in the Universal Collection Area; and

WHEREAS, Ordinance No. 2000-01, the "Solid Waste Collection and Disposal Ordinance", as amended by Ordinance No. 2006-06 and Ordinance No. 2013-28, codified as Division 2 of Article II of Chapter 14, Hernando County Code of Ordinances, authorizes the Board of County Commissioners to establish sanitation districts and universal collection service areas for the collection and disposal of solid waste and to approve, negotiate and award franchise

agreements for collecting and transporting residential solid waste; and

WHEREAS, on December 29, 2011, Hernando County entered into a Franchise Agreement with Republic Services of Florida, Limited Partnership, d/b/a Republic Services of Tampa ("Republic"), for Garbage, Yard Trash and Recycling Collection Services for the period beginning January 1, 2012, through December 31, 2018; and

WHEREAS, on October 24, 2017, Hernando County entered into the Sixth Amendment to Residential Franchise Agreement No. 11-0008 with Republic, which extended the Agreement Performance Period for one (1) additional seven (7) year renewal period and amended various sections entitled Billing and Payment to modify the basis for rate adjustments and to add a provision for utilizing the uniform method of collecting assessments within the MSBU; and

WHEREAS, Section 14-64.27, Hernando County Code of Ordinances, provides for annual collection assessments to be collected pursuant to the Uniform Collection Assessment Act codified in Sections 197.3632 and 197.3635, Florida Statutes, authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the Tax Collector will include the annual solid waste collection assessments on the ad valorem tax bills and will utilize the collection methodology used for ad valorem taxes; and

WHEREAS, on December 5, 2017, the Board of County Commissioners of Hernando County adopted Resolution No. 2017-189, which stated its intention to use the Uniform Method of Collecting Non-Ad-Valorem Assessments for the MSBU in accordance with Section 197.3632, Florida Statutes; and

WHEREAS, on May 22, 2018, the Board of County Commissioners of Hernando County adopted Resolution No. 2018-65, which established assessments for the collection of solid waste within the MSBU; and

WHEREAS, on June 28, 2022, the Board of County Commissioners of Hernando County adopted Resolution No. 2022-128, which established increased assessments for the collection of solid waste within the MSBU; and

WHEREAS, on April 19, 2023, Republic sent a letter to Hernando County under the Franchise for Residential Collection Service requesting a rate increase in the mandatory area which constitutes the MSBU to \$14.97 per month per residential unit; and

WHEREAS, County staff has recommended the solid waste collection assessments levied and assessed against real property within the MSBU be increased to pay for the costs of solid waste collection services; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations and has determined that the increased solid waste collection assessments set forth in this Resolution are necessary to pay for the costs of providing solid waste collection services in a fiscally responsible manner; and

WHEREAS, Paragraph 197.3632(4)(a), Florida Statutes, requires the County to adopt non-ad valorem assessments at a public hearing if the non-ad valorem assessment is increased beyond the maximum rate authorized by law at the time of initial imposition; and

WHEREAS, Paragraph 197.3632(4)(b), Florida Statutes, requires that notice shall sent by first-class United States mail to the owners of property subject to the assessment; and

WHEREAS, in 2019 notice was mailed to each person owning property subject to the assessment which listed the proposed assessments for calendar year 2020 and the maximum assessments for future years; and

WHEREAS, Notice of Public Hearing to consider this Resolution has been mailed to the owners of new parcels of property subject to the assessment; and

WHEREAS, Paragraph 197.3632(4)(b), Florida Statutes, requires that notice of the hearing shall be published in a newspaper generally circulated within the County at least 20 days prior to the public hearing; and

WHEREAS, Notice of Public Hearing to consider this Resolution was duly published in a newspaper of general circulation in Hernando County; and

WHEREAS, on June 13, 2023, the Board of County Commissioners held a public hearing to consider this Resolution; and

WHEREAS, at the public hearing, the Board of County Commissioners received written comments and heard testimony from all interested persons; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the County, the MSBU and the solid waste collection services to adopt increased solid waste collection assessments for collection of solid waste from residential real property within the MSBU.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. The Whereas clauses contained in this Resolution are true and correct and are incorporated herein by reference.

SECTION 2. Pursuant to Section 125.01, Chapter 197 and Section 197.3632, Florida Statutes, and Division 2 of Article II and Division 2 of Article IV of Chapter 14 and Section 14-64.27, Hernando County Code of Ordinances, the Board of County Commissioners of Hernando County hereby adopts the following increased solid waste collection assessments for collection of solid waste from residential real property within the MSBU:

<u>Residential Property Use Categories</u>	<u>Amount Per Unit</u>
Single-Family Residential	\$194.88
Multi-Family Residential (up to and including 4 units)	\$194.88

SECTION 3. The solid waste collection assessments shall constitute a lien upon all real property where each unit is located as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, the collection assessments shall remain liens equal in rank

and dignity with the liens of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If the solid waste collection assessment levied on a parcel of real property is not paid, a tax certificate relating to the real property may be issued and sold by the Tax Collector as provided in Chapter 197, Florida Statutes.

SECTION 4. The solid waste collection assessments adopted in Section 2 of this Resolution will be applied to the assessment roll in preparation for submittal to the Tax Collector prior to September 15, 2023.

SECTION 5. All prior and conflicting resolutions or parts of resolutions, including but not limited to Resolution No. 2022-128, shall be repealed, rescinded, superseded and replaced by this Resolution effective January 1, 2024.

SECTION 6. In the event that any provision, portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining provisions, portions or sections of this Resolution which shall remain in full force and effect.

SECTION 7. This Resolution and the increased assessments adopted in this Resolution shall become effective January 1, 2024, except that Section 4 of this Resolution shall become effective immediately upon adoption.

ADOPTED in Regular Session this 13th day of June, 2023.

ATTEST:

Heidi Kuppe, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of the Circuit Court & Comptroller

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Victoria Anderson
County Attorney's Office

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

By: John Allocco, Chairman

