

RESOLUTION NO. 2023-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, ADOPTING INCREASED ANNUAL SOLID WASTE DISPOSAL ASSESSMENTS FOR THE PROVISION OF SOLID WASTE DISPOSAL SERVICES WITHIN THE BOUNDARIES OF THE HERNANDO COUNTY SOLID WASTE DISPOSAL AND RESOURCE RECOVERY SYSTEM DISTRICT, WHICH INCLUDES ALL REAL PROPERTY LOCATED IN THE COUNTY; INCORPORATING WHEREAS CLAUSES; PROVIDING DEFINITIONS; ADOPTING INCREASED SOLID WASTE DISPOSAL ASSESSMENTS FOR DISPOSAL OF SOLID WASTE FROM RESIDENTIAL REAL PROPERTY WITHIN HERNANDO COUNTY; PROVIDING FOR SOLID WASTE DISPOSAL ASSESSMENTS TO CONSTITUTE LIENS ON REAL PROPERTY AND FOR ISSUANCE AND SALE OF TAX CERTIFICATES FOR UNPAID ASSESSMENTS; PROVIDING FOR APPLICATION OF SOLID WASTE DISPOSAL 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 disposal; and

WHEREAS, pursuant to Subsection 403.706(1), Florida Statutes, the Board of County Commissioners of Hernando County has the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County; and

WHEREAS, pursuant to Article II of Chapter 14, Hernando County Code of Ordinances, Hernando County owns and operates a solid waste management facility to provide adequate solid waste disposal for the County; and

WHEREAS, Subsection 403.706(1) authorizes Hernando County to charge reasonable fees for the handling and disposal of solid waste at its solid waste management facility; and

WHEREAS, Subsection 403.706(1) requires solid waste management fees collected on a countywide basis to be used to provide solid waste management services on a countywide basis; and

WHEREAS, Paragraph 14-64.14(b)(2), Hernando County Code of Ordinances, requires the Board of County Commissioners to adopt a resolution incorporating a determination of annual rates, fees, charges, assessments or service charges to be imposed upon the owners of real property in the County to be levied and assessed against the real property and collected as provided in Division 3 of Article II of Chapter 14, Hernando County Code of Ordinances; and

WHEREAS, Subsection 14-64.15(a), Hernando County Code of Ordinances, provides

that the annual solid waste disposal assessment incorporated in the rate resolution is applicable to each parcel of real property within the County, which constitutes the Hernando County Solid Waste Disposal and Resource Recovery System District, and shall be the rate and charge for each unit multiplied by the number of units on each parcel; and

WHEREAS, pursuant to Section 14-64.26, Hernando County Code of Ordinances, and Section 197.3632, Florida Statutes, the Tax Collector will include the annual solid waste disposal assessments on the ad valorem tax bills and will utilize the collection methodology used for ad valorem taxes; and

WHEREAS, on April 13, 2021, the Board of County Commissioners of Hernando County adopted Resolution No. 2021-48, which established annual rates, fees, charges, and assessments for the disposal of solid waste through Hernando County's solid waste management system; and

WHEREAS, the County retained Raftelis Financial Consultants, Inc., to prepare a report entitled Hernando County, Fiscal Year 2023 Solid Waste Revenue Sufficiency Study, dated April 7, 2023 (the "Report"), relating to rates, fees, assessments, and other charges to fund the solid waste disposal and resource recovery system, which Report is incorporated in this Resolution by reference; and

WHEREAS, based on the Report, the consultant retained by the County and County staff have recommended changes to solid waste disposal assessments to be levied and assessed against real property within the County for the solid waste management facility and the solid waste resource and recovery system; and

WHEREAS, the Board of County Commissioners has reviewed the recommended changes and has determined that the increased solid waste disposal assessments set forth in this Resolution are necessary to assist in paying for the costs of providing disposal services at the solid waste management facility and to finance operation and maintenance of the solid waste disposal and resource recovery system 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 be 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, Subsection 14-64.14(b) requires that the resolution incorporating the solid

waste disposal assessments must be adopted by the Board of County Commissioners after a public hearing; and

WHEREAS, Subsection 14-64.14(b) requires that notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the County once each week for two (2) weeks prior to the 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 and the solid waste disposal and resource recovery system to adopt increased solid waste disposal assessments for disposal of solid waste from residential real property within the County.

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. The Board of County Commissioners recognizes that residential and commercial customers are distinctly different in the manner of payment and accounting for solid waste disposal services as follows:

Residential Customers – Hernando County residents owning or residing on property assessed under the Hernando County Solid Waste Disposal Assessments. These assessments allow for the disposal of residential solid waste generated within the household and lawn maintenance debris. All solid waste collected through curbside garbage service is included, as well as the disposal of normal and reasonable amounts of solid waste at the three (3) solid waste management facilities: Northwest Waste Management Facility, East Hernando Convenience Center, and West Hernando Convenience Center.

The allowable amounts of solid waste for residential customers exclude additional materials that require disposal. The assessments do NOT cover the following: personal watercraft, travel trailers, mobile homes, demolition of homes, furniture, tires, land clearing debris (entire trees and stumps), or excessive amounts (defined as more than one (1) ton) of Class 1 solid waste, construction and demolition debris or yard trash. Tipping fees and charges are paid for disposal of these materials at the solid waste management facility.

Non-Residential Customers – All other customers not covered in the residential customer category as defined above, including, but not limited to, all commercial enterprises, profit and non-profit groups, and owners of property (vacant lots or commercial properties) not assessed under the Hernando County Solid Waste Disposal Assessments.

Non-residential customers must dispose of solid waste at the Northwest Waste Management

Facility and pay the required tipping fees and charges. Solid waste will not be accepted from non-residential customers at the East Hernando Convenience Center and West Hernando Convenience Center.

SECTION 3. Pursuant to Sections 125.01 and 403.706 and Chapter 197, Florida Statutes, and Division 3 of Article II of Chapter 14, Hernando County Code of Ordinances, the Board of County Commissioners of Hernando County hereby adopts the following increased solid waste disposal assessments for disposal of solid waste generated from residential real property within Hernando County:

<u>Residential Property Use Categories</u>	<u>Amount Per Unit</u>
Single-Family Residential	\$94.91
Multi-Family Residential (up to and including 4 units)	\$85.78

SECTION 4. The solid waste disposal 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 disposal 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 disposal 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 5. The solid waste disposal assessments adopted in Section 3 of this Resolution will be applied to the assessment roll in preparation for submittal to the Tax Collector prior to September 15, 2023.

SECTION 6. All prior and conflicting resolutions or parts of resolutions, including but not limited to, Resolution No. 2021-48, shall be repealed, rescinded, superseded and replaced by this Resolution effective January 1, 2024.

SECTION 7. 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 8. This Resolution and the increased assessments adopted in this Resolution shall become effective January 1, 2024, except that Section 5 of this Resolution shall become effective immediately upon adoption.

ADOPTED in Regular Session this____day of_____, 2023.

ATTEST:

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

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

By:_____
John Allocco, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Victoria Anderson
County Attorney's Office