ORDINANCE NO. 2022-____

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "HERNANDO COUNTY SEPTIC TO SEWER CONVERSION DISTRICT A MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FINDINGS OF FACT; PROVIDING FOR PURPOSE OF THE UNIT; PROVIDING FOR BOUNDARIES OF SAID UNIT; PROVIDING FOR SEWER SYSTEM IMPROVEMENTS AND CONNECTIONS WITHIN SAID UNIT; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY SHALL BE THE GOVERNING BODY OF SAID UNIT; PROVIDING FOR ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT/PARCEL ASSESSMENT; PROVIDING FOR LEVY, COLLECTION AND ENFORCEMENT OF THE AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

Section 1. Findings of Fact.

It is hereby found by the Board of County Commissioners of Hernando County, Florida, as follows:

(a) The Florida Springs and Aquifer Protection Act (Chapter 373, Part VIII, Florida Statutes) provides for the protection and restoration of Outstanding Florida Springs (OFS), including Weeki Wachee Springs as a first magnitude spring.

(b) The Florida Department of Environmental Protection (FDEP) has assessed water quality in each OFS and has determined that Weeki Wachee Springs is impaired for the nitrate form of nitrogen.

(c) FDEP adopted the Weeki Wachee Basin Management Action Plan (BMAP) dated June 2018 as part of its statewide watershed management approach to restore and protect Florida's water quality.

(d) The list of projects to improve water quality in Weeki Wachee Springs includes conversions and connections of existing septic systems to centralized sewer.

(e) FDEP receives annual funds from the Florida Legislature to reduce nitrogen impaired OFS and enhance springs restoration.

(f) FDEP has awarded grant funds to Hernando County for the purpose of constructing capital improvement projects required to convert and connect existing septic systems to centralized sewer in compliance with the BMAP.

(g) Sewer system improvements and connections are an essential service for the benefit of the health, safety and welfare of the public.

(h) Section 125.01(1)(q), Florida Statutes, authorizes counties to create municipal service benefit units as a fund-raising vehicle to levy special assessments within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services.

Section 2. Purpose.

The purpose of this Ordinance is to create a County Municipal Service Benefit Unit for the purpose of providing sewer system improvements and connections within the boundaries of said unit described in Exhibit "A", attached hereto and made a part hereof.

Section 3. Creation of Unit.

For the purpose of sewer system improvements and connections within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit", which shall encompass all the property located in Hernando County, Florida, within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference. The improvements and connections to be constructed are described in Exhibit "B", also attached hereto and made a part hereof by reference.

Section 4. Governing Body.

The governing body of the "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit" shall be the Board of County Commissioners of Hernando County, Florida.

Section 5. Administration.

(a) The "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit" shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.

(b) The "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit" shall have the following duties:

(1) To construct or cause to be constructed certain sewer system improvements and connections as necessary to implement the purpose of this Ordinance.

(2) To provide sewer system improvements and connections which will benefit both

improved and unimproved property within the unit.

(c) The County Administrator shall be responsible for administering the "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit" to the extent necessary to implement the purpose of this Ordinance as follows:

(1) Negotiate and recommend to the Board of County Commissioners contracts for providing specific improvements, connections and services.

(2) Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary.

(3) Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.

(4) Negotiate contracts for the purpose of providing sewer system improvements and connections.

(5) Hire such personnel as necessary to implement the purpose of this Ordinance.

(6) Perform such other acts as necessary to implement the purpose of this Ordinance to the extent consistent herewith.

(d) The powers to be exercised by the "Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit" are specifically made subject to all applicable State laws and County ordinances.

(e) In addition to the FDEP grant funds, the County intends to use legally available non-ad valorem revenues of the utility system to finance the project costs on an interim basis. The County intends to reimburse itself for the expenditure of such revenues upon the completion of the project, which amount of such reimbursement shall equal the cost of the project less any contributions made by the County and any payments made by property owners.

Section 6. Assessments, Levy and Lien Provisions.

It being recognized that the value of the benefits accrued by virtue of this Ordinance directly benefits equally all platted lots, tracts, parcels, cooperative parcels and condominium parcels within the unit, the Board of County Commissioners is hereby authorized to levy an annual assessment against each platted lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The assessment imposed hereunder shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual assessments shall remain liens equal in rank and dignity with the lien 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 annual assessment levied on a parcel is not paid, a Tax Certificate pertaining to the parcel will be sold by the Tax Collector as set forth in Chapter 197, Florida Statutes.

Section 7. Inclusion in the Hernando County Code of Ordinances.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of Chapter 28 of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

Section 8. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional or invalid for any reason, the unconstitutionality or invalidity thereof shall not affect other provisions or applications of the Ordinance which can be given effect without the unconstitutional or invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 10. Effective Date.

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment of this Ordinance. This Ordinance shall take effect as provided by Section 125.66(2)(b), Florida Statutes.

ADOPTED AND ENACTED by the Board of County Commissioners of Hernando County, Florida, in Regular Session, with a quorum present and voting, this ____ day of _____, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

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

By: _____
Steve Champion, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Maureen S. Sikora
County Attorney's Office

EXHIBIT "A"

DESCRIPTION OF
HERNANDO COUNTY SEPTIC TO SEWER CONVERSION DISTRICT A
MUNICIPAL SERVICE BENEFIT UNIT

The Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit shall consist of the following described parcels located in unincorporated Hernando County, Florida:

> All properties within the unincorporated area of Spring Hill generally located south of Cortez Boulevard, west of Sand Hill Scout Reservation, north of Elgin Boulevard, and east of Commercial Way, as depicted on Exhibit "A-1", attached hereto and made a part hereof by reference. The parcels consist of lots within portions of Spring Hill Unit 22, recorded in Plat Book 10, Page 31, of the Public Records of Hernando County, Florida, generally north of Elgin Boulevard, and Freeport Estates, recorded in Plat Book 21, Page 1, Public Records of Hernando County, Florida.

The Hernando County Septic To Sewer Conversion District A Municipal Service Benefit Unit shall include all of the foregoing parcels as presently constituted, as well as any additional or re-designated parcels that may come into existence at a future date by lor or parcel split, subdivision, re-plat, transfer of ownership, or any other process or means occurring on or after the adoption date of this Ordinance.

HERNANDO COUNTY SEPTIC TO SEWER CONVERSION DISTRICT A
MUNICIPAL SERVICE BENEFIT UNIT

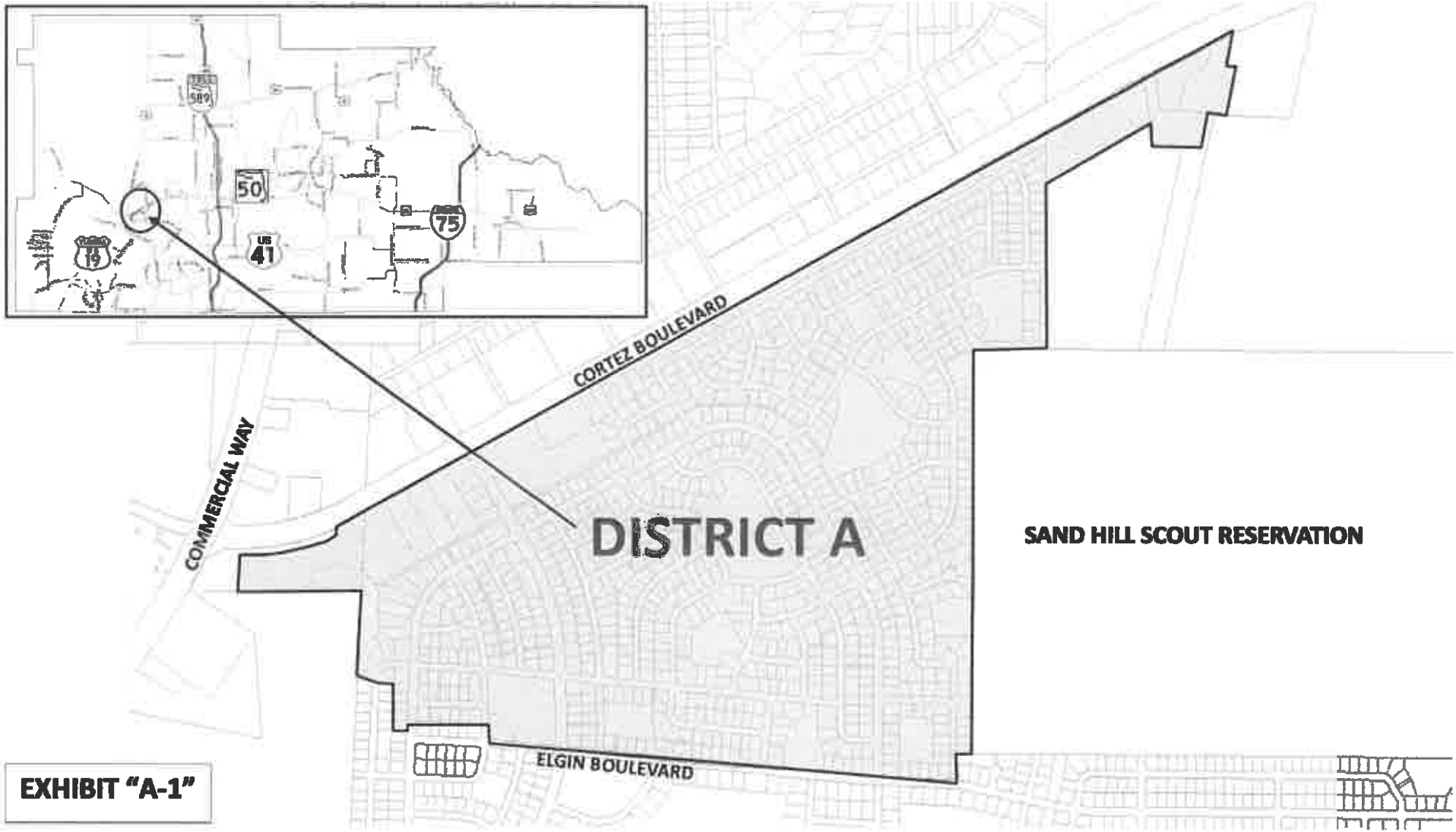

EXHIBIT "A-1"

EXHIBIT "B"

PROPOSED IMPROVEMENTS AND CONNECTIONS FOR HERNANDO COUNTY SEPTIC TO SEWER CONVERSION DISTRICT A MUNICIPAL SERVICE BENEFIT UNIT

Proposed improvements and connections consist of design, permitting and construction of gravity sewers, including laterals, manholes and gravity pipelines, pressure systems including pumping stations and force mains, and valves and appurtenances to convey wastewater to the Hernando County Glen Water Reclamation Facility, as well as sewer service lines, connections to individual properties, pavement and landscaping restoration.