

ORDINANCE NO.: 2026 -__

AN ORDINANCE AMENDING THE FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES CAPITAL FACILITIES IMPACT FEES ORDINANCE; PROVIDING FOR THE INCORPORATION OF RECITALS AND OTHER MATERIALS AS FACTUAL FINDINGS; AMENDING HERNANDO COUNTY CODE SECTION 23-41 TO PROVIDE FOR APPLICATION IN MUNICIPALITY; AMENDING HERNANDO COUNTY CODE § 23-46 TO ADOPT NEW FEE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the “Community Planning Act,” Fla. Stat. § 163.3161, *et seq.*, generally requires that new developments be served by adequate public facilities; and,

WHEREAS, to achieve that Community Planning Act’s mandate, it is necessary for local governments to finance public facilities with the participation of new developments that add to the need for such facilities; and,

WHEREAS, the “Florida Impact Fee Act,” Fla. Stat. § 163.31801, authorizes local governments to collect impact fees on development activities to fund a proportionate share of the cost of acquiring the capital assets that are necessary for the provision of fire prevention/suppression and emergency medical services to the extent that the applicable capital assets are reasonably related to and which benefit the new developments; and,

1 WHEREAS, prior to October 1, 2025, Hernando County (the “County”) and the City of
2 Brooksville (the “City”) each provided fire protection and related emergency services to their
3 respective property owners and residents; to wit: the City provided such services within its
4 boundaries through the Brooksville Fire Department, while the County provided such services in its
5 unincorporated areas through the Hernando County Fire Rescue Department; and,

6 WHEREAS, on September 23, 2025, the City and the County entered into the Interlocal
7 Agreement Between the City of Brooksville and Hernando County Regarding Consolidation of Fire
8 Rescue Services (the “Consolidation Interlocal Agreement”), pursuant to Article 2.1 of which the
9 Brooksville Fire Department was be consolidated into the Hernando County Fire Rescue Department
10 as of October 1, 2025, after which the County began providing all fire suppression, fire prevention,
11 rescue, and related emergency services within the municipal boundaries of the City; and,

12 WHEREAS, prior to the effective date of the consolidation, the County had enacted the “Fire
13 Protection and Emergency Medical Services Capital Facilities Impact Fees Ordinance,” Hernando
14 County Code § 23-41, *et seq.* (the “County Fire/EMS Impact Fee”), in order “to regulate the use and
15 development of land so as to ensure that new development bears a proportionate share of the cost
16 of capital expenditures necessary to provide fire protection and emergency medical services capital
17 facilities in Hernando County as contemplated by the Hernando County Comprehensive Plan”; and,

18 WHEREAS, prior to the effective date of the consolidation, the City had enacted the
19 Brooksville Impact Fees Ordinance, Brooksville City Code § 50-1, *et seq.*, which imposed an impact
20 fee dedicated to “fire rescue” (the “City Fire Impact Fee”); and,

1 WHEREAS, the City Fire Impact Fee and County Fire/EMS Impact Fee are not identical, but
2 in light of the then-impending consolidation, the City and the County determined that creating a
3 jointly administered impact fee program would be more effective and efficient than continuing to
4 maintain separate programs; and,

5 WHEREAS, on September 15, 2025, the City and County entered into the Interlocal
6 Agreement Between Hernando County and the City of Brooksville for Fire Protection and
7 Emergency Medical Services Capital Facility Impact Fee Joint Program Administration (the “Impact
8 Fee Interlocal Agreement”), for the express purposed of “establish[ing] a coordinated program for
9 the imposition, collection, administration, reporting, and transfer of fire and emergency medical
10 impact fees between the City and County in light of the [then-]contemporaneous consolidation of
11 their respective fire departments”; and,

12 WHEREAS, paragraphs 8 and 9 of the Impact Fee Interlocal Agreement provide that the City
13 would continue to impose the City Fire Impact Fee through September 30, 2026, and after that date,
14 the City will impose the County Fire/EMS Impact Fee within its borders; and,

15 WHEREAS, Fla. Stat. § 163.31801(4)(f)-(g) require that impact fees must meet the “dual
16 rational nexus” test, to wit: an impact fee is valid if there is a reasonable connection or rational nexus
17 between the need for additional capital facilities and the anticipated new users of the system who will
18 pay this fee and there is also a reasonable connection or rational nexus between the intended
19 expenditures of the collected funds and the benefits accruing to those new users; and,

1 WHEREAS, in the Impact Fee Interlocal Agreement, the City and County recognized that
2 the addition of the City’s territory to the County’s impact fee area would necessitate a new impact
3 fee study, as the denominator would change for the calculation of both prongs of the dual rational
4 nexus test; and,

5 WHEREAS, accordingly, the City and the County agreed in paragraph 11 of the Impact Fee
6 Interlocal Agreement that “[o]n or before May 1, 2026, the County shall obtain and approve a new
7 fee study for the imposition of the County Fire/EMS Impact Fees on a countywide basis”; and,

8 WHEREAS, the County has accepted an impact fee study prepared by Benesch & Associates
9 for the imposition of the County Fire/EMS Impact Fee on a countywide basis (the “2026 Impact Fee
10 Study”); and,

11 WHEREAS, the 2026 Impact Fee Study justifies increases in the County Fire/EMS Impact
12 Fee rates and expressly demonstrates the existence of extraordinary circumstances that require the
13 County to exceed the phase-in limitations set forth in Fla. Stat. § 163.31801(6)(b)-(e), to wit: the
14 addition of the City’s territory to the County Fire/EMS Impact Fee area required the County to
15 recalculate the County Fire/EMS Impact Fee’s rates in order to ensure that they satisfy the dual
16 rational nexus test, and the 2026 Impact Fee Study’s recalculations of the rates demonstrate that
17 significant increases in acquisition, construction, and land costs have occurred since the most recent
18 study, and that the Hernando County Fire Rescue Department would suffer severe revenue losses if
19 the County Fire/EMS Impact Fee’s rates are not immediately increased; and,

1 WHEREAS, in accordance with Fla. Stat. § 163.31801(6), the Board of County
2 Commissioners has held two publicly noticed workshops dedicated to the extraordinary
3 circumstances that are demonstrated in the 2026 Impact Fee Study; and,

4 WHEREAS, based upon the findings and conclusions of the 2026 Impact Fee Study, which
5 is hereby incorporated herein by reference, and after considering all information and comment
6 provided at the publicly-noticed workshops, the Board of County Commissioners hereby finds that
7 the County has experienced the above-delineated extraordinary circumstances that justify the need
8 to exceed the statutory phase-in limitations set forth in Fla. Stat. § 163.31801(6); and,

9 WHEREAS, the Board of County Commissioners finds that (i) to ignore this immediate
10 demand on the Hernando County Fire Rescue Department's capital facilities would negatively
11 impact the County's ability to financially plan and implement the required infrastructure upgrades,
12 negatively impact the desirability of the County for new development and job creation, and cause
13 a deterioration in the level of service for existing residents and businesses; and (iii) infrastructure
14 costs continue to increase at an extraordinary rate in the County and any further delays in
15 implementation of the updated County Fire/EMS Impact Fee rates would risk the County being
16 unable to afford the cost of the needed infrastructure upgrades that are required to serve new growth;
17 and,

18 WHEREAS, the Board of County Commissioners hereby finds that based on the
19 extraordinary circumstances set forth in the 2026 Impact Fee Study, that it is necessary and in the

1 best interests of the health, safety, and welfare of the citizens of Hernando County to impose the
2 updated County Fire/EMS Impact Fee rates that are set forth herein; and,

3 WHEREAS, upon adoption of this Ordinance, notice of the updated County Fire/EMS
4 Impact Fee rates imposed herein will be provided in accordance with Fla. Stat. § 163.31801(4)(d).

5 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
6 COMMISSIONERS OF HERNANDO COUNTY:

7 **Section 1. Incorporation of Recitals and Other Materials as Factual Findings.** The
8 above-delineated recitals, the Consolidation Interlocal Agreement, the Impact Fee Interlocal
9 Agreement, and the 2026 Impact Fee Study are incorporated into this ordinance as the Board of
10 County Commissioners' findings of fact as if they were fully set forth herein.

11 **Section 2. Amending Hernando County Code § 23-41 to Provide for Application in**
12 **Municipality.** Hernando County Code § 23-41, "Short Title, Authority, and Applicability," is
13 hereby amended to read as follows:

14 Short Title, Authority and Applicability.

15 (a) This division shall be known and may be cited as the "Fire Protection and
16 Emergency Medical Services Capital Facilities Impact Fees Ordinance."

17 (b) The Board of County Commissioners of Hernando County has the authority
18 to adopt this division pursuant to article VIII of the Constitution of the State of
19 Florida and to chapters 125 and 163 of the Florida Statutes.

1 (c) This division shall apply to the unincorporated area of Hernando County and
2 ~~to the incorporated areas of Hernando County to the extent permitted by article VIII,~~
3 ~~section 1(f), of the Constitution of the State of Florida~~ may be enforced within a
4 municipality if the county and the municipality enter into an interlocal agreement
5 setting forth the terms and conditions under which the provisions of this division
6 shall be implemented within the municipality.

7 **Section 3. Amending Hernando County Code § 23-46(a) to Provide for New Fee**
8 **Schedule.** Hernando County Code § 23-46 is amended to replace the “Schedule of Fire and EMS
9 Impact Fees” that is contained in subsection (a) thereof with the schedule that is attached as Exhibit
10 “A” to this ordinance. In all other respects, Hernando County Code § 23-46 remains unchanged.

11 **Section 4. Severability.** It is declared to be the intent of the Board of County
12 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
13 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
14 validity of the remaining portions of this ordinance.

15 **Section 5. Inclusion in the Code.** It is the intention of the Board of County Commissioners
16 of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall
17 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
18 sections of this ordinance may be renumbered or relettered to accomplish such intention, and that
19 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance will take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY in Regular Session this _____ day of _____ 2026.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: _____
DOUG CHORVAT, JR.
Clerk

By: _____
JERRY CAMPBELL
Chairman

Approved for Form and Legal Sufficiency

Jon Jouben
County Attorney

EXHIBIT "A"
SCHEDULE OF FIRE AND EMS IMPACT FEES

ITE LUC	Land Use Type	Impact Unit	Effective October 1, 2026	Effective October 1, 2027
RESIDENTIAL				
210	Single Family	du	\$549.50	\$779
220/221/222	Multi-Family	du	\$393.00	\$552
240	Mobile Home	du	\$391.00	\$538
251	Senior Adult Housing (Single Family)	du	\$357.00	\$468
252	Senior Adult Housing (Multi-Family)	du	\$253.50	\$329
TRANSIENT, ASSISTED, GROUP				
253/255	Congregate Care Facility/Continuing Care Retirement Center	du	\$408.00	\$566
254	Assisted Living	bed*	\$345.50	\$496
310	Hotel	room	\$323.50	\$417
320	Motel	room	\$284.00	\$371
620	Nursing Home	bed	\$352.50	\$487
RECREATIONAL				
416	RV Park	site	\$151.00	\$209
420	Marina	berth	\$41.00	\$56
430	Golf Course	hole	\$195.50	\$371
445	Movie Theater	screen	\$1,472.50	\$1,915
492	Health/Fitness Club	1,000 sf	\$673.00	\$867
INSTITUTIONAL				
520	Elementary School (Private)	student	**	**
522	Middle School (Private)	student	**	**
525	High School (Private)	student	**	**
540/550	University/Jr College (7,500 or fewer students) (Private)	student	**	**
	University/Jr College (more than 7,500 students) (Private)	student	**	**
560	Public Assembly	1,000 sf	\$138.00	\$195
565	Day Care Center	1,000 sf	\$240.50	\$320
MEDICAL				
610	Hospital	1,000 sf	\$435.00	\$612
630	Clinic	1,000 sf	\$483.00	\$668
OFFICE				
710	Office	1,000 sf	\$253.00	\$311
720	Medical Office/Clinic 10,000 sq ft or less	1,000 sf	\$348.50	\$459
	Medical Office/Clinic greater than 10,000 sq ft	1,000 sf	\$491.00	\$640
RETAIL				
812	Building Materials/Lumber Store	1,000 sf	\$139.50	\$172
813	Discount Superstore, Free-Standing	1,000 sf	\$720.50	\$1,099
816	Hardware/Paint Store	1,000 sf	\$78.50	\$107
822	Retail 40,000 sf gla or less	1,000 sf gla	\$713.00	\$914
821	Retail 40,001 to 150,000 sf gla	1,000 sf gla	\$870.50	\$1,229
820	Retail greater than 150,000 sf gla	1,000 sf gla	\$685.00	\$858
840/841	New/Used Auto Sales	1,000 sf	\$497.00	\$682
850	Supermarket	1,000 sf	\$769.50	\$1,053
851	Convenience Market (24 hour)	1,000 sf	\$2,011.00	\$2,440
862	Home Improvement Superstore	1,000 sf	\$610.00	\$835

880/881	Pharmacy/Drug Store with & without Drive-Thru	1,000 sf	\$572.00	\$779
890	Furniture Store	1,000 sf	\$129.50	\$195
SERVICES				
912	Bank/Savings Drive-In	1,000 sf	\$471.50	\$649
931	Fine Dining Restaurant	1,000 sf	\$1,882.00	\$2,620
932	High-Turnover (Sit-Down) Restaurant	1,000 sf	\$1,764.50	\$2,453
934	Fast Food Restaurant w/Drive-Thru	1,000 sf	\$3,140.50	\$4,341
942	Automobile Care Center	1,000 sf	\$467.50	\$603
944	Gas Station w/Convenience Store <2,000 sf	fuel pos.	\$451.00	\$612
945	Gas Station w/Convenience Store 2,000-2,999 sf	fuel pos.	\$606.50	\$756
	Gas Station w/Convenience Store 3,000 sf or more	fuel pos.	\$676.00	\$756
947	Self-Service Car Wash	wash stall	\$278.50	\$366
INDUSTRIAL				
110	General Light Industrial	1,000 sf	\$110.00	\$125
130	Industrial Park	1,000 sf	\$83.00	\$97
140	Manufacturing	1,000 sf	\$159.00	\$209
150	Warehousing	1,000 sf	\$32.00	\$42
151	Mini-Warehouse	1,000 sf	\$11.00	\$14

**Hernando County exempts school land uses from paying impact fees.