

ORDINANCE NO. _____

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR
TITLE; CREATING THE "HERNANDO COUNTY LAW ENFORCEMENT AND
DETENTION SERVICES FUNDING DISTRICT" AND ESTABLISHING THE
GEOGRAPHIC BOUNDARIES OF SAME; SPECIFYING THE PURPOSE,
POWERS, FUNCTIONS, AND DUTIES OF THE DISTRICT; SPECIFYING THE
AUTHORITY OF THE DISTRICT; ESTABLISHING THE BOARD OF COUNTY
COMMISSIONERS AS THE GOVERNING BOARD OF THE DISTRICT;
PROVIDING FOR BUDGET AND MILLAGE, FINANCIAL DISCLOSURE,
NOTICING, AND REPORTING REQUIREMENTS OF THE DISTRICT;
PROVIDING FOR THE DUTIES OF THE BOARD OF COUNTY
COMMISSIONERS; PROVIDING FOR THE ADMINISTRATION OF THE
DISTRICT; PROVIDING FOR THE FINANCING OF DISTRICT OPERATIONS;
DECLARING THAT THE CREATION OF THE DISTRICT IS CONSISTENT
WITH THE HERNANDO COUNTY COMPREHENSIVE PLAN; REQUIRING
THE COUNTY ADMINISTRATOR TO PROVIDE NOTICE OF THE CREATION
OF SAID DISTRICT TO THE HERNANDO COUNTY PROPERTY APPRAISER
AND TAX COLLECTOR; REPEALING ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
HERNANDO COUNTY CODE; DECLARING THAT THE ORDINANCE IS TO
BE LIBERALLY CONSTRUED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fla. Stat. § 189.4041 authorizes a county to create dependent special districts
within its geographic borders; and

WHEREAS, the Hernando County Board of County Commissioners has determined that
Hernando County must take all steps necessary to protect the health, safety, and welfare of its
citizenry, businesses, and property owners; and

WHEREAS, the Hernando County Board of County Commissioners has historically funded
law enforcement operations and detention services from its General Fund, as those have traditionally
been viewed as "county services"; and,

1 WHEREAS, the Florida Legislature enacted the “Uniform Special District Accountability
2 Act” in 1989, that in pertinent part, granted counties the ability to create “dependent special districts”
3 to fund county services; and,

4 WHEREAS, the Hernando County Board of County Commissioners has legislatively
5 determined that it is necessary to fund law enforcement functions from a source outside of Hernando
6 County’s General Fund revenues; and

7 WHEREAS, the Board of County Commissioners, after having held a duly noticed public
8 hearing, hereby creates the “Hernando County Law Enforcement and Detention Services Funding
9 District” as a dependent special district; and

10 WHEREAS, this Ordinance shall establish the Charter for the creation and operation of the
11 dependent special district.

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

14 **Section 1. Creation of Hernando County Dependent Special District for Countywide**
15 **Law Enforcement and Detention Services. A new Article X of Chapter 27 of the Hernando**
16 **County Code is created to read as follows:**

17 **Title of Ordinance.**

18 **This Ordinance shall be known as “The Hernando County Law Enforcement and Detention Services**
19 **Self-Funding Ordinance.”**

20 **Creation and Geographic Boundaries.**

1 There is hereby created the Hernando County Law Enforcement and Detention Services Funding
2 District, hereinafter referred to as “the District.” The District is created pursuant to authority set
3 forth in Fla. Stat. Ch. 189. The District shall be a dependent special district of Hernando County,
4 Florida.

5 **Consent of Municipalities.**

6 The provisions of this ordinance shall not be effective within any municipality in Hernando County
7 unless and until such municipality consents by ordinance in accordance with the provisions of Fla.
8 Stat. §§ 125.01 and 189.02, as they may be amended from time to time .

9 **Purpose, Powers, Functions, and Duties.**

10 The general purpose, powers, functions and duties of the District will be to:

11 A. Fund “General Law Enforcement Services” that are provided by the Hernando County
12 Sheriff’s Office on a countywide basis, excluding road patrol, court services, and the service
13 of process; and,

14 B. Fund the operation of “Corrections and Detention Alternative Facilities,” including but not
15 limited to, the Hernando County Jail; and,

16 C. Fund Hernando County’s obligations for “Detention Cost Sharing,” the system established
17 for the joint responsibility of funding the costs of secure juvenile detention established in Fla.
18 Stat. Ch. 985.

19 C. Fund capital improvements ancillary to the provision of the functions described in subparts
20 (A) and (B) *supra*; and,

1 D. Fund all other functions determined by the Board of County Commissioners to be necessary
2 to ensure the health, safety, and welfare of the residents, businesses, and property owners of
3 Hernando County.

4 **Provision of Incidental Services to Municipal Residents.**

5 The Board of County Commissioners recognizes that the Hernando County Sheriff's Office, the
6 Hernando County Jail, and the Florida Department of Juvenile Justice provide benefits, both direct
7 and incidental, to municipal residents. The Board of County Commissioners shall annually
8 appropriate funds sufficient to pay for the services provided to municipal residents from the General
9 Fund, pursuant to Fla. Stat. Ch. 129 & 200, based upon appropriate mathematical/statistical
10 formulae.

11 **Authority.**

12 The authority of the District shall include those powers enumerated herein necessary to provide the
13 functions described *supra*. The District shall be granted only the powers and authority set forth
14 herein and shall not have any additional implied powers or authority.

15 **Best Alternative.**

16 The Board of County Commissioners hereby finds that the creation of the District is the best
17 alternative available in order to further the purposes described *supra*. The Board of County
18 Commissioners specifically finds that the assessment of ad valorem taxes is the most equitable
19 method available to fairly apportion among all property owners within the District the cost of the
20 services and improvements set forth *supra*.

1 **Governing Board.**

2 The governing body of the District shall be the Board of County Commissioners of Hernando
3 County, Florida.

4 **Statement of Dependent Special District Status.**

5 Pursuant to Fla. Stat. § 189.012(2)(a), the District is a dependent special district because the
6 membership of its governing body is identical to that of the Hernando County Board of County
7 Commissioners.

8 **Budget and Millage, Financial Disclosure, Noticing, and Reporting Requirements of the**
9 **District.**

10 The Board of County Commissioners shall annually adopt the budget for the District in the manner
11 provided by law. The Board of County Commissioners shall annually set the ad valorem rates for
12 this District as provided by law, as may be amended from time to time. The District shall comply
13 with the financial disclosure, noticing, and reporting requirements of Fla. Stat. Ch. 189. The District
14 shall prepare and submit reports, budgets, and audits as provided in Fla. Stat. Ch. 189.

15 **Duties of the Board of County Commissioners.**

16 The Board of County Commissioners shall have the discretion to fund the functions described *supra*,
17 within the District up to the limits established by the Florida Constitution and Florida Statutes.
18 Besides funding the functions described *supra*, by a unit, the Board of County Commissioners retains
19 jurisdiction by any other method of funding allowed by law. The board has full authority to levy ad
20 valorem taxes up to the limits permitted by the Florida Constitution and the laws of Florida and to

1 use the funds for the operation of the District.

2 **Administration.**

3 The District shall be administered in accordance with the policies and procedures adopted by the
4 Board of County Commissioners for the administration of all county departments, divisions, and
5 operations. The County Administrator shall be responsible for administering the District to the
6 extent necessary to implement the purpose of this division. The powers to be exercised by the
7 District are specifically made subject to all applicable federal, state, and county laws. The powers
8 to be exercised by the District shall not derogate from the constitutional or statutory authority of any
9 local governmental entity or constitutional officer.

10 **Capital Reserves.**

11 The Board of County Commissioners is empowered to set up reserves in the budget to fund the
12 functions described *supra* in excess of its estimated expenditures for any fiscal year, for the purpose
13 of creating reasonable reserves for the purchase of equipment and making other necessary capital
14 expenditures or for any other lawful purposes for which reserves may be used.

15 **Financing the District.**

16 As provided herein, the District shall be financed by ad valorem taxes levied by the Board of County
17 Commissioners. The District shall have such authority to levy non-ad valorem assessments as
18 prescribed in Fla. Stat. Ch. 189, and any other applicable general law, as said laws may be amended
19 from time to time. The District shall have such authority to issue bonds as prescribed in Fla. Stat.
20 Ch. 189, and any other applicable general law, as said laws may be amended from time to time, for

1 District purposes. The District shall have the authority to levy special assessments against the
2 taxable real estate within the district, including homestead property otherwise exempt from taxation,
3 to fund the functions described *supra*, that directly benefit all lots, tracts, parcels, cooperative parcels
4 and condominium parcels within the District.

5 **Consistency with Comprehensive Plan.**

6 The creation of the District is consistent with the Hernando County Comprehensive Plan.

7 **Notices.**

8 (1) The County Administrator is hereby directed to provide a certified copy of this Ordinance,
9 within five (5) days of its adoption, to both the Property Appraiser and the Tax Collector of
10 Hernando County, so as to provide said constitutional officers with notice of the creation of the
11 District for the purposes of including the ad valorem taxes on the 2016, and subsequent years' tax
12 bills.

13 (2) The District will provide all financial disclosures required by Florida law relating to
14 dependent special districts, including but not limited to, all financial disclosure relating to bonds,
15 financing, non-ad valorem special assessments, and the like. Any and all meetings of the District
16 Board shall be noticed in accordance with Chapter 286, Florida Statutes, as amended. Any and all
17 notices that are required to be provided to the landowners within the District shall be provided by
18 U.S. mail delivery or by posting public notice in a designated area within the District, which area
19 shall be specified by the District Board. The District will comply with all reporting requirements
20 required by Florida law relating to dependent special districts.

1 **Section 2. Conflict.** Ordinances in conflict herewith are hereby repealed to the extent of
2 such conflict.

3 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
4 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
5 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
6 the section of this Ordinance may be renumbered or relettered to accomplish such intention, and that
7 the word "ordinance" may be changed to "section, "article", or other appropriate designation.

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

12 **Section 5. Ordinance to be Liberally Construed.** This ordinance shall be construed as
13 remedial and shall be liberally construed to promote the purpose for which it is intended.

14 **Section 6. Effective Date.**

15 This ordinance shall take effect immediately upon adoption.

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
2 COUNTY in Regular Session in Brooksville, Hernando County, Florida on this _____ day of
3 _____ 2015.

5 **BOARD OF COUNTY COMMISSIONERS**
6 **HERNANDO COUNTY, FLORIDA**
7
8
9

10 Attest: _____
11 The Hon. Donald C. Barbee, Jr.
12 Clerk

By: _____
Nicholas W. Nicholson
Chairman

13
14 Approved for Form and Legal Sufficiency:
15
16

17 
18 _____
19 Deputy County Attorney