

ORDINANCE NO.: 2002-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AMENDING SECTION 10 OF HERNANDO COUNTY ORDINANCE NO.94-14; PROVIDING FOR FUNDS FOR THE ADEQUATE REGULATION OF UTILITIES AND STORM WATER MANAGEMENT; PROVIDING FOR ANNUAL WITHDRAWALS OF FUNDS UPON CERTIFICATION BY THE COUNTY'S DIRECTOR OF REGULATORY FRANCHISE ADMINISTRATION/PROPERTY MANAGEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hernando County Ordinance No. 94-14 establishes a trust fund account for regulatory or franchise fees collected from utilities regulated by Hernando County; and

WHEREAS, these funds in the trust account can only be used for utility regulatory purposes; and

WHEREAS, it has become apparent to the County that fees will be collected in excess of that which will be required to reasonably regulate utilities under the County's regulatory authority; and

WHEREAS, it would be appropriate to allow the County to use the fees not required for utility regulation to supplement the County's storm water management program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Section 10(D) will be added to Ordinance No. 94-14 and Section 10 is hereby amended to read:

Section 10. Trust Fund Account

- A. All fees collected by the County from franchisees pursuant to the requirements of this ordinance and any enabling resolution adopted in compliance with the implementation of the directives thereof shall be placed in a separate trust account and shall be disbursed only for the operation of the County departments charged with the duties set forth herein.
- B. Such trust funds shall at all times remain separate and distinct from County general revenue funds.
- C. Any and all funds in such trust account at the end of a fiscal year shall automatically become the beginning balance for the succeeding fiscal year.

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DEPT. OF COUNTY CLERK
TALLAHASSEE, FLORIDA

- D. The Board of County Commissioners may withdraw from the utility regulatory trust fund an amount not to exceed five hundred thousand (\$500,000.00) dollars each fiscal year and transfer such funds to the general fund to be used exclusively for storm water drainage purposes which shall include, but not be limited to all associated engineering fees and property acquisition costs for any storm water projects. Before such transfer may occur, the County's Director of Regulatory and Franchise Administration/Property Management or his successors, must certify to the Board that there are sufficient funds in the utility regulatory trust fund account to pay for and cover all reasonably anticipated expenses for any regulatory activities including any rate cases likely to occur during that fiscal year. Without such certification, the Board may not transfer any funds from the utility regulatory trust fund to the general fund for storm water management or for any other purpose.

SECTION 2. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.


SECTION 3. INCLUSION IN THE CODE

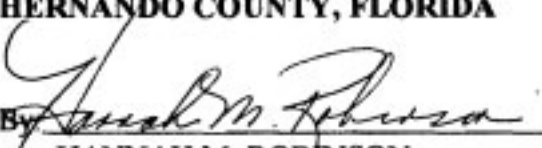
It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or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


SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 27th day of August 2002 A.D.

Attest: 
KAREN NICOLAI
Clerk

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

HANNAH M. ROBINSON
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY  08/29/02
County Attorney's Office