Staff's Recommended Board Motion:
A) Adopt a resolution that approves the County's plan to Buy-Back transportation impact fee offsets ("Offsets").
B) Approve the Competitive Modified Reverse Solicitation form of agreement in substantially similar form to the attached Solicitation which will be used as the governing document for the Buy-Back Program and each solicitation.

$30 million is included in the adopted FY 2017 Budget for the purpose of buying back transportation impact fee Offsets per prior BOCC direction. The County anticipates holding two Buy-Back solicitations in FY 2017, with the first solicitation anticipated to begin in June, 2017. The second Buy-Back solicitation will then be scheduled (to occur prior to September 30) based on the results of the first Buy-Back solicitation.

Financial Impact Statement:
$30 million is included in the adopted FY 2017 Budget for the purpose of buying back transportation impact fee Offsets per prior BOCC direction. The County anticipates holding two Buy-Back solicitations in FY 2017, with the first solicitation to begin in June, 2017. The second Buy-Back solicitation will then be scheduled (to occur prior to September 30) based on the results of the first Buy-Back solicitation.
Background:
On April 26, 2016, the Board passed Ordinance 16-9, which amended the County Code of Ordinances and Laws, Part A, Chapter 40, Article II (the Hillsborough County Consolidated Impact Assessment Program Ordinance) and, among other things, modified the Buy-Back provisions for transportation impact fee Offsets based upon in-kind contributions (Division 2, Sec. 40-60). At this time, in order to incentivize future income-producing development, accelerate the realization of mobility fee revenue for future transportation improvements, and to recognize the significant transportation infrastructure assets constructed and contributed to the County by the development community, the County has determined that it is in its best economic interest to commence the Buy-Back of a portion of the Offsets currently outstanding in the market. $30 million was allocated for this purpose as part of the adopted FY 2017 budget, along with direction to include an additional $15 million in the FY 2018 recommended budget and $10 million in the FY 2019 recommended budget, to fund the transportation impact fee Offset Buy-Back initiative. In order to accomplish the Buy-Back, the County will hold a series of solicitations under which the lowest dollar Offset bid is filled first and the highest dollar per Offset bid is filled last, which will result in the lowest achievable cost to the County as well as the largest number of Offsets being removed from the market. Staff anticipates the first solicitation, will be capped at $10 million, and will be in June, 2017 and that a second solicitation will occur prior to the end of the fiscal year.

List Attachments:
Form of Resolution; Form of Agreement; Ordinance 16-9
RESOLUTION NO. _______

A RESOLUTION BY THE HILLSBOROUGH COUNTY, FLORIDA, BOARD OF COUNTY COMMISSIONERS APPROVING THE COUNTY’S PLAN TO BUY-BACK TRANSPORTATION IMPACT FEE OFFSETS.

Upon motion by Commissioner ______________ and seconded by Commissioner ______________, the following resolution was adopted by a vote of _______ to _________ with Commissioner(s) __________________________ voting “No”.

WHEREAS, in 1996, the Board of County Commissioners adopted the Hillsborough County Consolidated Impact Assessment Program Ordinance recognizing developers’ in-kind contributions that mitigate the transportation impacts of their developments; and

WHEREAS, the Ordinance allows for the acquisition of transportation impact fee offsets associated with such in-kind contributions; and

WHEREAS, in 2016, the Board of County Commissioners heard presentations regarding a program to buy back offsets, and allocated funds for such a program; and

WHEREAS, the Board finds that the buy-back of impact fee offsets serves a public purpose by allowing offsets to be purchased at a discounted rate thereby accelerating and increasing the realization of mobility fee revenue for future transportation improvements; additional benefits of a buy-back of impact fee offsets program are that the program provides the County with ownership of certain offsets that can be used to incentivize future economic development; and

WHEREAS, the Board of County Commissioners allocated $30,000,000 for FY 17 for the buy-back of transportation impact fee offsets, and directed the allocation of $15,000,000 be included in the recommended FY 18 Budget and $10,000,000 in the recommended FY 19 Budget; and

WHEREAS, the County proposes to conduct a series of competitive solicitations through a Modified Reverse Solicitation process described in Attachment A over this and
future fiscal years to decide which, if any, impact fee offsets to buy back, and to allow the market to determine the rates at which to buy back offsets; and

WHEREAS, the process used in the competitive solicitations will include a public notice of the intent to buy back the offsets, and an effort to directly contact the many developers or their assignees believed to be the current owners of outstanding offsets; and

WHEREAS, each competitive Solicitation will include an announcement as to: the funds available for the particular competitive solicitation; eligible transportation impact fee zones; the submittal deadline date; submittal instructions; information regarding the appeal of decisions; minimum amount of offsets to be offered; and the maximum offer price; and

WHEREAS, the Maximum Offer Price is formally defined in the Solicitation document and is the maximum amount the County will pay for any Offset in a particular Solicitation; and

WHEREAS, the Maximum Offer Price may vary by solicitation and is determined by the County for each solicitation to encourage participation in the solicitation, to recognize the value to the owners of early monetization of the offsets, and to offset the County’s costs related to developing, implementing and conducting the solicitations; and

WHEREAS, subject matter experts may assist to determine the Maximum Offer Price, funds made available for each competitive Solicitation (based on prior Board allocation), eligible transportation impact fee zones, the minimum offsets to be offered per bid, and other financial parameters; and

WHEREAS, in determining these financial parameters, the following desired outcomes shall be considered: the promotion of the accelerated collection of mobility fees, the determination of market rates by allowing impact fee credit owners to set their price to sell; the reduction of the amount of outstanding impact fee offsets; minimal cost to the County; and the structuring of the Modified Reverse Solicitation to achieve the optimal financial impact for the County; and

WHEREAS, a sample Notice of Solicitation for Purchase of Transportation Impact Fee Offsets using a competitive Modified Reverse Solicitation process is included in
Attachment A; and

WHEREAS, the process shall be structured to encourage developers to submit offers at a rate of compensation which is acceptable to them, i.e., no developer is obligated to participate, and no developer will be obligated to participate at an unacceptable rate of compensation; and

WHEREAS, the process will allow for the County to purchase offsets at different purchase prices in the same solicitation based on the bids submitted by offset owners; and

WHEREAS, the current status of the transferability of the impact fee offsets will remain intact, and developers may elect to forego this competitive process, and retain their offsets, or privately transfer offsets instead of, or in addition to, participating in the competitive process; and

WHEREAS, if an offset owner elects to participate in the impact fee offset buy-back program, by submitting an Offer in a Modified Reverse Solicitation their impact fee offset accounts shall be temporarily locked commensurate with the offsets offered in a Solicitation; and

WHEREAS, transportation impact fee offsets remain available to be registered for use on a dollar-for-dollar basis to satisfy Mobility Fee assessments; and the buy-back program described herein shall not affect this ability; and

WHEREAS, the expected date of the issuance of the first public notice for a competitive Modified Reverse Solicitation is in June, 2017.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT A REGULAR MEETING ASSEMBLED THIS _____ DAY OF _____________, 2017:

1. The Board of County Commissioners approves the Competitive Modified Reverse Solicitation buy-back program (hereinafter “buy-back program”) in substantially the form as set out in Attachment A to buy-back transportation impact fee offsets.
2. The Board of County Commissioners finds that the impact fee buy-back program serves a public purpose.

3. The Solicitation parameters for each Competitive Modified Reverse Solicitation to buy-back impact fee offsets shall be established by the Board of County Commissioners with the advice of any needed subject matter experts, and such parameters shall include:

   1. The Maximum Offer Price;
   2. Funds made available for each Competitive Solicitation;
   3. Eligible Impact Fee Zones; and
   4. Minimum offsets to be offered per bid.

4. The following factors and outcomes shall be considered when setting the solicitation parameters described in Paragraph 4:

   1. The parameters should encourage and attract participation in the solicitation in order for the County’s stated objectives of this program to be achieved;
   2. The parameters should drive the optimal financial results for the County; and
   3. The parameters should seek to reduce the burden to the taxpayer by buying offsets at a reduced price.

5. After consultation with subject matter experts the County Administrator shall recommend and the Board shall approve the Solicitation parameters prior to the Notice of Solicitation.

6. The results of each Competitive Modified Reverse Solicitation shall be analyzed by the County Administrator, and this data shall be used by the Board of County Commissioners to set the parameters for future solicitations.

7. All impact fee offset owners considering participation in the aforementioned solicitations to buy-back impact fee offsets should consult with county Development Services staff prior to the Solicitation to ensure there is a mutually agreed understanding of the status of their offset accounts particularly when any transfers of ownership have occurred and to ensure that their accounts are up to date with accurate ownership documentation.

8. For purposes of the solicitation described in Exhibit A and any disqualification due to the County’s inability to confirm ownership of offsets, the Offerors exclusive right shall be an appeal to a procurement hearing master as described in the County’s Procurement Policy and Procedures, including, but not limited to, the County’s policy and procedures regarding Bid protests and Hillsborough County Code of Ordinances and Laws, Part A, Chapter 2, Article VI, Division 3.

9. At the conclusion of each Competitive Modified Reverse Solicitation process, in order to authorize the conclusion of the Solicitation process, the Board shall authorize applicable payments to successful Offerors consistent with the terms of such Solicitation.
PASSED AND ADOPTED this day of _________________, 2017.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the Board at its regular meeting of _______ ______________________, 2017, as the same appears of record in Minute Book ___________ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of ________________, 2017.

ATTEST:
PAT FRANK,
CLERK OF THE CIRCUIT COURT

By: ________________________________
   Deputy Clerk

Approved as to form and legal sufficiency:

By: ________________________________
   Assistant County Attorney
NOTICE OF SOLICITATION FOR PURCHASE OF TRANSPORTATION IMPACT FEE OFFSETS
BY HILLSBOROUGH COUNTY, FLORIDA
MODIFIED REVERSE SOLICITATION
Transportation Impact Fee Solicitation Number 1

[Date]

Hillsborough County, Florida (the “County”) hereby provides notice that it intends to purchase via a Modified Reverse Solicitation outstanding transportation impact fee offsets (the “Offsets”).

The County will utilize a Modified Reverse Solicitation process (the “Solicitation”) to set the market prices at which the County may purchase Offsets. Owners of Offsets who participate in the Solicitation (“Owners” or “Offerors”) must indicate (i) the face dollar amount of Offsets they are offering to sell to the County (“Offer Amount”), and (ii) the lowest price, as a percentage of the Offsets offered, that they are including in the Offer (with 100% representing the full face amount of the Offset (“Offer Price”). Offsets may be purchased at a discount to the full face amount, subject to the applicable maximum as described herein (see the “Purchase Price” below).

The purpose of the solicitation is to (i) provide a mechanism for Owners to sell outstanding Offsets, and (ii) allow the County to reduce the economic impact of the outstanding Offsets as the County implements its mobility fee program. THE COUNTY WILL NOT ACCEPT ANY OFFER TO SELL OFFSETS AT A PRICE GREATER THAN THE MAXIMUM PURCHASE PRICE FOR THIS SOLICITATION. OWNERS WHO DO NOT WISH TO SELL THEIR OFFSETS AT OR BELOW THE MAXIMUM PURCHASE PRICE SHOULD NOT PARTICIPATE IN THIS SOLICITATION. THE COUNTY MAY SET A DIFFERENT MAXIMUM PURCHASE PRICE FOR FUTURE SOLICITATIONS, HOWEVER IN NO CASE WILL THE MAXIMUM PURCHASE PRICE BE EQUAL TO OR GREATER THAN THE FULL FACE AMOUNT OF ANY OFFSET.

The Offsets

The Offsets are described in “Hillsborough County Consolidated Impact Assessment Program Ordinance, Hillsborough County Ordinance 96-29, as amended”, a copy of which may be found at:


WHILE THE COUNTY IS REQUESTING BONA FIDE OFFERS TO SELL THE OFFSETS, THE COUNTY ONLY INTENDS TO ACCEPT OFFERS AND PURCHASE OFFSETS IF IT BELIEVES, IN ITS SOLE DISCRETION, THAT THE MODIFIED REVERSE SOLICITATION PROCESS HAS RESULTED IN A MARKET-BASED DETERMINATION OF THE VALUE OF THE OFFSETS. AS SUCH, THE COUNTY MAY TERMINATE THE SOLICITATION IF THE COUNTY BELIEVES THERE WAS COLLUSION OR MANIPULATION AMONG OWNERS, OR FOR ANY OTHER REASON. THE COUNTY IS UNDER NO OBLIGATION TO ACCEPT ANY OFFER.
**Definitions**

“Authorizing Resolution” – the Hillsborough County Board of County Commissioner’s Resolution presented to the Board at its May 17, 2017 Regular Meeting.

“Contract” – an Offer which has been accepted by the County under the terms of the Solicitation Document and which shall be governed by the terms and conditions of this Solicitation Document.

“Maximum Offer Price” – the maximum amount the County will pay for any Offset in the Solicitation. The Maximum Offer Price may vary by solicitation and is determined by the County in the manner described in the Authorizing Resolution for each solicitation to encourage participation in the solicitation, mitigate the County’s costs related to developing, implementing and conducting the solicitations, and achieve the Board’s goals in the Authorizing Resolution.

“Maximum Solicitation Amount” – the total maximum dollar amount the County will spend in any single solicitation to purchase Offsets.

“Offer(s)” – the offer(s) submitted by Owner(s)/Offerors in accordance with this Solicitation Document and utilizing Form 1 of this Solicitation Document which must be completed in its entirety.

“Offeror” – an Owner of transportation impact fee offsets who has chosen to submit an Offer as part of a Modified Reverse Solicitation.

“Offer Amount” – the dollar amount of a block or group of Offsets an Owner is offering for sale in a Solicitation at a specific Offer Price. For example, if an Owner had a block or group of Offsets with a full value of $100,000 and the Owner decided to sell half of the block or group in one Solicitation at a specified Offer Price, the Offer Amount would be $50,000. An Owner can submit multiple Offer Amounts and Offer Prices in a single Solicitation, subject to the limitations provided herein.

“Offer Price” – the percentage value of a block or Group of Offsets included in the Offer of an Owner. For example, if an Owner offered to sell an Offset in a solicitation for 40 cents on the dollar, the Offer Price would be 40%.

“Owner” – current owner of record of the transportation impact fee offset account as indicated in Hillsborough County records as of the Submittal Deadline. Offer (Form 1) must be signed by a person that is legally authorized to contractually bind the Owner. If Owner is a partnership, then the Offer must be signed by one or more of the company's general partners. If Owner is a corporation, the Offer must be signed by a current officer of the corporation. A person signing the Offer as Owner's agent shall include with the Offer clear and legal evidence of such person's authority to sign on behalf of the Owner.

“Purchase Price” – the price offered for the sale of each Offset which is accepted by the County. AS A RESULT OF THE SOLICITATION PROCESS, THE COUNTY MAY PURCHASE OFFSETS AT DIFFERENT PURCHASE PRICES IN THE SAME SOLICITATION.
Solicitation Process

The County will utilize a Modified Reverse Solicitation process for the Solicitation. The County intends to hold multiple solicitations over the next several years. The Maximum Solicitation Amount for each Solicitation will be determined by the County as described in the Authorizing Resolution.

Owners shall submit sealed hard-copy Offers using the attached form (Form 1), which includes (1) registration information, (2) face dollar value of the Offer Amount, and (3) an Offer Price expressed as a whole number percentage. The Offer (Form 1) shall be completed in its entirety and submitted by the Submittal Deadline. Offers must be submitted in accordance with the provisions set forth under the heading “Delivery of Offers” in this Solicitation.

The Offer (Form 1) must be signed by a person that is legally authorized to contractually bind the Owner. If Owner is a partnership, then the Offer must be signed by one or more of the company's general partners. If Owner is a corporation, the Offer must be signed by a current officer of the corporation. A person signing the Offer as Owner's agent shall include with the Offer clear and legal evidence of such person's authority to sign on behalf of the Owner.

The cost of preparing an Offer to this Solicitation shall be borne entirely by the Owner/Offeror.

After confirming the eligibility of the responding Owners and confirming that all Offers are in compliance with the Solicitation procedures, the County shall first rank all Offers by lowest to highest Offer Price and total the aggregate Offer Amounts at each Offer Price.

In the event an Offer is determined to be nonresponsive and/or an Owner is determined ineligible to submit an Offer, the County shall notify the subject Owner, in writing, stating the reasons for the findings. The Owner shall have five (5) business days, beginning on the business day following the date the notice is sent, to challenge the determination and provide all pertinent documents, information and evidence necessary to support the Owner’s position.

If the Maximum Solicitation Amount is less than or equal to the amount required to purchase all Offsets offered at the lowest Offer Price offered, the County may purchase the Offsets offered at the lowest Offer Price, on a pro rata basis, if necessary, up to the Maximum Solicitation Amount.

If the Maximum Solicitation Amount is greater than the amount required to purchase all Offsets offered at the lowest Offer Price, the County may purchase all of the Offsets offered at the lowest Offer Price. If the remainder of the Maximum Solicitation Amount is less than or equal to the amount required to purchase all Offsets offered at the next higher Offer Price, the County may purchase the Offsets offered at the next highest Offer Price, on a pro rata basis, if necessary, up to an amount equal to the remainder of the Maximum Solicitation Amount.

The County will repeat the foregoing process until it has applied an aggregate amount equal to the Maximum Solicitation Amount.

The table below illustrates a sample Solicitation in which the Maximum Solicitation Amount is $100:
Example

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Offsets Offered</th>
<th>Offer Price</th>
<th>Solicitation Amount Required</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$200</td>
<td>25%</td>
<td>$50 ($200 x 25%)</td>
<td>$200 of Offsets purchased of $200 offered for $50</td>
</tr>
<tr>
<td>B</td>
<td>$150</td>
<td>30%</td>
<td>$95 ($200 x 25% + $150 x 30%)</td>
<td>$150 of Offsets purchased of $150 offered for $45</td>
</tr>
<tr>
<td>C</td>
<td>$50</td>
<td>50%</td>
<td>$100 ($200 x 25% + $150 x 30% + $10 X 50%)</td>
<td>$10 of Offsets purchased pro rata of $50 offered for $5</td>
</tr>
<tr>
<td>D</td>
<td>$200</td>
<td>60%</td>
<td></td>
<td>No Offsets purchased</td>
</tr>
<tr>
<td>E</td>
<td>$500</td>
<td>70%</td>
<td></td>
<td>No Offsets purchased</td>
</tr>
</tbody>
</table>

[In this example, the County would purchase all of the Offsets offered by Offerors A and B at each offered Price. Offeror A receives $50 ($200 x 25%) and Offeror B receives $45 ($150 x 30%). Offeror C received the remaining $5 available in this Solicitation. Offeror C’s remaining $40 in Offsets not purchased remain outstanding.]

The County believes the Modified Reverse Solicitation format will allow Offerors to set their individual market price for the Offsets. The lower the Offer Price, the greater the likelihood that the Offer will be accepted by the County.

Change of Offer Date

The County reserves the right to postpone, from time to time, the date established for the receipt of Offers and will undertake to notify prospective Offerors.

Award of Contract and Rejection of Offers

a) A Contract, if awarded, will be awarded in accordance with this Solicitation Document and applicable law.

b) The County, in its sole discretion, may determine whether acceptance of any Offer is in the best interest of the County. Further, the County reserves the right to reject any and all Offers and to waive any informality concerning an Offer whenever such rejection or waiver is in the best interest of the County and in conformance with Florida Law, including any Offer which is not a firm Offer, or includes unacceptable conditions, such as requiring acceptance of multiple Offers from the same Offeror. Conditional Offers which make an Offer contingent upon the acceptance of another Offer shall be rejected. In any event, such rejection shall not be arbitrary and capricious.

c) The County also reserves the right to reject the Offer of any Owner who is not eligible and/or in a position to perform the contract, as determined by the County, in its sole discretion.

d) The County reserves the right to require Owner to submit documentation and other evidence attesting to the Owner’s eligibility. The County may reject Owner’s Offer if, at the County’s sole discretion, Owner fails to submit documents and evidence of eligibility.
The County reserves the right to reject all Offers when in the best interest of Hillsborough County, however, the County shall not act arbitrarily or capriciously.

**Offeror Request For Interpretation of Solicitation**

No interpretation of the meaning of the Specifications contained in this Solicitation Document or other Contract Documents will be made to any Owner orally. Every request for such interpretation must be in writing, addressed to the Director of Procurement Services via email at StromerS@HCFLGov.net, or hand delivery at the address provided under “Delivery of Offers”. To be given consideration, such requests must be received at least ten (10) calendar days prior to the Submittal Deadline. Any and all such interpretations and any supplemental instructions will be in the form of a written Amendment which, if issued, will be communicated to all Owners at least five (5) calendar days prior to the Submittal Deadline via the County’s website at:

[static hyperlink]

It is solely the Owners’ responsibility to monitor the above website for important information related to this procurement including, but not limited to, amendments or interpretations, notices of intent, and other information. Failure of an Owner to receive any such Amendment or interpretation shall not relieve said Owner from an obligation under its Offer as submitted. All Amendment(s) so issued shall become part of the Solicitation Document and Contract Documents.

**Procurement Policy and Procedures and Hillsborough County Ordinance - Protest Process and Procedures**

Owner is advised that by submitting an Offer, Owner hereby agrees to comply with the County’s Procurement Policy and Procedures, including, but not limited to, the County’s policy and procedures regarding Bid protests and Hillsborough County Code of Ordinances and Laws, Part A, Chapter 2, Article VI, Division 3. The County’s Procurement Policy and Procedures can be found on the County’s website at:


Owner is further advised that pursuant to Hillsborough County Code of Ordinances and Laws, Part A, Chapter 2, Article VI, Division 3, Sec. 2-567(b)(i), any protest of the Specifications and/or terms and conditions contained within this Solicitation Document must be received by the County no later than five (5) business days before the Submittal Deadline set forth in this Solicitation Document.

**Cancellation of Solicitation Document**

The County reserves the right to cancel, in whole, or in part, this Solicitation Document when deemed to be in the best interest of the County.

**Public Entity Crimes Statement**

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime; may not submit an Offer, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit Offers, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of thirty-six (36) months following the date of being placed on the convicted vendor list. Additionally, pursuant to County policy, a conviction of a public entity crime
may cause the rejection of an Offer. The County may make inquiries regarding alleged convictions of public entity crimes. The unreasonable failure of an Offeror to promptly supply information in connection with an inquiry may be grounds for rejection of an Offer.

**Cone of Silence**

Pursuant to Hillsborough County Code of Ordinances and Laws, Part A, Chapter 2, Article VI, Division 3, Section 2-574, there shall be a Cone of Silence for all procurement solicitations issued by the County that are at or over the County's formal bid limit in order to safeguard the integrity of the County’s procurement and protest process. The Cone of Silence for this Solicitation shall go into effect on the date the Solicitation is issued by the County and shall end on the date the Owner’s Offer is formally accepted by the County or on the date the Modified Reverse Solicitation is canceled by the County. Unless otherwise provided for in Hillsborough County Code of Ordinances and Laws, Part A, Chapter 2, Article VI, Division 3, during the time period the Cone of Silence is in effect, no Owner, interested party and/or their principals, officers, employees, attorneys or agents shall communicate with County employees, the Hearing Master assigned to hear the applicable protest appeal and/or members of the Board of County Commissioners, including their aides and employees regarding a Modified Reverse Solicitation and/or its related protest. The Cone of Silence does not prohibit an Owner from communicating with the Director of the County Department issuing the Modified Reverse Solicitation, County staff listed as contacts in the Solicitation, or the attorney in the County Attorney’s office that is directly responsible for the applicable Solicitation (this information can be obtained by contacting the County staff person listed as the contact in the applicable Solicitation). A violation of the Cone of Silence will result in the disqualification of the Owner from consideration in any award of the Modified Reverse Solicitation unless it is determined that the violation is unintentional and/or not material.

**Modification and/or Withdrawal of Offer Prior to Submittal Deadline**

Prior to the Submittal Deadline, Offers may be withdrawn upon written request signed by the Owner and received by the County prior to the Submittal Deadline. Withdrawn Offers will not be returned to the Owner. Except as specifically provided for herein, Offerors may not modify their Offers after the specified Submittal Deadline. Negligence on the part of the Owner in preparing its Offer confers no right of withdrawal or modification of its Offer after such Offer has been opened by County staff at the specified time and place. Owners may not withdraw or modify their Offers after the Submittal Deadline.

**No Assignment of Offers**

Owner may not assign or otherwise transfer its Offer prior to or after the Submittal Deadline.

**Obtaining Clarification and/or Additional Information**

Given that a Cone of Silence exists for this solicitation, Offerors shall direct all questions and/or requests for clarification or additional information to Scott P. Stromer, Director, Procurement Services Department, in writing, via email at StromerS@HCFLGov.net, or hand delivery at the address provided under the “Delivery of Offers” provision contained in this Solicitation. For the duration of the Cone of Silence, Offerors shall not communicate with County employees outside the Procurement Services Department or members of the board of County Commissioners, including their respective aides.
Time Period Offer is Valid

Owner's Offer shall be in force for a period of not less than ninety (90) calendar days after the Submittal Deadline. Further, said Offer shall continue in force after said ninety (90) calendar day period, until thirty (30) days following the date of receipt by County of written notice from the Offeror of its intent to withdraw its Offer, or until the date specified in said written notice as the expiration date of the Offer, whichever is later. The aforementioned time periods will remain in effect irrespective of whether an award has been made by the County. Notwithstanding the provisions above, the Owner may extend its Offer at any time prior to the scheduled expiration thereof.

Public Records Law

a) In accordance with Chapter 119, Florida Statutes, and, except as may be provided by other applicable State and Federal laws, all Offerors should be aware that this Solicitation Document and all Offers are in the public domain and are available for public inspection. Offerors are requested, however, to identify specifically any information contained in their Offers which they consider confidential and/or proprietary, inclusive of trade secrets as defined in s. 812.081, Florida Statutes, and which they believe to be exempt from disclosure, citing specifically the applicable exempting law and including narrative explaining the applicable legal exemption as it relates specifically to Offeror’s confidential and/or proprietary information.

b) All Offers received in response to this Modified Reverse Solicitation Document will become the property of the County and will not be returned. In the event of an award, all documentation produced as part of the Contract will become the exclusive property of the County.

c) All materials that qualify for exemption from Chapter 119, Florida Statutes, or other applicable law must be submitted in an attachment or in a separate envelope, clearly identified as "EXEMPT FROM PUBLIC DISCLOSURE" with Offeror’s name and the Solicitation Document number marked on the outside.

d) The County will not accept Offers when the entire Offer is labeled as exempt from public disclosure.

e) Be aware that the designation of an item as exempt from public disclosure by an Owner may be challenged in court by any person or entity. By designation of material in the Offer as exempt from public disclosure, Owner agrees to defend the County (and its employees, agents and elected and appointed officials) against all claims and actions (whether or not a lawsuit is commenced) related to Offeror’s designation of material as exempt from public disclosure and to hold harmless the County (and its employees, agents and elected and appointed officials) from any award to a plaintiff for damages, costs and attorneys’ fees, incurred by the County by reason of any claim or action related to Offeror’s designation of material as exempt from public disclosure.

Submittal Deadline

Owner must submit its Offer prior to the Submittal Deadline. Late Offers will not be accepted.

Notice of Award

Notices of intent to award will be communicated to the participating Offerors, in writing, via email and/or the County’s website.
### Solicitation Parameters

#### Transportation Impact Fee Solicitation Number 1

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submittal Deadline</td>
<td>________________</td>
</tr>
<tr>
<td>Included Zones</td>
<td>All Zones (1-10)</td>
</tr>
<tr>
<td>County Funding Available</td>
<td>The maximum of $_______</td>
</tr>
<tr>
<td>Minimum Offsets Offered per Owner</td>
<td>The lesser of (i) the total amount of Offsets owned by the Owner, or (ii) [$1,000].</td>
</tr>
<tr>
<td>Maximum Offsets Offered per Owner</td>
<td>None</td>
</tr>
<tr>
<td>Minimum Offer Price</td>
<td>None</td>
</tr>
<tr>
<td>Maximum Offer Price</td>
<td>[___%]</td>
</tr>
<tr>
<td>Allowable Offer Prices</td>
<td>[<em><strong>%] to [</strong></em>%] in intervals of 1%</td>
</tr>
<tr>
<td>Maximum Number of Offers per Owner</td>
<td>None. An Owner can submit multiple Offers at varying Offer Amounts and Offer Prices as long as each Offer Amount and Offer Price conforms to the solicitation requirements. An Owner is not required to offer the full face amount of each block or group of Offsets. For example, if an Owner has a $50,000 block or group of Offsets, it may offer $30,000 of the block or group in the Solicitation at a single Offer Price and choose not to offer the remaining $20,000 in this Solicitation. Conversely, the Owner could chose to offer five (5) $10,000 Offer Amounts at five (5) different Offer Prices or any conforming combination.</td>
</tr>
</tbody>
</table>

#### Delivery of Offers

Offers to sell Offsets must be received through physical delivery via U.S. Mail, courier service, express mail or package service, hand delivery, or other physical presentation of the completed and properly executed Offer to Sell Offsets (the “Offer”) attached to this notice until ________ local Tampa, Florida time on ______________ at ______________ (the “Submittal Deadline”). Offers delivered by facsimile, electronic mail (e-mail) or other electronic means shall not be considered. Any Offer received after the Submittal Deadline will not be opened or considered. All Offers shall be delivered to:

**Hillsborough County BOCC – County Center**  
Procurement Services Department  
P.O. Box 1110  
601 East Kennedy Boulevard, 25th Floor  
Tampa, Florida 33601
Offerors are strictly responsible for the delivery of their respective Offers. The County and/or the Director of the Procurement Services Department shall in no way be responsible for any delays caused by the United States Postal Service and/or other courier, or for delays caused by any other occurrence. Offerors are advised that United States Postal Service delivery is made to the County's post office box (P.O. Box). Such delivery is not made directly to the street address, even if the Offeror specifies the street address and/or if express mail service is utilized; therefore, Offeror’s use of the United States Postal Service may cause a delay in the County’s receipt of a Offeror’s Offer by the Submittal Date. Offerors are cautioned to plan necessary delivery time accordingly. Offers delivered by facsimile, electronic mail (e-mail) or other electronic means shall not be considered.

Offers shall be sealed and delivered in a sealed envelope and labeled on the outside of the envelope with (1) the Offeror’s name, (2) “Transportation Impact Fee Solicitation Number 1,” (3) the words “SEALED OFFER”, and (4) the Submittal Deadline time and date. Sealed Offers may not be amended or otherwise changed by any writing placed outside the sealed Offer. Any writing that is outside of the sealed Offer will not be considered in the County's evaluation of the Offer.

Failure to Perform

If the Offeror refuses or is unable to honor its Offer or otherwise fails to perform any of its obligations, the County reserves the right to suspend or debar the Offeror or Offset Owner from participating in any future County solicitation, and the County may pursue all available legal remedies.

Transfer of Ownership

Acceptance of the Owner’s/Offeror’s Offer by the County shall form the Contract between the Owner/Offeror and the County for the sale of the Offsets, whereupon, the Owner/Offeror shall be obligated to perform all activities necessary to successfully transfer ownership of the purchased Offsets to the County. Upon the transfer of funds to the successful Offeror/Owner, ownership and all rights in connection with the purchased Offsets will transfer automatically to the County. The registry of ownership maintained by the County will be updated to reflect the County’s ownership of the Offsets. The submission of a fully executed Offer and the acceptance thereof and the wire of the Purchase Price by the County to the institution provided in the Offeror’s Offer is all that is required for settlement of the purchase of Offsets transaction.

Governing Law

The Contract shall be construed and enforced in accordance with the laws of the State of Florida without giving effect to any rules of conflict of law. Venue of any disputes relating to the Contract shall be in Hillsborough County, Florida.
OFFER TO SELL HILLSBOROUGH COUNTY TRANSPORTATION IMPACT FEE OFFSETS

FORM 1: AMOUNT OF OFFSETS AND PURCHASE PRICE OFFERED

Transportation Impact Fee Solicitation Number 1

[Date]
FORM 1

The undersigned, _______________________________________________________, as Owner of the Hillsborough County Transportation Impact Fee Offsets described below, makes the following Offer for participation in the Transportation Impact Fee Solicitation Number 1:

Note: “Offset Number,” “Offset Balance,” and “Offsets Offered” shall be expressed numerically and in word form.

Name of Offset Owner: _______________________________________________________________
Offset Number (Numerical): _______________________________________________________________
Offset Number (Words): _________________________________________________________________

Offset Balance (Numerical): _______________________________________________________________
Offset Balance (Words): _________________________________________________________________

Offsets Offered (Numerical): ___________ ____________________________________________________
Offsets Offered (Words): _______________ ________________________________________________

Zone: _______________________________________________________________
Name of Person Offering: _______________________________________________________________
Title: _______________________________________________________________
Relationship to Offset Owner: _______________________________________________________________
Address: _______________________________________________________________
Telephone: _______________________________________________________________
Email: _______________________________________________________________
Duplicate Email (if any): _______________________________________________________________

Certification/Affirmation
1. I represent that I am at least eighteen (18) years of age.
2. I represent that the printing of my name and the submittal of an Offer is intended to authenticate this writing and to have the same force and effect as my manual signature.
3. I represent that I am either authorized to bind the Offeror, or that I am submitting the Offer on behalf of and at the direction of the Offeror’s representative authorized to contractually bind the Owner.
4. I represent that the Offeror and/or its applicable representative(s) has/have reviewed the information contained in this Offer and that the information submitted is accurate.
At this present time, we understand all requirements and state that as a serious Offeror we will comply with all the stipulations included in this Solicitation Document.

The above-named Offeror affirms and declares:

1. That the Offeror is of lawful age and that no other person, firm or corporation has any interest in this Offer or in the Contract proposed to be entered into.

2. That this Offer is made without any understanding, agreement, or connection with any other person, firm or corporation making an Offer for the same purpose, and is, in all respects, fair and without collusion or fraud.

3. That the Offeror is not in arrears to Hillsborough County upon debt or contract and is not a defaulter, as surety or otherwise, upon any obligation to Hillsborough County.

4. That no officer or employee or person whose salary is payable, in whole or in part, from the County Treasury is, shall be or will become interested, directly or indirectly, surety or otherwise in this Offer; in the performance of this Contract.

5. That the Offeror has not altered the original Solicitation Document in any way and further understands that any such alteration of the original Solicitation Document may result in rejection of the Offeror’s Offer.

6. That, in advance of the Submittal Deadline, I was advised to communicate with the Hillsborough County Development Services Department to verify that the Hillsborough County Development Services Department’s records related to the ownership of my transportation impact fee offsets were up to date and accurate.

7. Offeror acknowledges and understands that Section 287.135, Florida Statutes, prohibits agencies and governmental entities from contracting with a company for goods and/or services that are One Million Dollars ($1,000,000) or more, if such company is (i) engaged in business operations in Cuba or Syria, (ii) on the Scrutinized Companies that Boycott Israel List (created pursuant to Florida Statutes, Section 215.4725), (iii) on the Scrutinized Companies with Activities in Sudan List (created pursuant to Florida Statutes, Section 215.473), or (iv) on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List (created pursuant to Florida Statutes, Section 215.473). Offeror hereby certifies that Offeror (i) is not engaged in business operations in Cuba or Syria, (ii) is not on the Scrutinized Companies that Boycott Israel List, (iii) is not on the Scrutinized Companies with Activities in Sudan List, and (iv) is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Offeror acknowledges and understands that pursuant to Florida Statutes, Section 287.135, the submission of a false certification may subject Offeror to civil penalties, attorneys’ fees and/or costs.

By: _______________________________________      Date: _______________________________

Title: ______________________________________

STATE OF FLORIDA
COUNTY OF _____________________

The foregoing instrument was acknowledged before me this ________________ (date), by
__________________________________________ (name), who is personally known to me or who has produced
__________________________________________ (type of identification) as identification.

__________________________________________
Notary Public

Printed Name:__________________

My Commission Expires: ____________________

Commission #__________
ORDINANCE

16-9
ORDINANCE 16-9

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART A, CHAPTER 40, ARTICLE II, THE HILLSBOROUGH COUNTY CONSOLIDATED IMPACT ASSESSMENT PROGRAM ORDINANCE, PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTION FROM SCHOOL FEES FOR COMMUNITIES FOR OLDER PERSONS; PROVIDING FOR DEVELOPMENT SUBJECT TO ASSESSMENT; PROVIDING FOR OFFSETS BASED UPON IN-KIND CONTRIBUTIONS; PROVIDING FOR BUY-BACK OF OFFSETS; REPEALING INDEXING OF OFFSETS; REPEALING TIME PAYMENT OF TRANSPORTATION IMPACT FEES; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, Hillsborough County, Florida is a home rule charter county under the authority of the Constitution of the State of Florida; and

WHEREAS, the Florida Legislature and the Courts of the State of Florida have recognized the home rule authority of counties to impose impact fees; and

WHEREAS, Hillsborough County has operated under its Consolidated Impact Assessment Program Ordinance since 1996, which has been periodically amended and updated; and

WHEREAS, the Hillsborough County Board of County Commissioners wishes to create a mobility fee program ordinance, which will serve a function substantially similar to transportation impact fees; and

WHEREAS, the Board of County Commissioners wishes to ensure that its Consolidated Impact Assessment Program Ordinance is amended to enable consistency with the mobility fee program ordinance; and
WHEREAS, the Board of County Commissioners further finds that the provisions of this ordinance are in compliance with the “dual rational nexus test” established by the Florida Supreme Court, summarized in the Hillsborough County Consolidated Impact Assessment Program Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION 1: The aforementioned recitations contained herein are true and correct, but are not required to be incorporated into the Hillsborough County Code of Ordinances.

SECTION 2: Chapter 40, Article II of the Hillsborough County Code of Ordinances, Part A, the Hillsborough County Consolidated Impact Assessment Program Ordinance, is hereby amended as set forth in Exhibit “A”, with deleted text marked as struck-through, and added text marked as underlined. This Ordinance amends the Hillsborough County Consolidated Impact Assessment Program Ordinance only to the extent expressly marked herein; all other language that is not expressly modified in Exhibit “A” shall remain unchanged.

SECTION 3: If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 4: Nothing in this ordinance is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a direct and express conflict between this
ordinance and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable, control.

SECTION 5: The provisions of this ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

SECTION 6: In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall take effect upon filing with the Florida Department of State.

STATE OF FLORIDA       } 
COUNTY OF HILLSBOROUGH 

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting on the 26th day of April_______, 2016, by a vote of ___ voting yes and ___ voting no, as the same appears in record in Minute Book 479 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this ___ day of ____ May____, 2016.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: [Signature]
Deputy Clerk

Approved By County Attorney
As To Form and Legal Sufficiency:

By: [Signature]
Assistant County Attorney
ARTICLE II. - IMPACT FEES

... 

DIVISION 2. - IMPACT ASSESSMENT PROGRAM PROVISIONS

Sec. 40-50. - Applicability.

This article shall apply as set forth below:

(1) Transportation and fire service impact assessments. Provisions hereof relating to transportation impact assessments (road improvements and rights-of-way) and fire service impact assessments shall apply uniformly to the development of property located within the boundaries of the unincorporated area of Hillsborough County. However, development that is subject to mobility fee assessment pursuant to article III of this Code shall not be subject to transportation impact fee assessment under this article. New development after January 1, 2017 shall generally be subject to mobility fees rather than transportation impact fees, except that development that is grandfathered against mobility fees under article III shall continue to be subject to transportation impact fee assessment under this article for the duration of the grandfathering period.

(2) Park impact assessments. Provisions hereof relating to park impact assessments, shall apply uniformly to the residential development of property located within the boundaries of the unincorporated area of Hillsborough County. The non-residential development of property shall not be subject to the terms of this article pertaining to park impact assessments.

(3) School impact assessments. Provisions hereof relating to school impact assessments shall apply uniformly to the residential development of property located within the boundaries of Hillsborough County, including all incorporated as well as unincorporated areas, including the municipalities of the cities of Tampa, Temple Terrace, and Plant City. Non-residential development of property shall not be subject to the terms of this article pertaining to school impact assessments.

...

Sec. 40-55. - Exemptions and existing uses.

(a) Exemptions. The following shall be exempted from payment of impact assessment under this article:

(7) Communities for older persons (school impact fees only). A dwelling that is located in any development designated and operated as a community for older persons, in compliance with the
terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 USC 3601—3619, and that prohibits any person under the age of 18 years from residing within any dwelling on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions not subject to revocation or amendment for a period of at least 30 years from the date of recording. Said covenants and restrictions shall run with the land. In the event the covenants and restrictions are breached, or are amended or otherwise modified, so that any person under the age of 18 is allowed to reside as a permanent resident in any dwelling receiving a housing for older persons exemption, the County may give notice of the breach, amendment or modification, to the owners of the dwellings located in that community for older persons, and give them the opportunity to cure the breach or restore the age restriction requirement to the covenants and restrictions, as applicable, within 60 days of the notice being mailed (the "cure"). The County may stay any action to collect fees in the event of ongoing court proceedings. If the cure is not implemented within the said 60-day period and no stay exists, then the impact fee shall be due for all dwellings within that community for older persons. In that event, the owners of all dwellings within the community for older persons shall be provided notice of the amount of impact fee due, and shall be given six months to pay the impact fee in the amount as is in effect at the time of the notice being given of the amount due and a notice of the amount due shall be filed in the public records of the County. Such notice shall be in writing with documentation of the breach and failure to cure together with the name and address of any person to whom the notice shall be sent. Notices under this section shall be sent by certified mail, return receipt requested, to the last known address of the owner of each affected dwelling by reference to the latest ad valorem tax records. Failure to pay the impact fee when due shall result in the same penalties imposed by this article in Section 40-66. The exemption prescribed in this subsection shall only apply to the collection of school impact fees.

Sec. 40-56. - Impact assessment procedures.

(a) Development subject to assessment. Any land development activity creating an impact on any public facility covered by this article shall be required to pay an impact assessment in the amount and manner set forth in this article, to help regulate the effect of the land development's activities on those public facilities. However, development that is subject to mobility fee assessment pursuant to article III of this Code shall not be subject to transportation impact fee assessment under this article.

Sec. 40-60. - Offsets based upon in-kind contributions.

(a) Generally. The Board, in certain situations, receives contributions from developers for purposes of mitigating development impacts. Such in-kind contributions may be required by the County during the development review and approval process, or a developer may elect to
propose an in-kind contribution in payment of the impact assessment pursuant to Section 40-59. The purpose of this provision is to recognize such contributions and make equitable adjustment through the mechanism of impact fee offsets. Generally, transportation impact fee offsets shall not be awarded for any contribution received by the County following the initial assessment of mobility fees under article III after January 1, 2017. However, transportation contributions that were required by the County before January 1, 2017 shall continue to be eligible for impact fee offsets after January 1, 2017, irrespective of whether the development project that generated said offsets is subject to transportation impact fee assessment under this article or mobility fee assessment under article III of this code. Transportation impact fee offsets may, at the sole discretion of the offset account holder, be registered for use on a dollar-for-dollar basis under article III of this code in order to satisfy mobility fee assessments. Said registration must be executed through a form provided by the Administrator. Once registered for use under article III, offsets are no longer eligible for use under this article.

(g) Buy-back of offsets.

(1) The County may buy back offsets with funds collected as impact fees. Any buy-back of offsets will be considered on a case-by-case basis. Nothing in this article creates a right for any holder of any offset to have the County buy back the offset; the County has total discretion in its decision whether or not to buy back any offset.

(2) The decision to buy back an impact fee offset shall be made by the Administrator. Funds collected as impact fees shall be the only funds used to buy back impact fee offsets. Furthermore, funds used to buy-back offsets must have been collected as impact fees in the zone in which the offsets to be bought back would be required to be used.

(3) The County can consider buying back an offset only if the following conditions are met:

a. Funds available. Impact fee funds must be available, unappropriated and unencumbered in the impact assessment zone in which the offsets to be bought back are required to be used in order to be eligible to finance the offset buy-back; and

b. No outstanding needs. There must be no outstanding or unfunded needs requiring impact fee funding within the impact assessment zone in which the offsets are to be used.

(i) Indexing of offsets. In the event of a change in the impact fee assessment rate for any impact fee provided for in this article, all offset accounts for that impact fee, as they exist as of the effective date of the change in the rate, shall be adjusted to the same extent as the average
change in the impact fee for all levels of impact. Such adjustment shall occur simultaneously with the effective change in the impact fee assessment rate. However, there shall be no adjustment to any impact fee offsets that are used to satisfy an impact fee assessment which was calculated prior to the effective date of the change in the impact fee assessment rate and is paid at the rate established prior to the change. Indexing of school impact fee offsets for the school impact fee increase effective November 1, 2006, shall reflect the increase in the portion of the school impact fee that reflects an increase in the school site assessment and not the addition of the school facility element to the school impact fee. Such indexing shall be based on the ultimate school impact fee increase which shall become effective on May 1, 2008, and shall be staged in accordance with the staged fee increase provided in Division 3 of this article, Section D, Appendix E.

For example: if the park impact fee assessment were to decrease by an average of ten percent for all levels of impact, all park impact fee offset accounts, as they exist as of the effective date of the change, would be adjusted downward by ten percent. Likewise, if the park impact fee assessment were to increase, the offsets would be adjusted upward by the appropriate percentage.

(jj) Co-location of parks and schools. In certain instances, and upon agreement by both the Hillsborough County School Board and the Hillsborough County Parks Department, projects that are required to dedicate to the County both a school site and a park site may have the total acreage of required dedication reduced by 30 percent when the park and school sites are co-located.

In such instances, impact fee offsets shall only be granted for land actually dedicated to the County which is otherwise eligible for impact fee offset. For purposes of apportioning the acreage dedicated for the school site and for the park site in order to determine the appropriate offset rates when the total required dedication is reduced by 30 percent, the acreage for the park site and the school site shall each be deemed to be reduced by 30 percent.

Nothing in this article creates any right to a reduction in the amount of acreage that any development is required to dedicate. The purpose of this subsection is to provide for an appropriate recognition of a dedications that co-locate parks and schools.

...
be referred to as the "Time-Payment of Transportation Impact Fee Program" (hereinafter referred to as the Program).  

(2) The Program establishes a mechanism to allow for the payment of transportation impact fees in installments over a period of time not to exceed 20 years and includes the voluntary establishment of special assessment districts by owners of residential property who choose to participate in the Program.  

(3) The Program allows transportation impact fee obligations for property to be satisfied by inclusion within a transportation assessment unit for annual collection of a transportation assessment and by payment of 25 percent of the applicable transportation impact fee at the time of application to the Program.  

(b) Early satisfaction of transportation assessment. Property owners participating in the Program shall have the ability to pay the remaining balance of applicable transportation assessments at any time prior to the completion of the 20-year assessment. The County will assist property owners in obtaining the balance due which shall be paid to Hillsborough County in order to fully satisfy any transportation assessment.  

(c) Definitions. When used in this article, the following terms shall have the following meanings, unless the context clearly requires otherwise:  

Annual transportation assessment resolution means the resolution described in Subsection (k)(8) of this section, approving the transportation assessment roll for a specific fiscal year.  

Assessable transportation fee means the amount computed by deducting any amounts paid to the County or a transportation impact fee prior to issuance of a certificate of occupancy at the option of a developer or property owner, from the amount of the applicable transportation fee.  

Board means the Board of County Commissioners of Hillsborough County, Florida.  

Clerk means the Clerk of the Circuit Court for Hillsborough County, ex officio Clerk of the Board, or any designee.  

Collection cost means the estimated cost to be incurred by the County during any fiscal year to comply with the Uniform Assessment Collection Act with respect to transportation assessments.  

County means Hillsborough County, a political subdivision of the State of Florida.  

Final transportation assessment resolution means the resolution described in Subsection (k)(7) of this section which shall confirm, modify or repeal the initial transportation assessment resolution and which shall be the final proceeding for the imposition of a transportation assessment.
Fiscal year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

Government property means property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

Initial transportation assessment resolution means the resolution described in Subsection (k)(3) of this section, which shall be the initial proceeding for the imposition of transportation assessments.

Program Manager means the County staff person responsible for administration of the Program.

Property Appraiser means the Hillsborough County Property Appraiser.

Tax Collector means the Hillsborough County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Transportation assessment means a special assessment imposed by the County against property located within a transportation assessment unit to permit payment of the assessable transportation fee over a period of years.

Transportation assessment roll means a non-ad valorem assessment roll relating to a transportation assessment, approved by a final transportation assessment resolution or an annual transportation assessment resolution as required by Subsection (k)(7) or (k)(8).

Transportation assessment unit means any municipal service benefit unit created by resolution pursuant to this article.

Transportation impact fee means the fee established by the Board in pursuant to this article to fund the capital cost of expansion of transportation infrastructure in the County.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(d) Eligibility. In order to be eligible for the Program, a parcel of property must:

(1) Be subject to a transportation impact fee if developed with residential structure;

(2) Be designated for residential development;

(3) Be subject to Hillsborough County's concurrency regulations;
(4) Have a valid, unexpired certificate of capacity indicating that there is sufficient transportation capacity to allow the property to develop under Hillsborough County's concurrency regulations; and

(5) Have been included in a final-platted subdivision that was recorded no more than 180 days prior to application for participation in the Program or have been the subject of a certified parcel subdivision that was finalized no more than 180 days prior to application for participation in the Program.

In addition, those parcels of property that meet the criteria of Subsections (d)(1) through (4) of this section, but do not meet criterion in Subsection (d)(5) of this section, shall be eligible for participation in the program for a period of 180 days from the successful final resolution of a bond-validation-lawsuit-filed-pursuant-to-this-article.

(e) Effect of enrollment in the program. The following shall apply to property enrolled in the Program:

(1) Any transportation impact fee obligation which would be due pursuant to Section 40-56 if the property were developed in a manner consistent with the type of structures and uses for which the certificates of capacity were issued, shall be deemed to be satisfied.

(2) The property's transportation impact fee obligation shall remain satisfied as long as payment of the transportation assessment is made within the timeframe established for payment of the transportation assessment. If at any time, payment of the transportation assessment is not made within the timeframe and established for payment of the transportation assessment, or if the transportation assessment is either in whole or in part annulled, vacated or set aside by the judgment of any court, then the impact fee obligation shall be deemed to be unsatisfied and all recourse available to the County shall be pursued.

(f) Application:

(1) Payment of 25 percent of any applicable transportation impact fee (hereinafter referred to as the "advanced payment") shall be required as a prerequisite for application to the Program. Application for enrollment of property in the Program shall be made by submission to the Program Manager of a completed application form signed by all property owners.

(2) Required application information shall include:

a. Copy of certificate of capacity;

b. Folio numbers of all lots applying for enrollment in the Program;

c. Name of property owners of all lots applying for enrollment in the Program;

d. Book and page numbers and recording date of plat (or other applicable subdivision documentation);
e. Notarized assignment letter (if applicable);

f. Acknowledgement and agreement of property owners of lots applying for enrollment in the Program, that application may be cancelled if the Board determines that financing of assessment revenue stream is unavailable.

(3) Upon acceptance by the County, completed application forms shall be provided by the Program Manager to the following departments and offices for review:

a. Management and Budget Department.

b. Debt Management Department.

c. County Attorney’s Office.

d. Property Appraiser.

e. Tax Collector.

f. Planning and Growth Management Department.

g. Outside Program Administrator (if applicable).

(g) Financing program revenue stream:

(1) Within 30 days of the establishment of a transportation assessment unit, the County shall issue short-term debt in an amount equal to the value of the transportation assessment roll and the proceeds of the notes shall be paid into the applicable transportation impact fee account established for deposit of the proceeds from short- or long-term borrowing. In order to achieve the necessary minimum denominations of short-term borrowing required for marketing the debt, borrowings for the Program may be aggregated with such other short-term borrowing offerings quarterly.

(2) Eventually, when a sufficient dollar volume of financed impact fees exist, long-term special assessment bonds will be issued to refinance the short-term borrowing. While short-term debt is outstanding, annual assessments shall be used to pay interest on the debt.

(3) The sole security and payment pledge for the short- and long-term borrowings shall be the annual transportation assessments, prepayments of transportation assessments, proceeds of any letters of credit, and liens on the property in the transportation assessment unit. The transportation assessments will be levied as non-ad valorem assessments and billed to the property owner, together with ad valorem taxes, annually on the property tax bill.

(4) The timing of interest payments on short-term borrowing differs from assessment payment cycles. Short-term borrowing maturities range from one to 270 days, and interest is payable upon maturity; on the other hand, assessments are received annually (every 365 days). Therefore, short-term debt and interest thereon may be capitalized (i.e., rolled into the
principal amount of additional short-term borrowing, resulting in a higher principal amount to be refinanced with long-term bonds) until such time as long-term special assessment bonds can be issued.

(5) Proceeds of each short-term borrowing shall be deposited in a separate account established by the resolution authorizing issuance thereof and will be allocated pro rata among the transportation zone accounts in proportion to the relative amount of the assessments established in such zones. The County will endeavor to expend such proceeds within three years of the date of issuance of such short-term borrowing. However, such proceeds allocated to each transportation zone account shall be expended in a manner consistent with this article.

(6) The County reserves the right to cancel any time payment application if the Board, based on a County-staff recommendation determines that short-term borrowing pursuant to this article is unavailable. Upon the cancellation of any application for enrollment in the Program, the advance payment shall be refunded and impact fee offsets assigned for redemption shall be credited back to the assignor, deemed unencumbered and shall not be redeemed by the County.

(h) Impact fee offsets.

(1) To prevent the diminishment of the secondary market for impact fee offsets, the owner of transportation impact fee offsets may assign such offsets for redemption by the County along with and at the time of application for enrollment of property in the Program. Such redemption shall be made only from the proceeds of any borrowing done by the County which is secured by the assessments against the property enrolled in the Program with which the offsets were submitted.

(2) Assignment of impact fee offsets for redemption shall be made only from impact fee offset accounts that would be eligible for use in satisfying impact fee obligations of property with which the impact fee offsets are assigned. Upon assignment of transportation impact fee offsets for redemption, such offsets shall be deemed encumbered and shall, therefore, no longer be eligible for satisfaction of any impact fee obligation or for indexing pursuant to Section 40.60. The maximum amount of offsets that may be assigned for redemption shall equal the transportation impact fee applicable to an application.

(3) If an assignment letter is submitted with the application, the assignment letter must be notarized and include the name of the grantor, assignee and/or owner of account; the amount of transfer of transportation impact fee offsets and the original signature of the recorded holder of the offset.

(4) Hillsborough County will forward the payment request of the assigned transportation impact fee offset to the assignee and/or owner of the account to the Hillsborough County Clerk's Office within 30 days of the creation of a transportation assessment unit.
(5) The assignee and/or owner will be paid in an amount up to the transportation impact fee for the enrolled lots but in no case, more than the balance of the applicable transportation and right-of-way offset account. The payment shall be made from the applicable transportation impact fee account established for deposit of proceeds from short and long-term borrowing upon certification by the County's Management and Budget Department and Debt Management Department that the proceeds from short-term borrowing applicable to the enrolled lots have been deposited in the applicable zone account.

(i) Cessation of the program. If at any time the Board determines based on a County staff recommendation that County will be unable to borrow funds pursuant to this article in an amount commensurate with the assessable transportation fee for all properties participating in the Program, there shall be no more transportation assessment units formed pursuant to the Program until the Board determines that Hillsborough County will be able to borrow such funds.

(j) Test case. There shall initially be only one transportation assessment unit formed under the Program. Subsequent to the formation of the initial transportation assessment unit, there shall be a bond-issuance lawsuit filed to validate any special assessment bonds which may be issued pursuant to the Program. No additional transportation assessment units shall be formed by the County until the successful resolution of such bond-validation lawsuit.

(k) Transportation assessments.

(1) Creation of transportation assessment units. The Board is hereby authorized to create transportation assessment units in accordance with the procedures set forth herein. No transportation assessment unit shall be created unless the property therein can be certified to meet all their applicable transportation-concurrency requirements. The County shall periodically announce its intention to create one or more transportation assessment units and permit developers or other property owners to request inclusion of their property therein.

(2) Transportation assessments. The Board is hereby authorized to impose transportation assessments for payment of the assessable transportation fee against property located within a transportation assessment unit. Transportation assessments shall be imposed for a term of years in equal annual amounts sufficient to pay the assessable transportation fee, plus interest thereon including administrative costs and the cost of any borrowing done to finance the Program-revenue stream. In addition, the annual transportation assessment for each parcel of property shall include the parcel's share of the estimated annual collection cost and an amount equal to the maximum discount allowed for early payment under the Uniform Assessment Collection Act. The first annual transportation assessment shall be scheduled for payment not earlier than one year following the date on which the transportation assessment unit is created, whether or not a certificate of occupancy has been issued or a service connection made for any specific parcel of property. Nothing contained in this article shall be construed to require or preclude the imposition of transportation assessments against government property.
(3) Initial transportation assessment resolution. The initial proceeding for creation of a transportation assessment unit and imposition of a transportation assessment shall be the Board's adoption of an initial transportation assessment resolution. The initial transportation assessment resolution shall:

a. Describe the property to be located within the proposed transportation assessment unit;

b. Establish the transportation impact fee for each type of residential development within the transportation assessment unit;

c. Establish the amount and term of the annual transportation assessments; and

d. Describe the provisions for acceleration and prepayment of the transportation assessment.

(4) Transportation assessment roll.

a. The Program Manager shall prepare a preliminary transportation assessment roll that contains the following information:

1. A summary description of each parcel of property (conforming to the description contained on the tax roll) subject to the transportation assessment;

2. The name of the owner of record of each parcel, as shown on the tax roll;

3. The assessable transportation impact fee attributable to each parcel; and

4. The estimated maximum annual transportation assessment to become due in any fiscal year for each parcel.

b. Copies of the initial transportation assessment resolution and the preliminary transportation assessment roll shall be on file in the office of the Program Manager and open to public inspection. The foregoing shall not be construed to require that the transportation assessment roll be in printed form if the amount of the transportation assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(5) Notice by publication. After filing the transportation assessment roll in the office of the Program Manager, as required by Subsection (k)(4) of this section, the Program Manager shall publish once in a newspaper of general circulation within the County a notice stating that a public hearing of the Board will be held on a certain day and hour, not earlier than 20 calendar days from such publication, at which hearing the Board will receive written comments and hear testimony from all interested persons regarding creation of the transportation assessment unit and adoption of the final transportation assessment resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

(6) Notice by mail. In addition to the published notice required by Subsection (k)(5) of this section, the Program Manager shall provide notice of the proposed Transportation Assessment by first class mail to the owner of each parcel of property subject to the Transportation Assessment.
Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the tax roll on the 20th calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Program Manager shall provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the transportation assessment roll nor release or discharge any obligation for the payment of a transportation assessment imposed by the Board pursuant to this article.

(7) Adoption of final resolution. At the time named in such notice, or such time to which an adjournment or continuance may be taken, the Board shall receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the Board, adopt the final transportation assessment resolution which shall:

a. Create the transportation assessment unit;

b. Confirm, modify or repeal the initial transportation assessment resolution with such amendments, if any, as may be deemed appropriate by the Board;

c. Impose the transportation assessment;

d. Approve the transportation assessment roll, with such amendments as it deems just and right; and

e. Determine the method of collection. Following adoption of the final transportation assessment resolution, but prior to the date on which the transportation assessment roll is certified for collection pursuant to Subsection (l) of this section, the Board shall obtain a written legal opinion that the transportation assessment have been validly imposed from the County Attorney’s office or an attorney at law or firm of attorneys of recognized standing in matters pertaining to local government law. Provided however, that the failure to obtain such opinion shall not invalidate the transportation assessments or affect the factual findings made by the Board in connection therewith. Following adoption of the final transportation assessment resolution, notice of the transportation assessment shall be recorded in the official records of Hillsborough County. The recorded notice shall identify the property against which the County will impose annual transportation assessments, the amount of the annual transportation assessment for each type of residential development, and the term for which annual transportation assessments will be imposed.

(8) Annual transportation assessment resolution. During its budget adoption process, the Board shall adopt an annual transportation assessment resolution for each fiscal year in which transportation assessments will be imposed to approve the transportation assessment roll for such fiscal year. The final transportation assessment resolution shall constitute the annual transportation assessment resolution for the initial fiscal year. The transportation assessment
roll shall be prepared in accordance with the initial transportation assessment resolution, as confirmed or amended by the final transportation assessment resolution. If the proposed transportation assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant to Subsection (k)(6) of this section or if a transportation assessment is imposed against property not previously subject thereto, the Board shall provide notice to the owner of such property in accordance with Subsections (k)(5) and (6) of this section and conduct a public hearing prior to adoption of the annual transportation assessment resolution. Failure to adopt an annual transportation assessment resolution during the budget adoption process for a fiscal year may be cured at any time.

(9) Effect of transportation assessment resolutions. The adoption of the final transportation assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the amount of the transportation assessments, the adoption of the transportation assessment roll and the levy and lien of the transportation assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Board adoption of the final transportation assessment resolution. The transportation assessments for each fiscal year shall be established upon adoption of the annual transportation assessment resolution. The transportation assessment roll, as approved by the annual transportation assessment resolution, shall be delivered to the tax collector, or such other official as the Board, by resolution, deems appropriate.

(10) Lien of transportation assessments.

a. Upon adoption of the annual transportation assessment resolution for each fiscal year, transportation assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all State, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the annual transportation assessment resolution and shall attach to the property included on the transportation assessment roll as of the prior January 1, the lien date for ad valorem taxes.

b. Upon adoption of the final transportation assessment resolution, transportation assessments to be collected under the alternative method of collection provided in Subsection (l)(2) of this section shall constitute a lien against assessed property equal in rank and dignity with the liens of all State, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other lien, titles and claims, until paid. The lien shall be deemed perfected on the date the notice thereof is recorded in the official records of Hillsborough County, Florida.

(11) Revisions to transportation assessments. If any transportation assessment made under the provisions of this article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Board is satisfied that any such transportation assessment is so
irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include any property on the transportation assessment roll which property should have been so included, the Board may take all necessary steps to impose a new transportation assessment against such property; following as nearly as may be practicable, the provisions of this article and in case such second transportation assessment is annulled, the Board may obtain and impose other transportation assessments until a valid transportation assessment is imposed.

(12) Procedural irregularities. Any irregularity in the proceedings in connection with the levy of any transportation assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any transportation assessment as finally approved shall be competent and sufficient evidence that such transportation assessment was duly levied, that the transportation assessment was duly made and adopted, and that all other proceedings adequate to such transportation assessment were duly had, taken and performed as required by this article, and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this subsection, any party objecting to a transportation assessment imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

(13) Correction of errors and omissions:

a. No act of error or omission on the part of the Board, County Administrator, Property Appraiser, Tax Collector, Clerk, or their respective deputies or employees, shall operate to release or discharge any obligation for payment of any transportation assessment imposed by the Board under the provisions of this article.

b. The transportation assessment imposed against a parcel of property may be corrected at any time by the Program Manager. Any such correction which reduces a transportation assessment shall be considered valid from the date on which the transportation assessment was imposed and shall in no way affect the enforcement of the transportation assessment imposed under the provisions of this article. Any such correction which increases a transportation assessment or imposes an assessment on omitted property shall require either:

1. Notice to the affected owner at the address shown on the tax roll notifying the owner of the date, time and place that the Board will consider confirming the correction and offering the owner an opportunity to be heard, or

2. Written acknowledgement from the affected owner that the new or increased transportation assessment is valid and correct. In either event, a revised notice of the Transportation Assessment shall be recorded in the official records of Hillsborough County in the manner described in Subsection (k)(7) of this section.

c. After the transportation assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or
corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad-valorem taxes.

(I) Collection of assessments.

(1) Method of collection. Unless directed otherwise by the Board, transportation assessments (other than transportation assessments imposed against government property) shall be collected pursuant to the Uniform Assessment Collection Act, and the County shall comply with all applicable provisions thereof. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

(2) Alternative method of collection. In lieu of using the Uniform Assessment Collection Act, the County may elect to collect the transportation assessment by any other method which is authorized by law or provided by this section as follows:

a. The County shall provide transportation assessment bills by first-class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:

1. A brief explanation of the transportation assessment;

2. The total amount of the parcel’s transportation assessment for the appropriate period;

3. The location at which payment will be accepted;

4. The date on which the transportation assessment is due; and

5. A statement that the transportation assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all State, County, district or municipal taxes and other non-ad-valorem assessments.

b. A general notice of the lien resulting from imposition of the transportation assessments shall be recorded in the official records of Hillsborough County. Nothing herein shall be construed to require that the individual liens or releases be filed in the official records.

c. The County shall have the right to appoint or retain an agent to foreclose and collect all delinquent transportation assessments in the manner provided by law. A transportation assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The County or its agent shall notify any property owner who is delinquent in payment of his or her transportation assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the County or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent transportation assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law. At the option of the County, the County may accelerate all future annual transportation assessment payments and foreclosure on such property in an
amount equal to the transportation assessments which are delinquent, as well as all future annual transportation assessment payments.

d. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the County may be the purchaser to the same extent as an individual person or corporation. The County may join in one foreclosure action the collection of transportation assessment against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County and its agents, including reasonable attorney fees, in collection of such delinquent transportation assessments and any other costs incurred by the county as a result of such delinquent transportation assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

e. In lieu of foreclosure, any delinquent transportation assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided, however, that:

1. Notice is provided to the owner in the manner required by law and this article; and

2. Any existing lien of record on the affected parcel for the delinquent transportation assessment is supplanted by the lien resulting from certification of the transportation assessment roll to the Tax Collector.

(3) Responsibility for enforcement. The County and its agent, if any, shall maintain the duty to enforce the prompt collection of transportation assessments by the means provided herein.

(4) Government property.

a. If transportation assessments are imposed against government property, the County shall provide transportation assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:

1. A brief explanation of the transportation assessment;

2. The total amount of the parcel's transportation assessment for the appropriate period;

3. The location at which the payment will be accepted; and

4. The date on which the transportation assessment is due.

b. Transportation assessments imposed against governmental property shall be due on the same date as all other transportation assessments and, if applicable, shall be subject to the same discounts for early payment.
c. A transportation assessment shall become delinquent if it is not paid within 30 days from the date it is due. The County shall notify the owner of any government property that is delinquent in payment of its transportation assessment with 60 days from the date such assessment was due. Such notice shall state in effect that the County will initiate a mandamus or other appropriate judicial action to compel payment.

d. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the County, including reasonable attorney fees, in collection of such delinquent transportation assessments and any other costs incurred by the County as a result of such delinquent transportation assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(m) Miscellaneous.

(1) Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereunder," and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article (November 16, 2001). Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

(2) Alternative method. This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the County, shall be liberally construed to effect the purposes hereof.

(Ord.-No. 01-31; §1(art. A(Ord.-No. 96-29, art. 8, § R)), 11-16-2001)

Secs. 40-6867—40-92. - Reserved.
May 2, 2016

Honorable Pat Frank  
Clerk of the Circuit Court  
Hillsborough County  
419 Pierce Street, Room 140  
Tampa, Florida 33601

Attention: Midge Dixon, Deputy Clerk, BOCC Records

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 16-9, which was filed in this office on May 2, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb