



- 37 1. The purpose of this Chapter 2, Article IV. Cost Recovery is to ensure that actual costs  
38 incurred in the review of certain land development applications submitted to the County are  
39 borne by the applicants which derive the financial benefits of this review, rather than by the  
40 taxpayers of the County.
- 41 2. It is the express intent of the County in enacting this cost recovery program that the county's  
42 costs of administrative and outside fee consultant review and processing of requests, as  
43 required or necessitated now or in the future by the county's ordinances, resolutions,  
44 policies, or procedures, shall be borne by the applicant.

45 **Section 2.41 Applicability and Exceptions.**

46 1. Applicability of provisions.

47 The following types of applications authorized under the Unified Land Development Code of  
48 Hardee County ("ULDC") shall be subject to the requirements of this Article as provided for in  
49 Section 2.42. This shall include, but not be limited to comprehensive plan amendments,  
50 rezonings, variances, uses permitted with conditions, planned unit developments, special  
51 exceptions, major mining special exceptions, appeals of administrative decisions, land  
52 development regulation amendments, and development agreements.

53 2. Exceptions.

54 The cost recovery required by this section shall not apply to:

- 55 • applications that are originally initiated by or on behalf of the county; or  
56 • on behalf of another governmental entity acting in its governmental capacity, provided  
57 however, that the initiating government entity does not charge the county for its review,  
58 processing and comment upon the county's review requests of a similar type or nature.
- 59 3. Building permit fee schedule and application fee schedules not affected. The schedules  
60 of building permit and Community Development Department application fees, as  
61 otherwise provided for and authorized by this Code and the ULDC, shall not be affected  
62 by this article and shall apply in addition to the fees required by this article.
- 63 4. Advertising and mailing costs required. Advertising and mailing costs shall also be  
64 charged to an applicant as required by this Code, in addition to the fees and charges  
65 required by this article.

66 **Section 2.42 Cost Recovery.**

- 67 1. The County manager or designee, in the review of any application, may refer any such  
68 application as provided for in this Article to such engineering, planning, legal, technical, or  
69 environmental consultant or professional(s) engaged by the County as the County  
70 Manager or designee shall deem reasonably necessary to enable review of the application  
71 as required by law. Charges made by such consultant shall be in accord with the charges  
72 customarily made for such services in the Central Florida area, and pursuant to an existing  
73 contractual agreement by and between the County and such consultant. Charges made  
74 by the County shall be in accord with the hourly rates charges by such consultants or  
75 hourly rates of employed professionals and shall be paid on submission of a County  
76 invoice.
- 77 2. Unless prohibited by law, the applicant shall reimburse the County for the cost of such  
78 consultant or employed professional services upon submission of a copy of the invoice,  
79 within 30 days of submission of a copy of the invoice. These fees are in addition to any  
80 and all other fees required by other law, rule or regulation of the County Code.

- 81 3. Whenever the County determines that services are needed pursuant to this Article, the  
82 County shall notify the developer, owner or other interested party ("applicant"), seeking  
83 review, development permits, applications, submissions or requests concerning the  
84 development, utilization or improvement of real property in the County. The applicant shall  
85 be provided a written notice that review of the application requires review by certain  
86 consultants or professionals with an estimate of the cost. This shall be an estimate only  
87 and may be exceeded if necessary.
- 88 4. Payment in full by the applicant to the County for the County's actual expenditure for  
89 review of the application shall be a written condition of any development order or permit.
- 90 5. For applications that require substantial review and utilization of professionals and  
91 consultants, the County may, in its discretion, require, at the time a submittal is made, an  
92 initial deposit, which shall be credited toward the fee charged for application review and  
93 processing, and shall pay additional deposits as may be required from time to time. The  
94 amount of the initial deposit for the different types of review requests shall be established  
95 by the County and based upon the estimated cost of professional services required to  
96 review the application.
- 97 a. *Initial Deposit.* When the applicant pays the initial deposit, that deposit shall reflect  
98 the estimated expenses of review, a cost recovery account for the applicant's  
99 review request will be opened and maintained throughout the entire review process  
100 until all certificates of occupancy have been issued, or the County determines that  
101 no further County action is necessary for the review and processing of the request;  
102 at either of which time, the account will be closed, and any remaining funds therein  
103 will be refunded to the applicant.
- 104 b. *Additional deposits.* The cost recovery account will be monitored monthly.  
105 Whenever the account falls below 25 percent of the initial amount deposited, the  
106 applicant shall be required to submit an additional amount to the cost recovery  
107 fund equal to 25 percent of the original amount deposited before any further review  
108 or processing continues. The applicant making the initial deposit will be notified  
109 when a supplemental deposit will be required. Several supplemental deposits may  
110 be necessary depending on the complexity of the review request.
- 111 c. *Return of cost recovery deposit.* After the final approval, the County shall close the  
112 cost recovery account and shall refund any remaining funds to the applicant within  
113 60 days.
- 114 6. *Interest Charges and Enforcement.* Unpaid costs and fees payable to the County under  
115 this section, which are more than 30 days overdue shall be considered delinquent and  
116 shall accumulate interest at the rate of one and one-half (1.5) percent per month upon the  
117 unpaid balance until paid. Overdue costs, fees and interest accrued thereon may be  
118 collected and enforced in any manner that is allowed by law, and the County shall be  
119 authorized to recover its reasonable attorney's fees incurred in such collection.
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### 121 **Section 2.43 Appeal.**

122 Any applicant who contends that the funds being charged pursuant to this cost recovery program  
123 are excessive, may appeal the decision of the county manager or any funds being charged, to  
124 the board of county commissioners who will hear said appeal within 45 days of said appeal. The  
125 decision of the board of county commissioners on said appeal shall be final. During the time of  
126 said appeal no development permit shall be issued except in such cases where the applicant pays  
127 to the county the funds required in the cost recovery program noting on said payment that they  
128 are paid under protest subject to the appeal being undertaken by the applicant.

129            **Section 3. Conflicts.** All Sections or parts of Sections of the County Code of  
130 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in  
131 conflict with this Ordinance are repealed to the extent of such conflict.

132            **Section 4. Severability.** That the provisions of this Ordinance are declared to be  
133 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason  
134 be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
135 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
136 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
137 part.

138            **Section 5. Codification.** That it is the intention of the Board, and it is hereby ordained  
139 that the provisions of this Ordinance shall become and be made a part of the County Code, that  
140 the sections of this Ordinance may be renumbered or relettered to accomplish such intentions,  
141 and that the word Ordinance shall be changed to Section or other appropriate word.

142            **Section 6. Effective Date.** That this Ordinance shall become effective immediately  
143 upon adoption on second reading.

144            **PASSED ON FIRST READING** on the \_\_ day of May, 2026.

145            **PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of June, 2026.

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[SIGNATURE PAGE TO FOLLOW]

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NOEY A. FLORES  
CHAIRMAN

ATTEST:

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VICTORIA L. ROGERS  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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SARAH JOHNSTON  
COUNTY ATTORNEY