

1 **Summary of Ordinance**

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3 The purpose of this ordinance is to amend Section 8-2, Lake County Code, entitled *Jurisdiction and Powers*,
4 and create Section 14.00.13, Land Development Regulations, to clarify that the code enforcement special
5 master may enforce restrictions contained on site plans, plats, or other development orders approved under
6 the Land Development Regulations.

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8 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code
9 sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged
10 (excluding any renumbering or relettering that might be needed).

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14 **ORDINANCE NO. 2019-__**

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16 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
17 **COUNTY, FLORIDA; AMENDING SECTION 8-2, LAKE COUNTY CODE, ENTITLED**
18 ***JURISDICTION AND POWERS*; CREATING SECTION 14.00.13, LAKE COUNTY**
19 **CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED**
20 ***ACTION BY THE LAKE COUNTY CODE ENFORCEMENT SPECIAL MASTER*;**
21 **CLARIFYING THAT THE CODE ENFORCEMENT SPECIAL MASTER HAS**
22 **AUTHORITY TO ENFORCE RESTRICTIONS ON ANY DEVELOPMENT ORDER**
23 **APPROVED UNDER THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR**
24 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR**
25 **FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN**
26 **EFFECTIVE DATE.**

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28 **WHEREAS**, Chapter 8, Lake County Code, establishes the jurisdiction and powers of the
29 code enforcement special master; and

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31 **WHEREAS**, the code enforcement special master is an effective and cost-saving
32 mechanism used to enforce local codes, development orders, and regulations; and

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34 **WHEREAS**, the Board desires to clarify that the special master has the jurisdiction and
35 power to enforce any restrictions, notes, requirements, terms or conditions contained within any
36 development order issued under the Land Development Regulations, including approved site plans
37 and plats; and

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39 **WHEREAS**, the amendments and modifications contained herein are in the best interest
40 of the residents of Lake County, Florida.

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42 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
43 Lake County, Florida as follows:

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45 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
46 herein by reference.

1 **Section 2. Amendment.** Section 8-2, Lake County Code, entitled *Jurisdiction and*
2 *Powers*, is hereby amended to read as follows:

3 **Sec. 8-2. Jurisdiction and powers.**

4 The code enforcement special master shall have jurisdiction to hear and decide cases involving
5 an alleged violation or breach of any provision, term and/or condition of the Lake County Code,
6 including any development approval authorized by the Land Development Regulations, including
7 but not limited to restrictions, notes, or other requirements contained within approved site plans or
8 plats, developer agreements, ordinances or any resolution duly enacted by the board of county
9 commissioners. The code enforcement special master shall also have jurisdiction to hear and
10 decide an alleged violation or breach of any provision of a settlement agreement executed by the
11 County and a party or participant resulting from a special master proceeding held under the Florida
12 Land Use and Environmental Dispute Resolution Act (Section 70.51, Florida Statutes). The special
13 master shall have all powers granted by statute, ordinance or by law. The standard which all cases
14 shall be decided shall be by a preponderance of the evidence.

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16 **Section 3. Amendment.** Section 14.00.13, Lake County Code, Appendix E, Land
17 Development Regulations, to be entitled *Action by the Lake County Code Enforcement Special*
18 *Master*, is hereby created to read as follows:

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20 **14.00.13 Action by the Lake County Code Enforcement Special Master. The Lake County**
21 **Code Enforcement Special Master Shall have the authority to enforce the terms and conditions set**
22 **forth in any development order issued pursuant to the Land Development Regulations, including**
23 **but not limited to restrictions, notes, or other requirements contained within approved site plans or**
24 **plats.**

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26 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
27 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
28 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
29 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
30 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
31 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
32 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
33 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
34 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
35 other person, property or circumstances.

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37 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
38 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
39 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
40 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
41 order to accomplish such intentions.

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Section 6. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective. This Ordinance shall become effective as provide for by law.

Enacted this _____ day of _____, 2019.

Filed with the Secretary of State _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk of the
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2019.

Approved as to form and legality:

Melanie Marsh
County Attorney