

Summary of Ordinance

The purpose of this Ordinance is to create Section 14.00.14, Lake County Code, Appendix E, Land Development Regulations, entitled *Historical and Archaeological Resources*, to require a property owner to submit an affidavit with a development application confirming whether there are any known historical or archaeological sites on a property prior to commencing construction activities.

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

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING SECTION 14.00.14, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED *HISTORICAL OR ARCHEOLOGICAL RESOURCES*; TO REQUIRE THE SUBMISSION OF AN AFFIDAVIT REGARDING HISTORICAL OR ARCHAEOLOGY RESOURCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in Objective III-4.5 of the Lake County Comprehensive Plan, entitled *Historical and Archaeological Resources*, the County recognizes the importance and value of protecting historical and archaeological resources; and

WHEREAS, Policy III-4.5.1 of the Lake County Comprehensive Plan, entitled *Identify and Preserve Historical and Archaeological Resources*, requires the County to cooperate with state and federal agencies and local archaeological and historic groups to identify and preserve these resources; and

WHEREAS, Policy III-4.5.2 of the Lake County Comprehensive Plan, entitled *Prevent Destruction of Archaeological Resources*, requires that development shall cease construction activities on a site where unidentifiable artifacts are uncovered during land preparation or construction; and

WHEREAS, to assist in early detection of historical and archaeological sites prior to commencing construction, the Board of County Commissioners finds that imposition of the requirement that a property owner submit an affidavit confirming whether there are any known historical or archeological resources on a property prior to commencement of development is in the best interests of the residents of Lake County, Florida.

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

1 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
2 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
3 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
4

5 **Section 2. Creation.** Section 14.00.14, Lake County Code, Appendix E, Land
6 Development Regulations, to be entitled *Historical or Archaeological Resources*, is hereby created
7 to read as follows:
8

9 **14.00.14. Historical or Archaeological Resources.**
10

11 A. Affidavit Regarding Historical or Archaeological Resources. At the time of submission of
12 the first development application for a property (or properties if being developed as a single
13 project), the applicant shall submit an affidavit confirming whether there are any known historical
14 sites, historic structures, historical cemeteries, historical bridges, or historic districts on the
15 property subject to the application. The applicant shall additionally agree and acknowledge in the
16 affidavit if, during construction, any historical or archeological resources are discovered,
17 construction activities will immediately cease until such time as the property owner obtains any
18 required federal, state or local permits regarding those resources. Construction on individual single
19 family platted lots or Lots of Record and permits for existing commercial development shall be
20 exempt from this requirement.
21

22 B. Master Site File. The affidavit shall additionally include a certification that the applicant
23 has contacted the Florida Division of Historical Resources to verify whether the property appears
24 on the Master Site File List as having any reported or known historical sites, historic structures,
25 historical cemeteries, historical bridges, or historic districts. Applicants may send inquires to the
26 Florida Division of Historical Resources and may include a copy of the response from the State
27 with the Affidavit.
28

29 C. Staff Verification Not Required. Nothing herein shall require the County Manager or
30 designee to verify the information contained within the affidavit, nor shall the County Manager or
31 designee notarize the affidavit. Further, nothing herein shall create a cause of action against the
32 County for failure to verify or obtain the affidavit.
33

34 D. Permissive Revocation. A development application issued without receipt of an affidavit
35 or issued based upon false information contained within the affidavit, may be revoked, cancelled,
36 or may have inspections or final approvals withheld at the discretion of the Board of County
37 Commissioners.
38

39 E. Compliance with State or Local Law. The requirement for an affidavit shall be for the
40 purposes of ensuring that property owners and applicants are aware of any historical or
41 archaeological resources located on their property and is not to be used for purposes of denying or
42 otherwise impacting the County's ability or obligation to issue or finalize development
43 applications when in compliance with all other provisions of state law, the Lake County Code
44 and/or Land Development Regulations.
45

F. No Third-Party Beneficiary. Nothing herein shall be construed to authorize or require Lake County to interpret, enforce, or mediate disputes related to the identification, preservation, or destruction of historical or archeological resources on any specific property.

Section 3. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. 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 6. Effective Date. This Ordinance shall become effective as provided by law.

Enacted this _____ day of _____, 2026.

Filed with the Secretary of State _____, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Leslie Campione, Chairman

This ____ day of _____, 2026.

Approved as to form and legality:

Melanie Marsh, County Attorney