

1 **Summary of Ordinance**

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3 This Ordinance amends Chapter 8, Section 8-2 of the Lake County Code, regarding the  
4 jurisdiction and powers of the Lake County Code Enforcement Special Master, to provide that  
5 the Special Master has jurisdiction over cases involving alleged violations of terms and  
6 conditions set forth in a developer’s agreement, ordinance and settlement agreement resulting  
7 from Section 70.51, Florida Statutes special master proceeding.  
8

9 **ORDINANCE 2016-\_\_**

10  
11 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
12 **LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE,**  
13 **CHAPTER 8, SECTION 8-2, ENTITLED “JURISDICTION AND**  
14 **POWERS”; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR**  
15 **SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT**  
16 **OF STATE; AND PROVIDING AN EFFECTIVE DATE.**  
17

18 **WHEREAS**, Section 162.03, Florida Statutes permits a county to adopt a code  
19 enforcement system that gives special magistrate jurisdiction over violators of county codes and  
20 ordinances; and  
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22 **WHEREAS**, Ordinance 2004-15 provided certain jurisdiction and powers to the Lake  
23 County Code Enforcement Special Master; and  
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25 **WHEREAS**, there is need to clarify that the Lake County Code Enforcement Special  
26 Master has authority by the Lake County Board of County Commissioners to enforce the terms  
27 and conditions set forth in such ordinance.  
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29 **NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lake  
30 County, Florida, as follows:  
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32 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated  
33 herein.  
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35 **Section 2. Amendment.** Lake County Code Chapter 8, Section 8-2 is hereby  
36 amended as follows:  
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38 **Sec. 8-2. Jurisdiction and powers.**  
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40 The code enforcement special master shall have jurisdiction to hear and  
41 decide cases involving an alleged violations or breach of any provision, term  
42 and/or condition of the Lake County Code, including the Land Development  
43 Regulations, developer agreement, ordinance or any resolution duly enacted by  
44 the board of county commissioners. The code enforcement special master shall  
45 also have jurisdiction to hear and decide an alleged violation or breach of any  
46 provision of a settlement agreement executed by the County and a party or

1 participant resulting from a special master proceeding held under the Florida Land  
2 Use and Environmental Dispute Resolution Act (Section 70.51, Florida Statutes).  
3 The special master shall have all powers granted by statute, ordinance or by law.  
4 The standard which all cases shall be decided shall be by a preponderance of the  
5 evidence.

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7 **Section 3. Inclusion in Code.** It is the intent of the Board of County  
8 Commissioners that the provisions of this Ordinance shall become and be made a part of the  
9 Lake County Code.

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11 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this  
12 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such  
13 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be  
14 construed to have been the Commissioner's intent to pass this Ordinance without such  
15 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after  
16 the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not  
17 been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to  
18 any person, groups of persons, property, kind of property, circumstances or set of circumstances,  
19 such holding shall not effect the applicability thereof to any other person, property or  
20 circumstances.

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22 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby  
23 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State  
24 of Florida.

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26 **Section 6. Effective Date.** This ordinance shall become effective as provided  
27 for by law.

28  
29 ENACTED this day of \_\_\_\_\_ day of \_\_\_\_\_, 2016.

30  
31 FILED with the Secretary of State the \_\_\_\_ day of \_\_\_\_\_, 2016.

32  
33 ATTEST:

34 BOARD OF COUNTY COMMISSIONERS  
35 OF LAKE COUNTY, FLORIDA

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37 \_\_\_\_\_  
38 Neil Kelly, Clerk of the  
39 Board of County Commissioners of  
40 Lake County, Florida

36  
37 \_\_\_\_\_  
38 Sean M. Parks, Chairman

39 This \_\_\_\_ day of \_\_\_\_\_, 2016.

41  
42 Approved as to form and legality:

43  
44 \_\_\_\_\_  
45 Melanie Marsh, County Attorney