

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

**POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529**

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX

**372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055**

AGENDA

APRIL 3, 2014

5:30 P.M.

Invocation (Commissioner Ronald Williams)

Pledge to U. S. Flag

Staff Agenda Additions/Deletions

Adoption of Agenda

Public Comments

Mark Hunter, Sheriff of Columbia County

- (1) Presentation – Medal of Distinction – Lt. Katina Dicks and Deputy Brian Lucas**

Tom Brazil, Director of 911 Communications/Dispatch

- (1) Presentation – EMD Lifesaving Award – Natasha Cray and Stacy Murphy**

Carol Lebligue:

- (1) Additional Homestead Exemption for Person 65 and Older**

Marlin Feagle, County Attorney

PUBLIC HEARING:

- (1) Columbia County Code Enforcement Ordinance No. 2014-3**

STAFF MATTERS:

HONORABLE RONALD W. WILLIAMS, CHAIRMAN

(1) Consent Agenda

****** PUBLIC COMMENTS**

COMMISSIONERS COMMENTS

ADJOURNMENT

Lisa Roberts

From: Cindy Innocenti <Cindy.Innocenti@columbiasheriff.org>
Sent: Tuesday, March 25, 2014 9:05 AM
To: Lisa Roberts
Cc: Mark Hunter; Wallace Kitchings; Robert Holloway
Subject: Placement on 4/3/14 Agenda

Good Morning Lisa,
Sheriff Hunter would like to present Lt. Katina Dicks and Deputy Brian Lucas with the Medal of Distinction at the beginning of the County Commission meeting on Thursday, April 3rd. Please accept this email as a request to place Sheriff Hunter on the agenda for this presentation. No proclamation will be necessary.

Please call me if you need anything further. Thank you.

Cindy Innocenti
Administrative Assistant to the Sheriff
Columbia County Sheriff's Office
4917 US Hwy 90 East
Lake City, FL 32055
386-758-1104
386-754-7001 (Fax)

THIS E-MAIL, ITS CONTENT AND ANY FILES TRANSMITTED WITH IT ARE CONFIDENTIAL AND ARE INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM THEY ARE ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT OR THE PERSON RESPONSIBLE FOR DELIVERING THE E-MAIL TO THE INTENDED RECIPIENT, BE ADVISED THAT YOU HAVE RECEIVED THIS E-MAIL IN ERROR AND THAT ANY USE, COPYING, PRINTING, FORWARDING OR DISSEMINATION OF THIS E-MAIL IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER OF THIS E-MAIL BY REPLY OR CALL (386) 758-1378 AND DELETE IT FROM YOUR SYSTEM IMMEDIATELY.

BOARD OF COUNTY COMMISSIONERS • COLUMBIA COUNTY

AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 7:00 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: March 24, 2014

Meeting Date: April 3, 2014

Name: Director Thomas W. Brazil

Department: 911 Communications / Dispatch

1. Nature and purpose of agenda item: Presentation of EMD lifesaving award to Public Safety Telecommunicators Natasha Cray and Stacy Murphy as well as Sheriff presentation of award to Sheriff's personnel Lt. Katina Dicks and Dep. Brian Lucas.

Attach any correspondence information, documents and forms for action i.e., contract agreements, quotes, memorandums, etc.

2. Fiscal impact on current budget.

Is this a budgeted item? ☐ N/A

☐ Yes Account No. _____

☐ No Please list the proposed budget amendment to fund this request

Budget Amendment Number: _____

FROM

TO

AMOUNT

For Use of County Manger Only:


☐ Consent Item ☐ Discussion Item

EMPLOYEE COMMENDATION NOTICE
Columbia County Board of Commissioners

Date:	4/3/2014
Employee Name:	Natasha Gray
Employee Work Telephone:	(386)
Job Title:	Public Safety Telecommunicator
Department:	911 Dispatch

The above individual is cited for outstanding work performance as follows:
Explain in detail. (If additional space is needed, use blank paper and prepare in duplicate.)

see attached citation



Supervisor's Signature
Date: 4/3/14
Telephone Number: (386) 758-1358

I understand that a copy of this notice will be sent to the Human Resources Department for inclusion in my Personnel File.

Employee Signature:

Department Head Signature:

Date received in Human Resources Department:
Received by: _____

EMERGENCY MEDICAL DISPATCH LIFESAIVING AWARD

This certificate is awarded to:

Natasha Cray

For utilizing Emergency Medical Dispatch Protocols to Save a Life



March 20, 2014

Columbia County Combined
Communications Center Director

March 20, 2014

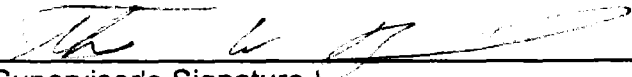
Columbia County Board of
Commissioners Chair

EMPLOYEE COMMENDATION NOTICE
Columbia County Board of Commissioners

Date:	4/3/14
Employee Name:	Stacy Murphy
Employee Work Telephone:	(386)
Job Title:	Public Safety Telecommunicator
Department:	911 Dispatch

The above individual is cited for outstanding work performance as follows:
Explain in detail. (If additional space is needed, use blank paper and prepare in duplicate.)

see attached citation



Supervisor's Signature
Date: 4/3/14
Telephone Number: 386 758-1388

I understand that a copy of this notice will be sent to the Human Resources Department for inclusion in my Personnel File.

Employee Signature:

Department Head Signature:

Date received in Human Resources Department:
Received by: _____

EMERGENCY MEDICAL DISPATCH LIFESAVING AWARD

This certificate is awarded to:

Stacy Murphy

For utilizing Emergency Medical Dispatch Protocols to Save a Life



March 20, 2014

Columbia County Combined
Communications Center Director

March 20, 2014

Columbia County Board of
Commissioners Chair

The Florida Senate

2013 Florida Statutes

<u>Title XIV</u> TAXATION AND FINANCE	<u>Chapter 196</u> EXEMPTION <u>Entire Chapter</u>	SECTION 075 Additional homestead exemption for persons 65 and older.
------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------------------------------------------------

196.075 Additional homestead exemption for persons 65 and older. —

(1) As used in this section, the term:

(a) "Household" means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.

(b) "Household income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

(2) In accordance with s. 6(d), Art. VII of the State Constitution, the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow either or both of the following additional homestead exemptions:

(a) Up to \$50,000 for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age 65, and whose household income does not exceed \$20,000; or

(b) The amount of the assessed value of the property for any person who has the legal or equitable title to real estate with a just value less than \$250,000 and has maintained thereon the permanent residence of the owner for at least 25 years, who has attained age 65, and whose household income does not exceed the income limitation prescribed in paragraph (a), as calculated in subsection (3).

(3) Beginning January 1, 2001, the \$20,000 income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer-price-index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(4) An ordinance granting an additional homestead exemption as authorized by this section must meet the following requirements:

(a) It must be adopted under the procedures for adoption of a nonemergency ordinance specified in chapter 125 by a board of county commissioners or chapter 166 by a municipal governing authority, except that the exemption authorized by paragraph (2)(b) must be authorized by a super majority (a majority plus one) vote of the members of the governing body of the county or municipality granting such exemption.

(b) It must specify that the exemption applies only to taxes levied by the unit of government granting the exemption. Unless otherwise specified by the county or municipality, this exemption will apply to all tax levies of the county or municipality granting the exemption, including dependent special districts and municipal service taxing units.

(c) It must specify the amount of the exemption, which may not exceed the applicable amount specified in subsection (2). If the county or municipality specifies a different exemption amount for dependent special districts or municipal service taxing units, the exemption amount must be uniform in all dependent special districts or municipal service taxing units within the county or municipality.

(d) It must require that a taxpayer claiming the exemption annually submit to the property appraiser, not later than March 1, a sworn statement of household income on a form prescribed by the Department of Revenue.

(5) The department must require by rule that the filing of the statement be supported by copies of any federal income tax returns for the prior year, any wage and earnings statements (W-2 forms), any request for an extension of time to file returns, and any other documents it finds necessary, for each member of the household, to be submitted for

inspection by the property appraiser. The taxpayer's sworn statement shall attest to the accuracy of the documents and grant permission to allow review of the documents if requested by the property appraiser. Submission of supporting documentation is not required for the renewal of an exemption under this section unless the property appraiser requests such documentation. Once the documents have been inspected by the property appraiser, they shall be returned to the taxpayer or otherwise destroyed. The property appraiser is authorized to generate random audits of the taxpayers' sworn statements to ensure the accuracy of the household income reported. If so selected for audit, a taxpayer shall execute Internal Revenue Service Form 8821 or 4506, which authorizes the Internal Revenue Service to release tax information to the property appraiser's office. All reviews conducted in accordance with this section shall be completed on or before June 1. The property appraiser may not grant or renew the exemption if the required documentation requested is not provided.

(6) The board of county commissioners or municipal governing authority must deliver a copy of any ordinance adopted under this section to the property appraiser no later than December 1 of the year prior to the year the exemption will take effect. If the ordinance is repealed, the board of county commissioners or municipal governing authority shall notify the property appraiser no later than December 1 of the year prior to the year the exemption expires.

(7) Those persons entitled to the homestead exemption in s. 196.031 may apply for and receive an additional homestead exemption as provided in this section. Receipt of the additional homestead exemption provided for in this section shall be subject to the provisions of ss. 196.131 and 196.161, if applicable.

(8) If title is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

(9) If the property appraiser determines that for any year within the immediately previous 10 years a person who was not entitled to the additional homestead exemption under this section was granted such an exemption, the property appraiser shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property that is owned by the taxpayer and is situated in this state is subject to the taxes exempted by the improper homestead exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. However, if such an exemption is improperly granted as a result of a clerical mistake or omission by the property appraiser, the person who improperly received the exemption may not be assessed a penalty and interest. Before any such lien may be filed, the owner must be given 30 days within which to pay the taxes, penalties, and interest. Such a lien is subject to the procedures and provisions set forth in s. 196.161(3).

History.— s. 1, ch. 99-341; s. 1, ch. 2002-52; s. 1, ch. 2007-4; s. 26, ch. 2010-5; s. 1, ch. 2012-57; s. 9, ch. 2013-72.

¹**Note.**— The word "an" following the word "following" was deleted by the editors.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

Copyright © 2000- 2014 State of Florida.

COLUMBIA COUNTY, FLORIDA
ORDINANCE NO. 2014- 3

AN ORDINANCE OF COLUMBIA COUNTY, FLORIDA, AMENDING AND RESTATING SECTIONS 2-341 THROUGH 2-353 OF ARTICLE VI OF CHAPTER 2, DIVISION 2 OF THE COUNTY CODE RELATING TO THE COUNTY CODE ENFORCEMENT BOARD AS AUTHORIZED BY CHAPTER 162, FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE INTENT WITH RESPECT TO SAID CODE ENFORCEMENT BOARD; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF A CODE ENFORCEMENT BOARD; PROVIDING FOR THE CREATION OF A SPECIAL MAGISTRATE; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR CONDUCT OF HEARINGS; PROVIDING FOR POWERS OF THE ENFORCEMENT BOARD AND THE SPECIAL MAGISTRATE; PROVIDING FOR CONDUCT OF HEARINGS; PROVIDING FOR POWERS OF THE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE; PROVIDING FOR ADMINISTRATIVE FINES AND LIENS AND FOR THE DURATION OF LIENS; PROVIDING FOR APPEALS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE INCLUSION OF THIS ORDINANCE IN THE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSION OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

Section 1. That Sections 2-341 through 2-353 of Article VI of Division 2 of the Code of Ordinances of Columbia County, Florida, is hereby amended, and as amended, shall read in its entirety as follows:

Sec. 2-341. Intent.

It is the intent of this division to promote, protect, and improve the health, safety, and welfare of the citizens of the county, by creating both an administrative board to be known and designated as the "Columbia County Code Enforcement Board" (the "Board") and the position of Code Enforcement Special Magistrate (the "Special Magistrate") with authority for either the Board or Special Magistrate to impose administrative fines and other noncriminal penalties, to provide an equitable, expeditious, effective and inexpensive method of enforcing the ordinances in force in Columbia County where a pending or repeated violation continues to exist, as to all county ordinances, including those which designate the violation thereof to be a criminal act, unless such ordinances expressly excludes the use of the procedure created by this article for enforcement of the same.

Sec. 2-412. Authority.

This division is enacted pursuant to F.S. ch. 162.

Sec. 2-413. Definitions.

As used in this article the following words or phrases shall have the meaning prescribed in this section unless clearly indicated otherwise by the context:

Board or enforcement board shall mean the Columbia County Code Enforcement Board.

County shall mean Columbia County, Florida.

County attorney shall mean the duly elected attorney for the County.

County Commission shall mean the duly constituted County Commission of Columbia County, Florida.

Code inspector shall mean any authorized agent or employee of the County who has been

duly appointed to such office by the County, and whose duty it is to enforce the codes and ordinances enacted by the County.

Code Enforcement Officer shall have the same meaning as Code Inspector.

Repeat Violation shall mean a violation of a provision of the County Code or ordinances by a person who has been previously found through the enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violation occurred at different locations.

Responsible Party shall mean any violator who is required to comply with any order of the Board of the Special Magistrate.

Special Magistrate shall mean the attorney appointed by the County Commission to have the same status and authority as an enforcement board.

Violator shall mean any person who violates a provision of any of the codes or ordinances of the County.

Sec. 2-344. Creation of Columbia County Code Enforcement Board, Creation of Position of Special Magistrate, and Applicability.

1. Code Enforcement Board.

There is hereby created the Columbia County Code Enforcement Board (the "Board") which shall consist of a seven member Board and legal counsel for the Board. Members of the Board shall be residents of the County. Appointments to the Board shall be made by the board of county commissioners on the basis of experience or interest in the fields of land and property standards, zoning, and land use regulations, building control, and nuisance abatement. The membership of the Board shall, when possible, include an architect, a businessman, an engineer, a general contractor, a

subcontractor and a realtor. In addition to the seven members of the Board, the County Commission may appoint up to two alternate members to the Board to serve on the Board in the absence of any Board member. All appointments to the Board shall be made by a resolution adopted by the County Commission.

- (a) The initial appointments to the Board shall be as follows:
 - (i) Two regular members appointed to a term of one year each;
 - (ii) Three regular members appointed to a term of two years each;
 - (iii) Two regular members appointed to a term of three years each;
 - (iv) Up to two alternate members appointed to a term of three years each.
- (b) All subsequent appointments made after the initial appointments shall be for a term of three years. In the event of a vacancy in the membership of the Board created by the resignation, disability or death of any member during the term of his or her appointment, the County Commission shall appoint a qualified person to fill the remaining term of the Board member who has resigned, become incapacitated or died. Any member of the Board may be reappointed for one or more additional terms by resolution of the County Commission.
- (c) The members of the Board shall elect a chair who shall be a voting member and vice chair from among the regular members of the Board. The presence of four or more members of the Board shall constitute a quorum of the Board. Members of the Board shall serve without compensation, but may be reimbursed for mileage and per diem expenses as may be authorized by the County Commission, or as otherwise provided for by law.

(d) If a member fails to attend two of three successive meetings without cause and without prior approval of the chairperson of the Board, the Board shall declare the member's office vacant and the County Commission shall promptly fill such vacancy. The members of the Board shall serve in accordance with all ordinances of the County and may be suspended or removed for cause by the County Commission.

(e) The County may appoint an attorney to be legal counsel to the Board. The County Attorney shall represent the County on all matters relating to or pending before the Board.

2. **Creation of the Special Magistrate.**

There is hereby created the position of Code Enforcement Special Magistrate (the "Special Magistrate") who shall have the authority to hold hearings, command compliance, and impose administrative fines, and other non-criminal penalties, and otherwise provide an equitable, expeditious, effective, and cost-effective method of enforcing codes and ordinances. The Special Magistrate so appointed shall have all authority conferred upon special magistrates and code enforcement boards by Chapter 162, Florida Statutes, and such additional authority as may be created and placed upon them bylaw, including by ordinance of the County Commission.

3. **Applicability**

(a) The Board or Special Magistrate shall enforce and have jurisdiction to enforce all county codes and ordinances.

(b) The Code Enforcement Officer may, in his discretion, refer violations of this code to the court having jurisdiction in the county.

(c) The provisions of these sections shall not apply to the enforcement

pursuant to Florida Statutes, Section 553.79 and 553.80, of Building Codes adopted pursuant to Florida Statutes Section 553.73, as they apply to construction, providing that a building permit is either not required or has been issued by the County. For the purpose of this sub-section, the term "Building Codes" means only those codes adopted pursuant to Florida Statutes, Section 553.73.

(d) Special Magistrate shall mean the hearing officer designated by the County Commission as Special Magistrate having the authority to conduct quasi judicial hearings and assess fines against code violators and such other authority as may be conferred by Florida Statutes, Chapter 162, or any other law. The County Commission may, by ordinance, confer additional authority and responsibility upon the Special Magistrate, including the responsibility and authority to serve as hearing officers in proceedings not involving county code violations.

(e) Neither the Special Magistrate nor any member of the Board shall have the power to initiate enforcement proceedings.

(f) Special Magistrates shall be members of the Florida Bar in good standing, shall have no less than five (5) years experience practicing law, which experience shall include courtroom and administrative hearing experience. Special magistrates shall not be employees of the County or hold any other office with the County government. Special magistrates appointed by the County Commission shall hold office until such time as they are removed with or without cause by the County Commission, and shall comply with the Code of Ethics of the State of Florida and the County,

(g) The County Commission may by ordinance specify that the Special Magistrate appointed under this section shall perform additional duties as hearing officer conducting quasi judicial hearings as the County Commission may in its discretion so designate.

Sec. 2-345. Enforcement procedure.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various ordinances of the County; however, no member of the Board or Special Magistrate shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c) hereof, if a violation of the ordinances of the County is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the Board or Special Magistrate and request a hearing. The Board or Special Magistrate, through their respective clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed to said violator as provided for in section 2-351 below. At the option of the Board or Special Magistrate notice may additionally be served by publication or posting as provided for in section 2-351 below, or served by any other means of legal process. If the violation is corrected and then re-occurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Board or Special Magistrate even if the violation has been corrected prior to the Board or Special Magistrate hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon

notifying the violator of a repeat violation, shall notify the Board or Special Magistrate and request a hearing. The Board or Special Magistrate, through their respective clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-351 hereof. The case may be presented to the Board or Special Magistrate even if the repeat violation has been corrected prior to the Board or Special Magistrate hearing, and the notice shall so state. If the repeat violation has been corrected, the Board or Special Magistrate retains the right to schedule a hearing to determine cost and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said cost as determined by the Board or Special Magistrate.

(d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the Board or Special Magistrate and request a hearing.

(e) If the owner of property, which is subject to an enforcement proceeding before the Board, Special Magistrate, or court, transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

- (1) Disclose in writing the existence and the nature of the proceedings to the prospective transferee;
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceedings received by the transferor;
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the

code enforcement proceedings;

- (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner within five days after the date of the transfer.

A failure to make the disclosures described in paragraphs (1), (2) and (3) above before the transfer creates a rebuttal presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is heard.

Sec. 2-346. Conduct of hearing.

(a) Upon request of the code inspector, or at such other times as may be necessary, the chairman of the Board may call a hearing of the Board relating to a code violation. A hearing also may be called by written notice signed by at least three members of the Board. The Special Magistrate shall have the power and authority to call a hearing relating to any code violation which has been previously referred to him or her by the code inspector. Minutes shall be kept of all hearings by the Board or Special Magistrate and all hearings and proceedings shall be open to the public. The County shall provide clerical and administrative personnel as may be reasonably required by the Board or Special Magistrate for the proper enforcement of their respective duties.

(b) Each case before the Board or Special Magistrate shall be presented by the county attorney or by a member of the administrative staff of the County. If the County prevails in prosecuting a case before the Board or Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case before the Board or Special Magistrate and such costs may be included in the lien authorized under section 2-348 of this article.

(c) The Board or Special Magistrate shall proceed to hear the cases on the agenda for that day. All testimonies shall be under oath and shall be recorded. The Board or Special Magistrate shall take testimony from the code inspector and the alleged violator, as well as from any other witnesses proffered by either the code inspector or the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the Board or Special Magistrate shall issue findings of fact, based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of the Board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in subsection 2-348(a), the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of Columbia County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the Board or Special Magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing shall not be required to issue such an order acknowledging compliance.

Sec. 2-347. Powers of Enforcement Board and Special Magistrate.

1. The Board shall have the power to:

- (a) Adopt rules for the conduct of its hearing;
 - (b) Subpoena alleged violators and witnesses to the hearings. Subpoenas may be served by the Columbia County Sheriff or its designated officers, or any other lawful process server.
 - (c) Subpoena evidence;
 - (d) Take testimony under oath;
 - (e) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
2. The Special Magistrate shall have the authority and power to hold hearings, command compliance, and assess fines against violators of the County codes and ordinances and have the authority to:
 - (a) Subpoena alleged violators and witnesses to hearings through service by the Columbia County Sheriff or any lawful process server.
 - (b) Subpoena evidence to hearings.
 - (c) Take testimony under oath or affirmation.
 - (d) Issue orders having the force of law to command whatever steps may be reasonably necessary to bring a violation into compliance, and conduct hearings in an orderly manner in accordance with the requirements of due process and all requirements of law; impose fines upon violators and persons responsible pursuant to law; upon entering a finding that a violation or repeat violation exists, the special magistrate may simultaneously, or at a later time, direct the responsible party to take steps to cure the violation within a reasonable, specified period of time and may

further direct that in the event that the responsible party fails to cure the violation in the time specified, the County may enter upon the property and cure or remove the violation, either by doing so directly or by a third party contract. The order shall further provide that in the event the County cures or removes the violation itself, or by third party contract, the reasonable cost to the County for the time, labor, and expenses or contract payment shall be borne by the responsible party and shall become a lien upon any and all real or personal property of the responsible party wherever situated, enforceable according to law. The priority of code enforcement liens versus mortgages, liens and encumbrances shall be determined upon the date of recording of the lien.

Sec. 2-348. Administrative fines; cost of repairs, liens.

(a) The Board or Special Magistrate, upon notification by the code inspector that an order of the Board or Special Magistrate has not been complied with by the time set or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the Board or Special Magistrate for compliance or, in the case of repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in section 2-345, subsection (d), the Board or Special Magistrate shall notify the County Commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the county to make further repairs or to maintain the

property and does not create any liability against the county or the County Commission for any damages to the property if such repairs are completed in good faith. If a finding of a violation or a repeat violation has been made as provided for in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the Board or Special Magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b)(1) of this section.

(b) (1) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the Board or Special Magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

(2) In determining the amount of the fine, if any, the Board or Special Magistrate shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation;
- c. Any previous violations committed by the violator.

(3) The Board or Special Magistrate may reduce a fine imposed by this section.

(c) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records of Columbia County, Florida, and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the Sheriff of Florida, including execution and levy against the personal property

of the violator, but such order shall not be deemed to be a court judgment, except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the County, and the County Commission may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the Board or Special Magistrate may authorize the county attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien, plus accrued interest. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under Section 4 (a), Article X of the State Constitution.

Sec. 2-349. Duration of lien.

No lien provided under this article shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant subsection 2-348(b)(2)c in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees incurred in this action. The County shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Sec. 2-350. Appeals.

1. An aggrieved party, including a local governing body, may appeal a final administrative order of the Board or Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board or Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. The Board or Special Magistrate shall, by rule, establish reasonable charges to be paid by the appealing party for preparation of the record to be appealed.

Sec. 2-351. Notices.

- (a) All notices required by this ordinance shall be provided to the alleged violator by:
 - (1) Certified mail, return receipt requested, provided if such notice is sent under this section to the owner of the property in question at the address listed in the tax collector's office for tax notices and at any other address provided to the County by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in F.S. ch. 162, section 12, subsection (b)(2)(i) and (ii) and by first-class mail directed to the addresses furnished to the County with a properly executed proof of mailing or affidavit confirming the first-class mailing;
 - (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or any other person designated by the County;
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) In addition to providing notice as set forth in subsection (a), at the option of the Board or Special Magistrate, notice may also be served by publication or posting as follows:

- (1)
 - a. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Columbia County, Florida. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50, for legal and official advertisements.
 - b. Proof of publication shall be made as provided for in F.S. §§ 50.041 and 50.051.
- (2)
 - a. In lieu of publication as described in paragraph (1), such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be the main offices of the County.
 - b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (3) Notice of publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a).
 - a. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as

provided in subsection (b), shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

Sec. 2-352. Jurisdiction.

The Board or Special Magistrate shall have jurisdiction to hear and decide alleged violations of all ordinances in force in the County, unless such ordinances expressly exclude the use of the procedure created by this article for enforcement of the same. The jurisdiction of the Board or Special Magistrate shall not be exclusive. Any alleged violation of any of the ordinances of the County may be pursued by appropriate remedy in court or by enforcement of the criminal penalty provided for in such ordinance, at the option of the administrative official whose responsibility it is to enforce that respective ordinance.

Sec. 2-353. Area embraced.

All unincorporated territory within the legal boundaries of the County shall be embraced by the provisions of this article.

Section 2. Repeal . All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. Severability. Should any section, subsection, sentence, clause, phrase, or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 4. Inclusion in County Code. It is the intention of the County Commission of Columbia County, Florida, that the provisions of this ordinance shall become and be made a part of

the Code of Ordinances of Columbia County, Florida, and that the sections of this ordinance may be renumbered or re-lettered 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. Effective Date. This ordinance shall take effect upon its adoption.

PASSED AND ADOPTED upon first reading the ____ day of _____, 2014.

NOTICE PUBLISHED on the ____ day of _____, 2014.

PASSED AND ADOPTED upon second and final reading this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA

By: _____
Ronald W. Williams, Chairman

ATTEST:

Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
MARLIN FEAGLE
County Attorney