

From: [County Ordinances](#)
To: [Ordinances](#)
Subject: RE: Hernando County Ordinance No. 2022-02 - Adopted on January 11, 2022
Date: Thursday, January 13, 2022 3:02:41 PM
Attachments: [Hernando20220113_Ordinance2022_02_Ack.pdf](#)

Linda Bryant, Accountant I
Florida Department of State
Administrative Code and Register
500 South Bronough Street
Tallahassee, Florida 32399-0250

From: Ordinances <ord@hernandoclerk.org>
Sent: Thursday, January 13, 2022 9:21 AM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Darlene Christensen <dchristensen@hernandoclerk.org>; Heidi Kurppe <hkurppe@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2022-02 - Adopted on January 11, 2022

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2022-02

Thank You,

Heidi Kurppe
Administrative Services | Deputy Clerk
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller
Phone: (352)754-4970 | Email: ord@hernandoclerk.org
20 N Main Street, Brooksville, FL 34601

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 13, 2022

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2022-02, which was filed in this office on January 13, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

1 Codes shall mean the Hernando County Code of Ordinances and all codes and
2 statutes adopted by reference within the Code of Ordinances, as now existing or as may
3 be amended by ordinance from time to time.

4 Continuing violations are those violations which remain uncorrected beyond the
5 prescribed time period for correction contained in the civil violation notice. For each day
6 of continued violation after the time period for correction has run, an additional penalty in
7 the same amount as for the original violation shall be added.

8 Fine shall mean a monetary penalty that the Special master orders a violator to pay
9 as punishment for a violation of the Codes following either an administrative hearing or the
10 violator's default.

11 Repeat violation shall mean a violation of a provision of the Code of Ordinances
12 by a person who has been previously found to have violated the same provision within five
13 (5) years prior to the violation, notwithstanding the violations occur at different locations.

14 Violator shall mean the person responsible for the code violation, which, in the
15 appropriate circumstances, shall either be the perpetrator of the violation or the owner of
16 the real property upon which the violation occurred.

17 Sec. 2-47. Creation; Establishment.

18 There is hereby created and established the office of special master for the purpose
19 of providing a supplemental code enforcement process for the county. The special master

1 is hereby vested with all the powers now granted under Chapter 162 Florida Statutes as
2 amended from time to time.

3 Sec. 2-48. Code Enforcement Clerk.

4 The functions assigned to the clerk as set forth in this article shall be performed by
5 the county attorney's office or such other county department or employee as may efficiently
6 perform such functions.

7 Sec. 2-49. Civil Offenses and Penalties.

8 (a) The violation of any provision of any ordinances or codes shall constitute
9 a civil offense punishable by ~~civil penalty~~ the imposition of fines as follows:

10 (1) Not in excess of one thousand dollars (\$1,000.00) per day for a
11 first violation;

12 (2) Not in excess of five thousand dollars (\$5,000.00) per day for a
13 repeat violation;

14 (3) An assessment of the cost of repairs incurred by the county where
15 the violation was in the nature of ~~a violation~~ that described in Section 162.06(4), Florida
16 Statutes; and,

17 (4) In the instance where the special master finds that the violation is
18 irreparable or irreversible in nature, the special master may impose a fine not to exceed
19 fifteen thousand dollars (\$15,000.00) per violation.

1 (b) In determining the amount of the fine, if any, the special master shall
2 consider the following factors:

- 3 (1) The gravity of the violation;
4 (2) Any actions taken by the violator to correct the violation; and
5 (3) Any previous violations committed by the violator.

6 (c) In every order assessing a civil penalty fine against a defendant violator,
7 the special master shall include an assessment for all costs incurred by the county in
8 prosecuting the violation, including but not limited to, the cost of certified mail, the cost of
9 serving notices, the cost of serving subpoenas, attorneys' fees, the cost of staff time, and
10 the cost of recording the order in the Official Records of Hernando County.

11 (d) Civil penalties Fines assessed pursuant to this article are due and payable
12 to the county upon the order of the special master.

13 Sec. 2-50. Special Master Qualifications and Removal.

14 (a) The special master shall be a member in good standing with the Florida
15 Bar for a minimum of five (5) years. Candidates for the position of special master must
16 have knowledge and understanding of local government law. Appointments shall be made
17 by the county administrator on the basis of experience or interest in code enforcement.
18 Such appointments shall be submitted to the county commission for ratification.

1 (b) ~~The county administrator shall appoint a special master and an alternate~~
2 ~~special master. Additional special masters may be appointed only with the approval of the~~
3 ~~county commission. Appointments shall be made for a term of one (1) year. Any special~~
4 ~~master may be reappointed at the discretion of the county administrator, subject to~~
5 ~~ratification by the county commission. There shall be no limit on the number of~~
6 ~~reappointments that may be given to any individual special master; provided however, that~~
7 ~~a determination as to removal or reappointment must be made for each special master at~~
8 ~~the end of each of his/her one-year terms. The county administrator shall have authority to~~
9 ~~remove a special master with or without cause. Appointments to fill any vacancy shall be~~
10 ~~for the remainder of the unexpired term.~~

11 (c) A special master shall not be a county employee but shall be compensated
12 at an hourly rate to be established by contract.

13 Sec. 2-51. Enforcement Procedures.

14 (a) (1) The code officer has the duty of enforcing the various codes and
15 initiating enforcement proceedings before the special master. A code officer who finds a
16 violation of the Hernando County Code shall issue a civil violation notice to the violator.

17 (2) A code officer may not initiate enforcement proceedings for a
18 potential violation of a duly enacted code or ordinance by way of an anonymous complaint.
19 A person who reports a potential violation of a code or an ordinance must provide his or

1 her name and address to the code officer before an enforcement proceeding may occur.

2 This subsection does not apply if the code officer has reason to believe that the violation

3 presents an imminent threat to public health, safety, or welfare or imminent destruction of

4 habitat or sensitive resources.

5 (b) Except as provided in subsections (c) and (d) below, if a violation of the
6 codes is found, the code officer shall notify the violator of the violation and give the violator
7 a reasonable time, in light of the nature of the violation, to correct the violation. ~~Should the~~
8 ~~violation continue beyond the time specified for correction, the code officer shall request~~
9 ~~that the clerk set a hearing and notify the violator of the hearing as provided herein. The~~
10 ~~clerk shall schedule a hearing, and written notice of such hearing shall be served on the~~
11 ~~violator.~~ If the violation is corrected and is then repeated or if the violation is not corrected
12 by the time specified for correction by the code officer, the case may be presented to the
13 special master even if the violation has been corrected prior to the hearing ~~and the notice~~
14 ~~shall so state.~~

15 (c) If a repeat violation is found, the code officer shall notify the violator, but
16 is not required to give the violator a reasonable time to correct the violation. ~~The code~~
17 ~~officer, upon notifying the violator of a repeat violation, shall have the clerk set a hearing~~
18 ~~and notify the violator.~~ The civil violation notice shall state that the case may be presented
19 to the special master even if the violation has been corrected prior to the board hearing.

1 (d) If the code officer has reason to believe a violation or the condition causing
2 the violation presents a serious threat to the public health, safety, and welfare or if the
3 violation is irreparable or irreversible in nature, the code officer ~~shall make~~ may issue a civil
4 violation notice after making a reasonable effort to notify the violator ~~and may request that~~
5 ~~the special master set an immediate hearing on the violation.~~

6 (e) If the owner of property which is subject to an enforcement proceeding
7 before a special master contracts to transfer or does transfer ownership of such property
8 between the time the notice was served and the time of the hearing, such owner shall:

9 (1) Disclose the existence and the nature of the enforcement
10 proceeding to the buyer;

11 (2) Deliver to the buyer a copy of the notice of violation and the notice
12 of hearing;

13 (3) Disclose to the buyer that he/she will be responsible for compliance
14 with the applicable code and with orders issued in the code enforcement proceeding;

15 (4) Within five (5) days after the date of the transfer of title, file a
16 notice of title transfer with the code enforcement official, with the identity and address of
17 the new owner and copies of the disclosures made to the new owner.

1 If the property is transferred before the hearing, the proceeding shall not be
2 dismissed, but the new owner shall be provided with a reasonable period of time to correct
3 the violation before a hearing.

4 (f) A code officer is authorized to record in the public record the civil violation
5 notice or a notice of violation which is based upon the civil violation notice. The recording
6 of the civil violation or a notice of violation under this section shall not act as or be a lien
7 on the property and shall not act as a notice of a lien on the property but shall merely act
8 as public notice of the existence of the violation.

9 (g) The civil violation notice shall include but not be limited to the following:

- 10 (1) Date of issuance.
- 11 (2) Name of code officer and the division or department issuing the
12 notice.
- 13 (3) Name and address of the violator.
- 14 (4) Section number of the Code Section that has been violated.
- 15 (5) Brief description of the nature of the violation, including location,
16 date, and time of violation.
- 17 (6) The civil penalty and the maximum potential fine.
- 18 (7) Instructions and due date for paying the civil fine or filing for an
19 administrative hearing before a special master to appeal the civil fine.

1 (8) Time within which the violation must be corrected, if applicable.

2 (9) Notice that each day of continued violation after the time period
3 for correction has run shall be deemed a continuing violation subject to additional penalty
4 in the same amount, without the need for additional notices of violation.

5 (10) Notice that the filing of a request for an administrative hearing will
6 toll the accrual of continuing violation penalties.

7 (11) Notice that failure to request an administrative hearing within
8 twenty (20) days after service of the civil violation notice shall constitute a waiver of the
9 violator's right to contest the civil violation notice, and that, in such case, the special master
10 may enter a default final order imposing a civil penalty against the violator in an amount up
11 to the applicable, maximum civil penalty.

12 (12) Notice that the violator may be liable for the reasonable costs of
13 the administrative hearing should he be found guilty of the violation.

14 (13) Notice that the violator may be liable for the County's costs and
15 expenses incurred as a result of investigation, enforcement, testing or monitoring should the
16 violator be found guilty of the violation.

1 Sec. 2-52. Pre-Hearing Administrative Enforcement Costs; Rights of Violators; Payment
2 of Fines; Right to Appeal; Failure to Pay and Correct, or to Appeal.

3 (a) If a violation cited under subsection 2-51(b) is corrected before a section
4 2-54 special master hearing, the violator shall pay the enforcement costs incurred by the
5 county. The individual enforcement cost that may be assessed shall be set by the board of
6 county commissioners by resolution. The code officer shall prepare an order specifying the
7 enforcement costs incurred by the county in the enforcement of its codes, and he shall
8 serve a copy of the order on the violator.

9 (b) A violator who has been served with a civil violation notice shall elect
10 either to:

11 (1) Pay the civil penalty in the manner indicated on the civil violation
12 notice, and correct the violation within the time specified on the notice (if applicable); or,

13 (2) Request an administrative hearing before the special master to
14 appeal the decision of the code officer which resulted in the issuance of the civil violation
15 notice.

16 (c) Appeal by administrative hearing of the notice of violation shall be
17 accomplished by filing a request in writing to the address indicated on the notice, no later
18 than twenty (20) calendar days after the service of the notice.

1 (d) If the named violator after notice fails to pay the civil penalty and correct
2 the violation within the time specified (if applicable), or fails to timely request an
3 administrative hearing before the special master, the special master shall be informed of
4 such failure by report from the code officer. Failure of the named violator to appeal the
5 decision of the Code Officer within the prescribed time period shall constitute a waiver of
6 the violator's right to administrative hearing before the special master. A waiver of the right
7 to administrative hearing shall be treated as an admission of the violation, and the special
8 master shall enter a default order assessing fines against the violator accordingly.

9 (e) If the named violator pays the civil penalty for a correctable violation but
10 does not correct that violation within the time specified, each day that the violation
11 continues beyond such specified time shall constitute a continuing violation.

12 Sec. 2-53. Service of Notice.

13 All notices required by this article shall be served as required by section 162.12,
14 Florida Statutes, and as amended from time to time.

15 Sec. 2-54. Contents of Notice, Schedule and Conduct of Special Master Hearing.

16 (a) The notice of hearing shall include the following:

- 17 (1) Name of the officer who issued the notice;
- 18 (2) Factual description of alleged violation;
- 19 (3) Date of alleged violation;

- 1 (4) Section of the code allegedly violated;
- 2 (5) Place, date and time of the hearing;
- 3 (6) Right of violator to be represented by an attorney;
- 4 (7) Right of violator to present witnesses and evidence;
- 5 (8) Notice that failure of violator to attend hearing may result in civil
- 6 penalty being assessed; and
- 7 (9) Notice that requests for continuances will not be considered if not
- 8 received in writing by the code officer at least ten (10) calendar days prior to the date set
- 9 for hearing.
- 10 (b) ~~The special master shall conduct hearings on a regularly scheduled monthly~~
- 11 ~~basis or more frequently upon request of the county administrator.~~ No hearing shall be set
- 12 sooner than twenty (20) days from the date the notice of code violation is served.
- 13 (c) All hearings before the special master shall be open to the public. ~~All~~
- 14 ~~testimony shall be under oath.~~ Assuming proper notice, a hearing may proceed in the
- 15 absence of the named violator.
- 16 (d) The proceedings at the hearing shall be recorded electronically or by a
- 17 stenographer and if recorded by a stenographer may be transcribed at the expense of the
- 18 party requesting the transcript.

1 (e) The county administrator, shall provide clerical and/or administrative
2 support personnel for the special master to facilitate the proper performance of clerical and
3 special master duties.

4 (f) Each case before the special master shall be presented by the officer or
5 representative of the department issuing the violation.

6 (g) The hearing shall not be conducted in accordance with the formal rules of
7 evidence. Any relevant evidence shall be admitted if the special master finds it competent
8 and reliable, regardless of the existence of any common law or statutory rule to the
9 contrary.

10 (h) All testimony at the hearing shall be under oath. Each party shall have the
11 right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing
12 witnesses on any matter relevant to the issues.

13 (i) The special master shall make findings of fact based on the evidence in the
14 record alone and may state conclusions of law. In order to make a finding upholding the
15 code officer's determination that a violation exists, the special master shall find that a
16 preponderance of the evidence indicates that the violator was legally responsible for the
17 violation of the relevant section of the ordinances or codes as cited, and that a violation did
18 or does in fact exist.

1 (j) The prescribed time for correction of the violation given to the named
2 violator and contained in the code violation notice shall be presumed to have been a
3 reasonable time for correction. Upon presentation of relevant evidence by the named
4 violator that the time for correction was not reasonable, the special master may find that
5 the time given for correction was insufficient, and the penalty for a continuing violation may
6 be calculated from a date determined by the special master to be the reasonable date for
7 correction.

8 (k) If the named violator is found guilty of the violation, he/she may be held
9 liable for the costs of the enforcement proceeding and such costs shall be included in the
10 lien authorized by law.

11 (l) The fact-finding determination of the special master shall describe whether
12 the alleged violation did in fact occur and, if so, whether the person named in the civil
13 violation notice is legally responsible for that violation. The special master shall either affirm
14 or reverse the determination of the code officer as to the responsibility of the named
15 violator for the correction of the ordinance or code violation. The special master may
16 modify the determination of the code enforcement officer as to the time for correction
17 contained in the code violation notice. If the special master reverses the determination of
18 the code officer and finds the named violator not responsible for the alleged violation in the
19 code violation notice, the named violator shall not be liable for the payment of any civil

1 penalty, absent a successful appeal by the county of the special master's decision. If the
2 decision of the special master is to affirm the code officer's determination of violation, then
3 any of the following may be included in the order:

- 4 (1) Amount of civil penalty;
- 5 (2) Prehearing and hearing administrative enforcement costs; and
- 6 (3) Date by which the violation shall be corrected to prevent

7 resumption of continuing violation penalties.

8 (m) The special master shall have the power to:

- 9 (1) Adopt procedures for the conduct of hearings;
- 10 (2) Take testimony under oath;
- 11 (3) Assess and order the payment of ~~civil penalties~~ fines; and
- 12 (4) Issue orders having the force of law to command whatever steps

13 are necessary to bring a violation into compliance.

14 (n) A special master shall not conduct a hearing if the named violator, prior to
15 the scheduled hearing date, files with a duly authorized county and county board of
16 appropriate jurisdiction for administrative interpretation of the legal provision(s) on which
17 the alleged violation was based. Upon exhaustion of the administrative review and
18 finalization of the administrative order by such board, the special master may exercise all
19 powers granted herein. The special master shall not, however, exercise any jurisdiction

1 over alleged code violations where a named violator has properly filed a request for
2 administrative interpretation and review by such county or county board until such time for
3 review has lapsed.

4 (o) The special master shall be bound by the interpretations and decisions of
5 the authorized county or county boards of appropriate jurisdiction concerning their
6 administrative interpretations. In the event that the authorized board finds that the cited
7 violation of the ordinance or code has not been properly interpreted, the special master
8 shall be prohibited from proceeding with the enforcement of the alleged violation.

9 Sec. 2-55. Recovery of Unpaid Civil Penalties; Unpaid Penalty to Constitute a Lien;
10 Foreclosure.

11 (a) The county may institute proceedings in a court of competent jurisdiction
12 to compel payment of ~~civil penalties~~ finer imposed under this supplemental code
13 enforcement procedure.

14 (b) A certified copy of an order imposing ~~a civil penalty~~ finer may be recorded
15 in the public records of the county and thereafter shall constitute a lien against the land on
16 which the violation exists or existed; provided that if the violator does not own the land,
17 upon any other real or personal property owned by the violator; and that it may be
18 enforced in the same manner as a court judgment by the sheriffs of this state, including levy
19 against the personal property, but shall not be deemed to be a court judgment except for

1 enforcement purposes. After three (3) months from the filing of any such lien which remains
2 unpaid, the county may foreclose or otherwise execute on the lien.

3 (c) ~~Each and every county lien existing from the delivery of county services,
4 including liens for special assessments, code enforcement, special master orders, and the
5 like, shall be deemed to be prior in dignity to any other lien, including mortgages,
6 irrespective of the date of the recording of the county's lien or the date of the recording of
7 any mortgage or any other lien on real property, and such lien shall survive any action to
8 foreclose such inferior lien whether such inferior lien arises by virtue of a mortgage, a
9 mechanic's lien or other security interest in real property; provided, however, that nothing
10 herein contained shall be construed to be respecting the priority of liens, and where a law
11 or statute specially provides for the priority of liens, the provisions hereof shall be
12 construed to achieve harmony therewith.~~

13 Sec. 2-56. Appeals.

14 (a) The violator or the county may appeal an order of the special master by
15 filing a notice of appeal with the county circuit court. Such appeal shall be filed within thirty
16 (30) days of the issuance of the order by the special master.

17 (b) In the absence of reversal of the special master's ruling by an appellate
18 court of competent jurisdiction, the findings of the special master shall be conclusive as to

1 a determination of responsibility for the ordinance or code violation, and such findings shall
2 be admissible in any proceeding to collect unpaid penalties.

3 (c) Nothing contained in this chapter shall prohibit the county from enforcing
4 its ordinances or codes by any other means. The enforcement procedures outlined herein
5 are cumulative to all others and shall not be deemed to be prerequisites to filing suit for
6 enforcement of any section of this Code.

7 Sec. 2-57. Optional Compliance Month.

8 (a) The legislative intent of the board of county commissioners in adopting this
9 section is to create a mechanism by which the county may provide property owners with
10 a financial incentive to bring properties with outstanding code enforcement liens into
11 compliance.

12 (b) On or before April 1 of each year, the board may adopt an enabling
13 resolution implementing the provisions of subsection (c) of this section for the month of
14 May of that fiscal year. The provisions of subsection (c) shall not be effective in the
15 absence of the adoption of an enabling resolution by the board of county commissioners.

16 (c) Implementation of "compliance month" in May of any given year.

17 (1) Any individual who owns property that has been liened by the
18 county for a code enforcement violation, and said lien having either been established by an
19 order of the special master or a lien having been recorded in the Official Records of

1 Hernando County, may make application for a reduction and satisfaction of fifty (50)
2 percent of each qualifying lien.

3 a. The application for each individual recorded document
4 requires a nonrefundable application and handling fee in the amount of thirty dollars
5 (\$30.00) payable to Hernando County Board of County Commissioners, c/o Code
6 Enforcement Department.

7 b. The county administrator, or his or her designee, shall deny
8 any application of lien reduction if any of the following conditions exist:

9 1. The property owner has not brought the
10 applicable property into compliance with the requirements of the Hernando County Code.

11 2. The property owner owns any other
12 parcels of property that are not in compliance with the Hernando County Code at the time
13 of the application.

14 3. The amount of money that the county had
15 previously expended in enforcing the Hernando County Code with regard to the applicable
16 property exceeds the amount of the applicable lien(s).

17 4. The applicant is not the individual or owner
18 of the property that has been liened.

1 reduced lien, together the full amount of the initial recording fees for the lien and the
2 recording fees for the satisfaction of lien. The board of county commissioners shall not
3 issue a satisfaction of any lien unless these conditions precedent have been satisfied.

4 Sec. 2-58. Subpoenas.

5 (a) Subpoena generally. Subpoenas for testimony before the special master
6 and subpoenas duces tecum may be issued by the special master or by any attorney of
7 record in an action.

8 (b) Content of subpoenas. Every subpoena for testimony before the special
9 master shall be issued pursuant to subsection (a) above. It shall further ~~and~~ state the title
10 of the action and shall command each person to whom it is directed to attend and give
11 testimony at a time and place specified in it.

12 (c) Service. A subpoena may be served by any person authorized by law to
13 serve process, by any employee designated by the county administrator, or by any other
14 person who is not a party and who is not less than eighteen (18) years of age. Service of
15 a subpoena upon a person named therein shall be made as provided by law. Proof of such
16 service shall be made by affidavit of the person making service if not served by an officer
17 authorized by law to do so.

18 (d) Compliance. In the case of a refusal to obey a subpoena issued to any
19 person, the issuing party may make application to the County Court of Hernando County

1 which shall have jurisdiction to order the witness to appear before the special master and
2 to produce evidence if so ordered, or to give testimony touching on the matter in question.

3 **Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners
4 that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held
5 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this
6 ordinance.

7 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners of
8 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become
9 and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of
10 this Ordinance may be renumbered or relettered to accomplish such intention, and that the word
11 “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

12 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict
13 with the provisions of this ordinance are hereby repealed.

14 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of official
15 acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed
16 with said office; provided, that the revised procedures set forth in Section 1 of this ordinance shall
17 apply prospectively to code enforcement cases that are initiated on or after April 11, 2021.

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
2 COUNTY in Regular Session this 11th day of January 2022.

3 BOARD OF COUNTY COMMISSIONERS
4 HERNANDO COUNTY, FLORIDA
5

6
7
8 Attest: Heidi Kuyper, D.C.
9 *for* DOUGLAS CHORVAT, JR.
10 Clerk and Comptroller

By: [Signature]
STEVE CHAMPION
Chairman



11 Approved for Form and Legal Sufficiency

12
13
14
15 [Signature]
16 County Attorney