SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Staff Seeks Board's Approval to Eliminate Code Enforcement Courtesy Notice Period (Staff Recommends Approval)

REQUESTED ACTION: **Board Approval of Policy Change**

☐ Work Session (Report Only) **DATE OF MEETING:** 10/23/2012
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: _____

BUDGET IMPACT: _____
☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

Effective July 1, 2012, Section 162.12(1)(a) of Florida Statutes was modified to increase the period required following the mailing of a certified notice of Code violation before alternate notice can be utilized from 10 days to 30 days. In most instances, certified notice receipts are not returned to the County since most property owners are unable or unwilling to take receipt. Alternate notice requires a minimum 10 day posting, so now, a minimum of 40 days of notice will be required before most cases can be heard by the Special Master .

The Development Services Division currently has an internal policy which provides for a 14 day written "courtesy" notice for an alleged Code violation. This is a notice which is provided by mail prior to the actual notice of violation being sent. The intent of the policy is to allow the property owner adequate time to address the alleged violation before the formal Code Enforcement process is initiated. With the change to State statute, however, the courtesy notice, in combination with other required notice periods, will now make the minimum notice period 54 days in most cases. Since Special Master hearings are only conducted once per month, the actual time between notice of violation and hearing of the case could be over 80 days.

Presently, if Code violations are corrected by the property owner at any point prior to the Special Master hearing, the case is closed as being in compliance, so there is no harm to the alleged violator by being placed on the Special Master agenda. Elimination of the current courtesy notice period of 14 days would moderately shorten what has now become an extended period before the Special Master can act to impose penalties on property owners that fail to correct violations.

Staff seeks Board approval to eliminate the 14 day courtesy notice period in order to obtain Code compliance in a more timely manner.