

**SUMTER COUNTY ORDINANCE NO. 2022-\_\_\_**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE V SPECIAL MASTER CODE ENFORCEMENT; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, grant Sumter County Board of County Commissioners broad home rule authority to adopt ordinances to provide for health, safety and welfare of the general public; and

**WHEREAS**, the Board of County Commissioners of Sumter County has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, the Board of County Commissioners established code enforcement regulations as set forth in Chapter 2, Administration, Article V Special Master Code Enforcement of the Sumter County Code; and,

**WHEREAS**, the Board, after the appropriate publication of notice of its intention to amend its code enforcement regulations through adoption of this Ordinance, and after having a public hearing on the amendments, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE AND INTENT.**

This Ordinance seeks to amend Chapter 2 Administration, Article V Special Master Code Enforcement. The legislative findings in support of the purpose and intent of this Ordinance are contained in the above Whereas clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, and Chapter 163, Florida Statutes the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances, and to establish code enforcement procedures.

**SECTION 3. AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE V  
SPECIAL MASTER CODE ENFORCEMENT.**

**Section 2-91. – Title**

This article shall be known as the Sumter County Special Master Code Enforcement Ordinance.(Ord. No. 2008-02, § 1, 1-8-08)

**Section 2-92. - Position created.**

There is hereby created and established the position of special master for the purpose of providing a supplemental code enforcement process for Sumter County. The authority of the special master is established pursuant to the provisions of F.S. § 162.06—162.12. The special master shall have independent subject matter jurisdiction to enforce all provisions of the Sumter County Code and all Sumter County Ordinances not found in the Sumter County Code, unless otherwise provided therein. (Ord. No. 2008-02, § 2, 1-8-08; Ord. No. 2015-14, § 3, 8-11-15).

**Section 2-93. - Definitions.**

The following terms, when used in this article, shall have the meanings ascribed to them herein, except where context clearly indicates a different meaning:

*Code enforcement officer* means any designated employee or agent of Sumter County whose duty is to enforce codes and ordinances enacted by the county and shall mean the same as " code inspector" as defined in F.S. § 162.04(2). Provided, however, nothing herein shall be construed to authorize any person designated as a code enforcement officer to perform any function or duties of a law enforcement officer other than as specified. A code enforcement officer shall not make physical arrests or take any person into custody and except for fire inspectors, shall be exempt from requirements relating to the special risk class of the Florida Retirement System, bonding, and the Criminal Justice Standards and Training Commission, as defined and required by general law.

*County* shall mean the unincorporated areas of Sumter County, or the administration of the County of Sumter County, Florida.

*Itinerant or transient violation* means a violation that is mobile, traveling from place to place, and that lasts for only a short time or is impermanent.

*Law enforcement officer* means any person who is elected, appointed, or employed full-time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

*Local governing body* shall mean the board of county commissioners of Sumter County.

*Repeat violation* means a violation of a provision of a code or ordinance by a person previously found, through a special master, or other quasi-judicial or judicial process, to have violated, or who has admitted violating, the same provision within five (5) years prior to the current violation, notwithstanding the violations occur at different locations. (Ord. No. 2008-02, § 3, 1-8-08).

#### **Section 2-94. - Special master.**

Special master qualifications and removal:

- (a) The special master shall be a member in good standing with the Florida Bar for a minimum of two (2) years. Candidates for the position of special master must have knowledge and understanding of local government law. Appointments shall be made by the county administrator on the basis of experience or interest in code enforcement. Such appointments shall be submitted to the local governing body for ratification.
- (b) The county administrator shall appoint a special master and an alternate special master. Any special master may be reappointed at the discretion of the county administrator, subject to ratification by the local governing body. There shall be no limit on the number of reappointments that may be given to any individual special master; provided however, that a determination as to removal or reappointment must be made for each special master at the end of each of his/her one-year terms. The county administrator shall have authority to remove a special master with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.
- (c) A special master shall not be a county employee but shall be compensated at an hourly rate to be established by contract.
- (d) The local governing body shall provide clerical and administrative personnel as may be reasonably required by the special master for the proper performance of his or her duties. Authority, enforcement, and hearing procedures for the special master are established pursuant to the provisions of Chapter 162, Florida Statutes which is adopted by the county, subject to the clarifications and supplemental provisions established herein. (Ord. No. 2008-02, § 4, 1-8-08; Ord. No. 2015-14, § 3, 8-11-15)

#### **Section 2-95 – Assessment of Staff Costs.**

If after issuance of a Notice of Violation, and having had a hearing before the Special Master, the Special Master finds a person to be in violation of the Sumter County Code, the Special Master shall immediately assess the person with the obligation to pay for all costs incurred through the date of the hearing, notwithstanding any discretion by the Special Master to provide additional time for compliance or delay in assessment of any

fine, and any future costs that may be incurred in further proceedings. Fees and rates for staff costs shall be set by resolution adopted by the Sumter County Board of County Commissioners, as may be amended from time to time.

**Section 2-96 – Serious or Repeat Violations.**

A repeat violator shall not be provided a courtesy notice of violation and shall not be afforded a reasonable time period to correct the violation prior to issuance of a notice to appear. A person will be immediately issued a notice to appear before a Special Master if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or that the violator is engaged in violations of an itinerant or transient nature, or if the violation is irreparable or irreversible.

**Section 2-97 - 2-103. - Reserved.**

**Section 2-104. – Ordinances enforced and penalties assessed.**

Except as provided herein, all Sumter County Code and/or ordinances may be enforced by this article, by citation to the County Court of Sumter County, except where prohibited by law or statute, or by civil action as permitted by law. (Ord. No. 2008-02, § 14, 1-8-08)

**Sections. 2-105—2-120. - Reserved.**

**SECTION 4. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6, and 7. The word “Ordinance,” or similar words may be changed to “section,” “article,”

or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

**SECTION 7. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this 26th day of July, 2022.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

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DEPUTY CLERK

Approved as to form for the reliance  
of the Sumter County Board of  
County Commissioners, only:

BY: \_\_\_\_\_  
Craig A. Estep  
Chairman

\_\_\_\_\_  
Jennifer C. Rey, Esq.  
The Hogan Law Firm, County Attorney