

SUMTER COUNTY ORDINANCE NO. 2023-

AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE I IN GENERAL, SECTION 2-4 LIEN SEARCHES AND ESTOPPEL LETTERS; PROVIDING FOR FEES FOR SUCH SERVICES; PROVIDING FOR CONFLICTS AND SEVERABILITY AND 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 is regularly requested to conduct searches of county records to produce an official letter as to the status of rights and obligations with the County for specific parcels of property to include existence of any code enforcement actions or liens, vested land use rights, or any other outstanding obligations due and owing the County; and

WHEREAS, the Board desires to establish a fee for such searches and letters;

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 II In General, Section 2-4 to establish a fee that may be charged for the conduct of a search and preparation of a lien search or estoppel letter. 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 II IN GENERAL, SECTION 2-4 LIEN SEARCHES AND ESTOPPEL LETTERS.

Section 2-4. Lien Searches and Estoppel Letters.

- A. Sumter County is authorized to charge a fee for requests for service requiring a an official written response as to the existence of any county lien, code enforcement action, other obligation to the County, or other compliance status with respect to a specific parcel or parcels of real property or specific individuals or property owners; such written responses may include but are not limited to letters regarding the existence of County liens or code enforcement actions, vested rights determinations or other type of estoppel letters.
- B. Fees for such services shall be established by resolution of the Board of County Commissioners, and may be amended from time to time.

SECTION 4. ESTABLISHING A FEE; AND PROVIDING SUBSEQUENT FEES BY RESOLUTION.

The initial fee for such services shall be \$25.00. Consistent with Section 2-4 B. as set forth above, future increases or decreases to the fee shall be by resolution of the Board of County Commissioners.

SECTION 5. 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 6. 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 7. 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, 7 and 8. 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 8. 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 ____ day of _____, 2023.

GLORIA HAYWARD
SUMTER COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS,
SUMTER COUNTY, FLORIDA

ATTEST:

Deputy Clerk

BY: _____
Craig A. Estep
Chairman

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

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