



LAND DEVELOPMENT CODE

Chapter 11 Boards and Agencies

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11.00.00 INTENT.

The following boards and agencies are created to administer the provisions of this code under the authority prescribed by this code and Florida Law.

11.01.00 PLANNING COMMISSION.

The Okaloosa County Planning Commission is also the Local Planning Agency and the Land Development Regulation Commission.

11.01.01 Duties: The Planning Commission shall consist of five (5) members whose duties, responsibilities, and powers shall be to hear, decide, recommend and approve only those matters specifically authorized by this ordinance or Ordinance No. 90-1, or any other ordinance of Okaloosa County specifically delegating responsibilities to the Planning Commission. Members of the Planning Commission may be removed from office by the governing body for cause upon written charges and after public hearing.

11.01.02 District Members: Each elected official of the governing body shall appoint one member of the Planning Commission residing within the County Commissioner's District. The appointments shall be confirmed by the Okaloosa County Board of Commissioners.

11.01.03 Vacancies: Vacancies to the Planning Commission shall be appointed by the elected official of the governing body from whose District the previous member of the Planning Commission had resided; with the approval of the governing body.

11.01.04 Terms of Office: Each member of the Planning Commission shall be appointed for a term of three (3) years and shall continue to serve until the vacancy is filled.

11.01.05 Meetings and Public Notice: All meetings of the Planning Commission shall be open to the public, and no item shall be considered by the Planning Commission unless due public notice has been given. Due public notice shall be given as specified in Chapter 1 of this Code.

11.01.06 Proceedings: The Planning Commission shall elect a Chairman and a Vice-Chairman from among its members. The Planning Commission may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all offices shall be for one (1) year, with eligibility for election. The Planning Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at other times as the Commission may determine.

1. The Chairman, or if absent, the Vice Chairman, may administer oaths and compel the attendance of witnesses. A quorum of three members is necessary at any meeting in order for the Commission to take official actions.
2. Approval or Disapproval: The Planning Commission, at a public meeting or public hearing when required by statute, will either recommend to the governing body approval, approval with conditions, disapproval or table the request for further action.



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3. The Planning Commission shall keep minutes of its proceedings in summary form and not verbatim, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its meetings and other official actions, all of which shall be a public record and files in the office of the Planning and Inspection Department. An appealing party shall be responsible for the preparation of a verbatim transcript.

11.02.00 BOARD OF ADJUSTMENT.

The Board of Adjustment shall consist of five (5) members with all appointments to be made by the governing body. Members of the Board of Adjustment may be removed from office by the governing body for cause upon written charges and after public hearing. The appointment, organization, jurisdiction, duties, meetings, and procedures of this board shall be as set out herein.

11.02.01 District Members: Each elected official of the governing body shall recommend one appointment to the Board of Adjustment residing within the County Commissioner's District. The appointments shall be confirmed by the Board of County Commissioners.

11.02.02 Vacancies: Vacancies to the Board of Adjustment shall be appointed by the elected official from whose District the previous member of the Board of Adjustment had resided; with the approval of the governing body.

11.02.03 Terms of Office: Each member of the Board of Adjustment shall be appointed for a term of three (3) years and shall continue to serve until the vacancy is filled.

11.02.04 Proceedings: The Board of Adjustment shall elect a Chairman and a Vice-Chairman from among its members. The Planning and Inspection Department shall provide a secretary who shall keep minutes of the board meetings. The Board of Adjustment may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all offices shall be for one year, with eligibility for reelection. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such times as the Board may determine.

11.02.05 Meetings and Public Notice: All meetings of the Board of Adjustment shall be open to the public, and no item shall be considered by the Board of Adjustment unless due public notice has been given. Due public notice shall be given as specified in Chapter 1.

1. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. A quorum of three members is necessary at any meeting in order for the Board to take official actions.
2. The Board of Adjustment shall keep minutes of its proceedings in summary form and not verbatim, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Planning and Inspection Department.

11.02.06 Hearings and Appeals: Appeals to the Board of Adjustment concerning interpretation of this ordinance may be taken by any person aggrieved by any decision of the Administrative Official except appeals regarding construction matters which will be taken to the Code



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Enforcement Board. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days from the date of such decision or such lesser period as may be provided by the rules of the Board, by filing with the Administrative Official a notice of appeal specifying the grounds thereof. The appeal shall be in such form as prescribed by the rules of the Board. The Administrative Official shall transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall give a reasonable time for the hearing for appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

11.02.07 Stay of Proceedings: An appeal stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that the reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

11.02.08 Appeals from the Board of Adjustment: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, commission, of the governing body, may apply to the Circuit Court in the judicial circuit where the Board of Adjustment is located for judicial relief within thirty (30) days after the rendition of the decision by the Board of Adjustment. Review in the Circuit Court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The making of a verbatim transcript of the proceedings shall be the responsibility of the appealing party.

11.02.09 Powers and Duties: The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review:** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the Land Development Code except appeals regarding construction matters.
2. **Special Exceptions:** Conditions governing applications; procedures to hear and decide only Special Exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of this ordinance; to decide questions as are involved in determining when special exceptions should be granted and to grant special exceptions when in harmony with the purpose and intent of this ordinance. In granting any special exception, the board shall find that the granting will not adversely affect the public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action required for the special exception shall be begun or completed or both.
3. **Variances:** Conditions governing applications, procedures; to authorize upon appeal such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Board of Adjustment must and shall find:



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- a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
 - b. That the special conditions and circumstances do not result from the actions of the applicant;
 - c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings or structures in the same zoning district;
 - d. That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
 - e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
 - f. That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - g. In granting any variance, the Board of Adjustment may prescribe a reasonable time limit within which the action required for the variance shall be begun or completed or both. Under no circumstances, except as permitted above, shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the zoning district. No non-conforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
 - h. Reference other sections of this ordinance for variances which may be granted by the Planning Commission or the County Public Works Department.
 - i. In accordance with Chapter 187.201 F.S., State Comprehensive Plan, Goal (15) Property Rights, and Ordinance No. 90-1, Goal 7.B, the Board of Adjustment may grant a variance to any regulation in the Land Development Code whenever it is apparent that a taking of private property would otherwise occur. Said variance shall only be granted for a use or development which is compatible with the surrounding area and does not impose an excessive burden or have a negative impact on surrounding or adjacent uses or on community facilities or services.
4. Variances in special flood hazard areas. The Board of Adjustment shall hear and decide on requests for variances from the strict application of the special flood hazard area requirements of the Land Development Code. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. Specific limitations, restrictions, considerations and conditions are established in LDC Sec. 3.06.08. The authority to grant variances does not apply to Section 3109 other Florida Building Code, Building.



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5. Board Has Powers of Administrative Official on Appeals: The Board of Adjustment may, so long as such action is in conformity with the terms of the Land Development Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken. The concurring role of the majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant of any matter upon which the board is required to pass under any such ordinance.
6. In the event a special exception or variance is denied by the Board of Adjustment: The applicant shall not reapply for a special exception or variance for the same use within one (1) year after the date of first denial unless a physical change has been made to the structure/s or the plans have been modified to reduce the impact. Application fee for the same use will be doubled with each new submittal within the (1) year date of denial.
EXCEPTION: This does not apply if the variance or special exception request pertains to a different use.

11.02.10 Application Requirements: Each request for a variance, special exception, or appeal of an administrative decision as allowed by Section 11.02.09 of the code shall be originated by the filing of an application with the Planning and Inspection Department.

1. The form of the application shall be approved by the legal advisor and the board.
2. The application must be supported by the following:
 - a. Letter of request from the applicant which contains the request(s) for variance(s), special exception(s), or appeal(s) of an administrative decision.
 - b. Statements of fact setting out compliance with the criteria established by Section 11.02.09 of the code when required.
 - c. Proof by the applicant of ownership or interest in the land for which the request is sought.
 - d. A complete legal description of the parcel of land to which the request is sought.
 - e. A site plan to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey which provides the same information, in lieu of a site plan.
 - f. Any other documents or requirements which are mandated by Section 11.02.09 or deemed necessary by staff in reference to the specific request made. By way of example and not of limitation, such requirements might be a drawing of the structure of a sign as required by the sign ordinance or, in the case of a swimming pool, a drawing of the location of the pump and filter equipment.
3. The Planning and Inspection Department shall have the discretion to refuse or to accept an application which does not include support documents required by this code.



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4. The application and any supporting materials must demonstrate the need and the requirements of Section 11.02.09 of the code as applicable. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application.

11.02.11 County Staff Responsibilities: The County staff, hereinafter referred to as “staff,” has the responsibility of everyday business of the County and as regards matters that may come before the board, to ensure compliance with ordinances of the County.

1. Staff shall provide technical assistance to the applicant regarding the requirements of the Land Development Code and identification of elements in non-compliance with the Land Development Code.
2. Staff must review all applications for technical completeness and report its opinion to the board.
3. Staff must review the site plan or survey attached to the application and provide a statement that staff has viewed the property and finds that the site plan accurately depicts the property, to the best of the staff’s knowledge. It is understood that staff should not act as a surveyor or in any way guarantee the site plan attached to the application, but should provide the board with information that the site plan does or does not accurately depict the property for the purposes of the specific request and disposition by the board.

11.02.12 Board of Adjustment Decision-Making Process: The Board of Adjustment shall present a decision to grant or refuse a variance, special exception, or administrative decision appeal following a public hearing conducted in accordance to the rules and procedures which guarantee due process.

1. The public hearing shall allow the applicant, staff, then the public, the opportunity to present testimony, information, and supporting documents to the board.
2. After the testimony, information, supporting documents, and rebuttals of the applicant, staff, and public have been exhausted, the board shall deliberate on the evidence and testimony presented.
3. Following the close of deliberation, a motion stating the findings of fact and identifying the evidence relied upon in making the findings of fact may be made.
4. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the Planning and Inspection Department’s appointed secretary shall compile the motion into written form and present the order to the chairman for execution.

11.03.00 CODE ENFORCEMENT BOARD.

Pursuant to Chapter 162, Florida Statutes, there is hereby created a Code Enforcement Board of Okaloosa County, Florida, which shall consist of seven (7) members appointed by the Board of County Commissioners. All members shall be residents of Okaloosa County and shall serve without compensation. The Board may also designate a special master to perform the functions of the Code Enforcement Board on a case by case basis.



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1. The membership of the Code Enforcement Board shall be made on the basis of experience or interest in the subject matters of the ordinances to be enforced and shall, whenever possible, include:
 - A. An architect;
 - B. A businessman;
 - C. An engineer;
 - D. A general contractor;
 - E. A subcontractor;
 - F. A Realtor; and
 - G. A citizen.
2. Each term shall be for a period of three (3) years and members shall continue to serve until the vacancy is filled. A member may be reappointed by the Board of County Commissioners for successive terms. Appointments to fill any vacancy on the Code Enforcement Board shall be for the remainder of the unexpired term of office.
3. If any member of the Code Enforcement Board fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the Code Enforcement Board may declare the member's office vacant, and the vacancy shall be filled by appointment by the Board.
4. Members of the Code Enforcement Board may be suspended and removed from office by the Board of County Commissioners.
5. At the first meeting of the Code Enforcement Board in each year, the members shall elect a chairman and a vice-chairman from among the board members. The presence of four (4) or more members shall constitute a quorum of the Code Enforcement Board necessary to take action.
6. Regular meetings of the board shall occur as often as necessary. Special meetings of the Code Enforcement Board may be convened by the chairman upon giving reasonable notice to each of the members of the board.
7. Minutes, in summary form and not verbatim, shall be maintained of all meetings and hearings held by the Code Enforcement Board, and all meetings, hearings, and proceedings shall be open to the public.
8. The office of the Planning and Inspection Department shall provide clerical and administrative support to the Code Enforcement Board as may be reasonably required for the proper performance of its duties.

11.03.01 Jurisdiction: The Code Enforcement Board shall have jurisdiction to hear and decide alleged violations of all codes and ordinances in force in the County, including, but not limited to the Okaloosa County Land Development Code, Ordinance 91-1, as amended, and:



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1. Okaloosa County Construction Industry Licensing;
2. Litter and Nuisance Control;
3. Signs;
4. Building Code Ordinances;
5. Building Permit and other Permit Requirements and
6. Leases and restrictive covenants for Okaloosa Island.
7. The Code Enforcement Board shall also hear appeals concerning interpretation of this ordinance regarding construction matters with the exception of the Fire Code Ordinance by any person aggrieved by any decision of the Administrative Official as specified in 11.02 of this ordinance. The procedure for the above appeals shall be as specified in Section 11.02.06 of this ordinance.

11.03.02 Enforcement Procedure:

1. As used in this section, "Code Enforcement Officer" means any designated employee or agent of Okaloosa County whose duty it is to enforce codes and ordinances.
2. Okaloosa County Code Enforcement Officers are hereby authorized to issue citations for any violations of Sections 489.101 through 489.134, 489.501 through 489.539 and 489.551 through 489.559 Florida Statutes, against persons who engage in activity for which Okaloosa County licensure, certification, or registration is required or further, against any person violating any Okaloosa County code or ordinance, wherever, based upon personal investigation, the Code Enforcement Officer has reasonable and probable grounds to believe that such a violation has occurred.
3. It shall be the duty of the Code Enforcement Officers to issue citations and initiate enforcement proceedings of the various codes and ordinances. However, no member of the Code Enforcement Board shall have the power to issue citations or initiate such enforcement proceedings.
4. Prior to issuing a citation, a Code Enforcement Officer shall provide notice to the person that has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than thirty (30) days. If, upon personal investigation, a Code Enforcement Officer finds that the person has not corrected the violation within the time period, a Code Enforcement Officer may issue a citation and may notify the Code Enforcement Board and request a hearing pursuant to the procedure set forth herein. A Code Enforcement Officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the Code Enforcement Officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible.
5. The citation issued by the Code Enforcement Officer shall contain:
 - a. The date and time of issuance.



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- b. The name and address of the person to whom the citation is issued.
 - c. The date and time civil infraction was committed.
 - d. The facts constituting reasonable cause.
 - e. The number or section of the code or ordinance violated.
 - f. The name and authority of the Code Enforcement Officer.
 - g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - h. The applicable civil penalty that if the person elects not to contest the citation.
 - i. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
6. After issuing the citation to the alleged violator, the Law Enforcement Officer and/or Code Enforcement Officer shall deposit the original citation and one copy of the citation with the County Court.
 7. Violations of County Ordinances may be prosecuted as provided in Section 125.69(1), Florida Statutes, or alternatively constitute civil infractions and may be enforced as provided herein.
 8. The maximum civil penalty shall be five-hundred (500) dollars if the person elects to contest the violation.
 9. The civil penalty for a person who elects not to contest the citation shall be in accordance with the fees and fines schedule in Section 12.02.00.
 10. Any person who willfully refuses to sign and accept a citation issued by a Law Enforcement Officer and/or Code Enforcement Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.
 11. The act for which the citation is issued shall be ceased upon receipt of the citation and the person charged with the violation shall elect either to correct the violation and also pay the civil penalty in the manner indicated on the citation, or within ten (10) days of receipt of the citation apply to the County Court and receive a court date.
 12. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.

11.03.03 Conduct of Hearings:

1. The chairman of the Code Enforcement Board may call hearings of the board, and hearings may also be called by written notice, signed by at least three (3) members of the



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- Code Enforcement Board. The Code Enforcement Board, at any hearing, may set a future hearing date.
2. Upon scheduling of a hearing, the Code Enforcement Board shall cause notice to be furnished to the alleged violator. Such notice of hearing shall contain the date, time and place of the hearing and shall state the nature of the violation and reference to the appropriate code, ordinance or covenant.
 3. At the hearing, the burden of proof shall be upon the Code Enforcement Officer to show, by a preponderance of the evidence, that a violation does exist.
 4. Assuming proper notice of the hearing has been provided to the alleged violator as provided in subsection B above, a hearing may proceed in the absence of the alleged violator.
 5. All testimony shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the Code Enforcement Officer and alleged violator and from such other witnesses as may be called by the respective sides.
 6. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern such proceedings.
 7. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.
 8. Any member of the Code Enforcement Board, may inquire of any witness before the Code Enforcement Board. The alleged violator, or his attorney, and the attorney representing the Code Enforcement Officer shall be permitted to inquire of any witness before the Code Enforcement Board and shall be permitted to present brief opening and closing statements.
 9. At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact based on evidence in the record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by Chapter 162, Florida Statutes, and by this ordinance. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator within ten (10) working days after the hearing. The finding shall be by motion, approved by a majority of those present and voting; provided, however, that at least four (4) members of the Code Enforcement Board must vote in order for the action to be official. In cases involving Okaloosa Island leases and covenants, the findings of fact shall be sent to the Board of County Commissioners as a recommendation for action by the Board of County Commissioners.

11.03.04 Powers:

1. The Code Enforcement Board shall have the power conferred by Chapter 162, Florida Statutes, including the power to:
 - a. Adopt rules for the conduct of its hearings;
 - b. Subpoena alleged violators and witnesses to its hearings;



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- c. Subpoena records, surveys, plats, and other documentary evidence;
- d. Take testimony under oath;
- e. Establish and levy fines pursuant to Chapter 12;
- f. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance; and
- g. Determine violations of lease agreements or covenants for Okaloosa Island and make recommendations to the Board of County Commissioners.

11.03.05 Penalties:

1. The Code Enforcement Board, upon notification by the Code Enforcement Officer that a previous order of the Code Enforcement Board has not been complied with by the time set, or upon finding that a repeat violation has been committed, may order (1) in the case of a first violation, the violator to pay a fine in an amount not to exceed two hundred fifty (250) dollars for each day the violation continues past the date set by the Code Enforcement Board's order for compliance for a first violation, or (2) in the case of a repeat violation as defined in Subsection 162.04(5) Florida Statutes, a fine in an amount not to exceed five hundred (500) dollars for each day the violation continues past the date of notice to the violator of the repeat violation.

In addition, if the violation is as described in s.162.06(4) Fla. Stat., the Code Enforcement Board shall notify the local governing body, 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. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for the issuance of the order imposing the fine. If, after due notice and public hearing the Code Enforcement Board finds the violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in 162.06(4). It may impose a fine not to exceed five thousand (5,000) dollars per violation.

- a. Each case before the Code Enforcement Board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. If the local governing body prevails in prosecuting a case before the Code Enforcement Board, it shall be entitled to recover all cost incurred in prosecuting the case before the board and such cost may be included in the lien authorized.
2. A certified copy of an order imposing a fine shall be recorded in the public records of Okaloosa County and, thereafter, shall constitute a lien against the land on which the violation exists or, if the violator does not own the land, upon any other real or personal property owned by the violator on Okaloosa County; and it may be enforced in the same manner as a court judgment by the Sheriff, including levy against the personal property, but shall not be deemed to be a judgment of a court except for enforcement purposes. If, after six (6) months from the filing of any such lien, the lien remains unpaid, the Code Enforcement Board may authorize the County Attorney to foreclose on the lien. Nothing in this section shall abridge the constitutional or statutory protection extended to homestead property. In the case of Okaloosa Island, a continuing violation of a lease



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agreement or a covenant, as determined by the Code Enforcement Board, there will be a recommendation to the Board of County Commissioners that the lease between the leaseholder and the County shall be considered null and void and the property shall revert back to the County.

3. No lien provided by this ordinance shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded unless, within that time, an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien affected by the commencement of the action shall not be effective against creditors or subsequent purchase for valuable consideration without notice, unless a notice of lis pendens is recorded.
4. Violations of County ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney and upon conviction shall be punishable by a fine not to exceed five hundred (500) dollars or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment.

11.03.06 Appeals:

1. An aggrieved party may appeal the final administrative order of the Code Enforcement Board to the County Court. Any such appeal shall be filed within thirty (30) days of the execution of the order to be appealed.
2. Such an appeal shall be limited to appellate review of the record created before the Code Enforcement Board.
3. The appealing party shall be responsible for the preparation of a verbatim transcript.

11.03.07 Legal Counsel: If necessary, the Board of County Commissioners shall provide legal counsel to the Code Enforcement Board.

11.03.08 Notices: All notices required by this ordinance shall be by certified mail, return receipt requested or, when mail would not be effective, by hand delivery by the Code Enforcement Officer.

11.03.09 Liability: No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of his employment of function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. However, such officer, employee, or agent shall be considered an adverse witness in a tort action for any injury or damage suffered as a result of an act, event or omission of action in the scope of his employment or function. The exclusive remedy for injury or damage suffered as a result of an act, event, or omission of an officer, employee, or agent of the state or any of its subdivisions or constitutional officers shall be by action against the governmental entity, or head of such entity in his official capacity, or the constitutional officer of which the officer, employee, or agent is an employee, unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The state or its subdivisions shall not be liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of his



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employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

11.03.10 Complaints: Any citizen who has knowledge of a violation of this ordinance or any other County ordinance may file a notarized Affidavit of Complaint using the form provided by the Department of Growth Management. The affidavit can be mailed, faxed, or hand delivered, and shall be filed with the County department having administrative jurisdiction over the alleged violation such as the Department of Growth Management, Public Works Department, or Water and Sewer Department. Okaloosa County Sheriff's Department is the enforcement agency for abandoned vehicles.

1. Complaints from citizens or a legitimate business shall be investigated upon notice in a form that includes legible name, signature, address or any other means where the complainant is identifiable. This is in lieu of the required notarized affidavit.
2. Investigations should be as a result of an identifiable complainant as prescribed above. Aesthetics alone shall not be a case where county officials shall act/enforce upon private property without a complaint. The County shall enforce violations in cases where health and safety are issues. The County shall provide the respondent with a copy of the alleged Affidavit of Complaint.
3. Plaintiffs shall be entitled to a hearing in front of the Code Enforcement Board for the purpose of receiving relief from enforcement in cases where a hardship or special conditions exist as determined by the Board. A fee to be determined to cover the cost of this action should be charged for such a hearing. No fees shall be assessed if the case is dismissed.

11.03.11 Fine or Penalty Distribution: Fines or penalties collected pursuant to this ordinance shall be remitted by the Clerk of Circuit Court to the Board of County Commissioners, for deposit in the Inspection and Code Enforcement Fund and used to support the costs of the code enforcement program.

11.04.00 ADMINISTRATOR.

The term Administrator as used in this ordinance means the Director of the Growth Management Department, the Director of Public Works Department, or any other employee of the governing body who may be empowered to make decisions or interpretations of this ordinance. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that recourse from the decisions of the Administrator shall be to the Board of Adjustment except as specified in Section 11.02.06.

11.05.00 ADMINISTRATION.

The Growth Management Department together with other County departments as needed shall provide administrative services for the Planning Commission, the Board of Adjustment and the Code Enforcement Board.

11.06.00 NEPOTISM.



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No member of the governing body may appoint a member to the Planning Commission, the Board of Adjustment or the Code of Enforcement Board that is related to the member of the governing body to the degree prohibited by Section 116.111, F.S.