

LEE COUNTY ORDINANCE NO. 24-05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING THE CODE OF ORDINANCES OF LEE COUNTY, CHAPTER 18 (NUISANCES), ARTICLE III (ABANDONED PROPERTY REGISTRATION), RELATING TO THE ABANDONED PROPERTY REGISTRATION PROGRAM; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida (the "Board") is the governing body in and for Lee County, Florida; and

WHEREAS, on September 24, 2013, the Board adopted Ordinance 13-18 to establish the Abandoned Property Registration Program; and

WHEREAS, the Abandoned Property Registration Program was established during a period of time in which there was a proliferation of mortgage foreclosures in unincorporated Lee County and there was a desire to maintain a registry of distressed properties within unincorporated Lee County; and

WHEREAS, distressed properties that are registered with the Abandoned Property Registration Program remain subject to local regulations pertaining to property maintenance and upkeep; and

WHEREAS, maintenance of the Abandoned Property Registration Program has become obsolete as it is not necessary for identifying property ownership; and

WHEREAS, on August 1, 2023, the Board adopted the "Code of Ordinances of Lee County, Florida," as the official codification of all ordinances of a general and permanent nature enacted on or before November 1, 2022; and

WHEREAS, the Board of County Commissioners desires to repeal the Code of Ordinances of Lee County, Chapter 18, Article III and discontinue the Abandoned Property Registration Program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

SECTION ONE: REPEALER

The Code of Ordinances of Lee County, Chapter 18, Article III is hereby repealed.

SECTION TWO: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION THREE: SEVERABILITY

It is the Board of County Commissioner’s intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FOUR: CODIFICATION AND SCRIVENER’S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code of Ordinances. Sections of this ordinance can be renumbered or relettered and the word “ordinance” can be changed to “section”, “article,” or other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Attorney, or the County Manager or his designee, without the need for a public hearing.

SECTION FIVE: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall take effect upon its filing with the Office of the Secretary of the Florida Department of State.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Commissioner Pendergrass made a motion to adopt the foregoing ordinance, seconded by Commissioner Sandelli. The vote was as follows:

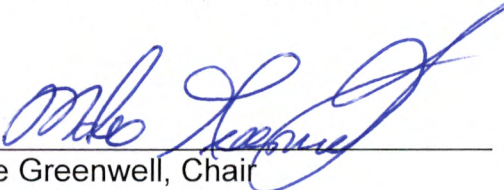
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 5th day of March, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Mike Greenwell, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: 
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 7, 2024

Honorable Kevin Karnes
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 24-05, which was filed in this office on March 6, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

RECEIVED

By Chris Jagodzinski at 9:13 am, Mar 07, 2024

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 24-05

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Code Enforcement

SECONDARY KEYFIELD

DESCRIPTOR: Building/Development Regulations

OTHER KEYFIELD

DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Repeal Ord. 13-18

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: _____ AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: 13-18 ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____


KEYFIELD 3 CODE: _____

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: March 5, 2024

TO: Commissioner Mike Greenwell
Chair, Board of County
Commissioners

FROM: 
David W. Halverson
Assistant County Attorney

RE: **Ordinance No. 24-05
Repeal Ordinance 13-18, Abandoned Property Registration Program
Agenda Item PH#2, March 5, 2024**

Attached, approved as to form, please find the original of the above-referenced ordinance adopted by the Board of County Commissioners on March 5, 2024.

The original ordinance is attached to the memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department for filing and transmittal to Tallahassee.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and return the fully executed copy with all exhibits to my attention via email.


Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than March 15, 2024. Also attached please find the Data Retrieval form to accompany the ordinance when transmitted to the State.

Thank you for your prompt attention to this matter.

Attachment

VIA EMAIL ONLY:

Laurel Chick, Manager, Internal Services
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Office Manager, Minutes Department
leeclerkminutes@leeclerk.org
Erica Temerario, Legal Administrative Specialist (for ordinance history)


RECEIVED
MINUTES OFFICE
2024 MAR -6 PM 2:29



AGENDA ITEM REPORT

DATE: March 5, 2024
DEPARTMENT: County Attorney
REQUESTER: David Halverson
TITLE: Conduct Public Hearing to Repeal Ord. 13-18 Abandoned Property Registration Program

I. MOTION REQUESTED

Conduct public hearing to adopt an Ordinance repealing Lee County Ordinance 13-18 relating to the Abandoned Property Registration Program.

II. ITEM SUMMARY

Approves repealing Lee County Ordinance 13-18, relating to the Abandoned Property Registration Program. Distressed properties currently registered with the Program will be required to comply with the Land Development Code and local Ordinances. The Program is not necessary to identify property ownership. Staff recommends discontinuing the Program.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

Lee County Ordinance 13-18 was adopted on September 24, 2013, with the intent to limit and reduce the deterioration of property located within unincorporated Lee County. The Abandoned Property Registration Program ("Program") requires the following properties to be registered with the County: Any real property that is under default; properties under notice of mortgagee's sale, or pending sale; properties that have been the subject of a mortgage foreclosure sale where title is retained by the mortgagee; or, properties transferred to the mortgagee under a deed-in-lieu of foreclosure sale, short sale or any other legal means.

When the Program was adopted, the County was experiencing widespread foreclosures and the Program provided a mechanism to track distressed properties within unincorporated Lee County. Maintenance of the registry has become obsolete since it is not necessary for identifying property ownership. Properties registered with the Program remain subject to ordinances and regulations aimed towards the regulation of property maintenance and upkeep.

Staff recommends discontinuing the Program so that resources may be reallocated towards the enforcement of ordinances and regulations designed to ensure compliance with acceptable standards of property maintenance and upkeep.

The Board of County Commissioners directed this item to Public Hearing on February 6, 2024.

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	Revenue
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments:	

V. RECOMMENDATION
Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
Business Impact Estimate Form	2/9/2024	Cover Memo
FAIS Form	2/9/2024	Cover Memo
Proposed Ordinance	2/27/2024	Ordinance
Lee County Ordinance 13-18	2/27/2024	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
County Attorney	Wesch, Richard Wm.	Approved	2/21/2024 - 11:56 AM
Budget Services	Henkel, Anne	Approved	2/21/2024 - 3:41 PM
Budget Services	Winton, Peter	Approved	2/22/2024 - 7:19 AM
County Attorney	Halverson, David	Approved	2/27/2024 - 11:06 AM
County Manager	Mora, Marc	Approved	2/27/2024 - 12:41 PM