

IN THE COUNTY COURT OF HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY,

Plaintiff,

v.

Case No.: H-27-2019-CC-257

STEVEN B. INTERDONATO, DOROTHY
INTERDONATO, & STEVEN J.
INTERDONATO,

Defendants.

FINAL JUDGMENT

THIS MATTER having come before the Court on May 13, 2019, for the prayer for permanent injunctive relief that is contained in Plaintiff's *Complaint*. Jon A. Jouben, Esq., appeared on behalf of Plaintiff and Defendants, STEVEN B. INTERDONATO and STEVEN J. INTERDONATO, appeared *pro se*. Defendant, DOROTHY INTERDONATO, was unable to appear due to a medical issue.

The Court being fully advised in the premises, hereby makes the following findings of fact and conclusions of law:

Factual Background

1. Plaintiff, HERNANDO COUNTY ("the County"), is a political subdivision of the State of Florida.
2. Defendants, STEVEN J. INTERDONATO, STEVEN B. INTERDONATO, AND DOROTHY INTERDONATO (collectively, "the Interdonatos"), are natural persons who reside in Hernando County, Florida.

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3. The Interdonatos own, as joint tenants with the right of survivorship, a parcel of real property situate in Hernando County, Florida (hereinafter "the Parcel"), located at 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268, and more fully described as:

Lot 1, Block F, Highland Lakes, as per the plat thereof, as recorded in Plat Book 5, Page 42, of the Public Records of Hernando County, Florida.
Parcel Key: 00084125 Parcel #: R25-222-17-2460-00F0-0010

4. The Hernando County Board of County Commissioners has enacted the Hernando County Property Maintenance Ordinance, Hernando County Code §§ 15-161 through 15-171, in order "to protect the public health, safety and welfare, and to protect the aesthetic and property values of properties by providing for abatement of grossly unaesthetic, unsanitary or unsafe conditions, including the accumulation of litter, trash, waste and debris and overgrown vegetation, which constitutes a code violation on land subject to and in violation of this article." Hernando County Code § 15-162.

5. Pursuant to Hernando County Code § 15-163(b), it is "unlawful for any owner or occupant of property to permit or maintain, or for any person to cause, an accumulation of rubbish, waste, trash, or debris, decaying vegetative matter, exposed salvageable material or other manmade materials upon any lot, tract, or parcel of land where the effect of such accumulation is to cause or create: (1) An actual or potential haven or breeding place for snakes, rats, rodents or other vermin of like or similar character; or (2) An actual or potential breeding place for mosquitos; or (3) A fire hazard to adjacent properties; or (4) An adverse effect on or impairment of the economic welfare of adjacent properties; or (5) A hazard to traffic at road intersections or rights-of-way within the county; or (6) A nuisance as defined by law, or other unsanitary condition; or (7) A visual nuisance or other unsightly condition visible from adjoining public or private property."

6. Hernando County Code § 15-163(c) defines “rubbish, waste, trash, or debris” to include “garbage, rubbish and refuse from residential, commercial, or industrial activities, including animal waste; kitchen and table food waste or other waste that is attendant with or results from the storage, preparation, cooking or handling of food material; paper, wood scraps, cardboard, cloth, glass, rubber, plastic; discarded vehicle tires or other vehicle or watercraft fixtures or parts; household goods and appliances; tools and equipment; and similar materials.”

7. Hernando County Code § 15-164 creates an affirmative duty for all property owners to maintain their properties in compliance with the Hernando County Property Maintenance Ordinance.

Defendants’ Failure to Adequately Maintain the Parcel

8. On August 19, 2016, the Hernando County Code Enforcement Department received a complaint alleging that Defendants had permitted an accumulation of trash and debris on the Parcel.

9. Subsequent inspections of the Parcel by Hernando County Code Enforcement personnel revealed that Defendants habitually permitted rubbish, waste, trash, and debris to accumulate upon the Parcel in violation of Hernando County Code § 15-163(b). Defendants by their actions, created a public nuisance on the Parcel.

10. Following an evidentiary hearing, the Hernando County Special Master rendered an Order, dated October 2, 2017, in which he found Defendants guilty of violating § 15-163(b). A copy of the Special Master’s Order has been recorded in the Official Records of Hernando County, Florida, at Book 3530, Pages 1527-1529, and is incorporated herein by reference.

11. Subsequent inspections of the Parcel by Hernando County Code Enforcement personnel revealed that Defendants continued to permit rubbish, waste, trash, and debris to accumulate upon the Parcel in violation of Hernando County Code § 15-163(b). Defendants by their actions, maintained a public nuisance on the Parcel.

12. Following an evidentiary hearing, the Hernando County Special Master rendered an Order, dated January 7, 2019, in which he found Defendants guilty of violating § 15-163(b). A copy of the Special Master's Order has been recorded in the Official Records of Hernando County, Florida, at Book 3680, Pages 1360-1362, and is incorporated herein by reference.

13. On May 8, 2019, Hernando County Code Enforcement Officer Rebecca Boymer (hereinafter "Officer Boymer") inspected the Parcel. Officer Boymer observed trash and debris strewn about the Parcel. Officer Boymer took a series of fifteen photographs of the Parcel, which this Court admitted into evidence as Exhibit A-1.

14. By enforcing Hernando County Code § 15-163, the County is exercising its police powers.

15. The Interdonatos have created an actual or potential haven or breeding place for snakes, rats, rodents or other vermin of like or similar character on the Parcel.

16. The Interdonatos' actions have created a visual nuisance or other unsightly condition on the Parcel that is visible from public and private properties adjoining the Parcel.

17. The Interdonatos have not abated the nuisance that exists on the Parcel.

18. By permitting trash and debris to accumulate on the Parcel, the Interdonatos have violated Hernando County Code § 15-163.

Procedural History

19. The County commenced this action on February 20, 2019.

20. Defendants, STEVEN B. INTERDONATO and DOROTHY INTERDONATO, filed their *Answer* on March 25, 2019, however, they did not deny any of the allegations that the County made in the *Complaint*. Defendant, STEVEN J. INTERDONATO, following service of process upon him, failed to respond to or otherwise defend against the *Complaint*. By the operation of Fla. R. Civ. P. 1.110(e), the facts alleged in the *Complaint* are deemed admitted by the Interdonatos based upon their respective failures to deny the allegations. See Fla. R. Civ. P. 1.110(e) (“Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages, are admitted when not denied in the responsive pleading.”); *In re: the Fla. Bar*, 391 So. 2d 165, 167 (Fla. 1980) (holding that unless denied, “allegations will be admitted under Rule 1.110(e)”).

21. Normally, a party seeking an injunction must show that it has a clear legal right to relief, an inadequate remedy at law, and that irreparable harm will result without the granting of injunctive relief. See *K.W. Brown & Company v. McCutchen*, 819 So.2d 977, 979 (Fla. 4th DCA 2002). When a governmental entity seeks an injunction to enforce its police powers, however, those standards are relaxed. The government entity “need not come forth with proof to show irreparable harm or lack of an alternate legal remedy.” See *Miami-Dade County v. Fernandez*, 905 So.2d 213, 215 (Fla. 3rd DCA 2005). Thus, the County need only demonstrate that it has a clear legal right to obtain an injunction against the Interdonatos. See *Fernandez*, 905 So.2d at 215. See also *P.M. Realty & Investments, Inc. v. City of Tampa*, 779 So.2d 404, 406 (Fla. 2nd DCA 2000) rev. den. 786 So.2d 580 (Fla. 2001); *Metropolitan Dade County v. O’Brien*, 660 So.2d 364, 365 (Fla. 3rd DCA 1995).

22. The County has established all of the prerequisites necessary for the entry of a permanent injunction against the Interdonatos.

Therefore, based upon the Court's above-stated findings of fact and conclusions of law, it is ORDERED AND ADJUDGED as follows:

A. Judgment is entered in the instant action in favor of Plaintiff, HERNANDO COUNTY, 20 North Main Street, Brooksville, Florida 34601 and against Defendants, STEVEN B. INTERDONATO and DOROTHY INTERDONATO, 3422 Fernleaf Drive, Hernando Beach, Florida 34607-3409, and also against Defendant, STEVEN J. INTERDONATO, 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268.

B. Plaintiff, HERNANDO COUNTY, and its agents are hereby authorized to enter upon the property located at 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268, no earlier than Tuesday, May 21, 2019, and bring the property into compliance with Hernando County Code § 15-163, by removing all rubbish, waste, trash, and/or debris from the property.

C. For the purposes of this Final Judgment, the term "rubbish, waste, trash, and/or debris" shall exclude (1) the animal graves and the accouterments thereof, (2) firewood, (3) any automobiles that are parked on the Parcel's driveway, and (4) clotheslines. Otherwise, the term "rubbish, waste, trash, and/or debris" shall mean and include without limitation "garbage, rubbish, and refuse from residential, commercial, or industrial activities, including animal waste, kitchen and table food waste, or other waste that is attendant with or results from the storage, preparation, cooking, or handling of food material; paper, wood scraps, cardboard, cloth, glass, rubber, plastic; inoperable vehicles, discarded vehicle tires, or other vehicle or water craft fixtures or parts;

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household goods and appliances; tools and equipment; and similar materials.” Hernando County Code §15-163(c) (providing quoted definition).

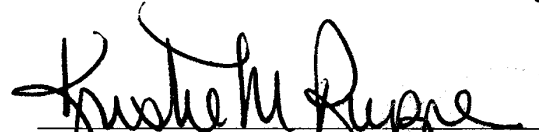
D. Plaintiff, HERNANDO COUNTY, is hereby authorized to place a lien against the parcel located at 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268, for all costs incurred in the removal of all rubbish, waste, trash, and/or debris from the property.

E. Defendants, STEVEN B. INTERDONATO, DOROTHY INTERDONATO, and STEVEN J. INTERDONATO, are hereby permanently enjoined from allowing rubbish, waste, trash, and/or debris to accumulate on the property located at 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268. This injunction shall be in full force and effect until further order of the Court. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction at any time. Any violation of this injunction, whether or not at the invitation of Plaintiff, HERNANDO COUNTY, or anyone else, may subject Defendants, STEVEN B. INTERDONATO, DOROTHY INTERDONATO, and STEVEN J. INTERDONATO, to civil or indirect criminal contempt.

F. Judgment for court costs is entered in the instant action in favor of Plaintiff, HERNANDO COUNTY, and against Defendants, STEVEN B. INTERDONATO, DOROTHY INTERDONATO, and STEVEN J. INTERDONATO, jointly and severally, in the amount of Three Hundred Thirty Dollars and Zero Cents (\$330.00), that shall bear interest at the prevailing statutory interest rate of 6.33% per year from this date through December 31 of this current year, for which let execution issue. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust in accordance with Fla. Stat. § 55.03.

G. The Court retains jurisdiction over this action and the parties thereto to enforce the terms of this Final Judgment.

DONE and ORDERED in Chambers in Brooksville, Hernando County, Florida, this 14 day of May, 2019.


The Honorable Kristie M. Ruppe
County Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Final Judgment* has been sent by Courthouse Mail to JON A. JOUBEN, ESQ., 20 N. Main Street, Suite 462, Brooksville, Florida 34601, and by regular U.S. mail to Defendants, STEVEN B. INTERDONATO and DOROTHY INTERDONATO, 3422 Fernleaf Drive, Hernando Beach, Florida 34607-3409, and Defendant, STEVEN J. INTERDONATO, 8128 Indian Trail Road, Weeki Wachee, Florida 34613-5268, on this 15th day of May 2019.


Deputy Clerk/Judicial Assistant 