

ORDINANCE NO.: 2025-__

AN ORDINANCE PROVIDING FOR THE BOARD OF COUNTY COMMISSIONERS TO HEAR APPEALS PERTAINING TO THE STANDARD UNSAFE BUILDING ABATEMENT CODE; MODIFYING THE STANDARD UNSAFE BUILDING ABATEMENT CODE; ENACTING RULES OF PROCEDURE FOR HEARING APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Modifying the Standard Unsafe Building Abatement Code. Subsection (b) of Hernando County Code § 8-136, “Adoption of Code and All Appendices; Amendments,” is amended to read as follows:¹

Adoption of Code and All Appendices; Amendments.

(b) Amendments to Code. The Standard Unsafe Building Abatement Code adopted above in subsection (a) is hereby amended as follows:

¹NOTE TO CODIFIERS: All other provisions of Hernando County Code § 26-3 remain unchanged.

(1) Chapter 1 of the Standard Unsafe Building Abatement Code is amended by adding the following section:

105.6 Board to Sit as Board of Adjustment of Appeals. If the Hernando County Board of Construction and Regulation (HCBCR) lacks sufficient membership to form a quorum at the time an appeal is filed, the Hernando County Board of County Commissioners shall sit as the Board of Adjustments and Appeals and conduct a public hearing in which it will hear the appeal. The Board of County Commissioners shall hear the appeal as part of its regular agenda, and when so doing, the Board of County Commissioners shall not be acting pursuant to Fla. Stat. Ch. 162. The Clerk of the Court, or his or her designee, shall take the minutes for the public hearing.

~~(1)~~(2) Chapter 2 of the Standard Unsafe Building Abatement Code is amended by adding the following definitions:²

~~(2)~~(3) Chapter 3 of the Standard Unsafe Building Abatement Code is amended by adding the following sections:³

²NOTE TO CODIFIERS: Except for the renumbering, this subpart remains unchanged.

³NOTE TO CODIFIERS: Except for the renumbering and the amendment to sub-subpart 302.1.7, this subpart remains unchanged.

1 302.1.7 Hernando County will be deemed to comply with the
2 provisions of this section if the property owner is served by publication or posting
3 as follows:

4 A. Such notice shall be published once during each week
5 for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper
6 of general circulation in Hernando County. The newspaper shall meet the
7 requirements that are prescribed under chapter 50, Florida Statutes, for legal and
8 official advertisements. Alternatively, such notice may be posted for four
9 consecutive weeks on the County's publically available website pursuant to Fla. Stat.
10 § 50.0311.

11 B. Proof of publication shall be made as provided in
12 sections 50.041 and 50.051, Florida Statutes, as they may be amended from time to
13 time.

14 C. In lieu of publication as described above, such notice
15 may be posted for at least thirty (30) days in at least two (2) locations, one of which
16 shall be the property upon which the dilapidated structure or building is sited or the
17 dilapidated structure or building itself; and the other shall be in the glass enclosed
18 case in the atrium of the Hernando County Administration Building where notices
19 and announcements of meetings and the like are posted or other sites where notices

1 and announcements of public meetings and the like are posted. The dimensions of
2 the notice to be posted on the site shall be a minimum of 16" × 22".

3 D. Proof of posting shall be by affidavit of the person
4 posting the notice, which affidavit shall include a copy of the notice posted and the
5 date and places of its posting.

6 E. Notice by publication or posting may run concurrently
7 with, or may follow, an attempt or attempts to provide notice by hand delivery or by
8 mail as prescribed above.

9 F. Evidence that an attempt has been made to hand
10 deliver or mail notice as provided herein together with proof of publication or
11 posting as provided herein shall be sufficient to show that the notice requirements
12 have been met, without regard to whether or not the owner has actually received such
13 notice.

14 (4) Chapter 5 of the Standard Unsafe Building Abatement Code, Rules
15 of Procedure for Hearing Appeals, is deleted. Appeals of a decision by the Building
16 Official shall be governed by the procedures set forth in Hernando County Code §
17 8-140.

18 ~~(3)~~(5) Chapter 7 of the Standard Unsafe Building Abatement Code is
19 amended by adding the following sections:⁴

⁴NOTE TO CODIFIERS: Except for the renumbering, this subpart remains unchanged.

Section 2. Enacting Rules of Procedure for Hearing Appeals. A new Hernando County Code § 8-140, to be entitled “Rules of Procedure for Hearing Appeals,” is enacted to read as follows:

Rules of Procedure for Hearing Appeals

(a) Intent. The intent of this section is to establish procedures to ensure procedural due process and maintain citizen access to the quasi-judicial decision-making process relating to appeals from orders rendered by the Building Official pursuant to the Standard Unsafe Building Abatement Code.

(b) Notice. Upon receipt of the notice of appeal, the Building Official will proceed to notify all parties in interest of the upcoming hearing before the appellate board. The notice shall clearly state that the appellant must show cause, by a preponderance of the evidence, why the decision of the Building Official should not be carried out. The notice of the public hearing shall include the date, time, and location of the public hearing, the purpose of the hearing, the name of the property owner, a legal description and address of the affected property, and a statement that the public hearing may be continued from time to time. The notice shall contain a conspicuous statement consistent with the requirements of Fla. Stat. § 286.0105, as it may be amended, that a person deciding to appeal any decision of the appellate board will need to ensure that a verbatim record of the proceedings is made at his or her own expense, and a conspicuous statement consistent with the requirements of

1 the Americans with Disability Act and Fla. Stat. § 286.26, as they may be amended,
2 that a person with a disability requiring reasonable accommodation to participate in
3 the proceeding should contact the Hernando County ADA Coordinator.

4 (c) Quasi-Judicial Nature of Hearing. A hearing on appeal from a decision of the
5 Building Official is a quasi-judicial proceeding, and as such, the appellate board shall
6 give notice and provide an opportunity to be heard to aggrieved or adversely affected
7 persons, investigate facts, ascertain the existence of facts, hear and weigh evidence,
8 draw conclusions from the facts, and apply the law to the facts. When hearing an
9 appeal, the appellate board shall apply the general procedures as it does in other
10 quasi-judicial hearings.

11 (d) Evidence.

12 (1) The formal rules of evidence shall not apply, but fundamental due
13 process shall be observed and govern the proceedings.

14 (2) All evidence of a type commonly relied upon by reasonably prudent
15 persons in the conduct of their affairs shall be admissible, regardless of whether such
16 evidence would be admissible in a law court.

17 (3) Evidence or testimony which is not relevant, material or competent,
18 or testimony which is unduly repetitious or defamatory should be excluded. The
19 appellate board shall determine the relevancy of evidence.

1 (4) Documentary evidence may be presented in the form of a copy or the
2 original, if available. Upon request, the staff, or any party shall be given an
3 opportunity to compare the copy with the original.

4 (5) All testimony shall be under oath and shall be recorded. Testimony
5 by means of telephone conference calls or any other telecommunication devices is
6 prohibited. Any person who wishes to testify shall be present at the public hearing.

7 (6) Hearsay evidence may be used for the purpose of supplementing or
8 explaining any direct evidence. The further use of hearsay evidence shall be limited
9 to that which would be admissible in civil court.

10 (7) Documents Submitted in Hearing. The public is hereby advised that
11 any document, paper, letter, map, book, tape, photograph, film, sound recording, data
12 processing software, or other material, regardless of the physical form,
13 characteristics, or means of transmission, submitted at or before the appellate board
14 in relation to an appeal, is hereby declared to be a public record pursuant to Fla. Stat.
15 Ch. 119 and is automatically made a part of the record of the Board hearing at which
16 it was submitted. The original public record may not be returned to the person
17 submitting the document, and all public hearing participants are hereby so advised.

18 (e) Burden of Proof. An appellant shall have the burden of demonstrating, by a
19 preponderance of the evidence, that the Building Official's decision is inconsistent
20 with this Division, that the Building Official exceeded his or her authority, or that the

1 decision is plainly erroneous or unreasonable. The Building Official's decision shall
2 be entitled to a presumption of correctness. The appellate board's decision on appeal
3 is final and constitute an exhaustion of administrative remedies.

4 (f) Decisions. At the conclusion of a hearing, the appellate board may modify,
5 rescind, or uphold the decision of the Building Official that is on appeal, and may
6 order the owner or persons responsible for the building or structure to vacate, or
7 cause to be vacated forthwith, to make repairs and to take necessary action to secure
8 the building, or to demolish the building or structure and remove the salvage,
9 contents, debris, and abandoned property from the premises, all within the time
10 stipulated in the order by the appellate board. Each decision of the appellate board
11 shall be memorialized.

12 (g) Further Review. Further review of a decision of the appellate board shall be
13 by petition for writ of certiorari to the Circuit Court of the Fifth Judicial Circuit
14 within thirty (30) days of the date a final order is rendered by the Board.

15 **Section 3. Severability.** It is declared to be the intent of the Board of County
16 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
17 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
18 the validity of the remaining portions of this ordinance.

19 **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
20 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall

1 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
2 the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and
3 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
4 designation.

5 **Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
6 conflict with the provisions of this ordinance are hereby repealed.

7 **Section 6. Effective Date.** This ordinance shall take effect immediately upon receipt of
8 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
9 been filed with said office.

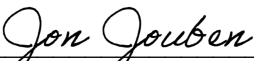
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY in Regular Session this _____ day of _____ 2025.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest: _____ By: _____
DOUG CHORVAT, JR. BRIAN HAWKINS
Clerk Chairman

Approved for Form and Legal Sufficiency



County Attorney's Office