

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY, a political
subdivision of the State of Florida,
Plaintiff,

vs.

Case No. 421944
421950

FISHER LINK DEVELOPMENT LLC,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on July 31, 2024, after notice to the Defendant, on Citations #42290 (case #421944) and #42291 (case #421950) issued by the Plaintiff, HERNANDO COUNTY CODE ENFORCEMENT, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, FISHER LINK DEVELOPMENT LLC, 13139 Montour St., Brooksville, FL 34613. The citations, with the time and date of the hearing inscribed thereon, were mailed to the Defendant by certified mail, return receipt requested, and were signed for at the Defendant's address. The Defendant being duly informed and advised, failed to appear for the hearing. The Plaintiff was represented by MICHAEL COWAN, ESQ., Assistant Hernando County Attorney. Proceedings were had in the absence of the Defendant.

The Special Master heard the testimony of Hernando County Code Enforcement Officer TAMARA JOHNSON.

Upon **CONSIDERATION**, the Special Master finds as follows:

A. Upon testimony and evidence presented, the Plaintiff established that on August 14, 2023 Officer Johnson inspected residential property located at 12495 Bell Hollow Ct., Spring Hill, Hernando County, Florida and observed the storage of commercial vehicles, commercial equipment, and underground utility items. Additionally, the lot was overgrown with weeds and grass exceeding 18 inches growing up next to the stored items. Officer Johnson testified she issued a Notice of Violation for both violations to the Defendant and returned to the property on a number of times and found no change to the storage or the overgrown lot. The Special Master was advised that Code Enforcement Supervisor Frank McCabe spoke with someone at the Defendant's office and was told that they had a manpower shortage and were unable to get the equipment off the property or to mow the lot. Other calls to the Defendant were unanswered. Officer Johnson testified that she inspected the property on April 4, 2024 and there was no change in either condition. Citations were issued. Photographs taken on April 4, 2024 and July 29, 2024 were identified, admitted into evidence, and were viewed by the Special Master. This property is at the end of a cul de sac and new homes have been built around the property.

B The Special Master finds that there was sufficient notice provided to the Defendant that this property needs to be mowed before the grass and weeds reach a height of 18 inches. It is not the duty of

Hernando County Code Enforcement to alert the Defendant when the property needs to be mowed. It is, however, the affirmative duty of the property owner to monitor his, her, or its own property and keep the grass and weeds mowed before they reach a height to cause a violation. Additionally, so long as the deed for the property remains in the name of the Defendant, as recorded in the Public Records of Hernando County, mere abandonment of the property will not relieve a party from its obligation to maintain the property. Bringing the violation into compliance after a citation has been issued will not excuse a civil penalty for such a violation.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #42290, the Defendant, FISHER LINK DEVELOPMENT LLC, is found GUILTY of the unauthorized use of a residential district by storing commercial vehicles, commercial equipment, and underground utility items on a lot that is zoned R1C on land described as 12495 Bell Hollow Ct., Spring Hill, Hernando County, Florida in violation of Hernando County Code of Ordinances Appendix A, Article IV, Section 2.

a) The Defendant shall pay a civil penalty in the amount of \$250.00, per day beginning on the day after the date of the clerk's certificate and continuing daily until the Defendant brings the violation into compliance, payable to the Hernando County Code Enforcement Department, 789 Providence Blvd., Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

2. Regarding citation #42291 the Defendant, FISHER LINK DEVELOPMENT LLC, is found GUILTY of allowing an accumulation of weeds and grass to exceed a height of 18 inches on property located at 12495 Bell Hollow Ct., Spring Hill, Hernando County, Florida in violation of Hernando County Code of Ordinances Chapter 15, Article V, Section 15-163(b).

a) The Defendant shall pay a civil penalty in the amount of \$250.00, per day beginning on the day after the date of the clerk's certificate and continuing daily until the Defendant brings the violation into compliance, payable to the Hernando County Code Enforcement Department, 789 Providence Blvd., Brooksville, Florida 34601, pursuant to Hernando County Code of Ordinances 2004-09, Section 4(a)(1).

3. That pursuant to authority granted by Chapter 2, Article III, Section 2-54(k) of the Hernando County Code of Ordinances and Section 162.09(2)(d), Florida Statutes, the Defendant is hereby ordered to pay investigative and administrative costs on behalf of the Department in the total amount of \$400.00 (\$200.00 per citation), on behalf of the County Attorney in the total amount of \$200.00 (\$100.00 per citation), and certified mail costs in the amount of \$78.25, payable to the Hernando County Code Enforcement Department.

4. The total of penalties and costs due as of July 31, 2024 without considering additional daily fines and payable to the Plaintiff, Hernando County Code Enforcement Department, 789 Providence Blvd., Brooksville, Florida 34601 is \$678.25. This order shall bear interest at the legal rate established pursuant to Section 55.01, Florida Statutes, beginning 30 days after the clerk signs this order, FOR WHICH LET EXECUTION NOW ISSUE. In the event that this Special Master's Order is recorded

in the public records pursuant to paragraph 5, herein, Hernando County shall be entitled to collect for their actual costs of recording this Order and a Satisfaction, which additional costs shall be added to the total of penalties and costs stated herein.


5. If the Defendant fail to comply with this Order within 30 days, pursuant to Hernando County Code of Ordinances 2004-09, Section 10(b), a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendant.

REQUESTS FOR FURTHER REVIEW shall be addressed as follows:

An aggrieved party, including the local governing body, may appeal a decision of the Special Master to the Circuit Court. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

YOU ARE FURTHER advised that if you decide to seek further review of any decision made by the Special Master with respect to any matter considered at such hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the further review is to be based. Production of verbatim transcripts shall be the responsibility and at the personal expense of the party seeking review of the Special Master's Order.

DONE AND ORDERED at Brooksville, Hernando County, Florida this 31ST day of July, 2024.


KENNETH L. WARNSTADT
SPECIAL MASTER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Special Master's Order has been sent by Regular U.S. Mail and certified mail, return receipt requested, to FISHER LINK DEVELOPMENT LLC, 13139 Montour St., Brooksville, FL 34613 and by Courthouse Mail to Hernando County Code Enforcement Dept., 789 Providence Blvd., Brooksville, FL 34601 on August 28, 2024.


Clerk to Special Master