



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 5674, **Version:** 1

---

### **Subject:**

Legislative Intent and Permission To Advertise Amendments to Section 2-173, "Enforcement Procedure," Brevard County Code of Ordinances

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

Board approval of legislative intent and permission to advertise an amendment to Sec. 2-173, Brevard County Code of Ordinances, in order to align it with Fla. Stat. § 162.06, which makes it unlawful for the County to conduct an investigation based on certain anonymous code enforcement complaints.

### **Summary Explanation and Background:**

In July of 2021, an amendment to Fla. Stat. § 162.06(b) went into effect. This section now reads:

"A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources."

From the time this bar against investigating most anonymous complaints went into effect, code enforcement has complied and required a name and address of complainant(s) unless a specified exemption applied. However, Section 2-173(e), Brevard County Code of Ordinances, currently states that "code enforcement will accept and investigate complaints from both named and anonymous sources according to the respective policy decision of each commissioner for his or her district . . ." Because Commissioners are no longer free to make such a policy decision, it is advisable to amend this Section to align it with the statutory language. The attached draft ordinance attempts to accomplish this.

Therefore, it is requested that the Board grant legislative intent and permission to advertise an ordinance amendment to Section 2-173 in a manner substantially similar to that attached, or provide other direction as it sees fit.

## **Clerk to the Board Instructions:**

N/A