



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5695, **Version:** 1

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### **Subject:**

Public Hearing, Re: Ordinance Amending Chapter 2, Article VI, Division 2, Section 2-173, "Enforcement Procedure."

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance amending Chapter 2, Article VI, Division 2, Section 2-173, "Enforcement Procedure."

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

On April 18<sup>th</sup>, 2023, the Board of County Commissioners approved legislative intent and permission to advertise amendments to Section 2-173, Brevard County Code of Ordinances, "Enforcement Procedure."

The purpose of the proposed amendments is to align the Code of Ordinances with statutory requirements. 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 ordinance would amend Section 2-173 to reflect the statutory prohibition on accepting most anonymous complaints. There have been no substantive changes to the draft attached to the item for legislative intent and permission to advertise which the Board approved on April 18<sup>th</sup>.

**Clerk to the Board Instructions:**

Once ordinance is filed with the State, please return two copies to Planning & Development.