



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 4, 2023

Honorable Kevin Madok
Clerk of the Circuit Court
Monroe County
500 Whitehead Street, Suite 101
Key West, Florida 33040

Attention: Liz Yongue

Dear Kevin Madok,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Monroe County Ordinance No. 003-2023, which was filed in this office on March 31, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

March 31, 2023

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is a copy of Ordinance No. 003-2023 of the Board of County Commissioners of Monroe County, Florida, amending Section 2-180 of the Monroe County Code of Ordinances to grant authority to the County Attorney to retain outside counsel under certain circumstances subject to ratification of the Board of County Commissioners and to waive conflicts of interest for outside counsel under certain circumstances; amending Section 2-181(c) of the Monroe County Code to update the County Attorney's Office Ordinance currently codified in Chapter 2, Article III, Division 5 of the Monroe County Code; expanding the subject matter areas in which Attorneys may receive compensation for achieving certification under the Florida Bar; creating Section 2-181(d) providing that the County Attorney's signature shall be final with respect to personnel actions for office personnel and support staff; amending Section 2-182 of the Monroe County Code to clarify the scope of the County Attorney's authority to defend actions against the County; amending Sections 2-184 and 2-185 of the Monroe County Code of Ordinances in order to clarify the County Attorney's settlement authority for claims filed by and against the County; creating Section 2-187 within Chapter 2, article III Division 5 of the Monroe County Code of Ordinances, granting the County Attorney authority to execute Satisfaction of Mortgage documents; amending Chapter 2, Article V Division 4 (Risk Management Program) of the Monroe County Code in order to revise monetary amounts for settlement authority and also to change the location of Ordinances concerning the Risk Management Program within the Monroe County Code of Ordinances; amending Sections 2-328 and 2-329 of the Monroe County Code in order to clarify the responsibility of the County Attorney to perform legal services for the Risk Management Program and to clarify that unallocated costs and expenses associated with the Risk Management Program may be paid for by the Risk fund; creating Division 8 within Article III, "Public Records," and laying out the responsibilities of the Public Records unit within the County Attorney's Office; providing for severability; providing for repeal of all Ordinances in conflict; providing for inclusion within the Monroe County Code of Ordinances and renumbering as necessary; and providing an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on March 22, 2023. Should you have any questions please feel free to contact me at (305) 292-3550.

KEY WEST
500 Whitehead Street
Key West, Florida 33040

MARATHON
3117 Overseas Highway
Marathon, Florida 33050

PLANTATION KEY
88770 Overseas Highway
Plantation Key, Florida 33070

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners
by: Liz Yongue, Deputy Clerk

cc: County Administrator
County Attorney
MuniCode
BOCC
File

ORDINANCE 003 - 2023

AN ORDINANCE AMENDING SECTION 2-180 OF THE MONROE COUNTY CODE OF ORDINANCES TO GRANT AUTHORITY TO THE COUNTY ATTORNEY TO RETAIN OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES SUBJECT TO RATIFICATION OF THE BOARD OF COUNTY COMMISSIONERS AND TO WAIVE CONFLICTS OF INTEREST FOR OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-181(C) OF THE MONROE COUNTY CODE TO UPDATE THE COUNTY ATTORNEY'S OFFICE ORDINANCE CURRENTLY CODIFIED IN CHAPTER 2, ARTICLE III, DIVISION 5 OF THE MONROE COUNTY CODE; EXPANDING THE SUBJECT MATTER AREAS IN WHICH ATTORNEYS MAY RECEIVE COMPENSATION FOR ACHIEVING CERTIFICATION UNDER THE FLORIDA BAR; CREATING SECTION 2-181(D) PROVIDING THAT THE COUNTY ATTORNEY'S SIGNATURE SHALL BE FINAL WITH RESPECT TO PERSONNEL ACTIONS FOR OFFICE PERSONNEL AND SUPPORT STAFF; AMENDING SECTION 2-182 OF THE MONROE COUNTY CODE TO CLARIFY THE SCOPE OF THE COUNTY ATTORNEY'S AUTHORITY TO DEFEND ACTIONS AGAINST THE COUNTY; AMENDING SECTIONS 2-184 AND 2-185 OF THE MONROE COUNTY CODE OF ORDINANCES IN ORDER TO CLARIFY THE COUNTY ATTORNEY'S SETTLEMENT AUTHORITY FOR CLAIMS FILED BY AND AGAINST THE COUNTY; CREATING SECTION 2-187 WITHIN CHAPTER 2, ARTICLE III DIVISION 5 OF THE MONROE COUNTY CODE OF ORDINANCES, GRANTING THE COUNTY ATTORNEY AUTHORITY TO EXECUTE SATISFACTION OF MORTGAGE DOCUMENTS; AMENDING CHAPTER 2, ARTICLE V DIVISION 4 (RISK MANAGEMENT PROGRAM) OF THE MONROE COUNTY CODE IN ORDER TO REVISE MONETARY AMOUNTS FOR SETTLEMENT AUTHORITY AND ALSO TO CHANGE THE LOCATION OF ORDINANCES CONCERNING THE RISK MANAGEMENT PROGRAM WITHIN THE MONROE COUNTY CODE OF ORDINANCES; AMENDING SECTIONS 2-328 AND 2-329 OF THE MONROE COUNTY CODE IN ORDER TO CLARIFY THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO PERFORM LEGAL SERVICES FOR THE RISK MANAGEMENT PROGRAM AND TO CLARIFY THAT UNALLOCATED COSTS AND EXPENSES ASSOCIATED WITH THE RISK MANAGEMENT PROGRAM MAY BE PAID FOR BY THE RISK FUND; CREATING DIVISION 8 WITHIN ARTICLE III, "PUBLIC

RECORDS,” AND LAYING OUT THE RESPONSIBILITIES OF THE PUBLIC RECORDS UNIT WITHIN THE COUNTY ATTORNEY’S OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION WITHIN THE MONROE COUNTY CODE OF ORDINANCES AND RENUMBERING AS NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 15, 2004, the Monroe County Board of County Commissioners (BOCC) adopted Ordinance No. 039-2004, establishing the office of the Monroe County Attorney and spelling out the authority of the County Attorney with respect to the defense of claims against the County, including the authority of the County Attorney to settle claims filed against the County; and

WHEREAS, Ordinance No. 039-2004 granted authority to the County Attorney to settle claims filed against the County when the amount to be *paid* by the County did not exceed fifteen thousand dollars (\$15,000), or with the written concurrence of the County Administrator if the settlement amount to be *paid* by the County was in excess of fifteen thousand dollars (\$15,000) but did not exceed twenty-five thousand dollars (\$25,000), or with prior approval of the Board of County Commissioners if the settlement to be paid by the County was in excess of twenty-five thousand dollars (\$25,000); and

WHEREAS, on September 28, 2005, the BOCC adopted Ordinance No. 026-2005, clarifying that the County Attorney also had authority to settle claims on behalf of the County in any lawsuit in which the County was a party, where the settlement value to be *received* by the County did not exceed the same specified dollar limits; and

WHEREAS, the provisions of Ordinance No. 039-2004 as amended by Ordinance No. 026-2005 were codified and now appear in the Monroe County, Florida Code of Ordinances in Chapter 2 (Administration), Article III (Officers and Employees), Division 5 (County Attorney), Sections 2-175 through 2-189, inclusive (the "County Attorney Ordinance"); and

WHEREAS, the Monroe County Social Services Department administers and provides State Housing Initiative Program (SHIP) funds in the form of a loan for the purchase of a home by qualified first time homebuyers; and

WHEREAS, SHIP funds loaned to qualifying individual(s) have to be repaid to Monroe County; and

WHEREAS, in order to receive SHIP funds, Monroe County requires that qualifying individuals execute a promissory note agreeing to repay the loan as well as a mortgage against the property securing Monroe County’s interest in the loan; and

WHEREAS, the Monroe County Social Services Department administers and provides Community Development Block Grant (CDBG) funds in the form of a forgivable loan for the repair, renovation, and rehabilitation of qualifying existing properties; and

WHEREAS, CDBG loans are forgiven under certain conditions; however, the loan becomes due and payable if the conditions are not met; and

WHEREAS, in order to receive CDBG funds, Monroe County requires that qualifying individuals execute a promissory note agreeing to repay the loan if certain conditions are not met, as well as a mortgage against the property securing Monroe County's interest in the loan; and

WHEREAS, recipients of either the SHIP loan funds or the CDBG loan funds are entitled to a Satisfaction of Mortgage upon repayment and/or successful completion of the loan terms; and

WHEREAS, the County Attorney's office reviews all of the documents provided by recipients of either the SHIP loan funds or the CDBG loan funds to verify repayment and/or successful completion of the loan terms; and

WHEREAS, Section 2-185 of the Monroe County code, titled: Settlement of Code compliance and Other Liens, grants the authority to the County Attorney code compliance and *other liens*; and

WHEREAS, the Board of County Commissioners finds it to be in the best interest of the county to provide a specific provision addressing the authority of the County Attorney to issue a Satisfaction of Mortgage; and

WHEREAS, on April 19, 1988, the BOCC adopted Ordinance No. 025-1988, creating the County Risk Management program and the Uninsured Loss Fund; and

WHEREAS, the provisions of Ordinance No. 025-1988 were codified and appear in the Monroe County, Florida Code of Ordinance in Chapter 2, Article V (Finance), Division 4 (Risk Management), in Sections 2-323 through 2-329, inclusive (the "Risk Management Ordinance"); and

WHEREAS, until September 30, 2015, Risk Management was a department within the Division of Employee Services, however, on October 1, 2015, Risk Management was moved within the County Attorney's Office, reporting to the County Attorney; and

WHEREAS, the County Attorney wishes to update the County Attorney Ordinance in order to clarify situations in which the County may retain the services of outside counsel for legal matters and also waive conflicts of interest; and

WHEREAS, the County Attorney wishes to update the County Attorney Ordinance in order to clarify the types of claims that may be settled by the County Attorney and also to bring the monetary amounts in line with amounts for purchasing authority in the Monroe County Purchasing Policy; and

WHEREAS, the County Attorney wishes to update the Risk Ordinance in order to increase the monetary authority of the Risk Administrator and County Administrator to settle cases and to bring the dollar figures in line with purchasing authority in the Monroe County Purchasing Policy; and

WHEREAS, the County Attorney also wishes to move the Risk Management Ordinance to a different area within the Monroe County Code of Ordinances so that the organization of the Monroe

County Code of Ordinances reflects the integration of the Risk Management Program into the County Attorney's Office; and

WHEREAS, Section 2-181(c) of the Monroe County Code, which codifies Ordinance No. 039-2004 adopted by the Board of County Commissioners in 2004, sets up a specialization program for the County Attorney and assistant county attorneys whereby the County Attorney and each assistant county attorney currently receives the sum of \$250.00 per month for each month in which he or she obtains and maintains certification in City, County and Local Government law by the Florida Bar; and

WHEREAS, the certification program run by the Florida Bar is offered not only in the area of City, County and Local Government law, but in a total of 27 areas, many of which (such as aviation, construction law, labor & employment law, and real estate) are germane to the legal issues handled by the County Attorney's Office; and

WHEREAS, the amount of the board certification incentive stipend has never been adjusted for inflation since it was established in 2004; and

WHEREAS, it is in the best interests of the County to encourage, promote and maintain special legal expertise in these additional areas, because the legal expertise will inure to the benefit of the County; and

WHEREAS, it is advisable to codify the authorities and responsibilities of the public records unit within the County Attorney's Office; and

WHEREAS, Section 2-178 of the Monroe County Code provides that the County Attorney shall be responsible for overseeing and approving the selection, hiring, supervising, disciplining, and termination of all assistant county attorneys, and Section 2-181(a) provides that the County Attorney shall be responsible for overseeing and approving the selection, hiring, supervising, disciplining, and termination of all staff and support personnel within the County Attorney's Office; and

WHEREAS, in light of the foregoing, it is desirable to add language to the County Attorney's Ordinance clarifying that the County Attorney's signature shall be sufficient and final for all personnel actions, including but not limited to hiring, promotions, pay increases and terminations, for assistant county attorneys, staff and support personnel within the County Attorney's Office, whenever the County Administrator's signature would be required for other County personnel.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

(Additions are shown with underlines; deletions are shown within strikethroughs.)

SECTION 1. Section 2-180 of the Monroe County Code, Employment of Outside Counsel, is revised to amend subsection (a) and to add a subsection (b), to read as follows:

- (a) When the county attorney determines that the best interests of the county would be served by using the expertise of outside counsel, the county attorney shall request that the board retain the outside counsel recommended by the county attorney. If the board concurs with the county attorney's recommendation, then the board shall retain the outside counsel through a standard engagement contract prepared by the county attorney and approved by the board. The engagement contract must contain, at a minimum, a description of the legal services to be provided and the fee, or basis of the fee, to be paid for such services. No fee may be paid to outside counsel without the review and approval of the county attorney or the county attorney's designee. Where it is in the best interests of the county to retain outside counsel imminently and time does not permit board approval prior to the purchase, the county attorney may authorize purchase of the legal services including execution of all necessary documents, subject to ratification by the board.
- (b) The county attorney shall have the authority, when appropriate and in the best interests of the County, to waive any conflicts of interest for outside counsel currently representing the county, who wish to represent another party in a second transaction to which the county is a party, provided that (a) outside counsel requests the waiver in writing; (b) the outside counsel are not currently representing the County in the second transaction, and (c) outside counsel meet all of the requirements of Rule 4.17 of the Rules Regulating the Florida Bar.

SECTION 2. Section 2-181(c) of the Monroe County Code shall be revised to read as follows:

Sec. 2-181. – Office management and support staff.

- (c) Specialization. In order to encourage, promote, and maintain special expertise in local government law, the board recognizes that the Florida Bar, under the aegis of the Florida Supreme Court, has adopted a special certification programs for attorneys in certain subject matter areas ~~city, county, and local government law~~, and that it would be to the benefit of county government to have such specially certified attorneys in the County Attorney's Office. Accordingly, the ~~each~~ county attorney and each assistant county attorney shall receive the sum of ~~\$250~~500.00 per month for each month in which he obtains and maintains certification in city, county, and local government law, or such other areas as may be approved by the county attorney.

SECTION 3. A new Section 2-181(d) shall be created, which shall read as follows:

- (d) The signature of the county attorney shall be sufficient and final for the purpose of all necessary personnel actions with respect to all assistant county attorneys, staff, and support personnel within the office of the county attorney, whenever the signature of the county administrator is required for purposes of all other county staff.

SECTION 4. Section 2-182 of the Monroe County Code shall be revised to read as follows:

Sec. 2-182. - County attorney to immediately defend all actions, proceedings, and claims made against the county.

The county attorney has the authority to immediately take any legal action necessary to defend any action, proceeding, and claim made against the county without first seeking board approval. The county attorney shall advise the board of the action at the next available board meeting (subject to the notice requirements of F.S. §-286.011(8), 447.605(1), or 768.28(16), if a closed meeting is to be used). As used in this section the terms actions, proceedings, and claims shall be interpreted to be inclusive of, but not limited to, administrative proceedings, civil actions, actions for extraordinary writs, lawsuits, litigation, notices of claim, statements of claim, pre-suit tort litigation claims, employment law charges and complaints, workers' compensation claims, and request for indemnification of a loss by a third-party for damages alleged to have been caused by the County, whether such claim is legal, equitable, contractual, or administrative in nature.

SECTION 5. Section 2-184 of the Monroe County Code shall be revised to read as follows:

Sec. 2-184. - Settlement of claims and litigation. Authority to settle certain types of claims for and against the county.

- (a) Except as otherwise provided in section 2-185, the county attorney or designee is hereby delegated shall have the authority to negotiate and compromise settlements of claims, litigation and administrative matters, settle any claim made by or against the county, and to settle on behalf of the county any lawsuit in which the county is a party and to execute settlement agreements, releases, waivers, satisfactions of judgment, and releases of liens.
- (b) As used herein, the term claim means any and all types of claims, litigation and administrative matters, with the exception of claims covered by the Risk Management Program.
- (c) Settlement authority may be exercised under the following conditions:
 - (1) By the county attorney, in his/her judgment, when the settlement value or amount to be paid or received by the county does not exceed \$49,999.99; and
 - (2) By the county attorney, with prior approval of the board ~~lawfully authorized~~ at a public meeting of the board, where the settlement value or amount to be paid or received by the county is in excess of ~~\$25,000.00~~ 49,999.99.
- (d) The county attorney shall file, on at least an annual basis, a report with the board of county commissioners reflecting the number of claims settled pursuant to subsection

(c)(1) and (2) of this section, the amount of the claim, and the monetary amount paid or received for each claim.

SECTION 6. Section 2-185 of the Monroe County Code shall be revised to read as follows:

Sec. 2-185. - Settlement of code compliance and other liens.

- (a) The county attorney shall have the authority to compromise or settle any code compliance lien or other lien imposed in favor of the county that has been imposed pursuant to law. Such settlement or compromise shall be upon such terms and conditions, and in such amount, as the county attorney deems just and appropriate under the particular circumstances.
- (b) The county attorney has the authority to accept a minimum of twenty-five percent (25%) of accrued fines and one hundred percent (100%) of accrued costs in settlement of code compliance cases after said fines and costs have been imposed by a special magistrate. The county will not settle any fine or a cost prior to when compliance with the code is achieved without the express approval of the Board of County Commissioners.
- (c) If a settlement or compromise is agreed to by the person or entity ~~legally obligated to pay the lien~~ against whom the lien may be enforced prior to the hearing referenced in subsection (d) of this section, the county attorney may execute, on behalf of the county, any document that may be required for recording in the ~~public~~ official records of the county to satisfy or release the lien as imposed. If no agreement can be reached, the matter shall be referred for hearing to the special magistrate.
- (d) If the property owner complies with the order issued by the special magistrate, the county attorney shall have the authority to dismiss any and all litigation that may be pending arising out of the code compliance case. If the property owner does not comply with the order issued by the special magistrate, the matter shall be placed by the county attorney on the agenda of a scheduled public meeting of the board of county commissioners as an action item.

SECTION 7. Section 2-187 of Chapter 2, Article III, Division 5 of the Monroe County Code (*County Attorney*) is hereby created to read as follows:

Sec. 2-187. – Satisfaction of SHIP, CDBG, and other mortgage liens.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them as shown below, except where the context clearly indicates a different meaning.

SHIP means State Housing Initiative Program

CDBG means Community Development Block Grant including but not limited to CDBG-DR grants and other similar types of programs.

- (b) Upon presentation of proof by a recipient of a SHIP, CDBG, or other County-issued mortgage showing that the repayment or amortization terms of the mortgage have been satisfied, the County shall prepare the Satisfaction of Mortgage document that may be required for recording in the public records of the county to satisfy the SHIP, CDBG, or other County-issued mortgage lien imposed. The recipient of the SHIP, CDBG, or other County-issued mortgage shall be responsible for filing the executed Satisfaction of Mortgage. The County Attorney shall have the authority to execute the Satisfaction of Mortgage.

SECTION 8. Section 2-326 of the Monroe County Code, Payment of Claims, part of the Risk Management Ordinance, is hereby revised to read as follows:

Sec. 2-326. Payment of risk claims.

- (a) The county attorney is authorized to request disbursement of money from the uninsured loss fund as herein provided for the purposes of carrying out the intent of this article.
- (b) The ~~county administrator~~ risk manager may compromise, settle and pay all claims that may be discharged by payment of an amount not to exceed \$19,999.99 for each individual claim. The assistant risk manager shall have the authority to compromise, settle, and pay claims that may be discharged up by payment of an amount not to exceed \$10,000.00 for each individual claim. Such settlement or compromise shall be for all damages claimed for bodily injury, property damage or both.
- (c) The county attorney may compromise, settle, and pay claims that may be discharged up by payment of an amount not to exceed \$49,999.99.

~~Proposed settlements of claims in excess of \$25,000.00, but not more than \$50,000.00 up to \$49,499.99 for each individual claim, shall be reviewed by the county administrator, the county attorney, and the risk manager management designee and the independent adjuster if one has been retained. Payment shall be made upon consensus of the committee.~~

- (d) Proposed settlements in the amount of excess of \$50,000.00 or greater shall be submitted to the board of county commissioners for its approval.

SECTION 9. Section 2-328 of the Monroe County Code, Legal Services, is hereby revised to read as follows:

The county attorney shall perform all legal services required to accomplish the purpose of the risk management program regarding defense or prosecution ~~or when requested by the county administrator, the negotiation of settlements of claims or suits.~~ The county attorney may obtain outside legal services, that shall be paid for by the fund, when the services are deemed necessary and in the best interest of the county.

SECTION 10. Section 2-329(b) of the Monroe County Code, part of Costs of Administration, is hereby revised to read as follows:

- (b) Any unallocated costs and expenses associated with or related to the risk management program may be paid for by the fund ~~upon the approval of the county administrator.~~

SECTION 11. Sections 2-323 through 2-345 of the Monroe County Code, currently located within Chapter 2, Article V, Division 4 of the Monroe County Code ("Risk Management Program"), shall be moved to Chapter 2, Article III (Officers and Employees") as a new Division 8, entitled "Risk Management Program." Sections 2-323 through 2-345 shall be appropriately renumbered to conform with the numbering of the Code.

SECTION 12. A new Division 8 shall be created within Article II, which shall be titled "Public Records," and shall read as follows. Paragraphs (a), (b) and (c) set forth below shall be appropriately numbered as separate sections to conform with the numbering of the Code.

a. Establishment of public records unit.

- i. The term public records shall be as defined in F.S. § 119.011.
- ii. The county shall have a public records unit, which shall be administratively placed within the office of the county attorney.
- iii. The unit shall be directed by a public records manager, who shall report to the county attorney, and who shall serve as the coordinator for responding to public records requests.
- iv. The duties of the public records unit shall be to provide, manage, protect, preserve, and ultimately dispose of county public records in accordance with Florida law, thereby ensuring proper accountability and responsiveness to persons seeking the public records.
- v. The public records manager is hereby appointed to serve as the Records Management Liaison Officer, who shall be the point of contact between the county and the Florida Division of Library and Information Services.

b. Public records contacts within departments and offices.

- i. The public records manager shall serve as the coordinator for responding to public records request.
- ii. Each department and office within the county shall designate one person to serve as the primary contact for public records requests within the department. That person shall:
 - i. Manage all records management functions within the department in close coordination with the public records manager.
 - ii. As necessary, forward public records together with appropriate paperwork to the public records manager for disposition.
 - iii. Review established records retention schedules at least annually to ensure compliance.
- iii. Each office and department under the Board shall cooperate with the public records manager in responding to public records requests. The failure of County personnel to cooperate with the public records manager shall be grounds for employee discipline.

- c. **Records retention and disposal.** It shall be unlawful for any officer or employee of the county to willfully, knowingly, or negligently alter or destroy a public record except in accordance with the requirements of this division and an approved records retention and disposition schedule authorized by the state. Violation of this section shall be unlawful and shall subject the person to penalties as set forth in section 1-8 of this Code.

SECTION 13. SEVERABILITY. Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 14. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION 15. INCLUSION IN THE CODE OF ORDINANCES. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinance of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered as needed to conform to the uniform numbering system of the code.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect upon the filing with the Department of State as provided in Section 125.66(2), Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 22nd day of March, 2023.

Mayor Craig Cates

Yes

Mayor Pro Tem Holly Merrill Raschein

Yes

Commissioner Michelle Lincoln

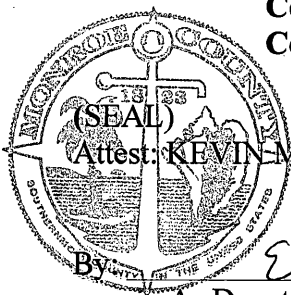
Yes

Commissioner James K. Scholl

Yes

Commissioner David Rice

Yes



(SEAL)
Attest: KEVIN MADOK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____

Mayor

Approved for form and legal sufficiency

Robert B. Shillinger

Robert Shillinger, Monroe County Attorney

Digitally signed by Robert B. Shillinger
DN: cn=Robert B. Shillinger, o=Monroe County BOCC, ou=Monroe County
Attorney, email=shillinger-bob@monroecounty-fl.gov, c=US
Date: 2023.03.23 14:05:47 -04'00'

CLK. CHR. CI.
MONROE COUNTY, FLA.

2023 MAR 31 PM 3:18

FILED FOR RECORD

THE CITIZEN

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

MONROE CO ATTORNEY
1111 12TH ST STE 408
KEY WEST FL 33040

Account: 420264

Ticket: 3882157

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared

_____Melinda Prescott_____, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of ADOPTION OF COUNTY ORDINANCE was published in said newspaper in the issues of:

Wednesday, March 8, 2023

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Prescott

(Signature of Affiant)

Affirmed and subscribed before me this 8th day of March 2023

Laura M Robins

(Notary Public Signature)

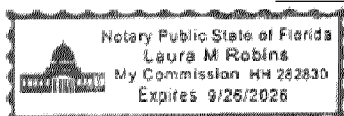
_____Laura M Robins_____

(Notary Public Printed Name)

My commission expires _____9/26/2026_____

Personally Known X Produced Identification _____

Type of Identification Produced _____ (Notary Seal) _____



NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on March 22, 2023, at 9:00 A.M. or as soon thereafter as the matter may be heard, at the Murray Nelson Government Center, 102050 Overseas Hwy., Key Largo, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

AN ORDINANCE AMENDING SECTION 2-180 OF THE MONROE COUNTY CODE OF ORDINANCES TO GRANT AUTHORITY TO THE COUNTY ATTORNEY TO RETAIN OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES SUBJECT TO RATIFICATION OF THE BOARD OF COUNTY COMMISSIONERS AND TO WAIVE CONFLICTS OF INTEREST FOR OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 2-181(C) OF THE MONROE COUNTY CODE TO UPDATE THE COUNTY ATTORNEY'S OFFICE ORDINANCE CURRENTLY CODIFIED IN CHAPTER 2, ARTICLE III, DIVISION 5 OF THE MONROE COUNTY CODE; EXPANDING THE SUBJECT MATTER AREAS IN WHICH ATTORNEYS MAY RECEIVE COMPENSATION FOR ACHIEVING CERTIFICATION UNDER THE FLORIDA BAR; CREATING SECTION 2-181(D) PROVIDING THAT THE COUNTY ATTORNEY'S SIGNATURE SHALL BE FINAL WITH RESPECT TO PERSONNEL ACTIONS FOR OFFICE PERSONNEL AND SUPPORT STAFF; AMENDING SECTION 2-182 OF THE MONROE COUNTY CODE TO CLARIFY THE SCOPE OF THE COUNTY ATTORNEY'S AUTHORITY TO DEFEND ACTIONS AGAINST THE COUNTY; AMENDING SECTIONS 2-184 AND 2-185 OF THE MONROE COUNTY CODE OF ORDINANCES IN ORDER TO CLARIFY THE COUNTY ATTORNEY'S SETTLEMENT AUTHORITY FOR CLAIMS FILED BY AND AGAINST THE COUNTY; CREATING SECTION 2-187 WITHIN CHAPTER 2, ARTICLE III DIVISION 5 OF THE MONROE COUNTY CODE OF ORDINANCES, GRANTING THE COUNTY ATTORNEY AUTHORITY TO EXECUTE SATISFACTION OF MORTGAGE DOCUMENTS; AMENDING CHAPTER 2, ARTICLE V DIVISION 4 (RISK MANAGEMENT PROGRAM) OF THE MONROE COUNTY CODE IN ORDER TO REVISE MONETARY AMOUNTS FOR SETTLEMENT AUTHORITY AND ALSO TO CHANGE THE LOCATION OF ORDINANCES CONCERNING THE RISK MANAGEMENT PROGRAM WITHIN THE MONROE COUNTY CODE OF ORDINANCES; AMENDING SECTIONS 2-328 AND 2-329 OF THE MONROE COUNTY CODE IN ORDER TO CLARIFY THE RESPONSIBILITY OF THE COUNTY ATTORNEY TO PERFORM LEGAL SERVICES FOR THE RISK MANAGEMENT PROGRAM AND TO CLARIFY THAT UNALLOCATED COSTS AND EXPENSES ASSOCIATED WITH THE RISK MANAGEMENT PROGRAM MAY

BE PAID FOR BY THE RISK FUND; CREATING DIVISION 8 WITHIN ARTICLE III, "PUBLIC RECORDS," AND LAYING OUT THE RESPONSIBILITIES OF THE PUBLIC RECORDS UNIT WITHIN THE COUNTY ATTORNEY'S OFFICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION WITHIN THE MONROE COUNTY CODE OF ORDINANCES AND RENUMBERING AS NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the March 22, 2023 meeting, which will be posted beginning on March 9, 2023 at: <http://monroecountyfl.iqm2.com/citizens/default.aspx>. The ordinance may also be viewed at the Monroe County Attorney's office at 1111 12 th St. Ste. 408 Key West, FL 33040.

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ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30a.m.—5:00p.m., prior to the scheduled meeting; if you are hearing or voice-impaired, call "711". Live Closed-Captioning is available via our web portal @ <http://monroecountyfl.iqm2.com/Citizens/Default.aspx> for meetings of the Monroe County Board of County Commissioners.

Dated at Key West, Florida, this 3rd day of March 2023.

(SEAL) KEVIN MADOK,
Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of Monroe County,
Florida
03/08/23 - KWC
420264 3882157



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

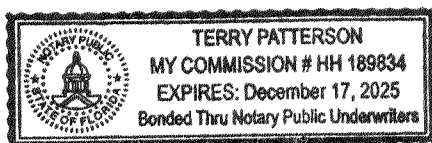
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

March 9, 2023

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this day of Mar. 9, 2023
(SEAL)

Notary



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Dated at Key West, Florida, this 3rd day of March 2023.

KEVIN MADOK, Clerk of the Circuit Court and
Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida
Publish:
March 9, 2023
The Weekly Newspapers



Marathon•Sunshine Key•Big Pine Key•No Name Key•Little, Middle & Big Torch Key•Ramrod Key•Summerland Key•Cudjoe Key•Sugarloaf Key

News-Barometer

30330 Overseas Highway

P.O. Box 431639

Big Pine Key, FL 33043

Phone: 305-872-0106 Fax: 305-515-2939

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared Steve Estes, who on oath says that he is the Publisher for the News-Barometer, a weekly newspaper published each Friday in Big Pine Key, Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of:

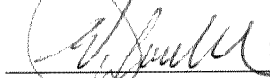
LEGAL NOTICE: NOTICE OF INTENT TO ADOPT ORDINANCE AMEND 2-180: MONROE COUNTY ATTORNEY'S OFFICE, 1111 12TH ST., SUITE 408, KEY WEST, FL 33040

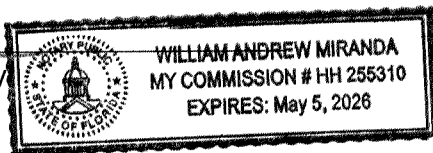
was published in said newspaper in the issue(s) of:
MARCH 10, 2023

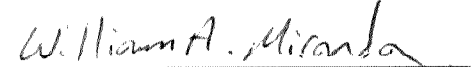
Affiant further says that the News-Barometer is a weekly newspaper published in Big Pine Key, in said Monroe County, Florida and that said newspaper has heretofore been continuously published in said Monroe County, Florida each week and has been entered as first-class mail matter at the post office in Big Pine Key, in said Monroe County, Florida, for a period of 1 year next preceeding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Signature of Affiant

Sworn and subscribed before me this 17TH Day of MARCH 2023


Signature of Notary




Printed Name of Notary

Expires 5/5/26

Personally Known ☒ Produced Identification ☐

Type of Identification Produced _____

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from Page 3
told me how to get off that mountain top, I would have missed the experience.

I finally found my own way down. I found a cute little cabin, a bootlegger's cabin and some beautiful scenery on the way down. I used all three.

Now, I have to put up with something like this on a regular basis.

A text comes across the phone. My butt starts buzzing. I pick up the phone to read the text and the phone rings. My hand starts to shake. I answer the phone and an email comes through. My ear starts to buzz.

The caller wants me to look at my email and answer. The caller wants me to call him on the phone. The email is asking me to use the phone to find out how to get from somewhere to somewhere and then find the directions back.

Yeah right.

Oh and there's one other thing.

I need to find the designers of these particular creations and slap them upside the head with my left hand.

It appears that most phones are made for right-handed people. My right ear is terrible, I can barely hear anything on that side. I use my phone with my left hand.

Or maybe I use it with my left hand because for many years I was a left-handed stick and needed my right hand free.

Whatever the reason, the phone is very easy to use right-handed. It's difficult to use left-handed. The text keyboard, which is designed for right-handed board (what happened to buttons?), almost requires me to use my right hand to type rectangles with my right hand or it won't read properly.

I'm ambidextrous. I don't care which hand I use, but I choose to use the left ear, thus the left hand.

Unless I want to put my forearm across my face and use my right hand to hold the phone in my left ear. And I can see the strange logic behind this. This would generate right now. Some folks already think I'm crazy. This would convince them.

Technology to make my life easier?

Let me tell you what to do with that technology.

—ROGO

from Page 3

decennial census. The 2010 model run stated that there would be 3,500 remaining new residential units before the 24-hour rule couldn't be met.

But an entire population block was left out inadvertently. The model have pushed the clearance time to about 26 hours.

The new model run is being done now, but no information is forthcoming.

But even if the new model shows some capacity, which the officials don't believe it will, a majority of the Board of County Commissioners has already publicly gone on record saying they

See ROGO

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