



**Kevin Madok, CPA**

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

September 12, 2024

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. 026-2024 of the Board of County Commissioners of Monroe County, Florida, amending Section 18-26 of the Monroe County Code of Ordinances, entitled "Higgs Beach County Park" to amend Higgs Beach Restroom Hours from closing at 11:00 p.m. to closing at Sunset with the exception of county approved events; providing for severability; providing for repeal of all Ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on September 11, 2024. Should you have any questions please feel free to contact me at (305) 292-3550.

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

---

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

**ORDINANCE NO. 026 - 2024**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 18-26 OF THE MONROE COUNTY CODE OF ORDINANCES, ENTITLED “HIGGS BEACH COUNTY PARK” TO AMEND HIGGS BEACH RESTROOM HOURS FROM CLOSING AT 11:00 PM TO CLOSING AT SUNSET WITH THE EXCEPTION OF COUNTY APPROVED EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Monroe County Board of County Commissioners (BOCC) finds that it is necessary to amend section 18-26 of the Monroe County Code of Ordinances, entitled “Higgs Beach County Park”; and

**WHEREAS**, the BOCC finds that public parks and recreation areas provide sites where the families and citizens of Monroe County can benefit from and engage in healthy recreational activities; and

**WHEREAS**, under F.S. 125.74(1)(g), the County Administrator has the authority to supervise the care and custody of all County property; and

**WHEREAS**, the County intends to amend the Higgs Beach County Park restroom hours to align with the operating hours; and

**WHEREAS**, based on the needs of the community, the County desires to clarify restroom facilities at Higgs Beach County Park shall be closed from sunset to 7:00 a.m., and no person shall enter or use such facility for any purpose during those hours with the exception of County approved events; and

**WHEREAS**, an amendment to section 18-26 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of Monroe County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT THE MONROE COUNTY CODE OF ORDINANCES IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1:** The above stated recitals to this Ordinance are hereby incorporated into this Ordinance by the BOCC as the legislative intent pertaining to this Ordinance.

**SECTION 2:** Section 18-26 of the Monroe County Code of Ordinances, entitled “Higgs Beach County Park” shall be amended as follows:

**Sec. 18-26. - Higgs Beach County Park.**

(c) *Restrooms to be closed during certain hours.* Restroom facilities at Higgs Beach County Park shall be closed from ~~11:00 p.m.~~ from sunset to 7:00 a.m. and no person shall enter or use such facility for any purpose during those hours with the exception of County approved events.

**SECTION 3: SEVERABILITY.** If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. 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 4: 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 5: INCLUSION IN CODE OF ORDINANCES.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 6: TRANSMITTAL AND EFFECTIVE DATE.** This Ordinance shall be filed with the Department of State and shall be effective 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 11th day of September, 2024.

Mayor Holly Merrill Raschein  
Mayor *Pro Tem* James K. Scholl  
Commissioner Craig Cates  
Commissioner Michelle Lincoln  
Commissioner David Rice

Yes  
Yes  
Yes  
Yes  
Yes

FILED FOR RECORD  
2024 SEP 12 PM 3:27  
CLK. CIR. CL.  
MONROE COUNTY, FLA.



(SEAL)

Attest: KEVIN MADOK, Clerk

By

*Eyab Umar*  
As Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

By

*Holly Merrill Raschein*

Mayor/Chairperson

APPROVED AS TO FORM & LEGAL SUFFICIENCY  
Monroe County Attorney's Office

*Nathalia Mellies Archer*  
Nathalia Mellies Archer  
Assistant County Attorney

# KEYS CITIZEN

KeysNews.com  
Many Islands One Voice

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041  
P: (941) 206-1025 F: (305) 294-0768  
legals@keysnews.com

MONROE COUNTY PARKS & BEACHES  
102050 OVERSEAS HWY STOP 26  
KEY LARGO FL 330374

Account: 430114

Ticket: 3937236

## PUBLISHER'S AFFIDAVIT

### STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared

\_\_\_\_\_Amber Douglas\_\_\_\_\_, 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 NOI Higgs Bch Restroom Hours was published in said newspaper in the issues of:

Thursday, August 29, 2024

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.

(Signature of Affiant)

Affirmed and subscribed before me this 29th day of August 2024

(Notary Public Signature)

\_\_\_\_\_Jill Kelli Di Benedetto\_\_\_\_\_  
(Notary Public Printed Name)

My commission expires \_\_\_\_\_8/19/2027\_\_\_\_\_

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 September 11, 2024, at 9:00 A.M., or as soon thereafter as the matter may be heard, at the Murray E. Nelson Government Center, 102050 Overseas Highway, Key Largo, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 18-26 OF THE MONROE COUNTY CODE OF ORDINANCES, ENTITLED "HIGGS BEACH COUNTY PARK" TO AMEND HIGGS BEACH RESTROOM HOURS FROM CLOSING AT 11:00 PM TO CLOSING AT SUNSET WITH THE EXCEPTION OF COUNTY APPROVED EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the September 11, 2024 meeting, which will be posted beginning on September 4, 2024, 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.

The public can participate in the September 11, 2024 meeting of the Board of County Commissioners of Monroe County, FL by attending in person or via Zoom. The Zoom link can be found in the agenda at: <https://mcbooc.zoom.us/j/89204098700>.

**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 the MCTV portal @ <https://cloud.castus.tv/vod/monroe/video/60832c9dcf67b7ac0c21791?page=HOME&type=live> for meetings of the Monroe County Board of County Commissioners.

Dated at Key West, Florida, this 29th day of August, 2024.

(SEAL)

KEVIN MADOK, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida  
08/29/24 - KWC  
430114 3937236





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

# News-Barometer

803 Longfellow Ter., Inverness, FL34450 • P.O. Box 431639, Big Pine Key, FL 33043  
Phone: 305-872-0106 • Cell: 305-923-5370 • email:bigpinenews@aol.com

## AFFIDAVIT OF PUBLICATION

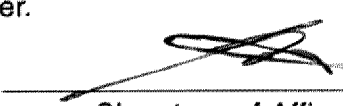
STATE OF FLORIDA  
COUNTY OF MONROE

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: NOI TO AMEND ORD HIGGS BEACH RESTROOM HOURS** : MONROE COUNTY PARKS AND BEACHES, MURRAY NELSON GOVERNMENT CENTER, 102050 OVERSEA HIGHWAY, KEY LARGO, FL 33047

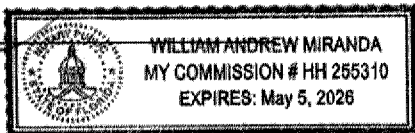
was published in said newspaper in the issue(s) of:  
AUGUST 30, 2024

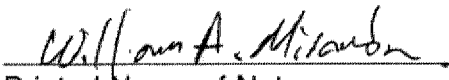
Affiant further says that the News-Barometer is a weekly newspaper published in Big Pine Key, in said Monroe County, Florida and that said newspaper has heretofore been continuously published in said Monroe County, Florida each week and has been entered as first-class mail matter at the post office in 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 3RD day of SEPTEMBER 2024

  
Signature of Notary



  
Printed Name of Notary

Expires 5/5/26

Personally Known ☒

Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

## LEGAL NOTICES

**DISTRICT III ADVISORY COMMITTEE (DAC III)**  
**(From the West End of the Seven Mile Bridge to the Long Key Bridge)**  
**of the**  
**MONROE COUNTY TOURIST DEVELOPMENT COUNCIL**  
**has an opening for an**

**“At Large” representative - Any resident who is not directly involved in a tourism business and who shall represent the general public and shall live or work within the tax collection district for which they are applying (The operative word within this description is directly. This word means someone who is not in business, nor whose business or economic activity are dependent upon tourists).**

Any person wishing to participate on the **District III Advisory Committee** of the Monroe County Tourist Development Council within the district so noted above, may request an application by emailing [sydney@fla-keys.com](mailto:sydney@fla-keys.com). Completed applications should be emailed to [sydney@fla-keys.com](mailto:sydney@fla-keys.com) or may be sent via U.S. mail to the address below:

Department DAC  
 Monroe County Tourist Development Council  
 1201 White Street, Suite 102  
 Key West, FL 33040

**The deadline for receipt of application at the above address is 5:00 p.m. on Friday, September 27, 2024. A resume may be attached to the application.**

**NOTICE OF INTENTION TO CONSIDER  
ADOPTION OF COUNTY ORDINANCE**

**NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN** that on **September 11, 2024**, at **9:00 A.M.**, or as soon thereafter as the matter may be heard, at the **Murray E. Nelson Government Center**, 102050 Overseas Highway, Key Largo, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 18-26 OF THE MONROE COUNTY CODE OF ORDINANCES, ENTITLED “HIGGS BEACH COUNTY PARK” TO AMEND HIGGS BEACH RESTROOM HOURS FROM CLOSING AT 11:00 PM TO CLOSING AT SUNSET WITH THE EXCEPTION OF COUNTY APPROVED EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the September 11, 2024 meeting, which will be posted beginning on September 4, 2024, at: <http://monroecountyfl.iqm2.com/citizens/default.aspx>. The ordinance may also be viewed at the Monroe County Attorney’s Office at 1111 12<sup>th</sup> St. Ste. 408 Key West, FL 33040.

The public can participate in the September 11, 2024 meeting of the Board of County Commissioners of Monroe County, FL by attending **in person or via Zoom**. The Zoom link can be found in the agenda at: <https://mcboce.zoom.us/j/89204098700>.

**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 the MCTV portal @ <https://cloud.castus.tv/vod/monroe/video/60832c9dcf67bb7ac0c21791?page=HOME&type=live> for meetings of the Monroe County Board of County Commissioners.*

Dated at Key West, Florida, this 29th day of August, 2024.

(SEAL)

KEVIN MADOK, Clerk of the Circuit Court and  
 Ex Officio Clerk of the Board of County Commissioners  
 of Monroe County, Florida

## FLOOD

from Page 1

tures below elevated homes so that residents can have more room for storage, particularly part-time residents who wish to store larger items, such as watercraft, while they aren't in town and still have room to park vehicles that are left behind for the next season.

Currently, downstairs enclosures can be used for limited storage of items primarily designed for outdoor use, parking and access to the upper floors. About 10 years ago, the county got permission to expand storage to include items that would routinely be used in the upper floors, although the NFIP policies do not pay for damage done to those items as the result of a flood.

Flood insurance basically pays for a washer and dryer if permitted in the enclosure and food freezers, along with items that are designed for outdoor use.

Griffin also said that the request will include ending the enclosure inspection on sale program.

Since the implementation of the remedial program, home sellers were supposed to get an enclosure inspection done prior to the sale of the home. That program was in place, but hasn't been well enforced for the last several years because the county building department has been short on qualified inspectors.

Officials also claim that unincorporated Monroe County properties should be taken out of that program because it doesn't exist in the municipalities, whose then-elected leadership wouldn't agree to such a program and weren't required to implement that program to keep flood insurance in their jurisdictions.

County officials have also asked that FEMA change the pre-FIRM date back to the one used when the program was first implemented.

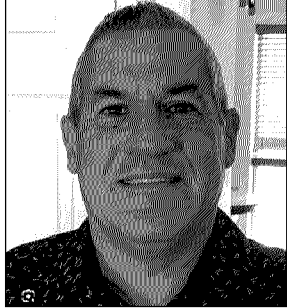
The pre-FIRM date affects properties that may have existing non-conforming uses. If the home was built pre-FIRM, the use doesn't have to be discontinued or removed until it is either substantially improved by the homeowner or substantially damaged.

Griffin said that the requests will not reduce the flood insurance discounts that the community currently receives.

By implementing various flood plain regulations, Monroe County has qualified for a 35 percent discount on insurance premiums.

Acting County Administrator Kevin Wilson said that the formal process to receive FEMA approval will begin once the letter from the BOCC is transmitted, but he didn't offer any timeline on a decision from the federal agency.

These same issues have been informally discussed by county and FEMA officials for more than a year.



**Buying, Selling  
In Your Future?**

**Put my  
Experience  
to Work  
for YOU!!**

**BERKSHIRE  
HATHAWAY**  
 HomeServices  
 Keys Real Estate  
 30085 Overseas Hwy., Suite 7  
 Big Pine Key, FL 33043  
[briandion@keysrealestate.com](mailto:briandion@keysrealestate.com)

**Brian Dion**, MPA  
 Realtor®  
**267-374-7063**

**FOR SALE - 16' Whaler**

New 50 HP Yamaha  
 Trailer • New bimini top  
 GPS • Boat cover • New Bottom Paint  
 Includes Anchors and Egas

**First \$10,000 takes it away!!**  
 No Name Key • Call 305-304-4389  
**I need a New ROOF!!**

Classifieds Pay You