



**GREGORY C. HARRELL**  
CLERK OF COURT AND COMPTROLLER – MARION COUNTY, FLORIDA

CLERK OF COURT  
RECORDER OF OFFICIAL RECORDS  
CLERK AND ACCOUNTANT OF THE BOARD OF COUNTY COMMISSIONERS  
CUSTODIAN OF COUNTY FUNDS AND COUNTY AUDITOR

POST OFFICE BOX 1030  
OCALA, FLORIDA 34478-1030  
TELEPHONE (352) 671-5604  
WWW.MARIONCOUNTYCLERK.ORG

TO: Marion County Board of County Commissioners

FROM: Gregory C. Harrell, Clerk of Circuit Court and Comptroller *gch*

DATE: August 20, 2024

RE: Ordinances 24-18, 24-19, 24-20 and 24-21

The 2013 Legislature passed legislation that changed the manner by which County Ordinances were to be filed with the Florida Department of State and the manner in which the Department would acknowledge that filing. "An Act relating to paper reduction", Chapter 2013-192, amended Section 125.66, Florida Statutes, to require the Clerks of the Board of County Commissioners to file Ordinances and Amendments, as well as Emergency Ordinances, by e-mail to the Department. In turn, the Department would acknowledge receipt of such documents by return e-mail.

Attached, please find e-mail correspondence from the Clerk's Office to the Department and their acknowledgement related to the above Ordinance(s).

GCH/dl



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 22, 2024

Honorable Gregory C. Harrell  
Clerk of Court and Comptroller  
Marion County  
P.O. Box 1030  
Ocala, FL 34478-1030

Dear Honorable Gregory Harrell,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Marion County Ordinance No. 2024-18, which was filed in this office on July 22, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/wlh

## Tammy Ketner

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**From:** Tammy Ketner  
**Sent:** Monday, July 22, 2024 09:17 AM  
**To:** CountyOrdinances@dos.myflorida.com  
**Cc:** Susan Mills McAllister; Debra Lewter; Debra Windberg  
**Subject:** MRN20240716\_ORDINANCE\_2024\_18  
**Attachments:** MRN20240716\_ORDINANCE\_2024\_18.pdf

Good morning Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-18. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

Sincerely,



**Tammy Ketner**

Clerk, Commission Records

352-671-5622 | [TammyK@marioncountyclerk.org](mailto:TammyK@marioncountyclerk.org)

**Office of Gregory C. Harrell**

Marion County Clerk of Court and Comptroller

PO Box 1030, Ocala FL 34478-1030

352-671-5604 | [www.marioncountyclerk.org](http://www.marioncountyclerk.org)

*"Here to serve and protect the public trust"*

**ORDINANCE NO. 2024-18**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY FLORIDA, TO BE KNOWN AS THE “MARION COUNTY HEALTH FREEDOM BILL OF RIGHTS”; PROVIDING FOR THE BOARD’S SUPPORT FOR CHAPTER 381, FLORIDA STATUTES IN ORDER TO SAFEGUARD HEALTHCARE RIGHTS AND FREEDOMS OF MARION COUNTY RESIDENTS; REJECTING THE AUTHORITY OF THE WORLD HEALTH ORGANIZATION AND OTHER INTERNATIONAL BODIES TO IMPOSE HEALTH MANDATES OR DIRECTIVES WITHIN MARION COUNTY, EXCEPT AS PROVIDED HEREIN; ADOPTING THE FLORIDA PATIENT’S BILL OF RIGHTS; PROVIDING FOR PROTECTIONS FOR MARION COUNTY EMPLOYEES; PROVIDING THAT MASKS AND VACCINATIONS WILL NOT BE REQUIRED OF EMPLOYEES AND PERSONS SEEKING ACCESS TO COUNTY BUILDINGS EXCEPT AS PROVIDED HEREIN; PROVIDING MARION COUNTY’S ASSISTANCE TO THE STATE OF FLORIDA IN THE ENFORCEMENT OF CHAPTER 381, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, numerous Marion County residents have expressed their concerns to the Board of County Commissioners (“Board”) over the federal government’s and the World Health Organization’s attempts to impose public health mandates, and to limit an individual’s healthcare freedoms and rights; and

**WHEREAS**, Marion County is a non-charter County and political subdivision of the State of Florida, deriving its powers from the Constitution and laws of the State of Florida; and

**WHEREAS**, the State of Florida has recognized the above-stated concerns and in May 2023, Governor DeSantis signed into law Committee Substitute for Senate Bill 252, now codified in Chapter 381, Florida Statutes, which prohibits discrimination based on health care choices, and the enforcement of international health organization guidelines, among other protections; and

**WHEREAS**, the State of Florida further protects its residents’ health-related rights and freedoms through Section 381.026, Florida Statutes, the Florida Patient’s Bill of Rights and Responsibilities, which promotes the interests and wellbeing of patients of healthcare providers and healthcare facilities; and

**WHEREAS**, the Board wishes to enact a local ordinance to complement the provisions of Chapter 381, Florida Statutes as provide herein.



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

**SECTION ONE: Title.** This ordinance shall be known and cited as the “Marion County Health Freedom Bill of Rights Ordinance.”

**SECTION TWO: Purpose and Intent.** The purpose of this ordinance is to enhance healthcare rights and freedoms of Marion County employees and Marion County residents by providing specific protections for County employees and those seeking services from Marion County offices; by complementing the role of the State of Florida with respect to the enforcement of Chapter 381, Florida Statutes, and by affirmatively rejecting any health mandates or directives of the World Health Organization or other international bodies.

**SECTION THREE: Definitions.** The terms used in this Ordinance shall be as defined in Chapter 381, Florida Statutes, as may be amended from time to time.

**SECTION FOUR: Applicability.** The operation and application of this Ordinance is limited to the unincorporated area of Marion County.

**SECTION FIVE: Access to Marion County Facilities and Services.** Marion County will not require any person to provide any documentation certifying vaccination with any vaccine, as defined in Florida Statutes Sec. 381.00316(2)(g), or post-infection recovery from COVID-19, or require a COVID-19 test, to gain access to, entry upon, or obtain service from the Marion County operations, or as a condition of contracting, hiring, of continued employment, except where mandated by State law or Florida agency rule, or Executive Order of the Governor.

- (a) For matters relating to vaccines other than those defined under subsection (a), Marion County shall provide for exemptions and reasonable accommodations for religious and medical reasons in accordance with federal law.
- (b) Marion County will not require a person to wear a face mask, a face shield, or any other facial covering that covers the mouth and nose, except for requirements for health care workers and as mandated by OSHA requirements for County employees.

**SECTION SIX: Private employer discrimination based on health care choices.**

Marion County shall complement the enforcement of Florida Statutes section 381.00316 and section 381.00317, by establishing a designated staff contact under the Assistant County Administrator for Administration, who shall receive complaints from Marion County residents regarding alleged violations of those statutes, and forward those complaints with any supporting documentation as provided by the complainant to the State of Florida Department of Legal Affairs. Such designated Marion County staff may also provide general information to private employers who may have questions about this ordinance or the statutes listed within.

**SECTION SEVEN: Florida Patient’s Bill of Rights and Responsibilities.** Marion County hereby adopts in its entirety the Florida Patient’s Bill of Rights and Responsibilities, as codified in Florida Statutes Sec. 381.026, as may be amended from time to time.

**SECTION EIGHT: Directives from the World Health Organization and other International Bodies.** Marion County does not recognize any authority of the World Health Organization or any other international body to impose any health mandates or directives within Marion County unless compelled to do so under State law, rule, or executive order issued by the Governor of Florida.

**SECTION NINE: Enforcement.** The intent of this Ordinance is remedial rather than punitive. With respect to any complaints by Marion County employees or citizens with respect to the operations of Marion County government, the County Administrator is charged with the adoption of Policies and Procedures to ensure that the provisions of Chapter 381 are being adhered to, within 30 days of receipt of any complaint.

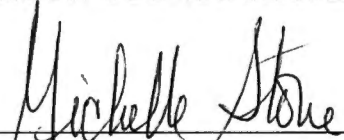
**SECTION TEN: Conflict and Severability.** In the event this Ordinance conflicts with State or Federal law, State or Federal law shall govern to the extent of such conflict. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

**SECTION ELEVEN: Inclusion in the Code of Laws and Ordinances.** The provisions of this Ordinance shall become and be made part of the Code of the laws and Ordinances of Marion County, Florida. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

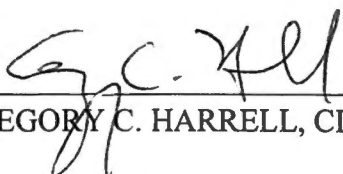
**SECTION TWELVE: Effective Date.** A certified copy of this Ordinance shall be filed by the Clerk of the Board, by email, with the Office of the Secretary of the State of Florida within ten days after enactment, and shall take effect upon receipt of official acknowledgment from the Secretary of State that this Ordinance has been filed with such office.

**DULY ADOPTED** with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 16th day of July, 2024.

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY FLORIDA**

  
\_\_\_\_\_  
MICHELLE STONE, CHAIR

**ATTEST:**

  
\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

RECEIVED NOTICE FROM SECRETARY  
OF STATE ON JULY 22, 2024  
ADVISING ORDINANCE WAS FILED ON  
JULY 22, 2024.

## Tammy Ketner

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**From:** Municode Ords Admin <MunicodeOrds@civicplus.com>  
**Sent:** Tuesday, July 23, 2024 03:28 PM  
**To:** Tammy Ketner  
**Subject:** RE: Marion County, FL Code of Ordinances - 1985(10237), Marion County, FL Land Development Code - 2013(13949) OrdBank

**Categories:** This message has been archived by Retain on July 23 2024 17:46

We have received your file.

Thank you and have a nice day,

Ords Administrator • CivicPlus  
[MunicodeOrds@civicplus.com](mailto:MunicodeOrds@civicplus.com)  
1-800-262-2633  
P.O. Box 2235  
Tallahassee, FL 32316

When available, please send all documents in WORD format to [MunicodeOrds@civicplus.com](mailto:MunicodeOrds@civicplus.com). However, if WORD format is not available, we welcome any document format including PDF.

*ems (she/her/hers)*

[civicplus.com](http://civicplus.com)



Powering and Empowering Local Governments

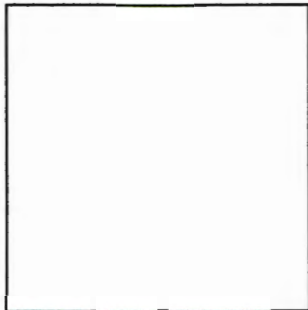
**From:** Tammy Ketner <TammyK@marioncountyclerk.org>  
**Sent:** Tuesday, July 23, 2024 8:52 AM  
**To:** Municode Ords Admin <MunicodeOrds@civicplus.com>  
**Cc:** Susan Mills McAllister <SusanM@marioncountyclerk.org>; Debra Lewter <DebraL@marioncountyclerk.org>; Debra Windberg <DebraW@marioncountyclerk.org>  
**Subject:** Marion County Ordinance 24-18

You don't often get email from [tammyk@marioncountyclerk.org](mailto:tammyk@marioncountyclerk.org). [Learn why this is important](#)

Good morning,

Attached is Ordinance 24-18, which was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise of any problems you may have opening the attached Word document.



**Tammy Ketner**

Clerk, Commission Records

352-671-5622 | [TammyK@marioncountyclerk.org](mailto:TammyK@marioncountyclerk.org)

**Office of Gregory C. Harrell**

Marion County Clerk of Court and Comptroller

PO Box 1030, Ocala FL 34478-1030

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*"Here to serve and protect the public trust"*





**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 25, 2024

Honorable Gregory C. Harrell  
Clerk of Court and Comptroller  
Marion County  
P.O. Box 1030  
Ocala, FL 34478-1030

Dear Honorable Gregory Harrell,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Marion County Ordinance No. 24-19, which was filed in this office on July 24, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/wlh

**Debra Lewter**

---

**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Thursday, July 25, 2024 09:47 AM  
**To:** Debra Lewter; County Ordinances  
**Cc:** Debra Windberg; Susan Mills McAllister; Weyrauch, Kenneth  
**Subject:** RE: MRN20240716\_ORDINANCE\_2024\_19  
**Attachments:** Marion20240724\_Ordinance24\_19\_Ack.pdf

Good morning,

Please find the attached acknowledgment letter for Marion County Ordinance No. 24-19.

Best,

County Ordinances

Florida Administrative Code and Register

Room 701 The Capitol | Tallahassee, Florida

**From:** Debra Lewter <DebraL@marioncountyclerk.org>  
**Sent:** Wednesday, July 24, 2024 9:15 AM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Debra Windberg <DebraW@marioncountyclerk.org>; Susan Mills McAllister <SusanM@marioncountyclerk.org>; Weyrauch, Kenneth <Kenneth.Weyrauch@marionfl.org>  
**Subject:** MRN20240716\_ORDINANCE\_2024\_19

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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Good afternoon Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-19. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

Sincerely,  
Debra

**Debra Lewter**

---

**From:** Debra Lewter  
**Sent:** Wednesday, July 24, 2024 09:15 AM  
**To:** CountyOrdinances@dos.myflorida.com  
**Cc:** Debra Windberg; Susan Mills McAllister; Kenneth.Weyrauch@marionfl.org  
**Subject:** MRN20240716\_ORDINANCE\_2024\_19  
**Attachments:** MRN20240716\_ORDINANCE\_2024\_19.pdf

Good afternoon Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-19. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

Sincerely,  
Debra

**Debra Lewter**

---

**From:** Debra Lewter  
**Sent:** Thursday, July 25, 2024 11:06 AM  
**To:** municodeords@civicplus.com  
**Subject:** Marion County Ordinance 24-20  
**Attachments:** 07-16-24 Ordinance 24-20 - Zoning.docx; 07-16-24 Resolution 24-R-262 - 240711SU YPSG Inc.docx; 07-16-24 Resolution 24-R-263 - 240704SU OQuinn and Davis.docx

Good afternoon,

Attached is Ordinance 24-20 (Zoning and Special Use Permit) along with Resolutions 24-R-262 and 24-R-263, which were adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise of any problems you may have opening the attached Word documents.



## ORDINANCE 24-19

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:**

**2024-S06, DAVID REYNOLDS  
+/- 2.27 ACRES  
PARCEL NO. 48375-000-00  
FROM RURAL LAND TO COMMERCIAL**

**PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Marion County, Florida, (Board) is responsible for and has established the Comprehensive Plan Future Land Use Designation of parcels of property in the unincorporated area of Marion County as reflected in the Future Land Use Map Series, and

**WHEREAS**, the Board has authority to approve small-scale amendments to the Comprehensive Plan consistent with the provisions of Section 163.3187, Florida Statutes, and

**WHEREAS**, the property owner submitted Application No. 2024-S06 for a small-scale amendment to the Comprehensive Plan and such application identifies the subject property by suitable legal description, or by parcel number, and such identification of property is hereby incorporated into this ordinance by reference, and the property description and illustration are attached hereto as Exhibits "A" and "B" respectively, and

**WHEREAS**, the Marion County Planning and Zoning Commission, acting as the Local Planning Agency, conducted an advertised public hearing on June 24, 2024, to consider Amendment No. 2024-S06. The Planning and Zoning Commission considered the Growth Services Department's recommendation, received public comment, and made recommendations to the Board regarding the Amendment, including findings of fact related to:

1. Whether the granting of the amendment will not adversely affect the public interest.
2. Whether the proposed amendment is compatible with land uses in the surrounding areas.

3. Whether the proposed amendment is consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan, and

**WHEREAS**, the Board conducted an advertised adoption public hearing on July 16, 2024 to consider Amendment No. 2024-S06, considering the Growth Services Department's recommendation, the Planning and Zoning Commission's recommendation, and public comment received, and acted to adopt the Amendment.

**NOW, THEREFORE BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. SMALL-SCALE AMENDMENT APPROVAL.** The Board hereby approves the below-listed small-scale amendment to the Comprehensive Plan and authorizes the necessary amendment to the Future Land Use Map Series, in accordance with Exhibits "A" and "B" attached hereto and by this reference made a part hereof, based on findings that it does not adversely affect the public interest, is compatible with land uses in the surrounding areas, and is consistent with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes:

**2024-S06, DAVID REYNOLDS  
+/- 2.27 ACRES  
PARCEL NO. 48375-000-00  
FROM RURAL LAND TO COMMERCIAL**

**SECTION 2. APPEALS.** Any affected person may file a petition with the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, Florida Statutes, to request a hearing to challenge the compliance of this small-scale amendment with Chapter 163, Part II, Florida Statutes, within 30 days following the adoption date of this ordinance.

**SECTION 3. SEVERABILITY.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining portions and provision of this ordinance shall remain in full force and effect.

**SECTION 4. CONFLICTS.** In the event that any other Ordinances are in conflict with this Ordinance, the provisions of this Ordinance shall prevail with respect to this property.

**SECTION 5. EFFECTIVE DATE.** This small-scale amendment shall not become effective until 31 days after adoption. If this small-scale amendment is challenged within 30 days after adoption, then this small-scale amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small-scale amendment is in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

**SECTION 6. CERTIFIED COPY.** A certified copy of this ordinance shall be filed by the Clerk of the Board, by email, with the office of the Secretary of State of Florida within ten days after enactment, and shall take effect upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with such office, subject to the limitation set forth above.


**SECTION 7. COPY ON FILE.** This original ordinance shall be filed with the Clerk of the Circuit Court and a certified copy of this ordinance shall be on file in the Marion County Growth Services Department – Planning and Zoning Division for public inspection.

**DULY ADOPTED** with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 16th day of July, 2024.

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA**

  
\_\_\_\_\_  
MICHELLE STONE, CHAIR

**ATTEST:**

  
\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

**APPROVED AS TO LEGAL FORM AND SUFFICIENCY**

  
\_\_\_\_\_  
MATTHEW MINTER, COUNTY  
ATTORNEY

RECEIVED NOTICE FROM SECRETARY  
OF STATE ON JULY 25, 2024 ADVISING  
ORDINANCE WAS FILED ON JULY 24, 2024.

**EXHIBIT "A"**

**SEC 30 TWP 17 RGE 23**

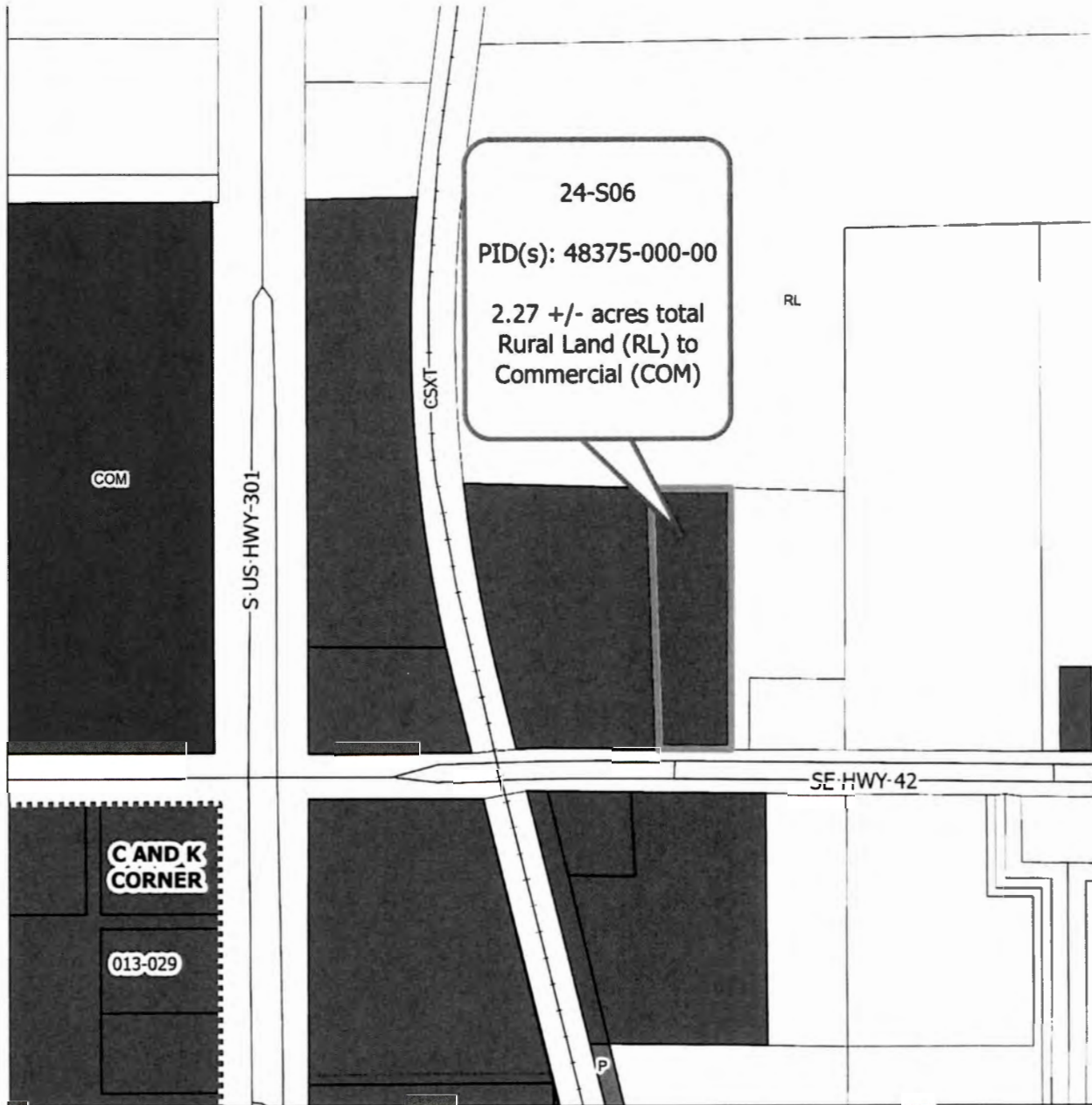
**COM 264.45 FT W & 37.8 FT N OF SE COR OF NE 1/4 FOR POB  
TH N 603.86 FT TH S 89-57-21 W 185 FT S 02-18-08 E 602.53 FT TO  
NLY ROW SR 42 E TH ALG ROW S 89-24-08 E 160.80 FT TO POB  
LESS AND EXCEPT TH FOLLOWING DESC PARCEL LYING WITHIN ABOVE  
DESCRIPTION;**

**THAT PORTION OF SEC 30 DESC AS FOLLOWS:**

**COM AT E 1/4 COR OF SEC 30 TH N 00-29-41 E 68 FT TO POB  
TH N 88-43-30 W 385 FT TH N 87-55-00 W 104.50 FT  
TH N 89-28-00 W 26.4 FT MOL TO ELY ROW LINE OF SEABOARD AIRLINE  
RR  
TH SELY 35.1 FT MOL TO NLY ROW LINE OF CTY RD 42 TH ELY 745 FT MOL  
TO E LINE OF SEC 30 TH N 00-29-41 E 32.1 FT MOL TO POB**



# EXHIBIT "B"



▭ Parcels    ■ David D Reynolds

- ▭ Urban Growth Boundary
- ▭ Fairmland Preservation Area

- Future Land Use Designation
- ▭ Rural Land (1 du/10 ac)
  - ▭ Low Residential (0 - 1 du/ac)
  - ▭ Medium Residential (1 - 4 du/ac)
  - ▭ High Residential (4 - 8 du/ac)

- ▭ Urban Residential (8 - 16 du/ac)
- ▭ Rural Activity Center (0 - 2 du/ac; FAR 0.35)
- ▭ Commercial (0 - 8 du/ac; FAR 1.0)
- ▭ Employment Center (0 - 16 du/ac; FAR 2.0)
- ▭ Commerce District (N/A; FAR 2.0)
- ▭ Public (N/A; FAR 1.0)
- ▭ Preservation (N/A; N/A)
- ▭ World Equestrian Center
- ▭ Municipality

0    200    400 US Feet

N  
 Date: 5/13/2024



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 25, 2024

Honorable Gregory C. Harrell  
Clerk of Court and Comptroller  
Marion County  
P.O. Box 1030  
Ocala, FL 34478-1030

Dear Honorable Gregory Harrell,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Marion County Ordinance No. 24-20, which was filed in this office on July 24, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/wlh

## Debra Lewter

---

**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Thursday, July 25, 2024 09:47 AM  
**To:** Debra Lewter; County Ordinances  
**Cc:** Debra Windberg; Susan Mills McAllister; Tammy Ketner  
**Subject:** RE: MRN20240716\_ORDINANCE\_2024\_20  
**Attachments:** Marion20240724\_Ordinance24\_20\_Ack.pdf

Good morning,

Please find the attached acknowledgment letter for Marion County Ordinance No. 24-20.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

**From:** Debra Lewter <DebraL@marioncountyclerk.org>  
**Sent:** Wednesday, July 24, 2024 9:19 AM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Debra Windberg <DebraW@marioncountyclerk.org>; Susan Mills McAllister <SusanM@marioncountyclerk.org>; Tammy Ketner <TammyK@marioncountyclerk.org>  
**Subject:** MRN20240716\_ORDINANCE\_2024\_20

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### EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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Good afternoon Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-20, which includes Resolutions 24-R-262 and 24-R-263. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

**Debra Lewter**

---

**From:** Debra Lewter  
**Sent:** Wednesday, July 24, 2024 09:19 AM  
**To:** CountyOrdinances@dos.myflorida.com  
**Cc:** Debra Windberg; Susan Mills McAllister; Tammy Ketner  
**Subject:** MRN20240716\_ORDINANCE\_2024\_20  
**Attachments:** MRN20240716\_ORDINANCE\_2024\_20.pdf

Good afternoon Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-20, which includes Resolutions 24-R-262 and 24-R-263. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.



**Debra Lewter**

---

**From:** Debra Lewter  
**Sent:** Thursday, July 25, 2024 11:06 AM  
**To:** municodeords@civicplus.com  
**Subject:** Marion County Ordinance 24-20  
**Attachments:** 07-16-24 Ordinance 24-20 - Zoning.docx; 07-16-24 Resolution 24-R-262 - 240711SU YPSG Inc.docx; 07-16-24 Resolution 24-R-263 - 240704SU OQuinn and Davis.docx

Good afternoon,

Attached is Ordinance 24-20 (Zoning and Special Use Permit) along with Resolutions 24-R-262 and 24-R-263, which were adopted by the Marion County Board of County Commissioners on Tuesday, July 16, 2024.

Please advise of any problems you may have opening the attached Word documents.

## ORDINANCE NO. 24-20

### AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT APPLICATIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Marion County, Florida (Board), is responsible for and has established the zoning of parcels of property in the unincorporated area of Marion County as reflected on the official Zoning Map, and

**WHEREAS**, property owner(s) have submitted petition(s) for rezoning and/or special use permits and such applications identify the property by metes and bounds description or by the Marion County Property Appraiser parcel number and such identifications of property are hereby incorporated into this ordinance by reference, and

**WHEREAS**, the Board has considered the recommendations of the Marion County Planning and Zoning Commission and has conducted the necessary public hearing and has approved the applications contained in this ordinance. Now therefore,

**BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. REZONING AND SPECIAL USE PERMIT APPROVALS.** The Board hereby approves the below-listed applications for Rezoning and Special Use Permits. NOTE: The terms and conditions of Board approvals of Special Use Permits are stated in the Board Resolution corresponding to each Special Use Permit and Planned Unit Development Petition shown below.

1. **AGENDA ITEM 15.2.1. 240707ZC**– Ocala Equine Hospital Real Est, LLP, Zoning Change from Community Business (B-2) to General Agriculture (A-1), 22.38 acres, on Parcel Account Numbers 12557-000-00 and 12557-001-00, site address 10855 NW Highway 27, Ocala, FL 34482.
2. **AGENDA ITEM 15.2.2. 240709ZC**– Southern Beauty Real Estate, LLC, Zoning Change from Single-Family Dwelling (R-1) to Residential Office (R-O), 0.62 acres, on Parcel Account Number 29959-000-00, site address 2631 SE Lake Weir Avenue, Ocala, FL 34471.
3. **AGENDA ITEM 15.3.2. 240710ZC** – YPSG Inc., Zoning Change from Regional Business (B-4) to Community Business (B-2), 0.56 acres, on Parcel Account Numbers 4879-003-001 and 4879-003-006, site address 13414 E HWY 25, Ocklawaha, FL 32179.

4. **AGENDA ITEM 15.3.3. 240711SU** – YPSG Inc., Special Use Permit to allow for a warehouse, in a Community Business (B-2) Zone, 0.56 acres, on Parcel Account Numbers 4879-003-001 and 4879-003-006, site address 13414 E HWY 25, Ocklawaha, FL 32179.

**Subject to all terms and conditions of Resolution 24-R-262 attached hereto and incorporated herein by reference.**

5. **AGENDA ITEM 15.3.4. 240704SU** – Olivia O’Quinn and Marvin Davis, Special Use Permit to allow for an existing Pole Barn built without a permit, in a Single-Family Dwelling (R-1) Zone, 0.34 acres on Parcel Account Number Parcel Account Number 1072-002-002, No Address Assigned.

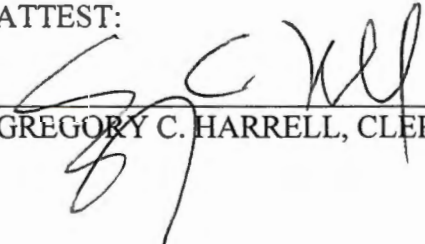
**Subject to all terms and conditions of Resolution 24-R-263 attached hereto and incorporated herein by reference.**


**SECTION 2.** The Board hereby authorizes the official zoning map to be revised to reflect the above described re-zonings and special use permits.

**SECTION 3. EFFECTIVE DATE.** A copy of this Ordinance as enacted shall be filed by the Clerk of the Board by email with the Office of the Secretary of State of Florida within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgement from the Secretary of State that this Ordinance has been filed with such office.

**DULY ADOPTED** in regular session this 16<sup>TH</sup> day of JULY, 2024.

ATTEST:

  
\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA  
  
\_\_\_\_\_  
MICHELLE STONE, CHAIR

RECEIVED NOTICE FROM SECRETARY  
OF STATE ON JULY 25, 2024 ADVISING  
ORDINANCE WAS FILED ON JULY 24, 2024.

## **RESOLUTION NO. 24-R-262**

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a petition for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on June 24, 2024; and

**WHEREAS**, the aforementioned petition was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, July 16, 2024. Now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. SPECIAL USE PERMIT PETITION 240711SU – YPSG Inc.** The petition requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Menadier Engineering, LLC, Alachua, FL 32616, for a warehouse in a Community Business (B-2) Zone, on approximately 0.56 acres, on Parcel Account Number 4879-003-001 and 4879-003-006, Site Address 13414 E Highway 25, Ocklawaha, FL 32179.

**SECTION 2. FINDINGS AND CONDITIONS.** The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission and approves the Special Use Permit subject to the following conditions:

1. 15' wide C-Type buffer will be required along rights-of-way.
2. 6' opaque fencing along the southern property boundary.
3. A photometric plan shall be provided during the Development Review Phase if additional lighting is proposed to be added to the site.
4. This site shall be developed consistent with the proposed conceptual plan submitted with the application.
5. The properties shall be combined, to create one parcel, prior to development.
6. Subdividing this property in any way nullifies this special use.
7. The Special Use Permit runs with the property.
8. No outside storage is permitted.

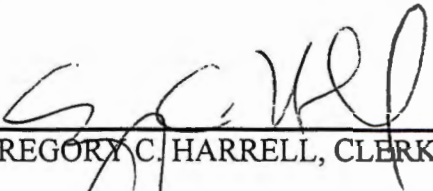
**SECTION 3. REVOCATION.** Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

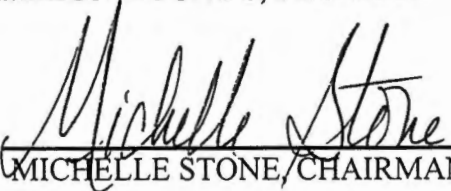


DULY ADOPTED in regular session this 16<sup>th</sup> day of July, 2024.

ATTEST:

  
\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

  
\_\_\_\_\_  
MICHELLE STONE, CHAIRMAN



## **RESOLUTION NO. 24-R-263**

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a petition for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on June 24, 2024; and

**WHEREAS**, the aforementioned petition was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, July 16, 2024. Now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Marion County, Florida:

**SECTION 1. SPECIAL USE PERMIT PETITION 240704SU – Olivia O’Quinn and Marvin Davis** The petition requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Cindi Volz, Salt Springs, FL 32134, for an existing accessory structure without a primary structure in a Single-Family Dwelling (R-1) Zone, on approximately 0.34 acres, on Parcel Account Number 1072-002-002, No Address Assigned.

**SECTION 2. FINDINGS AND CONDITIONS.** The Board of County Commissioners agree with the recommendation and findings of the Planning and Zoning Commission and approves the Special Use Permit subject to the following conditions:

1. Utilities connections will be determined at the time of the building permit.
2. Applicant is to maintain a minimal 5-foot no-touch buffer around the north, west, and south perimeter of the property on which the barn is situated, as these boundaries border residential properties.
3. No signs on the property.
4. The site shall be developed and operated consistent with the submitted site plan and the conditions as provided with this approval.
5. The nonconforming use shall not be expanded.
6. The Special Use Permit is granted for the specific garage submitted by the applicant under this special use permit.
7. The Special Use Permit shall run with the subject property.
8. The Special Use Permit shall expire if the structure is converted to a residence or removed.

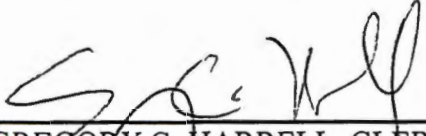
**SECTION 3. REVOCATION.** Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

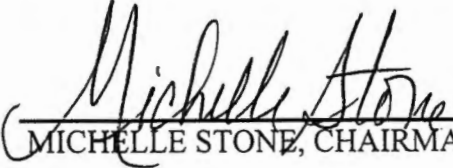
**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session this 16<sup>th</sup> day of July, 2024.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA**

  
\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

  
\_\_\_\_\_  
MICHELLE STONE, CHAIRMAN



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

August 7, 2024

Honorable Gregory C. Harrell  
Clerk of Court and Comptroller  
Marion County  
P.O. Box 1030  
Ocala, FL 34478-1030

Dear Honorable Gregory Harrell,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Marion County Ordinance No. 24-21, which was filed in this office on August 7, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/wlh

## Tammy Ketner

---

**From:** Tammy Ketner  
**Sent:** Wednesday, August 07, 2024 02:34 PM  
**To:** CountyOrdinances@dos.myflorida.com  
**Cc:** Susan Mills McAllister; Debra Windberg; Debra Lewter  
**Subject:** MRN20240716\_ORDINANCE\_2024\_21  
**Attachments:** MRN20240716\_ORDINANCE\_2024\_21.pdf

Good morning Ms. Grosenbaugh,

Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-21. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, August 6, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

Sincerely,



**Tammy Ketner**

Clerk, Commission Records

352-671-5622 | [TammyK@marioncountyclerk.org](mailto:TammyK@marioncountyclerk.org)

**Office of Gregory C. Harrell**

Marion County Clerk of Court and Comptroller

PO Box 1030, Ocala FL 34478-1030

352-671-5604 | [www.marioncountyclerk.org](http://www.marioncountyclerk.org)

*"Here to serve and protect the public trust"*

## Tammy Ketner

---

**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Wednesday, August 07, 2024 03:41 PM  
**To:** Tammy Ketner; County Ordinances  
**Cc:** Susan Mills McAllister; Debra Windberg; Debra Lewter  
**Subject:** RE: MRN20240716\_ORDINANCE\_2024\_21  
**Attachments:** Marion20240807\_Ordinance24\_21\_Ack.pdf

Good afternoon,

Please find the attached acknowledgment letter for Marion County Ordinance No. 24-21.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

**From:** Tammy Ketner <TammyK@marioncountyclerk.org>  
**Sent:** Wednesday, August 7, 2024 2:34 PM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Susan Mills McAllister <SusanM@marioncountyclerk.org>; Debra Windberg <DebraW@marioncountyclerk.org>;  
Debra Lewter <DebraL@marioncountyclerk.org>  
**Subject:** MRN20240716\_ORDINANCE\_2024\_21

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

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Good morning Ms. Grosenbaugh,

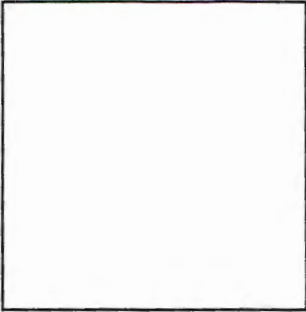
Pursuant to provisions of Florida Statutes, attached for filing in your office is an electronic pdf copy of Marion County Ordinance 24-21. The Ordinance was adopted by the Marion County Board of County Commissioners on Tuesday, August 6, 2024.

Please advise our office of the date on which this Ordinance was filed.

Thank you in advance for your cooperation in this matter.

Sincerely,





**Tammy Ketner**

Clerk, Commission Records

352-671-5622 | [TammyK@marioncountyclerk.org](mailto:TammyK@marioncountyclerk.org)

**Office of Gregory C. Harrell**

Marion County Clerk of Court and Comptroller

PO Box 1030, Ocala FL 34478-1030

352-671-5604 | [www.marioncountyclerk.org](http://www.marioncountyclerk.org)

*"Here to serve and protect the public trust"*

## Tammy Ketner

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**From:** Tammy Ketner  
**Sent:** Thursday, August 08, 2024 08:33 AM  
**To:** municodeords@civicplus.com  
**Cc:** Debra Windberg; Debra Lewter; Susan Mills McAllister  
**Subject:** Marion County Ordinance 24-21  
**Attachments:** 08-06-24 Ordinance 24-21 - Trespass Warnings on County Property.docx

Good morning,

Attached is Ordinance 24-21, which was adopted by the Marion County Board of County Commissioners on Tuesday, August 6, 2024.

Please advise of any problems you may have opening the attached Word document.

Thank you



### Tammy Ketner

Clerk, Commission Records

352-671-5622 | [TammyK@marioncountyclerk.org](mailto:TammyK@marioncountyclerk.org)

### Office of Gregory C. Harrell

Marion County Clerk of Court and Comptroller

PO Box 1030, Ocala FL 34478-1030

352-671-5604 | [www.marioncountyclerk.org](http://www.marioncountyclerk.org)

*"Here to serve and protect the public trust"*

**ORDINANCE 24-21**

**AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO TRESPASS ON PROPERTY OWNED BY MARION COUNTY; CREATING CHAPTER 11, ARTICLE VII, SECTIONS 11-300 THROUGH 11-306 OF THE MARION COUNTY CODE; PROVIDING AUTHORITY, INTENT, SCOPE, AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR DESIGNATED PERSONS AUTHORIZED TO ISSUE TRESPASS WARNINGS; PROVIDING A METHOD FOR WARNINGS; PROVIDING FOR THE DURATION OF WARNINGS; PROVIDING FOR A PROCEDURE FOR APPEAL OF WARNINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Marion County, Florida, a political subdivision of the State of Florida, owns land and buildings throughout Marion County, Florida, that are provided for the use of Marion County's residents and visitors, and to enable local government to carry out its duties; and,

**WHEREAS**, some County-owned lands and buildings are administered and used by the government of Marion County, acting through the Board of County Commissioners, the County Administrator, and the various Departments of the County; and,

**WHEREAS**, some County-owned lands and buildings are used by other Constitutional Officers, including the Clerk of Court and Comptroller, the Property Appraiser, the Public Defender, the Sheriff, the State Attorney, the Supervisor of Elections, and the Tax Collector, as well as the Fifth Judicial Circuit of the State of Florida, to carry out their lawful duties, as required by law; and,

**WHEREAS**, from time-to-time, while upon County-owned lands or in County-owned buildings, persons may commit acts that are unlawful, disruptive, or contrary to the rules and regulations of the County and Constitutional Officers; and,

**WHEREAS**, in order to ensure the proper function of government, it may be necessary for such persons to be removed from County-owned lands and buildings, be prohibited from returning for a period of time, and face arrest and prosecution for trespass if they return in violation of this prohibition; and,

**WHEREAS**, the County recognizes that trespassing persons from County-owned land and buildings requires that there be cause to trespass them, as well as a procedure through which the decision to trespass them may be appealed; and,

**WHEREAS**, the County recognizes the need for each Constitutional Officer to determine, within the bounds set by law, whether and when to trespass persons from the property allocated to their use; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida as follows:

**Section 1. RECITALS.** The foregoing recitals are true and correct and are incorporated herein, but need not be set forth in the Marion County Code.

**Section 2.** Chapter 11, Article VII of the Marion County Code shall be amended to read as follows:

**Sec. 11-300: Authority; Intent; Purpose; Scope; Exceptions.**

- (a) This Article is adopted in the interest of the public health, safety, and general welfare of the citizens and inhabitants of Marion County, Florida, pursuant to Chapter 125, Florida Statutes and Florida Constitution Article VIII.
- (b) The intent and purpose of this article is to provide for a uniform system of issuing trespass warnings to persons who commit certain acts on property owned by the County, protect the Constitutional rights of all persons, and promote the efficient functioning of government.
- (c) The provisions of this ordinance apply to all property owned by the County, except as provided in Section 11-300, Paragraph (d) of this ordinance.
- (d) This ordinance does not apply to property administered by a Constitutional Officer if the Constitutional Officer has adopted his/her own policies and procedures related to the trespass of persons from property administered by him/her. If a Constitutional Officer has adopted such policies and procedures, then their own policies and procedures shall preempt this ordinance and shall govern any issues arising out of or relating to the trespass of persons on properties administered by that Constitutional Officer, and the terms of this ordinance shall not be applicable to properties administered by that Constitutional Officer.

**Sec. 11-301: Definitions.**

For the purpose of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

- (a) "Constitutional Officer" refers, individually and collectively, to the Clerk of Court and Comptroller, the Property Appraiser, the Public Defender, the Sheriff, the State Attorney, the Supervisor of Elections, the Administrative Judge of Marion County, the Chief Judge of the Fifth Judicial Circuit, and the Tax Collector;
- (b) "Right-of-way" includes only those sidewalks which are adjacent to a paved street, provided that the street-side edge of the sidewalk is within 20 feet of the edge of the pavement and any trails or multi-modal pathways.
- (c) "Property administered by the County" means property owned by the County, that is not devoted or allocated to use by a Constitutional Officer in carrying out their duties;

- (d) "Property administered by a Constitutional Officer" means property owned by the County, that is devoted primarily to use by a Constitutional Officer in carrying out his/her official duties; and
- (e) "Property owned by the County" means:
  - (1) Real property owned or leased by Marion County, Florida, or the Board of County Commissioners of Marion County, Florida, including any county facility, outdoor area, park, and recreation area, together with any structures or buildings located on the real property;
  - (2) Structures or buildings owned or leased by the County; and
  - (3) Conveyances owned or leased by the County.

**Sec. 11-302. Persons authorized to issue warnings.**

- (a) For property owned and administered by the County, the County Administrator and/or his/her designee shall be authorized to issue trespass warnings for property owned and administered by the County.
- (b) For property owned by the County but administered by a Constitutional Officer, the Constitutional Officer is authorized to issue trespass warnings, except that the Constitutional Officer may, by internal rule or policy, specifically designate which of his or her employees or agents are authorized to issue trespass warnings on his/her behalf for the property.
- (c) The Sheriff of Marion County and his/her deputies, the officers of the Belleview Police Department, Dunnellon Police Department, and Ocala Police Department, and all other law enforcement officers (as that term is defined in s. 784.07(1)(d), Florida Statutes) are hereby designated as "authorized persons" or "persons authorized" for the purposes set forth in Florida Statutes 810.08 and 810.09, and are authorized to communicate an order to depart or leave property owned by the County in cases of a threat to public safety or welfare.
  - (1) A copy of any trespass warning issued by a law enforcement officer pursuant to this Section shall be delivered to the County Administrator as soon as practicable, together with any document provided to the subject of the warning.
  - (2) A trespass warning issued by a law enforcement officer pursuant to this Section shall substantially conform to the requirements of this Article.
  - (3) If a Constitutional Officer has adopted internal policies and procedures related to trespass on property administered by him/her, it shall be presumed that the foregoing law enforcement officers are authorized persons or persons authorized, unless the internal policies and procedures of the Constitutional Officer specifically prescribed that they are not authorized persons or persons authorized.

**Sec. 11-303. Method of Warning.**

- (a) Warnings to depart and/or not return to property owned and administered by the County may be communicated verbally by an authorized person but shall thereafter be immediately reduced to writing and delivered to the trespassed person.



- (1) If a person is requested to leave County owned and administered property and complies, a written trespass warning may thereafter be delivered to them in any manner sufficient to ensure that the warning is communicated to them.
- (2) A record shall be made of the manner in which the warning was communicated to them.
- (3) A person may not be detained solely to issue them a trespass warning.
- (b) When a person is issued a written trespass warning, it shall be reduced to writing in a form to be provided by the County or, if issued by law enforcement officer, in a form used by that officer's employing agency.
- (c) All pertinent information regarding the subject of the trespass warning shall be included to the extent that required information is available.
- (d) All written trespass warnings must set forth with specificity the ground(s) for the issuance of the trespass warning.
- (e) In addition to the trespass warning, the person trespassed shall be provided a copy of the form entitled "Trespass – County Property (Appeal Process)" by a County employee or agent.
  - (1) If a trespass warning is issued by a law enforcement officer, outside of the County's normal business hours or at a time when this form is not readily available, then the form shall be transmitted to the subject of the trespass warning by the County, and shall made available to the subject of the warning in the same manner as an Appeal Petition.
  - (2) If a written trespass warning cannot be delivered to the subject of the warning, then the form shall be made available to the subject of the warning in the same manner as an Appeal Petition.

**Sec. 11-304. Grounds for Issuance of Warning.**

- (a) A person may be ordered to depart and/or not return to the property administered by the County, and may be issued a written trespass warning, for committing any of the following acts upon property administered by the County:
  - (1) Any act that constitutes a violation of state or federal law, rule, or regulation;
  - (2) Any act that constitutes a violation of a county or municipal ordinance;
  - (3) Any act that materially disrupts the business of the County, including the ability of other members of the public to be provided services by any employee, agent, or volunteer of the County.
    - (A) When feasible, prior to issuing a trespass warning for committing an act that materially disrupts the business of the County, the person shall be advised that their actions are materially disrupting the business of the County and be asked to cease. If their disruptive actions continue, or if after stopping they resume their disruptive actions, a trespass warning may be issued.
  - (4) Any act that poses a threat to the public safety or welfare, including any act that physically harms or threatens to physically harm any employee, agent, or volunteer of the County, or any member of the public.
- (b) A person may be ordered to depart and/or not return to the property administered by the County, and may be issued a written trespass warning, for committing any act that creates

a reasonable and well-founded belief that the individual will commit an act on property administered by the County that:

- (1) Violates state or federal law, rule, or regulation;
  - (2) Violates a county or municipal ordinance;
  - (3) Materially disrupts the business of the County, including the ability of other members of the public to be provided services by any employee, agent, or volunteer of the County; or
  - (4) Will constitute a threat to the public safety or welfare, including any act that would result in physical harm to any employee, agent, or volunteer of the County, or any member of the public.
- (c) A person may not be ordered to depart and/or ordered not to return to property administered by the County, nor may a person be issued a written trespass warning, for engaging in activity protected by the laws or Constitution of the United States or of the State of Florida.

**Sec. 11-305. Duration and scope of trespass warnings.**

- (a) A trespass warning shall be issued for a period:
  - (1) Not to exceed one (1) year, for a first trespass warning; and
  - (2) Not to exceed five (5) years, for any second or subsequent trespass warning from the same property, or for any act that constitutes a violation of an existing trespass warning or order from a court.
- (b) A trespass warning may be issued only for:
  - (1) The property or properties upon which the person committed the act that gave cause for issuance of the warning; or
  - (2) The property or properties for which there is a reasonable and well-founded belief that the person will commit a specified act.
- (c) If a person is issued a trespass warning for more than one location administered by the County, the person issuing the trespass warning may note each location on the warning or may issue a separate warning for each location.
- (d) The County Administrator may rescind any trespass order at any time. A trespass warning may also be rescinded by the County Administrator, or an Assistant County Administrator, pursuant to the appeal process set forth in Section 11-306 of this Ordinance.
- (e) Upon the request of the trespassed individual, the County Administrator may authorize an individual who has received a trespass warning to enter the property or premises from which they were trespassed for the limited purpose of exercising his or her First Amendment rights or any other right guaranteed by the United States or Florida Constitution, if there is no other reasonable alternative location to exercise such rights or to conduct necessary County business. Such authorization must be in writing and shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.



**Sec. 11-306. Procedure for Appeal of trespass warning.**

The following procedure sets forth the appeal process applicable to trespass warnings issued pursuant to this Article:

- (a) To appeal a trespass warning issued for property administered by the County, the subject of the trespass warning, or their attorney, may file a written appeal, requesting the trespass warning be rescinded or modified.
- (b) Appeals shall be made on the form entitled "Trespass – County Property (Appeal Petition)."
- (c) Written copies of the appeal petition shall be provided to any person upon request, without charge. Copies of an appeal petition may be obtained:
  - (1) Via telephone request, to (352) 438-2300, during normal business hours;
  - (2) Via e-mail, by e-mailing [CountyAdministrator@marionfl.org](mailto:CountyAdministrator@marionfl.org);
  - (3) Via US mail, by mailing Marion County Board of County Commissioners, Attn: County Administrator, 601 SE 25th Ave, Ocala, Florida 34471.
- (d) Completed appeal petitions may be filed:
  - (1) Via e-mail, sent to [CountyAdministrator@marionfl.org](mailto:CountyAdministrator@marionfl.org); or
  - (2) Via U.S. mail, sent to Marion County Board of County Commissioners, Attn: County Administrator, 601 SE 25th Ave, Ocala, Florida 34471.
- (e) Upon receipt of an appeal petition, the person receiving the appeal petition shall notify the County Administrator.
- (f) The County Administrator shall schedule a date and time to hold a hearing to consider the appeal petition.
  - (1) The County Administrator may designate an Assistant County Administrator to consider the appeal and preside at a hearing.
  - (2) The hearing shall occur within fifteen (15) business days of the date of receipt of the appeal petition.
  - (3) The hearing shall be open to the public.
  - (4) Notice of the hearing shall be communicated to the trespassed person, and shall include
    - (A) The time, date, and location of the appeal hearing;
    - (B) A copy of the trespass warning that is the subject of the appeal hearing; and,
    - (C) A statement that the appellant is responsible for the creation of a transcript of the appeal hearing.
  - (5) At the appeal hearing, the trespassed person shall have an opportunity to present evidence and argument on all issues involved, to conduct cross examination and submit rebuttal evidence, and to be represented by counsel. At the appeal hearing, the County Administrator, or his/her designee, may receive written or recorded statements or other documents. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings.
- (g) Within five (5) business days of the appeal hearing, the County Administrator, or his/her designee, shall file a written decision on the appeal. The written decision may maintain, modify, or rescind the trespass warning. The written decision shall constitute a final order of Marion County.

(h) The trespassed person may appeal a final order to the Circuit Court of the Fifth Judicial Circuit. Such an appeal shall not be a hearing *de novo*<sup>1</sup>, but shall be limited to appellate review of the record created before the County Administrator, or his/her designee, to determine whether procedural due process was accorded, whether the essential requirements of law were observed, and whether the findings set forth in the written decision on the appeal were supported by competent substantial evidence. An appeal shall be filed within thirty (30) days of the date of the written decision of the appeal/final order of the County.

(1) The record of the hearing of appeal petitions shall consist of:

- (A) The challenged trespass warning;
- (B) The completed "Trespass – County Property (Appeal Process)" form;
- (C) The completed "Trespass – County Property (Appeal Petition)" form and any attachments, including those provided by the trespassed person;
- (D) All notices;
- (E) Evidence received or considered;
- (F) A transcript of the hearing (if available);
- (G) Any correspondence related to the trespass warning;
- (H) The written decision on the appeal; and
- (I) A copy of this ordinance.

**SECTION 3. CONFLICTS.** In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

**SECTION 4. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 5. REPEAL OF ORDINANCES.** All ordinances or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 6. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

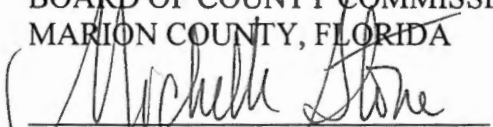
**SECTION 7. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in F.S. §125.66(2)(b).

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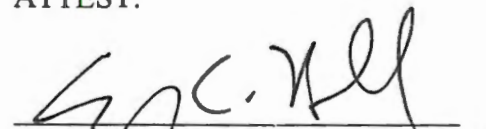
<sup>1</sup> "*De novo*" refers to a hearing in which the court makes factual findings, weighs evidence, or enters judgments or rulings on the merits of the issuance of the trespass warning.

DULY ADOPTED this 6 day of August, 2024.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

  
MICHELLE STONE, CHAIR

ATTEST:

  
GREGORY C. HARRELL, CLERK

RECEIVED NOTICE FROM SECRETARY OF  
STATE ON AUGUST 7, 2024 ADVISING  
ORDINANCE WAS FILED ON AUGUST 7, 2024