

**ORDINANCE NO. 22-23-23**

**AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PROVIDING FOR SPECIAL NOTICE REQUIREMENTS RELATED TO ROADWAY STATUS FOR FEE SIMPLE REAL ESTATE CONVEYANCES RECORDED IN THE OFFICIAL RECORDS OF HIGHLANDS COUNTY, FLORIDA; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR NOTICE RECORDING REQUIREMENTS FOR FEE SIMPLE REAL ESTATE CONVEYANCES; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION AND SCRIVENOR'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Highlands County has a total land area over one thousand (1,000) square miles with just over one thousand one hundred twenty-five (1,125) miles of paved and unpaved roadways which are maintained by the County; and

**WHEREAS**, there are immeasurable miles of additional roadways which exist in Highlands County that are not maintained by the County for various operational, jurisdictional and/or ownership reasons; and

**WHEREAS**, located upon such unmaintained roadways, are countless privately owned lands, lots and/or real properties, both vacant and developed; and

**WHEREAS**, from time to time, the owners of such privately owned lands, desire to sell, grant or otherwise transfer ownership of such properties to others; and

**WHEREAS**, although the County keeps current records, readily accessible to the public, pertaining to those roadways which are maintained by the County, those roadways planned for future paving and those roadways that are appropriate for the County to take over for maintenance in the future, in recent years, the County has experienced an overwhelming increase in the number of property owners who claim to have been told by the prior owner, or a real estate transaction professional, that the roadway upon which the property is located will either eventually be paved or taken over for maintenance purposes by the County as applicable; and

**WHEREAS**, the County has discovered that the communication of incorrect roadway information to the new property owner or failure by the new property owner to verify accurate roadway information is causing concerns with the issuance of building permits and/or the provisions of County services; and

**WHEREAS**, the County has determined that it is of great public importance for persons or entities taking ownership of real property in Highlands County to have current and accurate information regarding the roadway upon which the real property is located; and

**WHEREAS**, the County hereby deems it necessary, appropriate and in the best interest of the public health, safety, comfort, good order, convenience and general welfare to adopt special notice requirements related to roadway status for fee simple real estate conveyances recorded in the official records of Highlands County, Florida.

**NOW THEREFORE, BE IT ORDAINED BY HIGHLANDS COUNTY, FLORIDA**, after due notice and public hearing, that:

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** Highlands County has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. NOTICE RECORDING REQUIREMENTS FOR FEE SIMPLE REAL ESTATE CONVEYANCES.**

A. Any instrument recorded in the official records of Highlands County, Florida on or after August 1, 2023, which grants, conveys or transfers fee simple ownership in and to real property (the "Transferring Instrument") shall be accompanied by an affidavit or affidavits verifying the roadway status related to the real property which is the subject of the Transferring Instrument (the "Affidavit"). An Affidavit shall be recorded for each Grantee listed in the Transferring Instrument and each such Affidavit shall be recorded with, and immediately after in sequence, the Transferring Instrument. The Affidavit or Affidavits shall only be accepted in the form approved by the County Attorney.

B. Recording fees shall be applicable to any Affidavit recorded with the Transferring Instrument. Such recording fees shall be paid at the time of recording of the Affidavit, shall be in the amount permitted by Florida law and shall be collected and disbursed pursuant to Florida law.

C. The filing of an Affidavit shall not be required wherein a governmental entity is either the Grantor or the Grantee in the Transferring Instrument.

**SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.** The County Administrator is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Ordinance. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

**SECTION 4. SAVINGS CLAUSE.** All prior actions of the Board of County Commissioners of Highlands County, pertaining to the regulations set forth herein, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS.**

A. Section 2, of this Ordinance, shall be codified in the Highlands County Code of Ordinances and the sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the Highlands County Code of Ordinances.

B. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Administrator and County Attorney, may be corrected with the endorsement of the County Manager, or designee, without the need for a public hearing.

**SECTION 6. CONFLICTS.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 7. SEVERABILITY.** The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon filing with the Department of State.

**DONE AND ADOPTED** this 16<sup>th</sup> day of June 2023.



BOARD OF COUNTY COMMISSIONERS  
OF HIGHLANDS COUNTY, FLORIDA

By: [Signature]  
Chris Campbell, Chairperson

ATTEST:

By: [Signature] for  
Jerome Kaszubowski, Clerk



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 8, 2023

Jerome Kaszubowski, Clerk  
Highlands County  
590 South Commerce Avenue  
Sebring, Florida 33870-3867

Attention: Jill Shields

Dear Jerome Kaszubowski,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 22-23-23, which was filed in this office on June 8, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh