

**COUNTY of MONROE**  
**The Florida Keys**



**BOARD OF COUNTY COMMISSIONERS**

Mayor Holly Merrill Raschein, District 5  
 Mayor Pro Tem James K. Scholl, District 3  
 Craig Cates, District 1  
 Michelle Lincoln, District 2  
 David Rice, District 4

**Board of County Commissioners Meeting**  
**August 21, 2024**  
**Agenda Item Number: O11**  
**2023-2861**

**BULK ITEM:** Yes

**DEPARTMENT:** County Attorney

**TIME APPROXIMATE:**  
 No.

**STAFF CONTACT:** Peter Morris

**AGENDA ITEM WORDING:** Authorization to initiate litigation against SGC Land Trust 2/12/2020 and affiliated officers, fiduciaries, agents, and other responsible parties, regarding violations of the Monroe County Code of Ordinances and Land Development Code that have occurred and continue to occur at the property located at 93990 Overseas Highway in Tavernier.

**ITEM BACKGROUND:**

The property has been the site of illegal land clearing and illegal construction, as well as violations of Chapter 4 of the Monroe County Code, regarding animals. The property is owned by SGC Land Trust 2/12/2020, is located at 93990 Overseas Highway, Tavernier and currently has property identification number 00480880-000000. The Monroe County Property Appraiser classifies the property as "**Vacant - Residential**".

The Monroe County Planning and Environmental Resources Department ("Planning Department") on December 4, 2023, hand-delivered to the property owner the attached memorandized determinations of the Planning Department asserting in writing that the property owner was in violation of Monroe County Code Section 6-100(a), Monroe County Code Section 118-11, Monroe County Code Sections 6-110(a)(4)(a)-(b), Monroe County Code Section 6-110(c)(1), and Monroe County Code Section 6-110(d). These administrative determinations were never appealed and are therefore final pursuant to Monroe County Land Development Code Section 102-185(c).

In addition, on December 4, 2023, the Monroe County Code Compliance Department posted at the property the attached stop work order and red tag mandating the cessation of the Code violations the Planning Department's memorandized determinations asserted the owner had violated.

The property owner failed to cease and abate the violations determined to have occurred in writing pursuant to the Planning Department's memorandized determinations, has effectively ignored the Code Compliance Department's stop work order and red tag, remains in violation of the Monroe County Code provisions the Planning Department determined the owner had violated, and is now violating additional laws governing development and the keeping of wild animals and livestock afoot of Monroe County

## Code Chapter 4.

The County has the option of:

1. issuing a notice of violation and seeking relief before the Code Compliance Special Magistrate; and/or
2. filing a civil enforcement action seeking injunctive relief, costs, fees, and/or monetary penalties in Circuit Court to ensure compliance with the Comprehensive Plan, Code(s), and/or requirements of state law as applicable.

County staff recommends that the BOCC authorize the initiation of civil litigation (Option 2) against the above-referenced property owner and other responsible parties for injunctive relief and damages (including but limited to the costs of prosecution).

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**PREVIOUS RELEVANT BOCC ACTION:**

N/A

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**INSURANCE REQUIRED:**

No

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATION:** Approval.

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**DOCUMENTATION:**

[Monroe County Property Appraiser's Office - Property Record Card - \(Property I.D. No. 00480880-000000\).pdf](#)

[Monroe County Planning and Environmental Resources Department's Determinations Issued to Property Owner.pdf](#)

[Posted Stop Work Order and Red Tag.pdf](#)

[Photos of Keeping of Wild Animals and Livestock.pdf](#)

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**FINANCIAL IMPACT:**

Approximately \$412.50 in filing and summons fees, plus cost(s) of prosecution in an amount determinable at the conclusion of litigation.