



AGENDA REPORT  
July 9, 2019

**Necessary Action in Obloy Civil Case**

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**SUBJECT:**

Authorization for the County Attorney's Office to take appropriate action with respect to Case No. 05-2019-CA-026144-XXXX-XX, including, but not limited to, appealing the Judge's order.

**FISCAL IMPACT:**

Filing fees.

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

The County Attorney's Office is requesting permission to take any necessary steps to further the County's interests, including authorization to appeal the Court's order. The County Attorney's Office believes there are legitimate grounds to appeal the Court's order and is seeking authorization to do so if the County's motion for rehearing/reconsideration is denied.

**SUMMARY EXPLANATION and BACKGROUND:**

Mr. Eric and Amanda Obloy, and Obloy Family Ranch, Corp., filed a request for injunctive relief and an emergency hearing on May 24, 2019. On June 3, 2019, the Court had a hearing on the validity of the Code Enforcement Special Magistrate orders for Cases 17CE-02100 and 19CE-00649, relating to 165 Gator Drive, Merritt Island, FL 32952. The former case deals with violations of the zoning regulations, while the 19CE-00649 case was triggered for violations of the Florida Fire Prevention Code relating to a barn and 3 cabins on the property. The Special Magistrate determined a life safety issue existed. Following briefs and oral argument in the current case, the Judge issued his order on June 27, 2019, which is attached hereto.

The County Attorney's Office believes that there are legitimate grounds to appeal the Judge's order and is requesting the Board authorize the County Attorney's Office to take any necessary steps, including the ability to appeal the Judge's decision to the Fifth District Court of Appeal. An appeal would need to be filed within 30 days of the date of the order (June 27, 2019).

**CLERK TO THE BOARD INSTRUCTIONS:**

Send memo to the County Attorney's Office.

**ATTACHMENTS:**

**Description**

- **Obloy Civil Order 6/27/19**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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July 10, 2019

**M E M O R A N D U M**

**TO:** Eden Bentley, County Attorney

**RE:** Item F.37., Necessary Action in the Obloy Civil Case, Case No. 05-2019-CA-026144-XXXX-XX

The Board of County Commissioners, in regular session on July 9, 2019, permitted you to take any necessary steps to further the County's interests, including authorization to appeal the Court's order, if the County's motion for rehearing/reconsideration is denied.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: Planning and Development Director  
Finance  
Budget

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL  
CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA**

**CASE NO.:05-2019-CA-026144-XXXX-XX**

**ERIC AND AMANDA OBLOY,  
and OBLOY FAMILY RANCH, CORP.**

**Plaintiffs,**

**vs.**

**BREVARD COUNTY and  
BREVARD COUNTY FIRE RESCUE,**

**Defendants.**

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**ORDER ON PLAINTIFFS' COMPLAINT FOR  
INJUNCTIVE RELIEF AND REQUEST FOR EMERGENCY HEARING**

THIS CAUSE, having come before this Court on Plaintiffs' Second Complaint for Injunctive Relief and Request for Emergency Hearing on June 3rd, 2019 and after hearing the evidence, arguments of counsel, and been otherwise advised in the premises,

It is Ordered and Adjudged as follows:

1. Plaintiffs provided testimony under oath that the Brevard County Property Appraiser's Office failed to provide notice of supposed changes to the portions of the Property that were classified as agricultural. As a result, the Plaintiffs shall be given a reasonable opportunity to confer with the Brevard County Property Appraiser's Office and have reviewed the agricultural classification for the portion of the Property where the cabins are located.
2. During this reasonable time period, Plaintiffs may utilize the cabins on the Property but must limit capacity to a maximum of six persons per cabin, and must at least meet all requirements outlined in Chapter 69A-67, Florida Administrative Code, pertaining to Class II buildings, including but not limited to maintaining all working fire alarms, smoke detectors, fire extinguishers, and other fire suppression measures required by Florida law, within thirty (30) days from the hearing held on June 3rd, 2019.
3. The County shall stay the accrual of the fines associated with the cabins in Code Case 19CE-00649 during this thirty (30) day time period.

4. If the Brevard County Property Appraiser's Office determines that the classification of the portion of the property was improper and, therefore, the cabins are eligible to be classified as agricultural pursuant to Section 193.461, Florida Statutes, then fines for the zoning issues identified in Code Case 17CE-02100 may not be imposed; if such fines have already been imposed, then they shall not be foreclosed upon by the County. However, if the agricultural classification was done correctly, then the County may take any necessary actions allowed by law with respect to the fines associated with the zoning issues identified in Code Case 17CE-02100, including, but not limited to, imposition and foreclosure.

5. Fines relating to the zoning issues raised in Code Case 17CE-02100 shall continue to accrue.

DONE AND ORDERED this 27th day of June, 2019.



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DAVID SILVERMAN  
ACTING CIRCUIT JUDGE

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