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**Highlands County
Board of County Commissioners Agenda Item**

Date of Action Request: December 2, 2025

Presenter: James Duppenthaler, Fire Chief

Subject/Title: Request adoption of Emergency Burn Ban Ordinance 25-26-03 pursuant to Florida Statutes, Section 125.66

Statement of Issue

The Florida Department of Agriculture and Consumer Services, Florida Forest Service, Sebring Forestry Station Supervisor has informed the Highlands County Fire Chief that a recent reading of the Keetch Byran Drought Index, (KBDI), which is used for estimating dryness of soil and duff layers, rates Highlands County as exceeding 500 on a scale of 0-800. Drought conditions are conducive to wildfires and hazardous weather and atmospheric surroundings point toward drought conditions into the foreseeable future in Highlands County and wildfire risk increases each day without rain; thus, warranting the implementation of Ordinance 25-26-03.

Recommended Action

Move to adopt Ordinance 25-26-03 pursuant to Florida Statutes, Section 125.66

Fiscal Impact

There is no fiscal impact.

Attachments:

1. Emergency Burn Ban Ordinance (12.2.25)

ORDINANCE NO. 25-26-03

AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE EMERGENCY DECLARATION OF A BURN BAN; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL AND APPLICABILITY OF EMERGENCY BURN BAN, EXCEPTIONS AND PENALTIES; PROVIDING FOR AUTOMATIC SUNSET, CANCELLATION AND/OR EXTENSION OF BURN BAN; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NON-CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Florida Constitution, Article VIII, Section 1 and Florida Statutes, Section 125.01, a County possesses the authority to conduct County government and, among other matters, the prerogative to adopt ordinances necessary to exercise of its powers and to prescribe penalties for violations of such ordinances; and

WHEREAS, Florida Statutes, Section 125.66, confers upon the County, the ability to adopt an emergency ordinance at any regular meeting with a waiver of the standard notices requirements provided the ordinance declares that an emergency exists, that immediate enactment is necessary and the ordinance is enacted by four-fifths vote of the membership of the Board of County Commissioners; and

WHEREAS, the Florida Department of Agriculture and Consumer Services, Florida Forest Service, Sebring Forestry Station Area Supervisor has informed the Highlands County Fire Chief that a recent reading of the Keetch Byran Drought Index (KBDI), which is used for estimating dryness of soil and duff layers, rates Highlands County as exceeding 500 on a scale of 0 - 800; and

WHEREAS, drought conditions are conducive to wildfires; and

WHEREAS, hazardous weather and atmospheric surroundings point toward drought conditions into the foreseeable future in Highlands County; and

WHEREAS, wildfire risk increases each day without rain; thus, warranting the implementation of an emergency burn ban; and

WHEREAS, based on the information presented by the Florida Forest Service and the Highlands County Fire Chief, the County has determined that an emergency exists and that immediate enactment of this Ordinance is necessary in order to address the emergency condition in Highlands County.

NOW THEREFORE, BE IT ORDAINED by Highlands County, Florida, that:

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

SECTION 2. APPROVAL AND APPLICABILITY OF BURN BAN, EXCEPTIONS, AND PENALTIES.

A. *Prohibitions.* Due to the current emergency, fire hazard conditions in Highlands County, from the Effective Date hereof until sunset or repeal in accordance herewith, there shall be a burn ban in effect and all outdoor burning of yard trash, grass, vegetation, lumber, trees, household paper products, and/or debris is prohibited. All bonfires, campfires, warming fires, fires in outdoor fireplaces, outdoor pyrotechnic displays and open cooking fires are also prohibited.

B. *Applicability.* This burn ban shall apply in all areas of Highlands County; however, to the extent a municipality within Highlands County has an ordinance or charter provision in effect which conflicts with the provisions hereof, the regulation of said municipality shall prevail in the jurisdictional boundaries of the municipality.

C. *Exceptions.*

1. Cooking food exclusively within a contained gas or charcoal grill.
2. Activities authorized by the Florida Forest Services.

D. *Penalties.* Any person who refuses to comply with or violates the provisions of this burn ban shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days in a county jail or both.

SECTION 3. PROVIDING FOR AUTOMATIC SUNSET, CANCELLATION AND/OR EXTENSION OF BURN BAN.

A. The emergency burn ban approved by this Ordinance shall automatically sunset 30 days after the Effective Date hereof unless extended or terminated sooner in accordance herewith.

B. After consultation with the Florida Forest Service and the Fire Chief determines that the burn ban can be lifted, the Fire Chief shall issue a formal notice of termination of the burn ban placed into effect pursuant to this Ordinance.

C. The burn ban may be extended by amendment to this Ordinance.

SECTION 4. 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 5. SAVINGS CLAUSE. All prior actions of Highlands County pertaining to the emergency burn ban, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. NON-CODIFICATION AND SCRIVENER'S ERRORS. The provisions of this Ordinance shall not be codified in the Board of County Commissioners of Highlands County Code of Ordinances. 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.

SECTION 7. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 9. EFFECTIVE DATE AND DIRECTIONS TO THE CLERK. Pursuant to Florida Statutes, Section 125.66(4), this Emergency Ordinance shall be transmitted by email to the Department of State, as well as the Florida Forest Service area supervisor(s) and shall be deemed filed and shall take effect immediately upon acceptance and email confirmation by the Department of State.

DONE AND ADOPTED this 2 day of December, 2025.



(SEAL)

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By: 1 Don Elwell
Don Elwell, Chairman

ATTEST

By: [Signature] FOR
Jerome Kaszubowski, Clerk