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

**Date of Action Request:** May 5, 2026

**Presenter:** James Duppenthaler, Fire Chief

**Subject/Title:** Request adoption of Ordinance No. 25-26-12, extension of a burn ban pursuant to Florida Statutes, Section 125.66.

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**Statement of Issue**

Due to the current conditions and recent reading of the KBDI (Keetch Byran Drought Index), it is necessary to enact this Ordinance to extend a burn ban in Highlands County in order to protect the health, safety, and welfare of County residents, visitors, and businesses.

**Recommended Action**

Move to adopt Ordinance No. 25-26-12 pursuant to Florida Statutes, Section 125.66.

**Fiscal Impact**

There is no fiscal impact.

**Attachments:**

1. 25-26-12 Burn Ban Extension

**ORDINANCE NO. 25-26-12**

**AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE FURTHER EXTENSION OF THE BURN BAN DECLARED UNDER HIGHLANDS COUNTY ORDINANCE NO.: 25-26-06 AND EXTENDED BY HIGHLANDS COUNTY ORDINANCE NOS.: 25-26-07 AND 25-26-10; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR EXTENSION OF BURN BAN; 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**, on January 6, 2026, the County adopted Ordinance No.: 25-26-06, which declared a burn ban in Highlands County through February 18, 2026; and

**WHEREAS**, on February 17, 2026, the County adopted Ordinance No.: 25-26-07, which declared a burn ban in Highlands County through April 9, 2026; and

**WHEREAS**, on April 7, 2026, the County adopted Ordinance No.: 25-26-10, which declared a burn ban in Highlands County through May 5, 2026; 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 drought conditions continue to exist in Highlands County as 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 extension of the burn ban implemented by Ordinance No.: 25-26-06 and extended by Ordinance Nos.: 25-26-07 and 25-26-10; and

**WHEREAS**, based on the information presented by the Florida Forest Service and the Highlands County Fire Chief, the County has determined that the extension of the burn ban is needed and that enactment of this Ordinance is necessary in order to address the drought conditions in Highlands County.

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

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

**SECTION 2. EXTENSION OF BURN BAN AND AUTOMATIC SUNSET, CANCELLATION AND/OR EXTENSION OF BURN BAN.** The burn ban approved by Highlands County Ordinance No.: 25-26-06, and extended by Highlands County Ordinance Nos.: 25-26-07 and 25-26-10, is hereby further extended and shall be in effect from May 6, 2026 through and including June 16, 2026, unless extended or terminated sooner in accordance herewith.

B. After consultation with the Florida Forest Service, if 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. Prior to automatic sunset, the burn ban may be extended by amendment to this Ordinance.

D. All provisions of Highlands County Ordinance Nos.: 25-26-06, 25-26-07 and 25-26-10 not revised by this Ordinance, shall remain in full force and effect.

**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 Highlands County pertaining to this burn ban, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 5. 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 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of the conflict.

**SECTION 7. 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 8. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon filing with the Department of State.

**DONE AND ADOPTED** this 5<sup>th</sup> day of May, 2026.



BOARD OF COUNTY COMMISSIONERS  
HIGHLANDS COUNTY, FLORIDA

By: Don Elwell  
Don Elwell, Chairman

(SEAL)

ATTEST

By: Jerome Kaszubowski  
Jerome Kaszubowski, Clerk

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**AFFIDAVIT OF PUBLICATION**

**HIGHLANDS NEWS-SUN**  
**Published Daily**  
**SEBRING, HIGHLANDS COUNTY, FLORIDA**

**Case No. NOTICE OF PUBLIC HEARING**  
**ORDINANCE NO. 25-26-12**

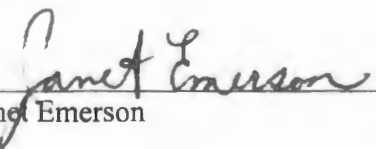
**STATE OF FLORIDA,**  
**COUNTY OF HIGHLANDS**

Before the undersigned authority, Janet Emerson, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Highlands News-Sun, a newspaper published at Sebring in Highlands County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

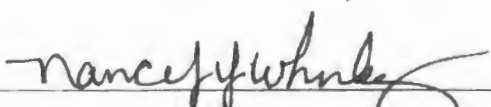
APRIL 25; MAY 2, 2026

Affiant further says that the Highlands News-Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

SIGNED:

  
\_\_\_\_\_  
Janet Emerson

Sworn to and subscribed before me this 5<sup>th</sup> day of May, 2026  
by Janet Emerson, who is personally known to me.

  
\_\_\_\_\_  
Nancy Y. Whirley, Customer Service Supervisor, Notary Number: HH 293555  
Notary expires: July 26, 2026



**NANCY Y. WHIRLEY**  
**Notary Public**  
**State of Florida**  
**Comm# HH293555**  
**Expires 7/26/2026**

**NOTICE OF PUBLIC HEARING**  
**TO CONSIDER COUNTY**  
**ORDINANCE NO. 25-26-12**

**NOTICE IS HEREBY GIVEN TO**  
**WHOM IT MAY CONCERN:**

**NOTICE** is hereby given that the Highlands County Board of County Commissioners will hold a public hearing for the purpose of considering adoption of the following ordinance on **May 5, 2026**, at 9:00 a.m. or as soon thereafter as possible, in the County Commissioners' Board Room of the Government Center, 600 South Commerce Avenue, Sebring, Florida:

**AN ORDINANCE OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE FURTHER EXTENSION OF THE BURN BAN DECLARED UNDER HIGHLANDS COUNTY ORDINANCE NO.: 25-26-06 AND EXTENDED BY HIGHLANDS COUNTY ORDINANCE NOS.: 25-26-07 AND 25-26-10; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR EXTENSION OF BURN BAN; PROVIDING FOR AUTOMATIC SUNSET, CANCELLATION AND/OR EXTENSION OF BURN BAN; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR NONCODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

A copy of the ordinance is available for inspection in the office of the County Administrator, 600 South Commerce Avenue, Sebring, Florida 33870. All interested persons may appear and be heard at the time and place specified above. Any person who might wish to appeal any decision made by the Board of County Commissioners of Highlands County, Florida, in public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

The Board of County Commissioners of Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discriminatory policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act or Section 286.26, Florida Statutes, should contact Sherri Bennett, ADA Coordinator, at (863) 402-6509 (voice), 863-402-6508 (TTY), or via Florida Relay Service 711, or by e-mail: hrmanager@hcbcc.org. Requests for CART or interpreter services should be made at least 24 hours in advance to permit coordination of the service.

**BOARD OF COUNTY COMMISSIONERS**  
**OF HIGHLANDS COUNTY, FLORIDA**  
By: Don Elwell, Chairman

April 26; May 2, 2026