

**ORDINANCE NO. 034 - 2019**

**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA ADOPTING THE OFFICIAL SEAL OF MONROE COUNTY AND CODIFYING IT INTO THE MONROE COUNTY CODE; ADOPTING A POLICY FOR USE OF THE ADOPTED COUNTY SEAL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Monroe County was established in 1823, more than two decades prior to Florida becoming a State; and

**WHEREAS**, at some point following its establishment, Monroe County adopted an official seal; and

**WHEREAS**, in 1991, the State of Florida enacted 91-59, Laws of Florida, which is codified at F.S. 165.043 and which provides for penalties for misappropriation of a county or city seal adopted by ordinance; and

**WHEREAS**, in 1995, the Board of County Commissioners of Monroe County (“the Board”) adopted Resolution No. 497-1995 to update the then County Seal to change the year of the County’s founding from 1824 to 1823; and

**WHEREAS**, in 2010, the Board adopted a policy for usage of the County Seal in Resolution No. 292-2010 and attempted to protect its intellectual property in the County Seal by Resolution instead of by Ordinance as required; and

**WHEREAS**, a search of the County’s records did not reveal if the Board has ever adopted the County Seal *by Ordinance*; and

**WHEREAS**, the Board finds that adopting this ordinance is necessary to protect the County Seal;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**SECTION 1. Section 2-29 of the Monroe County Code is hereby created to read as follows:**

- (1) ADOPTION OF COUNTY SEAL.** The Board of County Commissioners of Monroe County, Florida hereby adopts the County Seal as depicted in attachment A to this ordinance and incorporated by reference herein as the Official County Seal of Monroe County.
- (2) USE OF COUNTY SEAL.** Any use of the County seal by anyone other than a county official or employee in the course of performing their official duties requires express approval by the Board of County

Commissioners. It shall be the policy of the Board of County Commissioners of Monroe County that requests for use of the County seal may be brought by County staff before the Board of County Commissioners in a public meeting agenda item only if the proposed use is in connection with events or programs of environmental concern and related to issues on which the Board of County Commissioners has already undertaken some initiative, such as the creation of an advisory committee or implementation of a related program. The manufacture, use, display, or other employment of any facsimile or reproduction of the county seal, except by county officials or employees in the performance of their official duties, without the express approval of the Board of County Commissioners is prohibited.

(3) **CRIMINAL PENALTIES AND CIVIL REMEDIES:** Unauthorized use of the County Seal is a second degree misdemeanor as provided for by F.S. 165.043. In addition, the County Attorney is authorized to pursue civil and equitable remedies including, but not limited to injunctive relief, against any person or entity who uses the seal without proper authorization. If the County prevails in such an action, the Court shall award to the County all attorney's fees and costs incurred by the County.

**SECTION 2. Severability.** If any section, subsection, sentence, clause, or provision of this ordinance is held by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall not be affected by such invalidity.

**SECTION 3. Conflict.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**SECTION 4: Effective Date.** This Ordinance shall be filed with the Department of State and shall be effective as provided in Section 125.66(2), Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16th day of October, 2019.



Mayor Syliva Murphy  
 Mayor Pro Tem Danny Kolhage  
 Commissioner Michelle Coldiron  
 Commissioner Heather Carruthers  
 Commissioner David Rice

Absent  
Yes  
Yes  
Yes  
Yes

FILED FOR RECORD  
 OCT 25 AM 10:58  
 CLERK CIR. CT.  
 MONROE COUNTY, FL

Attest: KEVIN MADOK, Clerk

By: Samuel Stanwick  
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
 OF MONROE COUNTY, FLORIDA

By: [Signature]  
 Mayor Sylvia J. Murphy  
 Pro Tem Danny Kolhage  
 MONROE COUNTY ATTORNEY  
 APPROVED AS TO FORM:

ROBERT B. SHILLINGER, JR.  
 COUNTY ATTORNEY  
 Date 9-30-19

ATTACHMENT "A"  
TO ORDINANCE

