

# Audit of Code Enforcement Services

## **Division of Inspector General** **Neil Kelly, Clerk of the Circuit and County Courts** **Audit Report**

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**Inspector General**

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**Report No. BCC-125**  
**October 31, 2014**

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October 31, 2014

Board of County Commissioners

We have conducted our audit of the Code Enforcement Services Division of the Board of County Commissioners' Community Safety and Compliance Department, as scheduled per the Clerk's Annual Inspector General Audit Plan.

We appreciate the cooperation and assistance provided by the Code Enforcement Services Division and also other local county and governmental entities contacted during the course of our audit.

Respectfully Submitted,

*Bob Melton*

Bob Melton  
Inspector General

CC: Honorable Neil Kelly, Clerk of Circuit & County Court  
David Heath, County Manager  
Brian Sheahan, Director of Community Safety and Compliance

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# EXECUTIVE SUMMARY

We conducted an audit of the Code Enforcement Services Division, as scheduled per the Clerk's Annual Inspector General Audit Plan. We excluded an evaluation of the Board of County Commissioners' and Management's policy of handling Code Enforcement issues on a reactive basis instead of adopting a proactive program. In the current environment, Code Enforcement Services generally only responds to complaints. While at the location of the subject complaint, they state that they will view other properties within eyesight and take action on any other properties that they can view from the subject location. However, any violations that Code Enforcement officers may view enroute are ignored. They also do not patrol neighborhoods to view any potential Code violations. While this practice limits the effectiveness of Code Enforcement activities, we did not evaluate the efficiency or effectiveness of this policy. Therefore, we express no conclusions regarding the efficiency or effectiveness of the reactive Code Enforcement policy.

Code violations are not being enforced in a consistent manner. Some property owners are given multiple time extensions in which to comply. In one example, 70 days elapsed from the time of the first inspection until it was referred to the Special Master. Five visits to the property had been made by officers to the property during this time. No extenuating circumstances were noted in the case files. Out of 70 closed cases reviewed, we noted that the time to close a case ranged from 0 to 210 days. Only 7 of these cases were referred to the Special Master. Some staff believe they have been discouraged from documenting requested actions which deviate from normal procedures. This could result in perceived preferential treatment. When cases are not enforced consistently, practices can be perceived as unfair by the public.

Code officers are making excessive site visits and follow ups. We noted that out of 70 cases we reviewed, there were 7 cases in which 5-10 visits were made to the property where violations were occurring.

In Lake County, citations are not issued for code violations; instead, Code Enforcement issues a series of notices, at least two, for code violations. Issuing citations could increase compliance, reduce officer time spent on follow up work, and potentially increase revenues. Switching to the citation system would allow the courts to impose consequences to noncompliance that the notification system cannot including issuance of bench warrants and suspension of driver's licenses.

Violations for unpermitted work are enforced by the Code Enforcement officers. Code enforcement officers do not have the expertise to properly enforce building violations as they are not trained on building requirements. We noted several instances in which the property owners with unpermitted work violations were bounced between the Code Enforcement Services Division and the Building Services Division because the Code officers do not know the requirements for obtaining a permit nor

they do have access to the Building Services Division archives in instances when older data is required to confirm permits on existing structures.

Lake County Code Enforcement Services does not abate properties. Abatement is when the County will rectify a nuisance by mowing, cleaning or securing the property. A lien for the cost of the work is then placed on the property so the funds can be recovered by the County. When during the course of the normal process of enforcing the code a property does not come into compliance, and the violation could pose a threat to the health, safety, and welfare of the citizens, the property should be abated to minimize risk to the citizens.

The Code Enforcement Services Division does not have a call prioritization schedule. Calls should be prioritized with urgent complaints such as life safety issues given more priority over other, less crucial violations. We noted one case, a standard housing violation with reported exposed wires, leaking ceiling, and a broken out window, for which it took the officer 5 days to respond. Had the call been given a higher priority, this time delay could have been prevented.

Code enforcement in Lake County is almost entirely complaint based. Proactive enforcement is generally not performed. With this type of enforcement, it is imperative that citizens be aware of the mechanisms to communicate potential code violations to the County. Methods for submitting complaints are not clearly communicated to the public. It is not clear where online complaints can be made.

We also noted other opportunities for improvement related to processes and software. In total, our report contains 30 recommendations for improvement.

# INTRODUCTION

## Scope and Methodology

We conducted an audit of the Code Enforcement Services Division (Code Enforcement), as scheduled per the Clerk's Annual Inspector General Audit Plan. Our audit objectives were:

1. To determine whether Code Enforcement practices align with local and state laws.
2. To determine whether Code Enforcement practices provide reasonable efficiency of County resources.
3. To determine whether all legally available means of enforcement are utilized.
4. To determine whether enforcement practices promote compliance with County Code.

To determine whether practices align with local and state laws, we reviewed Division policies and procedures and compared them to applicable County Ordinances and Florida Statutes; we reviewed a sample of cases to ensure practices align with the relevant laws; and we reviewed case documentation including receipts and liens filed to ensure proper accounting and enforcement of fines assessed.

To determine whether practices provide reasonable efficiency of County resources, we reviewed Division procedures; we interviewed and observed staff in their normal working environments to ensure efficiency is reasonable; we reviewed a sample of cases to determine the timeliness of actions taken; and we reviewed workload reports used by management to budget time and resources for the Division.

To determine whether all legally available means of enforcement are utilized, we reviewed County Ordinances and Florida Statutes to determine allowable enforcement methods; we contacted other counties to determine best practices for enforcement; and, we selected a sample of cases to review for actions taken.

To determine whether enforcement practices promote compliance of County Code, we reviewed County Ordinances to determine allowable practices; we contacted other counties to determine best practices; we selected a sample of cases for review; and, we reviewed current methods for submitting complaints.

We excluded the Special Master process from the scope of this audit. Therefore, we express no conclusions regarding the efficiency or effectiveness of the Special Master process.

We also excluded an evaluation of the Board of County Commissioners' and Management's policy of handling Code Enforcement issues on a reactive basis instead of adopting a proactive program. In the current environment, Code Enforcement generally only responds to complaints. While at the location

of the subject complaint, they state that they will view other properties within eyesight and take action on any other properties that they can view from the subject location. However, any violations that Code Enforcement officers may view enroute are ignored. They also do not patrol neighborhoods to view any potential Code violations. While this practice limits the effectiveness of Code Enforcement activities, we did not evaluate the efficiency or effectiveness of this policy. Therefore, we express no conclusions regarding the efficiency or effectiveness of the reactive Code Enforcement policy.

Our audit included such tests of records and other auditing procedures, as we considered necessary in the circumstances. The audit period was October 1, 2012 through March 31, 2014. However, transactions, processes, and situations reviewed were not limited by the audit period.

## Overall Conclusion

We conclude that Code Enforcement practices align with local and state laws. Except for Opportunities for Improvement presented in this report, we conclude that Code Enforcement practices provide reasonable efficiency of County resources. We conclude that all legally available means of enforcement are not utilized, and enforcement practices do not reasonably promote compliance of Code within the County. Opportunities for Improvement are included in this report.

## Background

The Lake County Code Enforcement Services Division is responsible for enforcing violations of the Lake County Land Development Regulations and other ordinances relating to the use of property in Lake County. Some of the areas covered by the Lake County Code Enforcement Services Division include:

- Control of grass and weeds
- Parking of recreational vehicles, boats, semi-trucks and trailers
- The accumulation of trash and debris
- Occupation of recreational vehicles outside of approved areas
- Abandoned property
- Unpermitted work including buildings, signs, pools, boat docks, etc.
- Annual inspections for Conditional Use Permits

The Division is complaint driven, meaning that Code violations are primarily enforced on properties for which a complaint was received from the public. Complaints can be made in person, via phone or email, or online through the County's website. Complainants may submit their information anonymously via phone or online.

In Fiscal Year 2012-2013, the Division received 2,244 complaints categorized into 42 types. The table below depicts the numbers for the 10 most prevalent types of complaints received during the year.

| Complaint Type                             | # of Complaints |
|--|-----------------|
| Nuisance Abatement (overgrown grass/weeds) | 512             |
| Building/Signs without a Permit            | 253             |
| Accumulation of Waste and Debris           | 236             |
| Multiple Violations                        | 170             |
| Miscellaneous Violations                   | 140             |
| Abandoned Property/Inoperable Vehicles     | 125             |
| Standard Housing                           | 103             |
| Parking – Boats & RVs                      | 77              |
| CUP Annual Inspections                     | 65              |
| Right of Way                               | 49              |

\*Miscellaneous violations include strong odors, improper use of a property, damaging the right of way, raw sewage issues, storm water issues, etc.

When code violations are enforced, a series of notices are issued to the property owner notifying them that the violation must be corrected. After the notification process, cases that have not been cleared are referred to the Special Master. The Special Master evaluates evidence and testimony regarding alleged violations during quasi-judicial hearings. After reviewing all the information presented to him, the Special Master makes a decision regarding the case. If the property is found in violation, the Special Master will issue an order giving a date by which the violation must be corrected. If the violation is not corrected in the time allotted, the Special Master will order a fine amount to be assessed. The fine will accrue each day the violation remains beyond the date ordered for correction.



This photo was taken during a site visit for a complaint for "Accumulation of Waste and Debris."



# OPPORTUNITIES FOR IMPROVEMENT

Our audit disclosed certain policies, procedures and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure or transaction. Accordingly, the Opportunities for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed.

## 1. Code Violations are Not Being Consistently Enforced.

Code violations are not being enforced in a consistent manner. According to the Lake County Code Enforcement Policy and Procedures Manual, officers must issue a series of notices prior to submitting a case to the Special Master (SM) for enforcement. Cases typically go to the Special Master if the violation has not been corrected during the notification process. The table below depicts the notices issued along with the time allotted to correct the violation:

|  | Time Allotted to Comply | Exceptions   |
|--|-------------------------|--|
| 1 <sup>st</sup> Notice – Notice of Violation (NOV) <sup>2</sup>                                      | 30 days <sup>1</sup>    | 14 days <sup>1</sup> for Nuisance Abatement. Can vary for Health, Safety or Urgent Issues.   |
| 2 <sup>nd</sup> Notice – Inspection Notice   |                         | An inspection is performed after time allotted.  |
|  | 14 days                 | This is the first notice for “Expired Building Permits/Stop Work Order/Central Water & Sewage” where other departments have already given notice.  |
|  |                         | An inspection is performed after time allotted. If the property is still in violation, the case is referred for SM. According to management 30-60 days is typically allotted for processing. |
| 3 <sup>rd</sup> Notice – Statement of Violation and Notice of Hearing (last notice before a hearing) | 10 days                 | Sent 10 days before the hearing, but may not be issued for 30-60 days after second inspection.   |
| Repeat Violator Notice   | 3 days                  | Only for cases which the SM has deemed as repeat violator  |
| Total days from 1 <sup>st</sup> Violation to Referral to SM  | 44 days                 | 28 days for Nuisance Abatement.  |

<sup>1</sup> Division policy states that time allotted on NOV is 14 days with an exception of 7 days; however staff is trained to give 30 and 14 days respectively.

<sup>2</sup> NOV is issued after first inspection.

The purpose of the Florida Statutes regarding Code Enforcement includes to "provide an equitable, expeditious, effective and inexpensive method of enforcing any codes and ordinances in force in counties;" however, we noted the following concerns relating to enforcement of code cases:

- A. Some property owners are given multiple time extensions in which to comply. For example, the table below depicts the time allotted for compliance for a nuisance abatement case (overgrown grass):

| Date                    | 1/24/13 | 2/6/13  | 3/6/13  | 3/12/13 | 4/4/13   | Days from 1 <sup>st</sup> Inspection to Referral to SM |
|-------------------------|---------|---------|---------|---------|--|--|
| Time Allotted to Comply | 14 days | 14 days | 14 days | 14 days | Referred to SM with allowance for 30 days for processing | 70 days  |

By May 15, 2013, the property was still not in compliance; yet, it had not gone to the Special Master. The case never went to the Special Master; (see comment below) however, the property was brought into compliance by August 28, 2013. The respondent was given two time extensions and nearly one additional month in which to comply. Time extensions are not allowed in Division policy without supervisor permission. The allowable time extensions or reasons for extensions are not defined in the procedures. No extenuating circumstances were noted in the case files in which the respondent required additional time.

Additionally, there is no indication that additional time to comply was requested from management.



This photo is of a structure with several code violations, including nuisance abatement. The case was opened in June 2009 and remains open as of September 2014. The Code Officer initially had trouble contacting the heirs to the property. The property was later sold at a tax deed sale. It will become County property if no one purchases it for the amount listed after a set period of time.

- B. Some cases are referred to the Special Master for a violation while others are not referred for the same type of violation. For instance, in the case noted in the table above, the officer referred the case to the SM after five visits and 70 days had elapsed.

In the case depicted below, for the same type of violation, the officer did not refer the case to the Special Master, even though the property was still not in compliance after five visits and 110 days had elapsed.

| Date                    | 10/4/12 | 10/23/12 | 11/13/12  | 12/17/12  | 1/22/13**                             | Days from 1 <sup>st</sup> Inspection to Referral to SM |
|-------------------------|---------|----------|-----------|-----------|---------------------------------------|--|
| Time Allotted to Comply | 14 days | 14 days  | No Notice | No Notice | Contact was made but no notice issued | Not Referred*  |

\* 110 days elapsed from first visit until contact was made with the property owner.

\*\* On 1/23/2013, it was noted that the homeowner was deceased. Individuals with interest in the property agreed to bring the property into compliance.

- C. Some cases are referred to the Special Master as soon as possible while others are given, in some cases, up to 150 days before referral. Out of 70 closed cases reviewed, we noted that the time to close a case ranged from 0 to 210 days. Only 7 of these cases were referred to the Special Master. It took anywhere between 59 and 154 days for these cases to be referred to the Special Master.
- D. Some staff believe they have been discouraged from documenting requested actions which deviate from normal procedures. This could result in perceived preferential treatment. All deviations should be documented including the reasons for the requested deviation. Documentation should include the person and department requesting the deviation.

When cases are not enforced consistently, practices can be perceived as unfair by the public. This puts Code Enforcement Officers at risk of backlash from the community for uneven practices. We noted there are no written policies or procedures which detail instances in which exceptions to allotted times apply and establish approval processes for exceptions, maximum time limits for enforcement processes, or documentation of exceptions to standard enforcement. (See Opportunity for Improvement No. 13.) With no formal processes in place for exceptions to prescribed enforcement procedures, officers can be placed in situations in which they may be compelled to veer from standard practices by other Departments or the public, resulting in practices that are not equitable. The possibility of preferential treatment without detection is increased by the lack of documentation.

**We Recommend** management require all code violations to be enforced in a consistent manner. Specific policies should be developed regarding enforcement of code which include documentation of exceptions to the standard enforcement with approvals signed off on by the decision maker. In addition, whenever other departments request deviation from normal

practices or procedures, the requestor and the reason for the requested deviation should be documented.

**Management Response:**

Management will insure that all exceptions to Standard Operating Procedures are thoroughly documented. The exceptions are outlined on page 8 of the Code Enforcement P & P manual which states: “ ... (exceptions to 14 days with manager or supervisor approval only), ...”

## **2. Processes to Achieve Compliance Need Improvement.**

Code enforcement practices do not maximize the Division’s goals of achieving compliance. We noted the following areas of concern:

- A. Lake County Code Enforcement does not enforce code violations in the most efficient manner legally available. Section 162.21(3), Florida Statutes, authorizes code enforcement offices:

“(a) to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge. (b) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.”

In Lake County, citations are not issued for code violations; instead, Code Enforcement issues a series of notices, at least two, for code violations. The first notice, a Notice of Violation, gives the respondent 30 days to comply (14 days if it is a repeat violation). The second notice, an Inspection Notice, gives the respondent an additional 14 days to comply. This notice lets the respondent know that the case can go to the Special Master if there is no compliance after the 14 days. After this time additional extensions are often given. (See Opportunity for Improvement No. 1.)

We noted three Counties out of five surveyed issue citations for Code Violations. One of these counties, Pasco, has found an increased compliance rate as a result of switching to a citation only system. Issuing citations could increase compliance, reduce officer time spent

on follow up work, and potentially increase revenues. Switching to the citation system would allow the courts to impose consequences to noncompliance that the notification system cannot including issuance of bench warrants and suspension of driver's licenses.

- B. Code enforcement officers are making excessive site visits and follow ups. Chapter 162, Florida Statutes, provides means of enforcing code in an "expeditious" and "inexpensive" manner. This includes a notification process which minimizes the number of visits an officer is required to make. We noted that out of 70 cases we reviewed, there were 7 cases in which 5-10 visits were made to the property where violations were occurring. The initial site visit is made to verify the existence of a code violation. All visits after that are to determine if the property has come into compliance. We noted 53 out of the 70 cases in which the property owner could have submitted proof that the violation was cleared by sending a photo or submitting proof of permitting.

Code enforcement officers should minimize their trips to properties in violation. Excessive trips cost the County unnecessary time and money in the form of fuel usage and wear and tear on vehicles. Time expended on known violations reduces the time officers can spend investigating new issues and better enforcing violations in areas surrounding known issues. (See Opportunity for Improvement No. 1.)

- C. Violators are given excessive time to achieve compliance with code violations. As noted in part B above, section 162.21 Florida Statutes authorizes code enforcement officers to issue citations. The statute requires that the violator be given a reasonable amount of time, no more than 30 days to correct the violation before the citation is issued.

We noted 13 out of 70 cases reviewed which took 90-210 days to resolve. Only six of these 13 cases were referred to the Special Master during that time. For 4 of these 6 cases, it took 117 days or more for the case to be referred to the Special Master. According to the chart on page 4, cases should be referred to the Special Master 44 days after the initial inspection. Code Officers must expend significant time and gas following up on cases. This takes time and resources away from focus on new violations which could potentially increase health and safety risks to the citizens of Lake County.

- D. Code Cases are not always referred to the Special Master when notice requirements have been met. Section 162.12 Florida Statutes outlines the process for giving notice to the property owner of record. Notices may be sent by certified mail or hand delivered. If these methods are not successful, notice can be published in the paper or posted on the property and at the main governmental center. The statute further states that "evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice."

Lake County Code Enforcement does not always submit cases to the Special Master if the Division is unable to locate the property owner of record. For instance, one case took 142 days to resolve because the owner of record could not be located and the case was not referred to the Special Master as a result. Another case was not sent to the Special Master for 181 days because the Code Enforcement officer was not able to make contact with the homeowner. This case was for accumulation of waste and debris. The photo below was taken at the property at the time of the first inspection. This type of overgrowth and accumulation of trash can increase safety risks to the public by increasing breeding grounds for nuisance animals; it can further devalue properties in the area. The longer these violations remain unfixed, the longer the public remains at risk. The risk may increase over time.



It is the property owner's responsibility to maintain the property in compliance with the County code regardless of whether contact can be made. If property owners know they can ignore Code enforcement notices for an extended period of time with no consequences, they may be less willing to bring their properties into compliance.

- E. Code enforcement officers are not always inspecting properties for compliance immediately after the compliance due date ordered by the Special Master. Section 162.08, Florida Statutes, gives the Special Master the authority to issues orders having the force of the law. Code enforcement officers should uphold the law by adhering to the orders issued by the Special Master.

When cases are heard by the Special Master, the Special Master often allows an additional period of time in which compliance can be achieved before fines begin to accrue. We noted fines ordered ranging from \$50 to \$500 per day for each day the property is not in compliance past the due date. We noted 2 out of 5 cases reviewed in which the Code



Officers waited over 2 weeks past the due date to verify compliance. In both instances, the property was already in compliance; however, fines were not assessed as it cannot be determined when the property came into compliance.

When properties are not inspected immediately, it can lead to reduced revenues for the County. Additionally, failure to properly enforce cases as ordered could lead to reduced compliance as respondents have no incentive to comply with the code. This could lead to increased health and safety risks to the citizens of Lake County.

**We Recommend management:**

- A. Consider issuing citations for code violations, after appropriate Notice of Violation.
- B. Revise the standard process for enforcing code violations.
- C. Adopt a more aggressive approach to enforcement which would reduce the time to achieve compliance.
- D. Submit all cases to the Special Master once notice requirements as laid out in the statutes have been satisfied.
- E. Require immediate inspection of violations upon the compliance due date ordered by the Special Master.

**Management Response:**

- A. Management will evaluate and consider.
- B. Management will evaluate and consider.
- C. Management will evaluate and consider.
- D. Management will evaluate and consider.
- E. Management has implemented this recommendation

**3. Recordkeeping Processes Need Improvement.**

Records are kept to document case progress and enforce cases, account for employee time, and budget time and resources among other reasons. We noted the following areas of concern related to recordkeeping:

- A. Case documentation is inadequate. All case related action, including verbal or written communication, site visits, background work, exceptions to standard procedures, etc. should be clearly documented in the case notes. Documentation should be thorough and adequately describe the action taken and information gathered. We noted the following instances in which photos, notes and other documentation in the case files are not sufficient to support all findings and do not describe all actions taken:
  - a. Open and close dates entered into the system do not always match actual open and close dates. There were some cases in which the case was opened days after an initial violation was determined and other instances in which cases were marked as closed in the system, but notes show further action on the case after being marked closed.

The table below indicates three cases in which close dates entered into the system do not match actual close dates.

|          | Actual Close Date | System Close Date | Difference |
|----------|-------------------|-------------------|------------|
| Case # 1 | 3/4/2013          | 1/31/2013         | -32 days   |
| Case # 2 | 1/30/2013         | 3/6/2013          | 35 days    |
| Case # 3 | 7/25/2013         | 8/27/2013         | 33 days    |

When cases are not closed in a timely manner, performance measures reported to management are skewed which could result in poor planning.

- b. Visit times not entered into the system. The system has an area in which actual visit time, for the first visit, can be entered. This field was blank in all 120 action orders reviewed. When visit times are not entered, management cannot track actual response time for cases. This is an important measure particularly for high risk case types such as those which could include unsecure pools which pose a life safety risk to children.
- c. Photos are not taken for all site visits. We noted that there were no photos taken for 5 out of 111 (4.5%) visits reviewed. It is Division policy for staff to take at least one photo during each site visit. Without a photo, the Officer cannot prove a violation exists. Additionally, the photo serves as proof of the officer's location. It is one method for accounting for the officer's time in the field.

It was noted that the system was not saving all photos updated into the system from February 17, 2013 to July 2013. On July 24, 2013 procedures were sent to all officers to avoid this from occurring. Photos from only 1 of the 5 visits noted above would have been taken during this time frame.

- d. Photos do not always show adequate proof of violation or compliance. In some instances, photos are simply not adequate to depict the violation. In other instances, photos are taken from different viewpoints so it is unclear whether the initial violation was brought into compliance. The following examples illustrate these issues.



Photo A



Photo B



Photo A above was taken to indicate an inoperable vehicle was located on a property. The vehicle is parked on loose earth and grass and no paved driveway is visible. The violations in the case file also include high grass/overgrowth. Photo A does not indicate high grass. The photo does not include any identifying background images. Photo B above was taken to show that the vehicle was removed from the same property. This photo is of a driveway, with no identifying features in the background. The views are from different areas and may not even be the same property. Photo B is not a true indication of whether the vehicle was removed.

Photo C



Photo D



Photo C above was taken to show that garbage cans have been left out on a property. Photo D was taken to indicate the cans have been removed. Note that Photo D is taken just to the right of where the garbage cans were located and pointing in the opposite direction of where the cans were located. Additionally, these photos are not date and time stamped. An officer could have potentially taken these photos at the same date and time. Photo D is not a true indication of whether the cans were removed.

- e. Notes are not always included for all case related communications with property owners, Division supervisors, or other departments. The Code Procedures Manual states that “contact with the violator or complainant such as phone calls, emails, letters, any extension of time, or other information relating to the case, must be noted in the computer under ‘comments’ as it occurs. Documentation of all events is vital to a case.”

While reading through 120 action orders and the related cases, we noted some instances in which there are indications of case related communications which are not documented in the system. All communication with other parties related to the case should be documented. This documentation should include who communication was with, the substance of the communication, and the date and time communication was made. This helps account for officer time and may be useful in enforcing any violations present.

- f. Not all photos are date and time stamped. While some of the code enforcement officers are equipped with camera that date and time stamp the photos, this is not the case for all officers. As evidenced by Photos A-D pictured above, not all photos are date and time stamped. The date and time stamps help account for the Officer’s time in the field. Additionally, the date and time stamps on photos can be helpful evidence while depicting case history during the enforcement process.

Overall, inadequate documentation would make it difficult to enforce cases if prosecuted civilly or through the Special Master as notes and photos may not be clear enough to describe the violation or provide sufficient proof of proper notification. Additionally, documentation of all actions taken helps account for employee time, aids management in planning, and helps prevent unfair or improper practices or deviance from standard enforcement practices (See Opportunity for Improvement No. 13).

- B. Not all work performed is entered into the system. We noted that 26 mining inspections performed by Code Enforcement staff for the Growth Management Department were not logged into the system nor are they tracked or logged by Code Enforcement outside of the system. All work performed should be accounted for. When all work is not accounted for, it leads to inaccurate reporting of performance measures. The measures are used in tracking Division performance, planning budget, and overall management of the Division. In addition, reporting all work performed justifies employee time and helps account for use of County resources. Tracking all inspections also ensures the work was performed, reducing potential health and safety risks to the citizens. (See Opportunity for Improvement No. 4.)
- C. Code enforcement officers do not have any type of tracking system when they are in the field. Their vehicles are not equipped with GPS devices.

Code enforcement officers start and end their day in the field. Their County issued vehicles are considered mobile offices. Because they spend their days in the field, they do not

physically check in to the office every day. The nature of their jobs requires them to travel from site to site across the County. Code officers averaged 8,766 miles each in FY 2013, with one officer driving as many as 16,733 miles as seen in the table below.

FY 2013 Mileage

| Officer                               | # of Miles   |
|---------------------------------------|--------------|
| Manager                               | 487          |
| Supervising Officer A                 | 12,402       |
| Supervising Officer B                 | 7,460        |
| Officer A                             | 5,787        |
| Officer B                             | 16,733       |
| Officer C                             | 7,611        |
| Officer D                             | 11,167       |
| Officer E                             | 5,105        |
| Officer F                             | 3,860        |
| <b>Average for all (less Manager)</b> | <b>8,766</b> |

\*Variances in mileage between officers have been attributed to the Officer's coverage areas and differing job duties.

Considering the volume of miles driven by code enforcement officers during the year, each vehicle should be equipped with a tracking method which logs the date, time, and location of each stop. Being able to track driving patterns helps management planning by providing mileage driven per day in each zone and time it takes to respond to different call types; it also helps determine how much idle time is spent or if County time and resources are being misused.

We contacted four other counties. Code enforcement officers in three of these counties are equipped with GPS devices in their vehicles; the one county that does not have a GPS device in the officer's vehicle only has one officer. Two of the Code Enforcement departments contacted use the Automated Vehicle Location (AVL) software equipped with their county-issued laptops. This software helps route stops. It also allows management to know where their officers are at any given time. Management in one county said this has proved useful several times when an officer was unable to be contacted because they were in an area with no cell phone coverage.

When officers are not being tracked, they become less accountable for their time. The lack of tracking gives less incentive for routing stops in the most efficient manner. GPS tracking also provides a level of protection to the officers by giving some proof of where they are throughout the day.

- D. Conflict of interest statements are not prepared by code enforcement officers for each case they are involved in. Conflict of interest statements should be prepared for each case managed by a Code Enforcement Officer. Any conflicts that exist are discussed verbally with management and are not documented in the case file or system.

A written conflict of interest statement gives the code enforcement officers more accountability. If a conflict of interest occurs, there could be the perception of unfair treatment including excessive time given to achieve compliance, overlooking code violations, or, conversely, harsher enforcement of code.

- E. Skip trace reports emailed to the County Attorney's Office (and potentially other departments) are not password protected or encrypted. According to the Division Manager, the County Attorney sometimes asks for complete reports on individuals, including detailed personal data on the individual. The Code Enforcement Services Division is authorized to generate Consolidated Lead Evaluation and Reporting (CLEAR) reports, otherwise referred to as skip trace reports. These reports contain sensitive information about an individual including current and previous addresses, phone numbers, vehicles, homes, public records, and social security numbers.

In some instances, these reports could be emailed to other departments. When they are emailed to other departments, the information may not always be redacted. The text of the emails includes a warning that the information contained includes protected information; however, the CLEAR report attached to the email is not encrypted or password protected. Other methods for electronic transfer of data between departments may be available such as use of a shared network drive or use of a CD or jump drive; however, these methods are not currently used for transfer of CLEAR reports.

It is essential that government agencies maintain security of personal information which could be misused. Section 119.07(2)(b) Florida Statutes states that "the custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt or confidential."

In the event that an email is misdirected or otherwise obtained by unintended parties, encryption or password protection will help prevent unauthorized people from viewing or disseminating this information or from using the information for personal gain.

- F. All imported documents are not being saved into the system. When code enforcement officers issued notices for violations, these documents are saved as a .pdf file and imported into the case. We noted 9 out of 10 cases we reviewed that indicated documents were attached but the documents were not available to review. When the software vendor was contacted, they indicated that there was no data available; therefore, there was no document to review. The cause for this loss of data was not determined.

All data entered or imported into a case should be available for future reference. If there is an issue with the case or a repeat violation on the property, an officer would not be able to review all action taken. Proper enforcement procedures may not be available if proof of notification cannot be provided.

**We Recommend management:**

- A. Ensure proper documentation of all case related activities. When applicable, documentation should include date, time, and person(s) with which communications were made.
- B. Ensure all work performed to be entered into the system.
- C. Institute a method for tracking use of County vehicles.
- D. Create a policy requiring all Code Enforcement Officers to complete a written conflict of interest statement for each case they are working.
- E. Require un-redacted CLEAR reports to be submitted via means other than email. If email is necessary, require encryption or password protection on all email attachments which contain sensitive information.
- F. Work with the Information Technology department to determine the cause of this issue and take action to correct this from occurring in the future.

**Management Response:**

- A. Management has implemented this recommendation.
- B. Management has implemented this recommendation.
- C. The use of GPS tracking for vehicles will be considered in the next budget cycle.
- D. Management has implemented this recommendation.
- E. Management will evaluate and consider.
- F. Management implemented this recommendation.

**4. Performance Measures Should Be Established and Used.**

Performance measures reported to management should be accurate and reasonably reflect the performance of the Division. These measures are used in management planning and aid in developing appropriate Division budgets and staffing levels. We noted the following concerns related to performance measures reported to management:

- A. Performance measures reported to management are not accurate. The following table shows a comparison of reported performance measures to actual performance measures.

## Code Enforcement Services

|                         | New Complaints |        | Cleared Complaints |        | Duplicate Complaints |        | Invalid Complaints |        | Open Cases** |        | Fines Collected* |         |
|-------------------------|----------------|--------|--------------------|--------|----------------------|--------|--------------------|--------|--------------|--------|------------------|---------|
|                         | Reported       | Actual | Reported           | Actual | Reported             | Actual | Reported           | Actual | Reported     | Actual | Reported         | Actual  |
| <b>October</b>          | 200            | 202    | 120                | 118    | 12                   | 9      | 55                 | 54     | 213          | 220    | \$0              | \$50    |
| <b>November</b>         | 164            | 163    | 104                | 102    | 11                   | 11     | 59                 | 59     | 242          | 217    | \$4,550          | \$4,600 |
| <b>December</b>         | 127            | 100    | 93                 | 65     | 3                    | 2      | 38                 | 30     | 244          | 205    | \$0              | \$800   |
| <b>January</b>          | 185            | 186    | 92                 | 88     | 6                    | 6      | 59                 | 61     | 261          | 214    | \$250            | \$550   |
| <b>February</b>         | 141            | 173    | 84                 | 83     | 6                    | 6      | 71                 | 71     | 268          | 221    | \$100            | \$750   |
| <b>March</b>            | 152            | 158    | 123                | 118    | 5                    | 6      | 63                 | 64     | 246          | 180    | \$0              | -\$50   |
| <b>April</b>            | 206            | 206    | 110                | 105    | 7                    | 7      | 68                 | 68     | 276          | 181    | \$0              | \$50    |
| <b>May</b>              | 196            | 206    | 80                 | 78     | 4                    | 4      | 81                 | 81     | 251          | 225    | \$0              | \$50    |
| <b>June</b>             | 196            | 202    | 82                 | 82     | 5                    | 3      | 53                 | 53     | 259          | 264    | \$0              | \$50    |
| <b>July</b>             | 238            | 246    | 162                | 160    | 11                   | 11     | 72                 | 71     | 299          | 258    | \$200            | \$250   |
| <b>August</b>           | 238            | 239    | 195                | 183    | 12                   | 12     | 68                 | 68     | 301          | 215    | \$0              | \$50    |
| <b>September</b>        | 162            | 163    | 116                | 98     | 8                    | 8      | 49                 | 49     | 254          | 225    | \$0              | \$50    |
| <b>Total</b>            | 2,205          | 2,244  | 1,361              | 1,280  | 90                   | 85     | 736                | 729    | 3,114        | 2,625  | \$5,100          | \$7,200 |
| <b>Average</b>          | 184            | 187    | 113                | 107    | 8                    | 7      | 61                 | 61     | 260          | 219    | \$425            | \$600   |
| <b>Total Difference</b> | 39             |        | (81)               |        | (5)                  |        | (7)                |        | (489)        |        | \$2,100          |         |

\*The actual totals were calculated using data analytics software to evaluate raw data from the system, except in the case of fines collected. Fines collected were tabulated by reviewing deposits recorded by the Finance Department.

\*\*The number of open cases reported only includes cases opened within the last year. It does not include all open cases. We were unable to determine the exact point in time this number was generated for reporting, so it was compared to actual figures based on the last day of the month for the corresponding month.

The reported figures were generated using Crystal Reports by Code Enforcement staff with no Information Technology (IT) background including a lack of knowledge of database relationships. Crystal Reports is software used to create reports from various data sources. Training for use of Crystal Reports requires, at minimum, a basic knowledge of database concepts.

We contacted four other counties and noted only one other county which uses CDPlus. In this county, an IT staff member is dedicated to making custom reports for Code Enforcement. Due to the technical knowledge required, IT personnel should be creating reports using Crystal Reports. Additionally, when staff from the IT department creates reports, it provides segregation of duties, helping to avoid collusion in potential false reporting schemes.

Inaccurate reporting hinders management's ability to plan. It can also lead to ineffective staffing levels and under-budgeting, and, consequently, reduced services to the citizens of Lake County.

- B. All work performed by Code Enforcement officers is not reported to management. We noted that the 52 landscape inspections and 26 mining inspections performed by code enforcement officers for the Growth Management Department are not included in the performance measures reported to management.

All work performed should be reported to management for tracking and planning purposes. Inaccurate numbers can lead to inefficient planning of time and budget which could lead to reduced services to the public.

- C. Performance measures reported to management should more clearly reflect work performed. Work performed should be included in reported performance measures and categorized correctly. We noted the following concerns:
  - a. The 65 Conditional Use Permit (CUP) Annual Inspections and the 23 Setback Inspections performed for Growth Management were reported within the number of "New Complaints." Requests for these types of work do not constitute complaints and the work performed, particularly for CUP inspections, may not be comparable to work performed to inspect code violation complaints as CUP inspections may take several hours whereas a visit to confirm a potential violation may take only a few minutes.
  - b. The number of open cases reported in the past only includes cases opened within the last year. It does not include all cases open at the time.

Performance measures reported to management should be representative of the work performed. This allows management to properly budget for employee time and use of County resources.

**We Recommend** management:

- A. Work with the Information Technology Department to develop custom reports. These reports should be reviewed for accuracy on a regular basis.
- B. Require all work performed be included in reported performance measures.
- C. Review and update reported performance measures to more accurately represent the actions of Division staff.

**Management Response:**

- A. Management will work with the software vendor and Information Technology to create custom reports.
- B. Management concurs.
- C. Management is working with Growth Management to more accurately report shared activities.

**5. Unpermitted Work Violations Should Be Referred to the Building Department.**

Violations for unpermitted work are enforced by the Code Enforcement officers. Section 468.604(1), Florida Statutes, states that "It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental

jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code.”

Code enforcement officers do not have the expertise to properly enforce building violations as they are not trained on building requirements. We noted several instances in which the property owners with unpermitted work violations were bounced between the Code Enforcement Services Division and the Building Services Division because the Code officers do not know the requirements for obtaining a permit nor do they have access to the Building Services Division archives in instances when older data is required to confirm permits on existing structures. Additionally, the Building Services Division collects fees for unpermitted work; however, the Code Enforcement Services Division is incurring costs associated with enforcing these cases.

We contacted the Code Enforcement Departments for four other counties in Florida. In 3 out of the 4 Counties we contacted, Code Enforcement does not handle cases for building without a permit, with the exception of a few specific instances. These issues are forwarded to the Building Department for enforcement.

When Code Enforcement officers handle cases for building without a permit, it reduces their efficiency as they must communicate back and forth between the Building Services Division and the property owner to determine requirements. Additionally, customer service is reduced as the property owner must go back and forth between departments to resolve these cases.

**We Recommend** management require all cases for building without a permit to be referred to the Building Services Division for enforcement.

**Management Response:**

Management concurs.

## **6. Processes for Collection of Fees Need Improvement.**

Fees are collected directly by Code Enforcement for fines ordered by the Special Master. Fees are also collected by other Departments for work performed by Code Enforcement staff. We noted the following areas of concern related to the collection of these fees:

- A. All fees collected by other departments for work performed by Code Enforcement are not credited to the Code Enforcement Division. We noted the following work performed for the Growth Management Department along with the corresponding fees collected by that department in the table below:



| Inspections Performed in FY 2013 | Number of Inspections Performed in FY 2013 | Total Fees for Inspections Performed in FY 2013 <sup>1</sup> | Total Transferred to Code Enforcement |
|----------------------------------|--|--|---------------------------------------|
| Conditional Use Permit Annual    | 65   | \$6,500  | \$0                                   |
| Landscape                        | 52   | \$10,400   | \$10,400                              |
| Setback <sup>2</sup>             | 23   | \$1,884  | \$0                                   |
| Tree Permits (after the fact)    | 11   | \$75   | \$0                                   |
| Mining                           | 26   | \$16,750   | \$0                                   |
| <b>Totals</b>                    | <b>177</b>                                 | <b>\$35,609</b>  | <b>\$10,400</b>                       |

<sup>1</sup>Fees for inspections performed in FY 2013 may not have been collected in FY 2013. For instance landscape inspection fees are paid at the time of the site plan which could be one year or more before the inspection takes place.

<sup>2</sup>Note that setback inspections are also performed by code enforcement officers for potential code violations. The number of setback inspections included in this chart includes only setback inspections requested by an employee.

The Code Enforcement Services Division did not receive credit for \$25,209 of the fees collected for work performed by Code Enforcement staff. Revenues should be credited to the fund and operation from which expenses were incurred. Without matching revenues generated with expenses incurred, the net cost of Code Enforcement operations cannot be readily determined. This could lead to incorrect analyses and less-than-optimal decisions about Code Enforcement operations.

- B. All payments for Code Enforcement related cases are not being directed to Code Enforcement for deposit. We noted that \$2,100 out of \$7,200 deposited for Code Enforcement related cases were not forwarded to the Code Enforcement Services Division for deposit. According to staff, these payments were deposited by the County Attorney's office. They were credited to the correct fund; however the cases were not credited in the CDPlus as the payments were not receipted in the system. Revenues for Code related cases should be directed to the Code Enforcement Services Division for deposit.

We also noted one instance in which the Building Services Division was attempting to cashier a \$9,375 check for a Code Case because the case was related to unpermitted work. After going back and forth several times and having the County Attorney's office get involved, the check was finally given to Code Enforcement to deposit.

When monies are not receipted through the Code Enforcement system, staff responsible for placing and releasing liens is not able to track the monies appropriately. The system will reflect incorrect amounts due for these cases, and could potentially lead to liens being erroneously recorded or not being released. Additionally, management reports will not match financial totals.

**We Recommend** management:

- A. Require all fees collected for work performed by Code Enforcement be transferred to Code Enforcement.
- B. Require all Code case related payments to be forwarded to Code Enforcement for deposit.

**Management Response:**

- A. Management concurs.
- B. Management concurs.

**7. Properties Should Be Abated When Necessary.**

Lake County Code Enforcement does not abate properties. According to management, properties were abated for overgrowth, unsecure pools, and junk, trash, and debris in the past. This practice was discontinued in October 2010.

Abatement is when the County will rectify a nuisance by mowing, cleaning or securing the property. A lien for the cost of the work is then placed on the property so the funds can be recovered by the County.

We reviewed four other Florida Counties to determine their practices regarding abatement as shown in the table below.

| County          | Abatement   |
|-----------------|---|
| <b>Marion</b>   | <ul style="list-style-type: none"> <li>• Junk/litter</li> <li>• Unsafe Structures (as deemed by the building department)</li> </ul> |
| <b>Pasco</b>    | <ul style="list-style-type: none"> <li>• Overgrowth</li> <li>• Unsecure Pools</li> </ul>  |
| <b>Seminole</b> | <ul style="list-style-type: none"> <li>• Clean-ups</li> <li>• Unsecure pools</li> </ul>   |
| <b>Sumter</b>   | <ul style="list-style-type: none"> <li>• No abatements</li> </ul>   |

Of the three counties that perform abatements, two abate unsecure pools. The Lake County Code does not specifically allow abatement of unsecure pools; however, Chapter 14, Article III of the Lake County Code allows the County to abate properties which contain excessive vegetation “to the extent and in the manner that such lot is or may reasonably become infected or inhabited by rats, mice, other rodents, snakes, vermin, pests, or wild animals, or may furnish a breeding place or harboring place for flies, mosquitoes or other harmful insects, or impairs the economic welfare of adjacent property, or threatens or endangers the public health, safety or welfare of abutting property.” Unsecure pools can be breeding grounds for mosquitoes and other pests. Additionally, they pose a drowning risk for children at play.

As noted above, overgrowth of grass and weeds and accumulation of junk, trash, and debris can become breeding grounds for rats, snakes, mosquitoes and other nuisance species. It can also affect the values of surrounding properties. Marion and Pasco Counties have instituted foreclosure registries requiring mortgagees to register abandoned properties and agree to maintain such abandoned property. Fees may be required at registration. The foreclosure registries were instituted to reduce the number of abandoned properties with violations for overgrowth, junk and litter, and unsafe pools, and reduce the need for abatements.



**This photo was taken of an unsecure pool. Note that the screen is broken and a child could easily wander through and become immersed in the green water.**

When during the course of the normal process of enforcing the code a property does not come into compliance, and the violation could pose a threat to the health, safety, and welfare of the citizens, the property should be abated to minimize risk to the citizens.

**We Recommend** management recommence the practice of abating properties and modify the Lake County Code to allow for abatement of unsecure pools. Management should also consider adopting a foreclosure registry, including an evaluation of the cost-benefit.

**Management Response:**

Management will consider during the budget process.

## **8. Code Enforcement Officer Field Safety Could Be Improved.**

Adequate safety measures are needed to ensure employee safety. We noted the following concerns while reviewing field officer safety.

- A. Code enforcement officers are not issued adequate safety equipment. We noted the following safety equipment not provided to the field officers:
  - a. Work boots for personal protection are not provided by management. County policy ES 5.01.03 Safety Shoes, allows for the provision of safety shoes when subjected to hazardous conditions. Shoes must meet OSHA regulations for protection against specific hazards identified by management.

Code enforcement officers, particularly those who perform conditional use permit inspections and landscape, mining and environmental inspections are exposed to rough or uneven walking surfaces, slipping hazards, and puncture hazards.

- b. All-weather gear to protect against the elements is not issued to the code enforcement officers. Code enforcement officers spend a majority of their time in the field. The nature of their jobs requires them to exit their vehicles on a regular basis. When exiting their vehicles, we observed that officers often have cameras, paper, rulers, or other objects in their hands or they have to remove stakes or signs from the right of ways, preventing them from being able to carry an umbrella in the rain.

According to staff, they are not allowed to wear their personal outer gear, such as rain



**This photo is of an unsafe structure. The doors and roof are missing allowing numerous pests easy access. There are several homes nearby which may house children who would also have easy access to the structure and any dangers it may hold.**

coats to protect against the rain and jackets to protect against the cold, as they cover the County logo on their uniforms and do not conform to the County dress code. During the exit conference, management indicated there was no such prohibition. The County dress code, as laid out in section 2.4 of the

Employee handbook, does not prohibit employees from covering their "badge, card, or clothing insignia" with safety equipment such as rain gear. (See Opportunity for Improvement No. 9.)

- c. Code enforcement officers are not issued GPS devices for routing or tracking purposes. Officers spend most of their day unsupervised in the field, driving from one site to another. They do not have GPS devices to route their trips or for management to be able to locate them in the field at any given time. We contacted four other counties in Florida. Code enforcement officers in three of the four contacted are equipped with GPS devices for tracking and routing purposes.

Code enforcement officers are often in remote areas and can be assigned to cases in areas with higher crime levels. Lack of a GPS tracking system can lead to the inability to locate an officer in distress. It can also lead to increased drive time and fuel costs as

officers have a higher risk of getting lost. Lack of a GPS tracking system also increases the potential for code enforcement officers to misuse County resources. (See Opportunity for Improvement No. 3.)

- B. Not all code enforcement officers are issued the same safety equipment. All vehicles for the code enforcement officers are not equipped with reflective vests and jumper cables. Vehicles issued to code enforcement staff are six years or more old. These vehicles can be subject to more than normal wear and tear, especially when driving on unpaved roads throughout the county. Additionally, code enforcement officers are often in remote areas of the County where cell phone signals are not available.

In the event that an officer is in distress or their vehicle breaks down, jumper cables may be helpful. Reflective vests increase the code enforcement officer's safety in the event that they have to exit their vehicles and perform work on or close to the road.

- C. First aid kits located in the code enforcement vehicles are not maintained. Though each vehicle is equipped with a first aid kit, there is no evidence that these items are inspected on a regular basis. We noted that the first aid kit in one vehicle was lacking in some items which were used but not replaced. Other items such as alcohol pads, aspirin, and cleaning pads expired over 5 years ago.

Lack of adequate safety equipment can lead to health and safety risks for County employees. Workplace injuries can lead to an employee being absent from work for an extended period of time adding strain to other employees by increasing their individual workloads.

**We Recommend** management:

- A&B. Provide adequate safety equipment to all code enforcement officers to meet their needs in the field.
- C. Require first aid kits to be reviewed on a regular basis by a designated staff member. During the review, used or expired items should be replaced. The review should be documented.

**Management Response:**

- A. Management has implemented this recommendation.
- B. Management has implemented this recommendation.
- C. Management has implemented this recommendation.

## **9. Uniforms Purchased for Employee Safety are Not Being Used.**

Jackets purchased for code enforcement officers are not being used. The Code Enforcement Services Division purchased 8 all-weather jackets, totaling \$1,135, for the Code Enforcement officers on June 11, 2014. The employees were sized for the jackets and were given the opportunity to select from several color options. Once the jacket sizes and colors were established, the jackets were ordered. The jackets have an outer, water proof layer and an inner



layer to provide protection from the rain. As both layers can be worn separately, they were both embroidered with the County logo.



**Embroidered outer lining of jacket**



**Embroidered inner lining of jacket**

When the jackets arrived, they were distributed to the code enforcement officers. On June 16, an email was sent from a manager stating that she been “advised by the Director, (Name Omitted), to collect the jackets that were distributed to the officers. At this time, I do not have further information regarding the jackets and/or if they will be returned for our use in the future.”

The jackets were retrieved from the Code Enforcement officers and placed in a locked cabinet. They have not been used since.



**Jackets in locked cabinet**

We reviewed the jacket purchase because we received a citizen complaint stating the jackets were purchased, but the officers were not allowed to wear them. In an interview, the Department Director stated that the jackets had not yet been assigned to any specific personnel and that they were not being used until a County uniform policy is finalized.

The jackets were purchased to protect the health and safety of the code enforcement officers who spend a significant amount of their time in the field in mobile offices. Additionally, given the current budget constraints within the County as well as millage increases, not using the jackets portrays waste and misuse of County funds.

**We Recommend** management immediately distribute the jackets to the code enforcement officers for their intended use.

**Management Response:**

Management will consider this recommendation once the new uniform policy has been completed.

## **10. System Call Priority Functionality is Not Being Utilized.**

The Code Enforcement Division does not have a call prioritization schedule. Calls should be prioritized with urgent complaints such as life safety issues given more priority over other, less crucial violations. The system used by Code Enforcement allows different call types to be prioritized. Different prioritizations have different required response times populated into the system. All types of calls are set to priority 5 in the system, so they all have the same required response time of 7 days.

When calls are not prioritized and the system's prioritization functionality is not used, a life safety violation could inadvertently be missed or not responded to in a timely manner. This could result in harm to the public. We noted one case, a standard housing violation with reported exposed wires, leaking ceiling, and a broken out window for which it took the officer 5 days to respond. Had the call been given a higher priority, this time delay could have been prevented.

An established call prioritization gives code enforcement officers accountability and prevents the County from potential liability by ensuring critical complaints are responded to in a timely manner.

**We Recommend** management develop call prioritization schedule and utilize the prioritization functionality provided by the system.

**Management Response:**

Management concurs.

## **11. Software System Needs Improvement.**

The software used by Code Enforcement is not sufficient to meet the needs of the Division. The Code Enforcement Services Division is primarily paperless. All documentation of work performed is logged into the CDPlus system. Management reports are created using data inputted into the system. During our review, we noted the following concerns related to the use of this system:

- A. There is no data dictionary or schema available for the system. This describes the content, format, and structure of the database and describes the relationships between the data elements. Custom reports are generated from the system data using Crystal Reports. This system cannot produce accurate reports if the user does not know where the information is located or how it relates to other information stored in the database. This can lead to poor management of the Division.
- B. The system offers limited reporting capabilities. Reports provided by the software vendor do not meet the needs of the Division. Instead, back end reports are created using Crystal Reports. It can take significant staff time to create reports as there is no data dictionary available, and staff does not always know where to pull information from. Additionally, as noted above, this can lead to inaccurate reports which hinder management's ability to plan.
- C. Documents cannot be imported into action orders. Action orders are created when a complaint or request for work comes in. They alert the code enforcement officers that there may be a violation present or other work to be performed. If a violation is present, a code case is then created in the system.

Information relevant to working on or closing an action order can sometimes come in the form of an email, letter, report, or other type of document. These documents cannot be attached to an action order. The officer must create a code case for the documents to be attached. When cases are unnecessarily opened, this skews reported performance measures and can limit management's ability to plan.

- D. User comments can be deleted from the system. There are several areas in which a code enforcement officer may make notes in the system. These notes or comments are entered for several reasons, including to track the progress of a case, document when communication was made with involved parties, or document observations made during a visit. According to staff, these notes and comments can be deleted from the system by any code officer without special permissions to do so.

This can lead to comments being inadvertently deleted, possibly preventing the County from being able to take action against a property owner for a violation. Additionally, it would be possible for an officer or management to remove notes in an instance in which he or she may be covering up a mistake or other inappropriate action.

- E. According to management, there is no user manual for the system available from the vendor. Without a user manual, staff may not be using the system to its full capacity. Additionally, staff may not be using the system in the most efficient manner possible.
- F. System generated reports cannot be imported into spreadsheets or other formats for analysis. Management cannot view or sort data for review. This may make it more difficult



to detect errors which could potentially lead to undetected loss of revenues through errors or increased safety risks to the public.

**We Recommend** management evaluate the cost-benefit of obtaining new software versus modifying the current software.

**Management Response:**

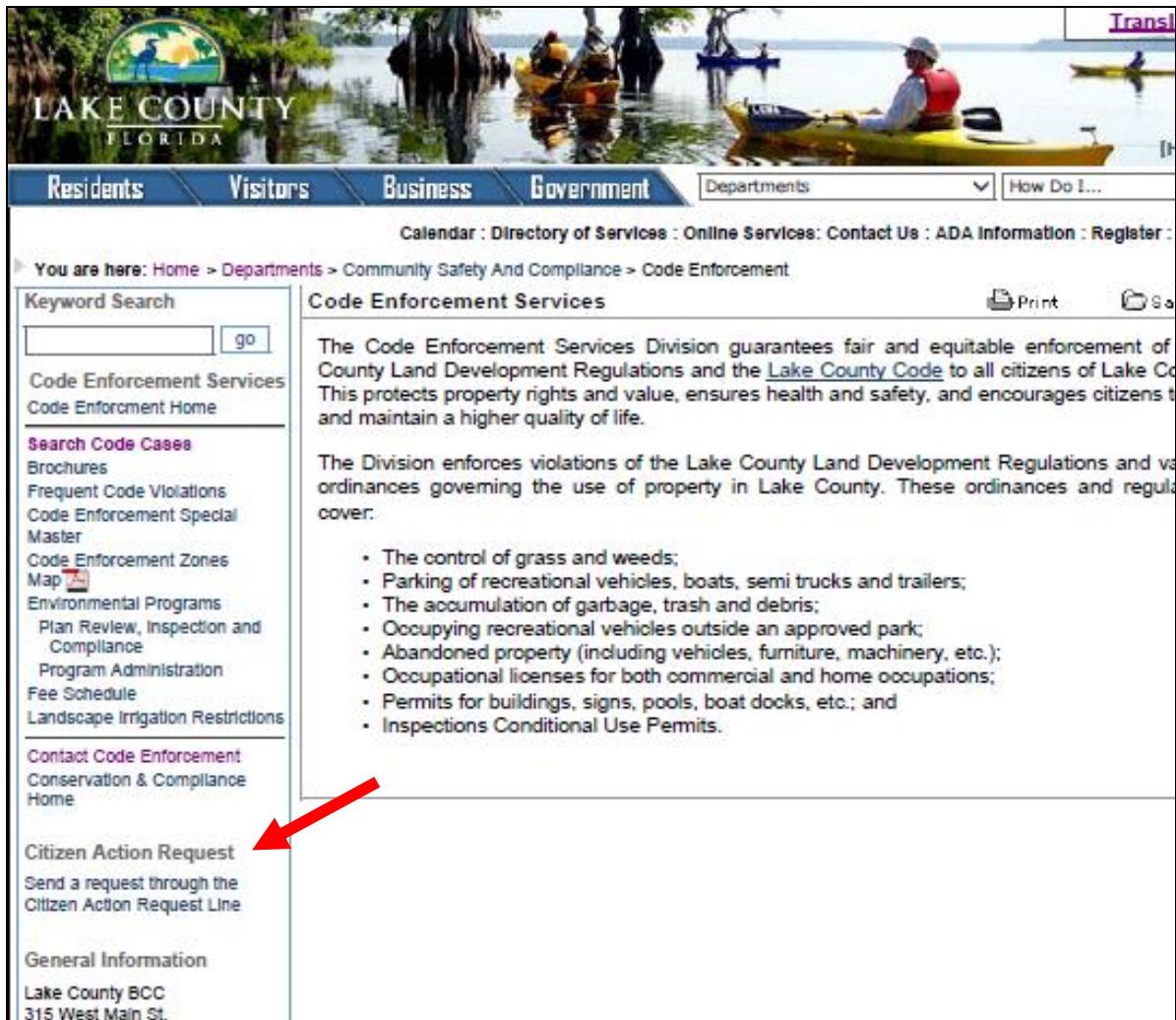
Management will consider during the budget process.

**12. Communications to the Public Should Be Enhanced.**

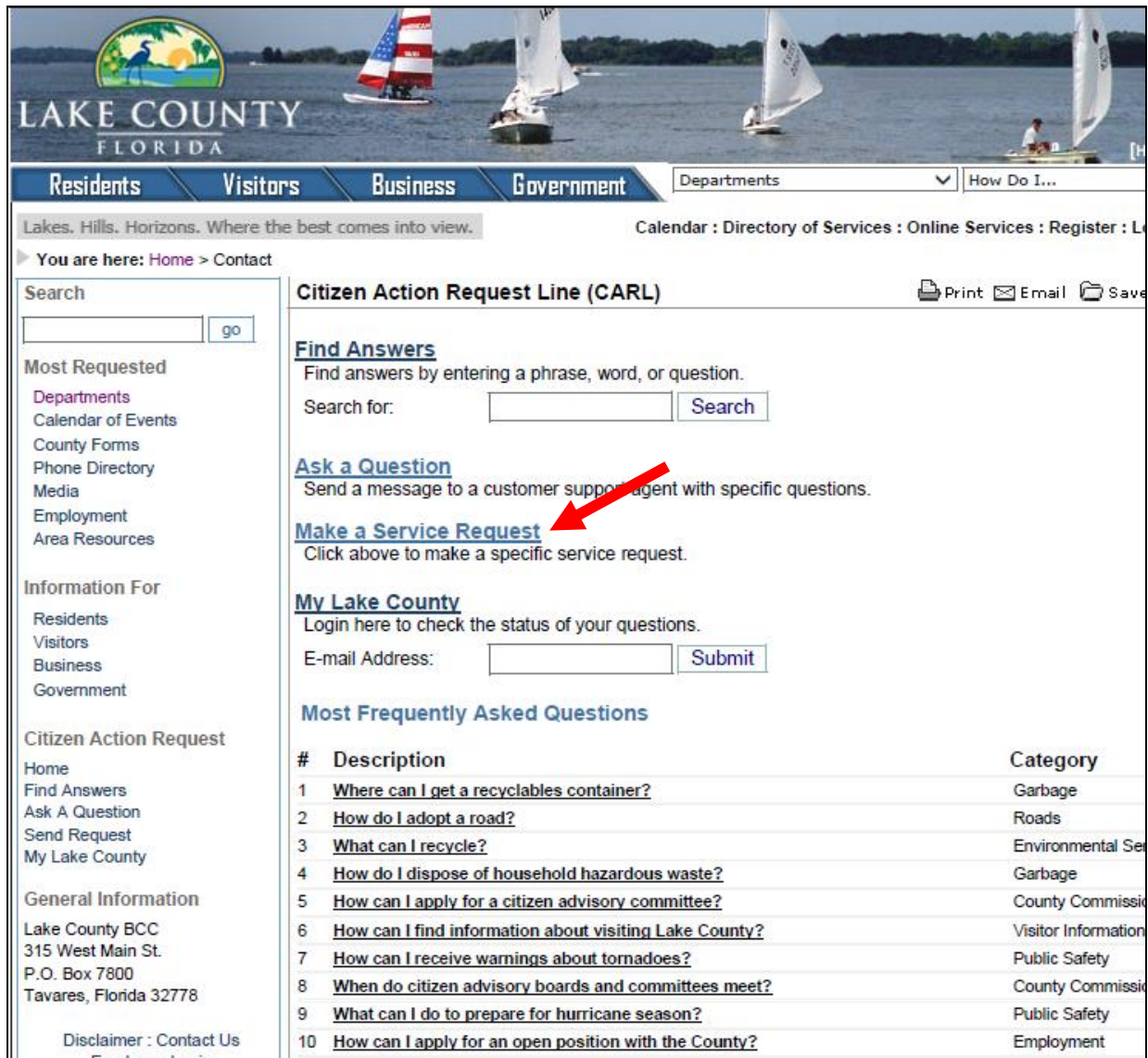
Code enforcement in Lake County is almost entirely complaint based. Proactive enforcement is generally not performed. With this type of enforcement, it is imperative that citizens be aware of the mechanisms to communicate potential code violations to the County. We noted the following concerns relating to information communicated to the public:

- A. Methods for submitting complaints are not clearly communicated to the public. Complaints may be submitted online, by phone or mail, or in person.

It is not clear where online complaints can be made. The County receives comments and complaints online through the Citizen Action Request Line (CARL) System. The link for CARL is in small print on the left hand side of each of the County's pages.



When visiting the Code Enforcement webpage, it is not obvious that complaints may be made through this link. The Code Enforcement webpage does not let customers know that they may make a complaint online nor does it direct complaints to the CARL system. Additionally, when we searched the County's website for the keyword "Complaint," we were not directed to the CARL system. Once on the CARL webpage, citizens must click on "Make a Service Request" to make a complaint.



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**Ask a Question**  
Send a message to a customer support agent with specific questions.

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**Most Frequently Asked Questions**

| #  | Description  | Category            |
|----|--|---------------------|
| 1  | <a href="#">Where can I get a recyclables container?</a>               | Garbage             |
| 2  | <a href="#">How do I adopt a road?</a>                                 | Roads               |
| 3  | <a href="#">What can I recycle?</a>                                    | Environmental Ser   |
| 4  | <a href="#">How do I dispose of household hazardous waste?</a>         | Garbage             |
| 5  | <a href="#">How can I apply for a citizen advisory committee?</a>      | County Commissi     |
| 6  | <a href="#">How can I find information about visiting Lake County?</a> | Visitor Information |
| 7  | <a href="#">How can I receive warnings about tornadoes?</a>            | Public Safety       |
| 8  | <a href="#">When do citizen advisory boards and committees meet?</a>   | County Commissi     |
| 9  | <a href="#">What can I do to prepare for hurricane season?</a>         | Public Safety       |
| 10 | <a href="#">How can I apply for an open position with the County?</a>  | Employment          |

This may not be a reasonable selection for a citizen wanting to make a complaint without the need to request service. Additionally, it is not clear that complaints may be submitted anonymously. The option to submit anonymously is available only after clicking the link to "Make a Service Request" then selecting to "Report a possible code violation."

The screenshot shows the Lake County Florida website. At the top is the Lake County Florida logo and a navigation bar with links for Residents, Visitors, Business, and Government. Below the navigation bar is a search bar and a 'go' button. To the left of the main content area is a sidebar with 'Most Requested' links (Departments, Calendar of Events, County Forms, Phone Directory, Media, Employment, Area Resources) and 'Information For' links (Residents, Visitors, Business, Government). The main content area is titled 'Citizen Action Request Line (CARL)' and contains a 'Make Request' section with fields for 'Email Address' and 'Password', a 'Submit' button, and a 'Forgot your password?' link. Below the 'Make Request' section are links for 'Create Account' and 'Submit Anonymously'. A red arrow points to the 'Submit Anonymously' link.

The link to “Submit Anonymously” is in small print on the left of the screen. If citizens are unaware of how to make complaints or that complaints can be made anonymously, they may surpass the opportunity to call in a complaint. This could potentially increase safety hazards to citizens by leaving them unmonitored.

- B. The Lake County Code Enforcement website does not advertise the Division’s educational services. At the request of different organizations such as homeowner's associations and the Chamber of Commerce, the Division will send out staff to educate the public about what they do within the community.

Groups may not be aware that Code enforcement staff are available to give presentations about what they do. These presentations may reach a wide range of citizens within the community and raise awareness about what Code Enforcement does and how Code Enforcement may be contacted in the case of a potential code violation.

**We Recommend** management:

- A. Review the website to make filing a complaint more accessible to the public through awareness of the system and place a clear link for complaints on the Code Enforcement webpage.
- B. Include information about educational services provided on the Code Enforcement website.

**Management Response:**

- A. Management concurs.
- B. Management concurs.

**13. Policies and Procedures Need Improvement.**

During our review, we noted instances where written procedures could enhance the Division's operations. Many of the functions of the Division are dictated by Chapter 162, Florida Statutes, as well as the Lake County Code. In order to maintain compliance with these laws, Division policies and procedures should be collective, complete, and in sufficient detail to ensure all functions are performed as required. Additionally, procedures should be reviewed regularly and updated as necessary. We noted the following areas of concern:

- A. Written procedures do not exist for the following functions:
  - a. Looking up deeds and property record cards. This information is used for determining ownership information and obtaining the correct contact information for a property owner. If an officer is unable to perform this function, or sends notification to the wrong address, the case could potentially go unenforced.
  - b. Recording lien releases. When a property owner pays the fines ordered by the Special Master, any liens recorded in relation to those fines should be released. Unreleased liens could potentially prevent the property owner from selling their property.
  - c. Determining appropriate actions for all exceptions to the standard enforcement procedures. This includes when exceptions are appropriate, any additional length of time permissible, documentation of why the exception was made and who authorized the exception. If exceptions are made for some property owners, and not others, code enforcement practices could be deemed unfair to the public. This could lead to decreased compliance with the code and a lack of citizen trust in County operations. (See Opportunity for Improvement No. 1.)
  - d. Call prioritization. Calls are not prioritized by call type. Higher risk calls, such as those which may pose a life safety risk, should be responded to more quickly than other types of calls. Having written response time requirements holds officers accountable and ensures that higher risk calls are responded to in an appropriate time frame. (See Opportunity for Improvement No. 10.)
  - e. Documentation of work performed. Policies and procedures should include management requirements to have at least one photo taken during each site visit. Written procedures should also include documentation of all case related actions and communications. Adequate documentation is important for justifying employee time, tracking employee actions, and properly enforcing code violations.

- B. Procedures do not include sufficient detail to perform the functions described. The Division procedures include, for the most part, the functions to be performed; these procedures do not include the details for how to perform the functions. For example, the Public Hearing coordinator procedure states to prepare postings when certified mail receipts are returned unclaimed. The procedure does not go into further detail of how to prepare the postings. Procedures should be detailed enough for any person to be able to read them and complete a task from start to finish with no additional support. They are particularly important in the event that a staff member is away for an extended period of time or leaves their job without sufficient time to train others to perform their duties.
- C. Procedures are not regularly reviewed and updated. According to management, procedures are reviewed annually; however indication of neither dates of creation or modification dates nor the initials of the preparer/modifier are present. Inclusion of date created or modified in the written procedures could help management identify the need to update these documents based on changes in laws and regulations.
- D. The Lake County Code has not been fully updated to reflect changes in the ordinances related to Code Enforcement. We noted that Chapters 14 and 21 of the Lake County Code currently refer to the non-existent Code Enforcement Board rather than to the Special Master. Failure to update the County Code could lead to inability to enforce established Code, contention from alleged violators of the Code, and create liability for the County.

Lack of procedures or inefficient procedures could lead to inadvertent violation of laws, inconsistent performance of duties, or failure to properly enforce County Code, thus reducing safety to the Lake County citizens. Additionally, in times of high employee turnover or inefficient staffing levels, comprehensive and thorough procedures are necessary to ensure continuity of operations.

**We Recommend** management:

- A. Develop procedures for all Division functions.
- B. Require all procedures to include detailed step by step instructions.
- C. Develop a process for regularly reviewing and updating Division policies and procedures. This process should include documentation of the date and time modifications were made and requiring the modifier to sign off on changes.
- D. Develop a process for reviewing the Lake County Code, as it pertains to Code Enforcement, to ensure updates are made as necessary.

**Management Response:**

- A. Management has implemented this recommendation.
- B. Management concurs.
- C. Management has implemented this recommendation.
- D. Management has implemented this recommendation.