



**Levy County Board of County Commissioners**  
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**Press Release:**

Correcting Misinformation from Spotlight on Levy County Government

**Date of Issue:**

March 24, 2025

***The following email from Levy County Attorney Nicolle Shalley to Linda Cooper, the owner and operator of Spotlight on Levy County Government, is being shared publicly to correct the misinformation that was posted on that website and Facebook Page.***

Hello Ms. Cooper – As the drafter of County Ordinances, with the direction of the County Commission and input from the County Staff that will administer and enforce the ordinance provisions, I send this email to provide you with the facts and to encourage you to revise and/or retract the erroneous “Spotlight Opinion” dated March 23, 2025 titled “Sand Mine (Excavating) Permitting Lost to Public View; BoCC Gave Authority to Staff for Approval” that is posted your webpage <https://spotlightonlevycountygovernment.com>.

I send this to you because the facts matter. You appear to recognize this on your webpage – which states “Spotlight on Levy County Government’s mission is “to create a more informed Levy County Florida community” regarding the process of how our local government functions for its taxpayers’ benefit. Information is power. Spotlight prides itself on reporting the facts of local government meetings while many citizens are at work or unable to attend night meetings. Spotlight believes it is of paramount importance, especially with the decline of newspapers in general along with little or no live streaming of meetings, to get this information out to the citizens of Levy County. Spotlight values its independence and fact-oriented dedication to reporting the details as they happen to best inform our local community.”

For efficiency sake and ease of comprehension, I have copied the entirety of your “Spotlight Opinion” below and [in brackets and red font, I provide the corresponding facts] In the future, if you have questions about County Ordinances or Code, I would encourage you to call me or the County Staff that administers same to check your facts and to help you understand what is being proposed/revised. As Staff, we do our best to include that information in plain language in the “Whereas” clauses of each Ordinance, but don’t mind answering questions if that helps any County resident or property owner to understand the matter. Or you can always review the County Code independently – it is publically available and searchable at [https://library.municode.com/fl/levy\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/fl/levy_county/codes/code_of_ordinances) - to ensure the veracity of what you intend to publish.



**Commissioners**

Charlie Kennedy, District 1  
Rock Meeks, District 2  
Desiree Mills, Chair, District 3  
Tim Hodge, Vice Chair, District 4  
Johnny Hiers, District 5



When I draft an Ordinance at the request and direction of the Board of County Commission or County Staff, the goals are always the same: (a) to state the matter plainly (avoiding what you term “legal mumbo-jumbo”) such that a person of reasonable and average intelligence can read the words and understand what they mean, and (b) to be transparent about what is being revised (whether added or deleted) by plainly showing that in ~~striketrough~~ and underline.

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**“Spotlight Opinion March 23, 2025 Sand Mine (Excavating Permitting Lost to Public View; BoCC Gave Authority to Staff for Approval** By Linda Dean Cooper

Without much fanfare or discussion, on March 18, 2025, the regular Levy BoCC meeting Ordinance 2025-03 passed unanimously. Why would the BoCC with the help of County Attorney Nicole Shalley, want staff to be the final and only authority to approve excavation permitting? Was it because during the 2024 Thomas 3RT public hearings the BoCC took a beating from the public and after approving the court system quashed the approval of a special exception for the 3RT sand mine in Levy County?

Staff botched handling of the 3RTsand mine, so much so, perhaps the commissioners have decided through the power of the ordinance process to give **“staff”** authority to permit excavation and fill as a temporary use through ordinance 2025-3, and never go before the public. [Ordinance Number 2025-3 does not transfer any permitting authority from the BoCC to County Staff. As explained in the Ordinance, it moves responsibility for an existing Staff permitting process (Sec. 50-718 of current Code) and the fee for that permit from Development Department Staff to Planning and Zoning Department Staff]

Stacey Hectus, the then-planning and zoning director, was responsible for the project riddled with missteps and notification errors. She was responsible for notifying the public that owned lands that might be affected by the sand pit and traffic issues. She presented detailed plans to the Planning Board for their input, which was open to the public, informed the BoCC of the Planning Board’s recommendations, and documentation of legal advertising for public hearings. The new ordinance has eliminated that very public process. [As stated above, Ordinance Number 2025-3 does not eliminate a public process, it moves fee collection and responsibility for permit issuance from Development Department Staff to Planning and Zoning Department Staff]



## Commissioners are Compensated \$100,000 Including Benefits Set by the State

Each commissioner costs taxpayers approximately \$100,000, annually for salary, and benefits, including retirement and health insurance. They are elected officials who are held accountable by agencies like the Florida Ethics Commission and by the public in public meetings. Elected officials submit financial forms that are open to the public. If the public believes a potential ethics violation exists, a complaint can be sent to the Florida Ethics Commission for review. None of those safety nets for elected officials applies to county employees. [Many State Ethics laws do apply to County employees and Section 112.3145, F.S. requires annual financial disclosure by certain “Local officers” which includes “Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; finance director of a county, municipality, or other political subdivision; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY TWO, on behalf of any political subdivision of the state or any entity thereof.” For example, as the County Attorney, I am required to file annual financial disclosure with the Commission on Ethics. You can search those public filings at <https://disclosure.floridaethics.gov/PublicSearch/Filings>.

## The Devil is in the Details – So Many Questions

Bernard “Bo” D. Cox, the Provisional Building Official working under the previous building official’s license [Mr. Cox holds a Provisional Building Code Administrator Certificate issued by the State on 12/17/2024 that is current/active through 12/16/2026. He is not working under the previous building official’s license. Pursuant to his Certificate, Mr. Cox is eligible for and is taking the necessary examinations to obtain a Building Code Administrator License. This can be verified at <https://www.myfloridalicense.com/LicenseDetail.asp?SID=&id=CAC69AFB0550A2675059C5FBB1DA0936> and <https://www2.myfloridalicense.com/building-code-administrators-and-inspectors/faqs/#1503342778294-3ef91e35-41f1> ], presented to the BoCC by reading the brief introduction of Ordinance 2025-3. Anyone unfamiliar with how the legal mumbo-jumbo works would have thought it was mostly housekeeping items for changing building permit fees when it stated that “amending the schedule of fees, rates, and charges” was all there was to it. But the devil is in the details. The introduction paragraph stated, ***By Amending Section 50-718 to Transfer Authority for Permitting Temporary Excavation and Fill Activity from Development to the Planning and Zoning department.*** Tara Howell replaced Stacey Hectus as the Director of Planning and Zoning and will decide who does and does not receive excavation permits. She did not present the ordinance with Bo Cox which left the impression it was only a fee change. It was not!



[Under Florida law, the title of an ordinance is required to briefly and accurately state the content of the ordinance. County staff reads the title into the record at the public hearing before the County Commission. The title to Ordinance Number 2025-3 reads as follows: “AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF LEVY COUNTY, FLORIDA RELATING TO THE COUNTY DEVELOPMENT DEPARTMENT AND PLANNING AND ZONING DEPARTMENT; BY REPEALING OBSOLETE CODE PROVISIONS; BY AMENDING APPENDIX B “SCHEDULE OF FEES, RATES AND CHARGES”; BY AMENDING SECTION 50-718 TO TRANSFER AUTHORITY FOR PERMITTING TEMPORARY EXCAVATION AND FILL ACTIVITY FROM THE DEVELOPMENT DEPARTMENT TO THE PLANNING AND ZONING DEPARTMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CLERK AND PROVIDING AN EFFECTIVE DATE.” This title put the public on clear notice that the ordinance relates to two specific County departments, that it repeals obsolete code provisions, that it amends fees, that it transfers permitting authority from one department to another and that it will be codified. Each SECTION of the Ordinance then explains and shows very clearly in ~~strike-through~~ and underline the precise language that is being added or removed. There is no “legal mumbo-jumbo,” false “impression” or “devil in the details.”]

#### **See #6 on the Agenda for Item Justification**

“To amend the current code revisions to Development Department fees, obsolete language, **and authority for permitting excavation and fill as a temporary use.**”

#### **No Discussion for the Transfer of Power or Defining of Temporary**

The public process was eliminated with this new ordinance. [Again, no public process was eliminated by Ordinance Number 2025-3. As stated in the Ordinance Title, the permit fee and authority to issue a particular permit was transferred from the Development Department to the Planning and Zoning Department.] The power is now in the hands of the newly hired Planning and Zoning Director Tara Howell. She appears to have total control with no real oversight. [If you review the existing Code requirements for the issuance of a Temporary Use Permit for excavation and fill activity at [https://library.municode.com/fl/levy\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH50LADECO\\_ARTXIIIIZO\\_DIV3ZODIRE\\_SDIVTEUS\\_S50-718TEUS](https://library.municode.com/fl/levy_county/codes/code_of_ordinances?nodeId=COOR_CH50LADECO_ARTXIIIIZO_DIV3ZODIRE_SDIVTEUS_S50-718TEUS) – you will see that it contains specific permit requirements and conditions, it is not simply left to Staff discretion. If, after review, you do not believe those requirements and conditions provide an adequate basis for Staff to grant or deny the permit, then share your opinion with the County Commission.

There was no discussion or documentation to define how much time was allotted for temporary, the volume of excavation, or the public's ability to see forms and permits, etc. The ordinance listed a \$125 fee plus the actual cost of an external consultant review. **But** if you look at **line 39** of the document, it will give citizens pause for concern: "WHEREAS, in reviewing the fees for the Development Department, **County staff determine** that the permit for excavation and fill activity is a County zoning permit for a temporary use and is not a permit issued pursuant to the Florida Build Code. As such, **the Ordinance moves the fee and revises the associate language in Sec. 50-718(4) to the County Planning and Zoning Department.** [When preparing the Ordinance, the Development Department Director and I determined – as a factual matter, not as opinion, conjure or speculation - that "Excavation and fill activity" is listed in Sec. 50-718 of the existing County Land Development Code as a "Temporary Use." You can verify that by review of existing Code Sec. 50-718 at

[https://library.municode.com/fl/levy\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH50LADECO\\_ARTXIIIIZO\\_DIV3ZODIRE\\_SDIVTEUS\\_S50-718TEUS](https://library.municode.com/fl/levy_county/codes/code_of_ordinances?nodeId=COOR_CH50LADECO_ARTXIIIIZO_DIV3ZODIRE_SDIVTEUS_S50-718TEUS) We also determined, as a factual matter, that "Excavation and fill activity" is not a type of permit listed within the Florida Building Code. You can verify that by reviewing the Florida Building Code at <https://codes.iccsafe.org/codes/florida> ]

#### **Decisions Based Solely on the Opinion of Staff Problematic**

Another serious concern is the language where the authority lies on page 12, line 1, "**In the opinion of the county staff**, presents a threat to the public health, safety or general welfare of adjacent properties or community. There it is again, **the opinion of county staff** has no definite facts or explanations, only staff opinion. [Again, the language you quote is existing Code language, it is neither ~~stricken through~~, nor underlined, and therefore, was not revised by Ordinance Number 2025-3. If you review the existing Code requirements for the issuance of a Temporary Use Permit for excavation and fill activity

at [https://library.municode.com/fl/levy\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH50LADECO\\_ARTXIIIIZO\\_DIV3ZODIRE\\_SDIVTEUS\\_S50-718TEUS](https://library.municode.com/fl/levy_county/codes/code_of_ordinances?nodeId=COOR_CH50LADECO_ARTXIIIIZO_DIV3ZODIRE_SDIVTEUS_S50-718TEUS) – you will see that it is a staff level approval, subject to specific requirements and conditions, not simply left to Staff discretion. Again, if you do not believe those requirements and conditions provide an adequate basis for Staff to grant or deny the permit, then share your opinion with the County Commission. The Temporary Uses Section 50-718 also makes clear that temporary "excavation and fill activity" is not the same as "a mining operation approved by special exception." Sec. 50-759 titled "Mining" in the County Code

[https://library.municode.com/fl/levy\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH50LADECO\\_ARTXIIIIZO\\_DIV3ZODIRE\\_SDVIUSSPEX\\_S50-759MI](https://library.municode.com/fl/levy_county/codes/code_of_ordinances?nodeId=COOR_CH50LADECO_ARTXIIIIZO_DIV3ZODIRE_SDVIUSSPEX_S50-759MI) continues to require a Special Exception to be granted by the Board of County Commissioners for Mining – nothing about that process was revised by Ordinance Number 2025-3.]

**Will Permits be Available for Public Viewing?** [Staff level permits are not required to be noticed because they do not require a public hearing, the issuance of such permits are based on specific requirements and conditions set by the County Commission in County Code or by the Florida Building Code or other State Law and must be consistent with the land use and zoning of the property.]

Where will the information reside for the public to know who was awarded an excavating permit or building permit? Other property appraiser websites provide building permit information. FEMA damage claims usually ask for permitting information. It is also an invaluable source of info to new property owners and should be part of the Levy Property Appraiser website, but it's not. PA Jason Whistler's website lacks consistency, with few details such as cutouts for different areas of a property, i.e. ag vs vacant for evaluating tax values on the same parcel.

Based on my public records request for Property Appraiser Whistler's numerous email exchanges with the previous Planning and Zoning Director Hectus in a January 17, 2024, email referred to a Popcorn Meeting in the subject line gives the impression of a very cozy relationship.

Bottom Line: While collaboration between the Property Appraiser and Planning/Zoning is normal, the Property Appraiser should not have the decision-making authority or undue influence over zoning matters. **Their role should remain independent to maintain fairness and public trust.** [The Property Appraiser is a Constitutional Officer under Florida law, independent of the Board of County Commissioners, and has no decision-making authority over local land use, planning or zoning matters – as those matters are vested, by State law, in the Board of County Commissioners and its Staff.]

### **Government Should Not Pick Winners and Losers**

This ordinance is ripe for our local government to continue picking winners and losers of the citizens it represents. If no guidelines, or processes and procedures are in place a singular employee can affect many lives and businesses. If the commissioners feel they cannot take the pressure of public hearings or political heat, express their reasons for voting in a particular way, and stand their ground with their convictions, they should step down and not run for office. Local government picking winners and losers along with their tax and spend mentality has got to stop!

Reminder: This newly approved ordinance can be repealed if enough pressure is brought to bear on the BoCC to go back to the more public process for "excavation" permits. Farmers and property owners should not need a permit to dig sand on their property. [Again, nothing in Ordinance 2025-3 changed or did away with a "public process." Mining continues to require a Special Exception issued by the Board of County Commissioners. Further, as to your concern about Farmers, existing Code Sec. 50-718(4) *Excavation and fill activity* states "(a) Exempt activities" "(iii) Projects on a bona fide or intensive agricultural operation (defined in section 50-1) which are incidental to the agricultural operations, do not involve the sale or transfer of material to a third party, and do not alter the historic drainage patterns to or from the surrounding properties"]"



In closing, I hope this email assists you in discerning and, accurately reporting, the facts. This email does not take issue with your beliefs or opinions, whatever they may be. If you or any County resident or property owner believe, or are of the opinion, that County Code needs revision then you are always welcome to communicate that to the County Commission – whether by in-person individual meeting, during public comment at a public meeting or via email.

**Nicolle M. Shalley**  
County Attorney  
Levy County, Florida