

CASE #: 20250012

LEVY COUNTY, FLORIDA

VS

Samuel Allen Fant

LEVY COUNTY, FLORIDA
SPECIAL MAGISTRATE



LEVY COUNTY, FLORIDA

Petitioner,

Code Case No.: 202500012

VS.

Fant, Samuel Allen
2751 SE 207th Ct
Morriston, FL 32668

Respondent,

NOTICE OF COMPLIANCE HEARING

Pursuant to Sections 162.06 and 162.12, *Florida Statutes, and Levy County Code of Ordinances*, Ordinance No. 22-122, you will please take notice that a public hearing will be conducted in the above-styled cause, on Wednesday the 15th day of October, 2025 at 9:30 a.m., at the County Government Center Auditorium, 310 School Street, Bronson, Florida. The Special Magistrate will hear testimony, receive evidence, and make such findings of fact as are supported by the testimony and evidence pertaining to the compliance of the Orders in the issued Finding of Facts dated the 3rd day of July, 2025. **Your failure to appear may result in a fine being imposed against you and a lien being placed on your property.** The case may be presented even if the violation has been corrected prior to the Special Magistrate hearing.

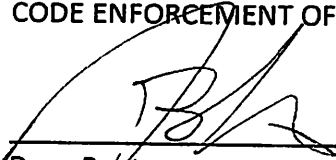
PLEASE GOVERN YOURSELF ACCORDINGLY

If a person wishes to appeal a decision with respect to any matter considered at this meeting, a record of the proceeding will be needed and, for this reason, such person may need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based. You will need to supply a copy of all evidence you present during the hearing to the Special Magistrate secretary to be included in the record.

**LEVY COUNTY, FLORIDA
SPECIAL MAGISTRATE**

In accordance with the Americans with Disabilities act, person with disabilities needing special accommodations for attendance at this public hearing should contact the Levy County Code Enforcement office at (352) 486-5541, no later than 72 hours prior to the proceedings.

LEVY COUNTY, FLORIDA
CODE ENFORCEMENT OFFICER



Dave Banton
622 E. Hathaway Ave.
Bronson, Florida 32621
(352) 486-5541

AFFIDAVIT OF REGULAR MAIL

STATE OF (FLORIDA)
COUNTY OF (LEVY)

LEVY COUNTY, FLORIDA
VS.
Samuel Allen Fant

CODE ENFORCEMENT BOARD CASE NO.: 20250012

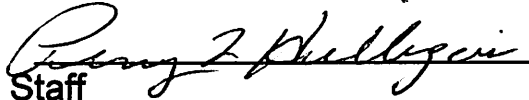
I, **Penny Hilligoss**, being duly sworn, deposed and says:

1. That I am employed by the **Code Enforcement Department of Levy County.**

2. That pursuant to Florida Statute 162.12, on the day of **October 3, 2025**, I received a copy of the attached Notice of Hearing for the hearing dated **October 15th 2025**

3. That on the day **3 of October, 2025**, I mailed said papers to **Samuel Allen Fant 2751 SE 207th Ct. Morriston, FL 32668** by First Class Mail, U.S. Postal Service.

FURTHER, Affiant Saith not.

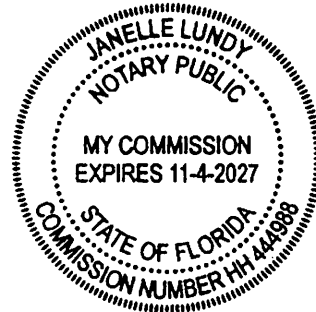

Staff

PERSONALLY APPEARED before me, the undersigned authority, who is personally known to me, and acknowledged that he/she did execute the foregoing Affidavit and did not take an oath.

SWORN AND SUBSCRIBED before me this day 3 of October, 2025.


Notary Signature

Notary Public, State of Florida County of Levy
My Commission Expires:



**SPECIAL MAGISTRATE
OF LEVY COUNTY, FLORIDA**

LEVY COUNTY, FLORIDA

vs.

**SAMUEL ALLEN FANT
2751 SE 207TH CT
MORRISTON, FL 32668
RESPONDENT**

Case No. 2025-0012

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This CAUSE came before the Special Magistrate, pursuant to Chapter 162, Part I, Florida Statutes and the Levy County Code of Ordinances. The Special Magistrate heard testimony of and received evidence from the code enforcement officer, the Respondent and other witnesses. The Magistrate requested a Memorandum of Law from both the Respondent and the County, which have now been received and reviewed. Thereupon, the Magistrate hereby issues its Findings of Fact, Conclusions of Law, and Order as follows:

I. FINDINGS OF FACT: The Special Magistrate makes the following findings of fact:

A. The Respondent owns real property situated within Levy County, Florida, described as follows:

PARCEL 1:

**THE WEST ½ of the WEST ½ of the NE ¼ of SECTION 9, TOWNSHIP 14S,
RANGE 19E, LESS OR BOOK 1482 PAGE 840, LESS ROAD RIGHT OF
WAY. Parcel #05358-002-00**

PARCEL 2:

**THE WEST ½ of the SW ¼ of the SE ¼ of SECTION 9, TOWNSHIP 14S,
RANGE 19E. Parcel #05274-003-0B**

B. The Respondent, as required by Fla. Stat. Chap. 162, received proper notice of the alleged violations and of the hearings thereon, which were held on March 19th, 2025 and June 18th, 2025. The Respondent attended and was heard at both hearings.

C. The evidence proves that there are large piles of manure and horse stall bedding deriving from horse farms located on the property of others, and trucked in and dumped on the subject parcels, (the "materials"). The historic images and photographs prove that the materials were placed on Parcel 1 prior to November, 2015 and remain on the said Parcel. The historic images and photographs prove that the materials were placed on Parcel 2 prior to January, 2023 and remain on the said Parcel.

D. The Respondent has recently registered one of the parcels with the Florida Department of Environmental Protection, ("DEP"), as a composting facility, (apparently in 2020).

II. ANALYSIS; CONCLUSIONS OF LAW:

A. The County cites the Respondent with the following violations of the Levy County Code of Ordinances: (i) Sec. 22-122 for operating a manure composting facility without county zoning approval; and (ii) Sec. 34-40 for open storage of junk or trash.

B. The Respondent claims that regulation of composting activities on an agricultural property is preempted to the State and that enforcement of a local government prohibition on composting activities is prohibited by the Right to Farm Act as set forth in Fla. Stat. 823.14 and Fla. Stat. 163.3162.

C. The Magistrate is persuaded to agree with the Respondent's position that the County may not enforce a provision that prohibits composting activity which constitutes a bona fide agricultural activity on property designated as agricultural use by the Property Appraiser. However, the analysis does not end there.

D. The facts demonstrate that much of the materials located on both Parcel 1 and Parcel 2 have been so located for many years, long before Respondent registered with DEP as a composting facility.

E. Fla. Admin. Code, 62-709.201 contains the following definitions, applicable to composting activities permitted by DEP, (emphasis added):

(6) "Compost" means solid waste which has undergone biological decomposition of organic matter, has been disinfected using composting or similar technologies, and has been stabilized to a degree that is potentially beneficial to plant growth and that is used or sold for use as a soil amendment, artificial top soil, growing medium amendment or other similar uses.

(7) "Composting" means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and that stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of anaerobic zones within the composting material will not cause the process to be classified as other than composting.

(8) "Composting facility" means a solid waste management facility where solid waste is processed using composting technology. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

The evidence shows that there were no facilities or equipment present for the disinfecting or the mechanical handling of organic matter, therefore, the materials cannot be considered as compost.

F. Fla. Admin. Code, 62-709.350 contains the following provisions, applicable to composting activities permitted by DEP, (emphasis added):

(1) A facility accepting and composting only vegetative wastes, animal byproducts or manure, with or without yard trash, or a facility accepting only manure and blending it with yard trash or soil, shall meet the criteria of this rule in addition to the provisions of Rule 62-709.320, F.A.C.

(5) All material accepted by the facility shall be removed within 18 months.

The evidence clearly demonstrates that most, if not all, of the materials, have been present on the parcels for far more than 18 months, therefore the materials cannot be considered to be compost.

G. Fla. Admin. Code 62-709.300 contains the following requirements regarding disinfection of compost:

(8) Compost.

(a) Any compost produced from solid waste, excluding compost made with only yard trash or pre-consumer vegetative waste, must be disinfected. One of the following options must be used to demonstrate that disinfection has been achieved (the test frequencies for these options are contained in paragraphs 62-709.530(1)(b) and (c), F.A.C.):

1. Option 1 - at the time composted solid waste has completed the disinfection process:

a. Either the density of fecal coliform is less than 1000 Most Probable Number per gram total solids, or the density of *Salmonella* sp. bacteria is less than three Most Probable Number per four grams of total solids; and,

b. One of the following process controls is achieved:

I. Maintain 55 degrees Celsius or higher for three consecutive days in a mechanical composter or in an aerated, insulated static pile, or

II. Maintain 55 degrees Celsius or higher for 15 consecutive days in a windrow with at least five turnings of the windrow.

2. Option 2 - at the time material is ready to be used, or the pathogen reduction process has been completed:

a. Either the density of fecal coliform is less than 1000 Most Probable Number per gram total solids, or the density of *Salmonella* sp. bacteria is less than three Most Probable Number per four grams of total solids; and,

b. The density of enteric viruses are less than one Plaque-forming Unit per four grams of total solids; and,

c. The density of viable helminth ova is less than one per four grams of total solids.

(b) Temperature monitoring shall be at a depth of two feet into the pile. The temperature readings and the length of the composting period shall be recorded. These records shall be kept for at least three years and shall be made available for inspection by Department personnel.

(c) Any compost that cannot be used pursuant to the requirements of this chapter shall be reprocessed or disposed of pursuant to the requirements of Chapter 62-701, F.A.C.

The evidence clearly proves that the Respondent has never had on site the facilities necessary for insuring the disinfecting of the materials, therefore the materials cannot be considered compost.

H. The evidence received, specifically the photographs and the historic images of the subject parcels, leads the Magistrate to conclude, as it relates to items E, F and G, above, that: (i) the Respondent has never processed the materials in a manner which would meet the definitions of "compost", "composting" or "composting facility", as required by Fla. Admin. Code 62-709.201; (ii) most all of the materials present on the subject parcels have been situated thereon for well more than 18 months, oftentimes for many years, sometimes for over a decade, therefore the Magistrate concludes that the older materials are not and have never been compost; and (iii) there are no facilities nor is there any equipment to indicate that the Respondent was ever capable of meeting the processing or disinfectant requirements of the composting rules.

I. For the above reasons, the Magistrate concludes that any materials which have been situated on the subject parcels: (i) for more than 18 months; or (ii) for less than 18 months

and which have not been processed or disinfected in accordance with the applicable rules, are not compost. Therefore, the materials fall within the definition of junk under Sec. 34-31, and constitute a violation of the Levy County Code of Ordinances under Sec. 34-40. Furthermore, because the said materials are not compost, then the protections applicable to composting activities under the Right to Farm Act, Fla. Stat. 823.14 and Fla. Stat. 163.3162 are not available to the Respondent's activities on the subject parcels.

J. The Magistrate feels the need to directly address a document filed by the Respondent, the letter from the Florida Department of Agriculture, dated May 28, 2025 and authored by General Counsel, Sean T. Garner. While the letter does an admirable job of stating the law, i.e. that a local government's power to regulate a manure composting farm operation is preempted, the letter does not provide any admissible evidence as to what is actually occurring or has or has not occurred on the Respondent's property. Therefore, the letter is not dispositive as to the code enforcement action, and because of the above conclusions that the materials are not compost, the letter is irrelevant.

III. ORDER: The Special Magistrate therefore orders that the Respondent shall, within 60 days, remove all materials which have been present on either Parcel 1 or Parcel 2 for more than 18 months. Further, the Respondent shall, within 60 days, remove all materials which are not being processed and disinfected in accordance with DEP rules. Materials which have been present for less than 180 days and have been processed and disinfected in accordance with DEP rules may remain, but must be removed within 180 days. A fine in the amount of \$250.00 per day, per parcel, shall be imposed beginning 30 days after the date of this order, continuing until the violations on each parcel are cured by removal of the materials. A hearing shall be scheduled at a date after 60 days to review compliance with this order. Jurisdiction is retained to ensure Respondent's timely compliance with this order and to issue subpoena as may be required.

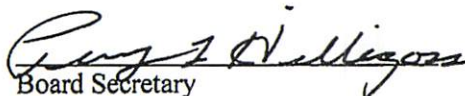
DONE AND ORDERED THIS 3rd day of July, 2025, at Levy County, Florida.

SPECIAL MAGISTRATE OF
LEVY COUNTY, FLORIDA

Norm D. Fugate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law and Order has been furnished by certified mail to the Respondent, Samuel Allen Fant, at allenfantfarm@aol.com and the Levy County Code Enforcement Department, at banton-dave@levycounty.org, this 3 day of July, 2025.


Board Secretary



















08/04/2025 12:41 PM



08/04/2025 12:41 PM



08/04/2025 12:42 PM