

By Senator Bronson

18-214-98

See HB

1 A bill to be entitled
2 An act relating to the Local Government Code
3 Enforcement Boards Act; amending s. 162.11,
4 F.S.; providing that when an appeal is filed
5 with the circuit court with respect to actions
6 of a code enforcement board, all action by the
7 board shall cease or be held in abeyance until
8 the court issues an order; providing
9 exceptions; providing for the removal of liens
10 or impediments from property governed by a code
11 enforcement board under certain circumstances;
12 providing an effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Section 162.11, Florida Statutes, is
17 amended to read:

18 162.11 Appeals.--An aggrieved party, including the
19 local governing body, may appeal a final administrative order
20 of an enforcement board to the circuit court. Such an appeal
21 shall not be a hearing de novo but shall be limited to
22 appellate review of the record created before the enforcement
23 board. An appeal shall be filed within 30 days of the
24 execution of the order to be appealed. On the date that an
25 appeal has been filed in the circuit court appealing a final
26 administrative order of an enforcement board, all action by
27 the enforcement board shall cease or be held in abeyance until
28 the circuit court issues an order, unless, in the opinion of
29 the circuit court, there is a serious threat to the public
30 health, safety, or welfare. Any penalty imposed by an
31 enforcement board shall be stayed at the date that the appeal

1 is filed in the circuit court appealing the final
2 administrative order of the enforcement board. If the appeal
3 is granted in favor of the aggrieved party, any administrative
4 penalty paid until the time the appeal is filed shall be
5 refunded to the aggrieved party by the enforcement board. If
6 the appeal is not granted, the administrative penalty shall
7 continue and the stay shall be lifted from the date the appeal
8 has been ruled on by the circuit court. In the event that the
9 circuit court grants the appeal in favor of the party filing
10 the appeal, all liens or other impediments placed against the
11 property by the enforcement board shall be removed from the
12 property.

13 Section 2. This act shall take effect upon becoming a
14 law.

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17 HOUSE SUMMARY

18 Provides, with respect to actions by code enforcement
19 boards under the Local Government Code Enforcement Boards
20 Act, that when an aggrieved party files an appeal with
21 the circuit court, all action by the board shall cease or
22 be held in abeyance until the circuit court issues an
23 order. Provides for the stay of penalties during the
24 appeal process. Provides that if the circuit court
25 reverses the actions of the board all liens or other
26 impediments shall be removed from the property which has
27 been affected by the action of the board.
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