

By Representative Greenstein

1                                   A bill to be entitled  
2           An act relating to enforcement of money  
3           judgments; amending s. 162.09, F.S.;  
4           authorizing code enforcement boards to sue to  
5           recover the amount of a money judgment on a  
6           lien plus interest; amending s. 162.10, F.S.;  
7           providing for a prevailing party to recover all  
8           costs, including attorney's fees, in an action  
9           for a money judgment on a lien; providing an  
10          effective date.

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

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14           Section 1. Subsection (3) of section 162.09, Florida  
15 Statutes, is amended to read:

16           162.09 Administrative fines; costs of repair; liens.--

17           (3) A certified copy of an order imposing a fine may  
18 be recorded in the public records and thereafter shall  
19 constitute a lien against the land on which the violation  
20 exists and upon any other real or personal property owned by  
21 the violator. Upon petition to the circuit court, such order  
22 may be enforced in the same manner as a court judgment by the  
23 sheriffs of this state, including levy against the personal  
24 property, but such order shall not be deemed to be a court  
25 judgment except for enforcement purposes. A fine imposed  
26 pursuant to this part shall continue to accrue until the  
27 violator comes into compliance or until judgment is rendered  
28 in a suit to foreclose on a lien filed pursuant to this  
29 section, whichever occurs first. A lien arising from a fine  
30 imposed pursuant to this section runs in favor of the local  
31 governing body, and the local governing body may execute a

1 satisfaction or release of lien entered pursuant to this  
2 section. After 3 months from the filing of any such lien which  
3 remains unpaid, the enforcement board may authorize the local  
4 governing body attorney to foreclose on the lien and to sue to  
5 recover a money judgment for the amount of the lien plus  
6 accrued interest. No lien created pursuant to the provisions  
7 of this part may be foreclosed on real property which is a  
8 homestead under s. 4, Art. X of the State Constitution.

9 Section 2. Section 162.10, Florida Statutes, is  
10 amended to read:

11 162.10 Duration of lien.--No lien provided under the  
12 Local Government Code Enforcement Boards Act shall continue  
13 for a period longer than 20 years after the certified copy of  
14 an order imposing a fine has been recorded, unless within that  
15 time an action to foreclose on the lien is commenced in a  
16 court of competent jurisdiction. In an action to foreclose on  
17 a lien or for a money judgment, the prevailing party is  
18 entitled to recover all costs, including a reasonable  
19 attorney's fee, that it incurs in the action ~~foreclosure~~. The  
20 local governing body shall be entitled to collect all costs  
21 incurred in recording and satisfying a valid lien. The  
22 continuation of the lien effected by the commencement of the  
23 action shall not be good against creditors or subsequent  
24 purchasers for valuable consideration without notice, unless a  
25 notice of lis pendens is recorded.

26 Section 3. This act shall take effect July 1, 1999.  
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HOUSE SUMMARY

Authorizes code enforcement boards to sue to recover the amount of a money judgment on a lien plus interest. Provides for a prevailing party to recover all costs, including attorney's fees, in an action for a money judgment on a lien.