

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; authorizing certain
7 counties or municipalities to adopt ordinances
8 granting code enforcement boards or special
9 masters authority to impose certain fines in
10 excess of those authorized by law; specifying
11 limitations; providing requirements; amending
12 s. 162.10, F.S.; providing for a prevailing
13 party to recover all costs, including
14 attorney's fees, in an action for a money
15 judgment on a lien; amending s. 162.12, F. S.;
16 authorizing posting of notices at county
17 governmental centers; providing an effective
18 date.

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

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

24 162.09 Administrative fines; costs of repair; liens.--

25 (3) A certified copy of an order imposing a fine may
26 be recorded in the public records and thereafter shall
27 constitute a lien against the land on which the violation
28 exists and upon any other real or personal property owned by
29 the violator. Upon petition to the circuit court, such order
30 may be enforced in the same manner as a court judgment by the
31 sheriffs of this state, including levy against the personal

1 property, but such order shall not be deemed to be a court
2 judgment except for enforcement purposes. A fine imposed
3 pursuant to this part shall continue to accrue until the
4 violator comes into compliance or until judgment is rendered
5 in a suit to foreclose on a lien filed pursuant to this
6 section, whichever occurs first. A lien arising from a fine
7 imposed pursuant to this section runs in favor of the local
8 governing body, and the local governing body may execute a
9 satisfaction or release of lien entered pursuant to this
10 section. After 3 months from the filing of any such lien which
11 remains unpaid, the enforcement board may authorize the local
12 governing body attorney to foreclose on the lien or to sue to
13 recover a money judgment for the amount of the lien plus
14 accrued interest. No lien created pursuant to the provisions
15 of this part may be foreclosed on real property which is a
16 homestead under s. 4, Art. X of the State Constitution.

17 Section 2. Paragraph (d) is added to subsection (2) of
18 section 162.09, Florida Statutes, to read:

19 162.09 Administrative fines; costs of repair; liens.--

20 (2)(a) A fine imposed pursuant to this section shall
21 not exceed \$250 per day for a first violation and shall not
22 exceed \$500 per day for a repeat violation, and, in addition,
23 may include all costs of repairs pursuant to subsection (1).
24 However, if a code enforcement board finds the violation to be
25 irreparable or irreversible in nature, it may impose a fine
26 not to exceed \$5,000 per violation.

27 (b) In determining the amount of the fine, if any, the
28 enforcement board shall consider the following factors:

- 29 1. The gravity of the violation;
- 30 2. Any actions taken by the violator to correct the
- 31 violation; and

1 3. Any previous violations committed by the violator.

2 (c) An enforcement board may reduce a fine imposed
3 pursuant to this section.

4 (d) A county or a municipality having a population
5 equal to or greater than 50,000 may adopt, by a vote of at
6 least a majority plus one of the entire governing body of the
7 county or municipality, an ordinance that gives code
8 enforcement boards or special masters, or both, authority to
9 impose fines in excess of the limits set forth in paragraph

10 (a). Such fines shall not exceed \$1,000 per day per violation
11 for a first violation, \$5,000 per day per violation for a
12 repeat violation, and up to \$15,000 per violation if the code
13 enforcement board or special master finds the violation to be
14 irreparable or irreversible in nature. In addition to such
15 fines, a code enforcement board or special master may impose
16 additional fines to cover all costs incurred by the local
17 government in enforcing its codes and all costs of repairs
18 pursuant to subsection (1). Any ordinance imposing such fines
19 shall include criteria to be considered by the code
20 enforcement board or special master in determining the amount
21 of the fines, including, but not limited to, those factors set
22 forth in paragraph (b).

23 Section 3. Section 162.10, Florida Statutes, is
24 amended to read:

25 162.10 Duration of lien.--No lien provided under the
26 Local Government Code Enforcement Boards Act shall continue
27 for a period longer than 20 years after the certified copy of
28 an order imposing a fine has been recorded, unless within that
29 time an action to foreclose on the lien is commenced in a
30 court of competent jurisdiction. In an action to foreclose on
31 a lien or for a money judgment, the prevailing party is

1 entitled to recover all costs, including a reasonable
2 attorney's fee, that it incurs in the action ~~foreclosure~~. The
3 local governing body shall be entitled to collect all costs
4 incurred in recording and satisfying a valid lien. The
5 continuation of the lien effected by the commencement of the
6 action shall not be good against creditors or subsequent
7 purchasers for valuable consideration without notice, unless a
8 notice of lis pendens is recorded.

9 Section 4. Paragraph (b) of subsection (2) of section
10 162.12, Florida Statutes, is amended to read:

11 162.12 Notices--

12 (2) In addition to providing notice as set forth in
13 subsection (1), at the option of the code enforcement board,
14 notice may also be served by publication or posting, as
15 follows:

16 (b) 1. In lieu of publication as described in
17 paragraph (a), such notice may be posted for at least 10 days
18 in at least two locations, one of which shall be the property
19 upon which the violation is alleged to exist and the other of
20 which shall be, in the case of municipalities, at the primary
21 municipal government office, and in the case of counties, at
22 the front door of the courthouse or the main county
23 governmental center in said county.

24 2. Proof of posting shall be by affidavit of the
25 person posting the notice, which affidavit shall include a
26 copy of the notice posted and the date and places of its
27 posting.

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29 Evidence that an attempt has been made to hand deliver or mail
30 notice as provided in subsection (1), together with proof of
31 publication or posting as provided in subsection (2), shall be

1 sufficient to show that the notice requirements of this part
2 have been met, without regard to whether or not the alleged
3 violator actually received such notice.

4 Section 5. This act shall take effect upon becoming a
5 law.

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