

By Senator Geller

29-1193-99

See HB 479

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A bill to be entitled
An act relating to code enforcement; amending
s. 162.09, F.S.; authorizing certain counties
or municipalities to adopt ordinances granting
code enforcement boards or special masters
authority to impose certain fines in excess of
those authorized by law; specifying
limitations; providing requirements; providing
an effective date.

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

Section 1. Subsection (2) of section 162.09, Florida
Statutes, is amended to read:

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

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

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

- 1. The gravity of the violation;
- 2. Any actions taken by the violator to correct the
violation; and
- 3. Any previous violations committed by the violator.

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

1 (d) A county or a municipality having a population
2 equal to or greater than 50,000 may adopt, by a vote of at
3 least a majority plus one of the entire governing body of the
4 county or municipality, an ordinance that gives code
5 enforcement boards or special masters, or both, authority to
6 impose fines in excess of the limits set forth in paragraph
7 (a). Such fines shall not exceed \$1,000 per day per violation
8 for a first violation, \$5,000 per day per violation for a
9 repeat violation, and up to \$15,000 per violation if the code
10 enforcement board or special master finds the violation to be
11 irreparable or irreversible in nature. In addition to such
12 fines, a code enforcement board or special master may impose
13 additional fines to cover all costs incurred by the local
14 government in enforcing its codes and all costs of repairs
15 pursuant to subsection (1). Any ordinance imposing such fines
16 shall include criteria to be considered by the code
17 enforcement board or special master in determining the amount
18 of the fines, including, but not limited to, those factors set
19 forth in paragraph (b).

20 Section 2. This act shall take effect October 1, 1999.

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23 LEGISLATIVE SUMMARY

24 Authorizes counties or municipalities with populations
25 greater than 50,000 to adopt ordinances granting code
26 enforcement boards or special masters authority to impose
27 fines for code violations in excess of those authorized
28 by law. Specifies limitations on the fines and provides
29 requirements for the ordinances.
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