

By Senator Geller

29-1031-99

1 A bill to be entitled
 2 An act relating to local government code
 3 enforcement boards; amending ss. 162.09,
 4 162.10, F.S.; authorizing suits to recover
 5 money judgments and costs; providing an
 6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (3) of section 162.09, Florida
11 Statutes, is amended to read:

12 162.09 Administrative fines; costs of repair; liens.--

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

1 recover a money judgment for the amount of the lien plus
2 accrued interest. No lien created pursuant to the provisions
3 of this part may be foreclosed on real property which is a
4 homestead under s. 4, Art. X of the State Constitution.

5 Section 2. Section 162.10, Florida Statutes, is
6 amended to read:

7 162.10 Duration of lien.--No lien provided under the
8 Local Government Code Enforcement Boards Act shall continue
9 for a period longer than 20 years after the certified copy of
10 an order imposing a fine has been recorded, unless within that
11 time an action to foreclose on the lien is commenced in a
12 court of competent jurisdiction. In an action to foreclose on
13 a lien or for a money judgment, the prevailing party is
14 entitled to recover all costs, including a reasonable
15 attorney's fee, that it incurs in the foreclosure. The local
16 governing body shall be entitled to collect all costs incurred
17 in recording and satisfying a valid lien. The continuation of
18 the lien effected by the commencement of the action shall not
19 be good against creditors or subsequent purchasers for
20 valuable consideration without notice, unless a notice of lis
21 pendens is recorded.

22 Section 3. This act shall take effect upon becoming a
23 law.

24
25 *****

26 SENATE SUMMARY

27 Authorizes local government code enforcement boards to
28 sue for money judgments on liens. Provides for recovery
of costs.

29
30
31