

Bill No. CS/HB 363

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Geller moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 2, between lines 9 and 10,		
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16	insert:		
17	Section 2. Subsections (2) and (3) of section 162.09,		
18	Florida Statutes, are amended 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		

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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 (3) A certified copy of an order imposing a fine may
24 be recorded in the public records and thereafter shall
25 constitute a lien against the land on which the violation
26 exists and upon any other real or personal property owned by
27 the violator. Upon petition to the circuit court, such order
28 may be enforced in the same manner as a court judgment by the
29 sheriffs of this state, including levy against the personal
30 property, but such order shall not be deemed to be a court
31 judgment except for enforcement purposes. A fine imposed

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1 pursuant to this part shall continue to accrue until the
2 violator comes into compliance or until judgment is rendered
3 in a suit to foreclose on a lien filed pursuant to this
4 section, whichever occurs first. A lien arising from a fine
5 imposed pursuant to this section runs in favor of the local
6 governing body, and the local governing body may execute a
7 satisfaction or release of lien entered pursuant to this
8 section. After 3 months from the filing of any such lien which
9 remains unpaid, the enforcement board may authorize the local
10 governing body attorney to foreclose on the lien or to sue to
11 recover a money judgment for the amount of the lien plus
12 accrued interest. No lien created pursuant to the provisions
13 of this part may be foreclosed on real property which is a
14 homestead under s. 4, Art. X of the State Constitution.

15 Section 3. Section 162.10, Florida Statutes, is
16 amended to read:

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

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

3 162.12 Notices.--

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

8 (b)1. In lieu of publication as described in paragraph
9 (a), such notice may be posted for at least 10 days in at
10 least two locations, one of which shall be the property upon
11 which the violation is alleged to exist and the other of which
12 shall be, in the case of municipalities, at the primary
13 municipal government office, and in the case of counties, at
14 the front door of the courthouse or the main county
15 governmental center in the ~~said~~ county.

16 2. Proof of posting shall be by affidavit of the
17 person posting the notice, which affidavit shall include a
18 copy of the notice posted and the date and places of its
19 posting.

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21 Evidence that an attempt has been made to hand deliver or mail
22 notice as provided in subsection (1), together with proof of
23 publication or posting as provided in subsection (2), shall be
24 sufficient to show that the notice requirements of this part
25 have been met, without regard to whether or not the alleged
26 violator actually received such notice.

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28 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 8, after the semicolon,

4

5 insert:

6 amending ss. 162.09, 162.10, F.S.; authorizing

7 certain counties or municipalities to adopt

8 ordinances granting code enforcement boards or

9 special masters authority to impose certain

10 fines in excess of those authorized by law;

11 specifying limitations; providing requirements;

12 authorizing suits to recover money judgments

13 and costs; amending s. 162.12, F.S.;

14 authorizing posting of notices at county

15 governmental centers;

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