

By Representative Levine

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

10

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

12

13           Section 1. Paragraph (d) is added to subsection (2) of  
14 section 162.09, Florida Statutes, to read:

15           162.09 Administrative fines; costs of repair; liens.--

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

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

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

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

31

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.

21  
22           \*\*\*\*\*

23           HOUSE 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.  
30  
31