

Bill No. SB 966  
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	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, between lines 5 and 6,		
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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.

20  
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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