

By Senator Geller

29-191-00

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.

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

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

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

7 Section 2. Section 162.10, Florida Statutes, is
8 amended to read:

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

24 Section 3. This act shall take effect upon becoming a
25 law.

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28 SENATE SUMMARY

29 Allows local government code enforcement boards to sue
30 for money judgments on liens. Provides for recovery of
31 costs.