

By Representative Greenstein

1 A bill to be entitled
2 An act relating to local government code
3 enforcement; amending s. 162.09, F.S.;
4 authorizing local government code enforcement
5 boards to sue to recover the amount of a money
6 judgment on a lien plus interest; amending s.
7 162.10, F.S.; providing for a prevailing party
8 to recover all costs, including attorney's
9 fees, in an action for a money judgment on a
10 lien; amending s. 162.12, F.S.; providing an
11 alternative location for posting certain
12 notices; providing an effective date.

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

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16 Section 1. Subsection (3) of section 162.09, Florida
17 Statutes, is amended to read:

18 162.09 Administrative fines; costs of repair; liens.--

19 (3) A certified copy of an order imposing a fine, or a
20 fine plus repair costs, may be recorded in the public records
21 and thereafter shall constitute a lien against the land on
22 which the violation exists and upon any other real or personal
23 property owned by the violator. Upon petition to the circuit
24 court, such order shall be enforceable in the same manner as a
25 court judgment by the sheriffs of this state, including
26 execution and levy against the personal property of the
27 violator, but such order shall not be deemed to be a court
28 judgment except for enforcement purposes. A fine imposed
29 pursuant to this part shall continue to accrue until the
30 violator comes into compliance or until judgment is rendered
31 in a suit to foreclose on a lien filed pursuant to this

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

12 Section 2. Section 162.10, Florida Statutes, is
13 amended to read:

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

29 Section 3. Paragraph (b) of subsection (2) of section
30 162.12, Florida Statutes, is amended to read:

31 162.12 Notices.--

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

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

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

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

26 Section 4. This act shall take effect upon becoming a
27 law.

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HOUSE SUMMARY

Authorizes local government code enforcement boards to sue to recover the amount of a money judgment on a lien plus interest. Provides for a prevailing party to recover all costs, including attorney's fees, in an action for a money judgment on a lien. Authorizes posting a notice of a violation of a county code on the front door of the main county governmental center.