

By the Committee on Community Affairs and 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; limiting application of actions for
13 money judgments to fines levied after a certain
14 date; providing an effective date.

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

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

20 162.09 Administrative fines; costs of repair; liens.--
21 (3) A certified copy of an order imposing a fine, or a
22 fine plus repair costs, may be recorded in the public records
23 and thereafter shall constitute a lien against the land on
24 which the violation exists and upon any other real or personal
25 property owned by the violator. Upon petition to the circuit
26 court, such order shall be enforceable in the same manner as a
27 court judgment by the sheriffs of this state, including
28 execution and levy against the personal property of the
29 violator, but such order shall not be deemed to be a court
30 judgment except for enforcement purposes. A fine imposed
31 pursuant to this part shall continue to accrue until the

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

14 Section 2. Section 162.10, Florida Statutes, is
15 amended to read:

16 162.10 Duration of lien.--No lien provided under the
17 Local Government Code Enforcement Boards Act shall continue
18 for a period longer than 20 years after the certified copy of
19 an order imposing a fine has been recorded, unless within that
20 time an action ~~to foreclose on the lien~~ is commenced pursuant
21 to s. 162.09(3) in a court of competent jurisdiction. In an
22 action to foreclose on a lien or for a money judgment, the
23 prevailing party is entitled to recover all costs, including a
24 reasonable attorney's fee, that it incurs in the action
25 ~~foreclosure~~. The local governing body shall be entitled to
26 collect all costs incurred in recording and satisfying a valid
27 lien. The continuation of the lien effected by the
28 commencement of the action shall not be good against creditors
29 or subsequent purchasers for valuable consideration without
30 notice, unless a notice of lis pendens is recorded.

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1 Section 3. 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 at least 10 days prior to the
10 hearing, or prior to the expiration of any deadline contained
11 in the notice, in at least two locations, one of which shall
12 be the property upon which the violation is alleged to exist
13 and the other of which shall be, in the case of
14 municipalities, at the primary municipal government office,
15 and in the case of counties, at the front door of the
16 courthouse or the main county governmental center in said
17 county.

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

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

29 Section 4. Actions for money judgments under chapter
30 162, Florida Statutes, may be pursued only on fines levied
31 after October 1, 2000.

1 Section 5. This act shall take effect upon becoming a
2 law.
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