

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; exemption
7 certain property from application of certain
8 money judgment provisions; amending s. 162.10,
9 F.S.; providing for a prevailing party to
10 recover all costs, including attorney's fees,
11 in an action for a money judgment on a lien;
12 amending s. 162.12, F.S.; providing an
13 alternative location for posting certain
14 notices; limiting application of actions for
15 money judgments to fines levied after a certain
16 date; providing an effective date.

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

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

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

1 judgment except for enforcement purposes. A fine imposed
2 pursuant to this part shall continue to accrue until the
3 violator comes into compliance or until judgment is rendered
4 in a suit ~~to foreclose on a lien~~ filed pursuant to this
5 section, whichever occurs first. A lien arising from a fine
6 imposed pursuant to this section runs in favor of the local
7 governing body, and the local governing body may execute a
8 satisfaction or release of lien entered pursuant to this
9 section. After 3 months from the filing of any such lien which
10 remains unpaid, the enforcement board may authorize the local
11 governing body attorney to foreclose on the lien or to sue to
12 recover a money judgment for the amount of the lien plus
13 accrued interest. No lien created pursuant to the provisions
14 of this part may be foreclosed on real property which is a
15 homestead under s. 4, Art. X of the State Constitution. The
16 money judgment provisions of this section shall not apply to
17 real property or personal property which is covered under s.
18 4(a), Art. X of the State Constitution.

19 Section 2. Section 162.10, Florida Statutes, is
20 amended to read:

21 162.10 Duration of lien.--No lien provided under the
22 Local Government Code Enforcement Boards Act shall continue
23 for a period longer than 20 years after the certified copy of
24 an order imposing a fine has been recorded, unless within that
25 time an action ~~to foreclose on the lien~~ is commenced pursuant
26 to s. 162.09(3) in a court of competent jurisdiction. In an
27 action to foreclose on a lien or for a money judgment, the
28 prevailing party is entitled to recover all costs, including a
29 reasonable attorney's fee, that it incurs in the action
30 ~~foreclosure~~. The local governing body shall be entitled to
31 collect all costs incurred in recording and satisfying a valid

1 lien. The continuation of the lien effected by the
2 commencement of the action shall not be good against creditors
3 or subsequent purchasers for valuable consideration without
4 notice, unless a notice of lis pendens is recorded.

5 Section 3. Paragraph (b) of subsection (2) of section
6 162.12, Florida Statutes, is amended to read:

7 162.12 Notices.--

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

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

22 2. Proof of posting shall be by affidavit of the
23 person posting the notice, which affidavit shall include a
24 copy of the notice posted and the date and places of its
25 posting.

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

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

6 Section 5. This act shall take effect upon becoming a
7 law.

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