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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 54 - 205

and insert:

before an investigation occurs. This paragraph does not apply if the person designated as a code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(c) ~~(a)~~ Prior to issuing a citation, a code inspector shall



11 provide notice to the violator that the violator has committed a
12 violation of a code or ordinance and shall establish a
13 reasonable time period within which the violator must correct
14 the violation. Such time period shall be no more than 30 days.
15 If, upon personal investigation, a code inspector finds that the
16 violator has not corrected the violation within the time period,
17 a code inspector may issue a citation to the violator. A code
18 inspector does not have to provide the violator with a
19 reasonable time period to correct the violation prior to issuing
20 a citation and may immediately issue a citation if the code
21 inspector has reason to believe that the violation presents a
22 serious threat to the public health, safety, or welfare, or if
23 the violation is irreparable or irreversible.

24 (d) ~~(b)~~ A citation issued by a code inspector shall state
25 the date and time of issuance, name and address of the person in
26 violation, date of the violation, section of the codes or
27 ordinances, or subsequent amendments thereto, violated, name of
28 the code inspector, and date and time when the violator shall
29 appear in county court.

30 (e) ~~(e)~~ If a repeat violation is found subsequent to the
31 issuance of a citation, the code inspector is not required to
32 give the violator a reasonable time to correct the violation and
33 may immediately issue a citation. For purposes of this
34 subsection, the term "repeat violation" means a violation of a
35 provision of a code or ordinance by a person who has previously
36 been found to have violated the same provision within 5 years
37 prior to the violation, notwithstanding the violations occurred
38 at different locations.

39 (f) ~~(d)~~ If the owner of property which is subject to an



40 enforcement proceeding before county court transfers ownership
41 of such property between the time the initial citation or
42 citations are issued and the date the violator has been summoned
43 to appear in county court, such owner shall:

44 1. Disclose, in writing, the existence and the nature of
45 the proceeding to the prospective transferee.

46 2. Deliver to the prospective transferee a copy of the
47 pleadings, notices, and other materials relating to the county
48 court proceeding received by the transferor.

49 3. Disclose, in writing, to the prospective transferee that
50 the new owner will be responsible for compliance with the
51 applicable code and with orders issued in the county court
52 proceeding.

53 4. File a notice with the code enforcement official of the
54 transfer of the property, with the identity and address of the
55 new owner and copies of the disclosures made to the new owner,
56 within 5 days after the date of the transfer.

57
58 A failure to make the disclosure described in subparagraphs 1.,
59 2., and 3. before the transfer creates a rebuttable presumption
60 of fraud. If the property is transferred before the date the
61 violator has been summoned to appear in county court, the
62 proceeding shall not be dismissed but the new owner will be
63 substituted as the party of record and thereafter provided a
64 reasonable period of time to correct the violation before the
65 continuation of proceedings in county court.

66 (g) ~~(e)~~ If the code inspector has reason to believe a
67 violation or the condition causing the violation presents a
68 serious threat to the public health, safety, and welfare or if



877556

69 the violation is irreparable or irreversible in nature, or if
70 after attempts under this section to bring a repeat violation
71 into compliance with a provision of a code or ordinance prove
72 unsuccessful, the local governing body may make all reasonable
73 repairs which are required to bring the property into compliance
74 and charge the owner with the reasonable cost of the repairs
75 along with the fine imposed pursuant to this section. Making
76 such repairs does not create a continuing obligation on the part
77 of the local governing body to make further repairs or to
78 maintain the property and does not create any liability against
79 the local governing body for any damages to the property if such
80 repairs were completed in good faith.

81 (h)~~(f)~~ Nothing in this subsection shall be construed to
82 authorize any person designated as a code inspector to perform
83 any function or duties of a law enforcement officer other than
84 as specified in this subsection. A code inspector shall not make
85 physical arrests or take any person into custody and shall be
86 exempt from requirements relating to the Special Risk Class of
87 the Florida Retirement System, bonding, and the Criminal Justice
88 Standards and Training Commission, as defined and provided by
89 general law.

90 (i)~~(g)~~ The provisions of this subsection shall not apply to
91 the enforcement pursuant to ss. 553.79 and 553.80 of the Florida
92 Building Code adopted pursuant to s. 553.73 as applied to
93 construction, provided that a building permit is either not
94 required or has been issued by the county.

95 (j)~~(h)~~ The provisions of this subsection may be used by a
96 county in lieu of the provisions of part II of chapter 162.

97 (k)~~(i)~~ The provisions of this subsection are additional or



877556

98 supplemental means of enforcing county codes and ordinances.
99 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,
100 nothing in this subsection shall prohibit a county from
101 enforcing its codes or ordinances by any other means.

102 Section 1. Subsection (1) of section 162.06, Florida
103 Statutes, is amended to read:

104 162.06 Enforcement procedure.—

105 (1) (a) It shall be the duty of the code inspector to
106 initiate enforcement proceedings of the various codes; however,
107 no member of a board shall have the power to initiate such
108 enforcement proceedings.

109 (b) A code inspector may not initiate enforcement
110 proceedings for a potential violation of a duly enacted code or
111 ordinance by way of an anonymous complaint. A person who reports
112 a potential violation of a code or an ordinance must provide his
113 or her name and address to the respective local government
114 before an enforcement proceeding may occur. This paragraph does
115 not apply if the code inspector has reason to believe that the
116 violation presents an imminent threat to public health, safety,
117 or welfare or imminent destruction of habitat or sensitive
118 resources.

119 Section 2. Section 162.13, Florida Statutes, is amended to
120 read:

121 162.13 Provisions of act supplemental.—It is the
122 legislative intent of ss. 162.01-162.12 to provide an additional
123 or supplemental means of obtaining compliance with local codes.
124 Except as provided in s. 162.06(1)(b), nothing contained in ss.
125 162.01-162.12 shall prohibit a local governing body from
126 enforcing its codes by any other means.



877556

127 Section 3. Present paragraphs (b) and (c) of subsection (3)
128 of section 162.21, Florida Statutes, are redesignated as
129 paragraphs (c) and (d), respectively, a new paragraph (b) is
130 added to that subsection, and subsection (8) of that section is
131 amended, to read:

132 162.21 Enforcement of county or municipal codes or
133 ordinances; penalties.—

134 (3)

135 (b) A code enforcement officer may not initiate an
136 investigation of a potential violation of a duly enacted code or
137 ordinance by way of an anonymous complaint. A person who reports
138 a potential violation of a code or an ordinance must provide his
139 or her name and address to the respective local government
140 before an investigation may occur. This paragraph does not apply
141 if the code enforcement officer has reason to believe that the
142 violation presents an imminent threat to public health, safety,
143 or welfare or imminent destruction of habitat or sensitive
144 resources.

145 (8) The provisions of this section are additional and
146 supplemental means of enforcing county or municipal codes or
147 ordinances and may be used for the enforcement of any code or
148 ordinance, or for the enforcement of all codes and ordinances.
149 Except as provided in paragraph (3) (b), nothing contained in
150 this section shall prohibit a county or municipality from
151 enforcing its codes or ordinances by any other means.

152 Section 4. Subsections (1) and (7) of section 166.0415,
153 Florida Statutes, are amended to read:

154 166.0415 Enforcement by code inspectors; citations.—

155 (1) (a) The governing body of each municipality may



156 designate its agents or employees as code inspectors whose duty
157 it is to assure code compliance. Any person designated as a code
158 inspector may issue citations for violations of municipal codes
159 and ordinances, respectively, or subsequent amendments thereto,
160 when such code inspector has actual knowledge that a violation
161 has been committed.

162 (b) A person designated as a code inspector may not
163 initiate an investigation of a potential violation of a duly
164 enacted code or ordinance by way of an anonymous complaint. A
165 person who reports a potential violation of a code or an
166 ordinance must provide his or her name and address to the
167 governing body of the municipality before an investigation
168 occurs. This paragraph does not apply if the person designated
169 as a code inspector has reason to believe that the violation
170 presents an imminent threat to public health, safety, or welfare
171 or imminent destruction of habitat or sensitive resources.

172
173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete lines 10 - 33

176 and insert:

177 investigation occurs; providing applicability;
178 providing construction; amending s. 162.06, F.S.;
179 prohibiting code inspectors from initiating
180 enforcement proceedings for potential violations of
181 codes and ordinances by way of anonymous complaints;
182 requiring persons who report potential violations of
183 codes and ordinances to provide specified information
184 to the respective local government before an



877556

185 investigation occurs; providing applicability;
186 amending s. 162.13, F.S.; providing construction;
187 amending s. 162.21, F.S.; prohibiting code enforcement
188 officers from initiating investigations of potential
189 violations of codes and ordinances by way of anonymous
190 complaints; requiring persons who report potential
191 violations of codes and ordinances to provide
192 specified information to the respective local
193 government before an investigation occurs; providing
194 applicability; providing construction; amending s.
195 166.0415, F.S.; prohibiting code inspectors designated
196 by governing bodies of municipalities from initiating
197 investigations of potential violations of codes and
198 ordinances by way of anonymous complaints; requiring
199 persons who report potential violations of codes and
200 ordinances to provide specified information to the
201 governing body before an investigation occurs;
202 providing applicability; providing