

By Senator Bradley

5-00497-21

202160__

1 A bill to be entitled
2 An act relating to county and municipal code
3 enforcement; amending s. 125.69, F.S.; prohibiting
4 code inspectors designated by boards of county
5 commissioners from initiating investigations of
6 potential violations of codes and ordinances by way of
7 anonymous complaints; requiring persons who report
8 potential violations of codes and ordinances to
9 provide specified information to the board before an
10 investigation occurs; providing construction; amending
11 s. 162.06, F.S.; prohibiting code inspectors from
12 initiating enforcement proceedings for potential
13 violations of codes and ordinances by way of anonymous
14 complaints; requiring persons who report potential
15 violations of codes and ordinances to provide
16 specified information to the respective local
17 government before an investigation occurs; amending s.
18 162.13, F.S.; providing construction; amending s.
19 162.21, F.S.; prohibiting code enforcement officers
20 from initiating investigations of potential violations
21 of codes and ordinances by way of anonymous
22 complaints; requiring persons who report potential
23 violations of codes and ordinances to provide
24 specified information to the respective local
25 government before an investigation occurs; providing
26 construction; amending s. 166.0415, F.S.; prohibiting
27 code inspectors designated by governing bodies of
28 municipalities from initiating investigations of
29 potential violations of codes and ordinances by way of

5-00497-21

202160__

30 anonymous complaints; requiring persons who report
31 potential violations of codes and ordinances to
32 provide specified information to the governing body
33 before an investigation occurs; providing
34 construction; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsection (4) of section 125.69, Florida
39 Statutes, is amended to read:

40 125.69 Penalties; enforcement by code inspectors.—

41 (4) (a) The board of county commissioners of each county may
42 designate its agents or employees as code inspectors whose duty
43 it is to assure code compliance. Any person designated as a code
44 inspector may issue citations for violations of county codes and
45 ordinances, respectively, or subsequent amendments thereto, when
46 such code inspector has actual knowledge that a violation has
47 been committed.

48 (b) A person designated as a code inspector may not
49 initiate an investigation of a potential violation of a duly
50 enacted code or ordinance by way of an anonymous complaint. A
51 person who reports a potential violation of a code or an
52 ordinance must provide his or her name and address to the
53 governing body of the respective board of county commissioners
54 before an investigation occurs.

55 (c) ~~(a)~~ Prior to issuing a citation, a code inspector shall
56 provide notice to the violator that the violator has committed a
57 violation of a code or ordinance and shall establish a
58 reasonable time period within which the violator must correct

5-00497-21

202160__

59 the violation. Such time period shall be no more than 30 days.
60 If, upon personal investigation, a code inspector finds that the
61 violator has not corrected the violation within the time period,
62 a code inspector may issue a citation to the violator. A code
63 inspector does not have to provide the violator with a
64 reasonable time period to correct the violation prior to issuing
65 a citation and may immediately issue a citation if the code
66 inspector has reason to believe that the violation presents a
67 serious threat to the public health, safety, or welfare, or if
68 the violation is irreparable or irreversible.

69 (d)~~(b)~~ A citation issued by a code inspector shall state
70 the date and time of issuance, name and address of the person in
71 violation, date of the violation, section of the codes or
72 ordinances, or subsequent amendments thereto, violated, name of
73 the code inspector, and date and time when the violator shall
74 appear in county court.

75 (e)~~(e)~~ If a repeat violation is found subsequent to the
76 issuance of a citation, the code inspector is not required to
77 give the violator a reasonable time to correct the violation and
78 may immediately issue a citation. For purposes of this
79 subsection, the term "repeat violation" means a violation of a
80 provision of a code or ordinance by a person who has previously
81 been found to have violated the same provision within 5 years
82 prior to the violation, notwithstanding the violations occurred
83 at different locations.

84 (f)~~(d)~~ If the owner of property which is subject to an
85 enforcement proceeding before county court transfers ownership
86 of such property between the time the initial citation or
87 citations are issued and the date the violator has been summoned

5-00497-21

202160__

88 to appear in county court, such owner shall:

89 1. Disclose, in writing, the existence and the nature of
90 the proceeding to the prospective transferee.

91 2. Deliver to the prospective transferee a copy of the
92 pleadings, notices, and other materials relating to the county
93 court proceeding received by the transferor.

94 3. Disclose, in writing, to the prospective transferee that
95 the new owner will be responsible for compliance with the
96 applicable code and with orders issued in the county court
97 proceeding.

98 4. File a notice with the code enforcement official of the
99 transfer of the property, with the identity and address of the
100 new owner and copies of the disclosures made to the new owner,
101 within 5 days after the date of the transfer.

102

103 A failure to make the disclosure described in subparagraphs 1.,
104 2., and 3. before the transfer creates a rebuttable presumption
105 of fraud. If the property is transferred before the date the
106 violator has been summoned to appear in county court, the
107 proceeding shall not be dismissed but the new owner will be
108 substituted as the party of record and thereafter provided a
109 reasonable period of time to correct the violation before the
110 continuation of proceedings in county court.

111 (g)~~(e)~~ If the code inspector has reason to believe a
112 violation or the condition causing the violation presents a
113 serious threat to the public health, safety, and welfare or if
114 the violation is irreparable or irreversible in nature, or if
115 after attempts under this section to bring a repeat violation
116 into compliance with a provision of a code or ordinance prove

5-00497-21

202160__

117 unsuccessful, the local governing body may make all reasonable
118 repairs which are required to bring the property into compliance
119 and charge the owner with the reasonable cost of the repairs
120 along with the fine imposed pursuant to this section. Making
121 such repairs does not create a continuing obligation on the part
122 of the local governing body to make further repairs or to
123 maintain the property and does not create any liability against
124 the local governing body for any damages to the property if such
125 repairs were completed in good faith.

126 (h)~~(f)~~ Nothing in this subsection shall be construed to
127 authorize any person designated as a code inspector to perform
128 any function or duties of a law enforcement officer other than
129 as specified in this subsection. A code inspector shall not make
130 physical arrests or take any person into custody and shall be
131 exempt from requirements relating to the Special Risk Class of
132 the Florida Retirement System, bonding, and the Criminal Justice
133 Standards and Training Commission, as defined and provided by
134 general law.

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

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

142 (k)~~(i)~~ The provisions of this subsection are additional or
143 supplemental means of enforcing county codes and ordinances.
144 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,
145 nothing in this subsection shall prohibit a county from

5-00497-21

202160__

146 enforcing its codes or ordinances by any other means.

147 Section 2. Subsection (1) of section 162.06, Florida
148 Statutes, is amended to read:

149 162.06 Enforcement procedure.—

150 (1) (a) It shall be the duty of the code inspector to
151 initiate enforcement proceedings of the various codes; however,
152 no member of a board shall have the power to initiate such
153 enforcement proceedings.

154 (b) A code inspector may not initiate enforcement
155 proceedings for a potential violation of a duly enacted code or
156 ordinance by way of an anonymous complaint. A person who reports
157 a potential violation of a code or an ordinance must provide his
158 or her name and address to the respective local government
159 before an enforcement proceeding may occur.

160 Section 3. Section 162.13, Florida Statutes, is amended to
161 read:

162 162.13 Provisions of act supplemental.—It is the
163 legislative intent of ss. 162.01-162.12 to provide an additional
164 or supplemental means of obtaining compliance with local codes.
165 Except as provided in s. 162.06(1)(b), nothing contained in ss.
166 162.01-162.12 shall prohibit a local governing body from
167 enforcing its codes by any other means.

168 Section 4. Present paragraphs (b) and (c) of subsection (3)
169 of section 162.21, Florida Statutes, are redesignated as
170 paragraphs (c) and (d), respectively, a new paragraph (b) is
171 added to that subsection, and subsection (8) of that section is
172 amended, to read:

173 162.21 Enforcement of county or municipal codes or
174 ordinances; penalties.—

5-00497-21

202160__

175 (3)

176 (b) A code enforcement officer may not initiate an
177 investigation of a potential violation of a duly enacted code or
178 ordinance by way of an anonymous complaint. A person who reports
179 a potential violation of a code or an ordinance must provide his
180 or her name and address to the respective local government
181 before an investigation may occur.

182 (8) The provisions of this section are additional and
183 supplemental means of enforcing county or municipal codes or
184 ordinances and may be used for the enforcement of any code or
185 ordinance, or for the enforcement of all codes and ordinances.
186 Except as provided in paragraph (3) (b), nothing contained in
187 this section shall prohibit a county or municipality from
188 enforcing its codes or ordinances by any other means.

189 Section 5. Subsections (1) and (7) of section 166.0415,
190 Florida Statutes, are amended to read:

191 166.0415 Enforcement by code inspectors; citations.—

192 (1) (a) The governing body of each municipality may
193 designate its agents or employees as code inspectors whose duty
194 it is to assure code compliance. Any person designated as a code
195 inspector may issue citations for violations of municipal codes
196 and ordinances, respectively, or subsequent amendments thereto,
197 when such code inspector has actual knowledge that a violation
198 has been committed.

199 (b) A person designated as a code inspector may not
200 initiate an investigation of a potential violation of a duly
201 enacted code or ordinance by way of an anonymous complaint. A
202 person who reports a potential violation of a code or an
203 ordinance must provide his or her name and address to the

5-00497-21

202160__

204 governing body of the municipality before an investigation
205 occurs.

206 (7) The provisions of this section are additional or
207 supplemental means of enforcing municipal codes and ordinances.
208 Except as provided in paragraph (1)(b) and subsection (6),
209 nothing in this section shall prohibit a municipality from
210 enforcing its codes or ordinances by any other means.

211 Section 6. This act shall take effect July 1, 2021.