

By the Committee on Community Affairs; and Senator Bradley

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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 applicability;
11 providing construction; amending s. 162.06, F.S.;
12 prohibiting code inspectors from initiating
13 enforcement proceedings for potential violations of
14 codes and ordinances by way of anonymous complaints;
15 requiring persons who report potential violations of
16 codes and ordinances to provide specified information
17 to the respective local government before an
18 investigation occurs; providing applicability;
19 amending s. 162.13, F.S.; providing construction;
20 amending s. 162.21, F.S.; prohibiting code enforcement
21 officers from initiating investigations of potential
22 violations of codes and ordinances by way of anonymous
23 complaints; requiring persons who report potential
24 violations of codes and ordinances to provide
25 specified information to the respective local
26 government before an investigation occurs; providing
27 applicability; providing construction; amending s.
28 166.0415, F.S.; prohibiting code inspectors designated
29 by governing bodies of municipalities from initiating

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

37
38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Subsection (4) of section 125.69, Florida
41 Statutes, is amended to read:

42 125.69 Penalties; enforcement by code inspectors.—

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

50 (b) A person designated as a code inspector may not
51 initiate an investigation of a potential violation of a duly
52 enacted code or ordinance by way of an anonymous complaint. A
53 person who reports a potential violation of a code or an
54 ordinance must provide his or her name and address to the
55 governing body of the respective board of county commissioners
56 before an investigation occurs. This paragraph does not apply if
57 the person designated as a code inspector has reason to believe
58 that the violation presents an imminent threat to public health,

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59 safety, or welfare or imminent destruction of habitat or
60 sensitive resources.

61 (c)~~(a)~~ Prior to issuing a citation, a code inspector shall
62 provide notice to the violator that the violator has committed a
63 violation of a code or ordinance and shall establish a
64 reasonable time period within which the violator must correct
65 the violation. Such time period shall be no more than 30 days.
66 If, upon personal investigation, a code inspector finds that the
67 violator has not corrected the violation within the time period,
68 a code inspector may issue a citation to the violator. A code
69 inspector does not have to provide the violator with a
70 reasonable time period to correct the violation prior to issuing
71 a citation and may immediately issue a citation if the code
72 inspector has reason to believe that the violation presents a
73 serious threat to the public health, safety, or welfare, or if
74 the violation is irreparable or irreversible.

75 (d)~~(b)~~ A citation issued by a code inspector shall state
76 the date and time of issuance, name and address of the person in
77 violation, date of the violation, section of the codes or
78 ordinances, or subsequent amendments thereto, violated, name of
79 the code inspector, and date and time when the violator shall
80 appear in county court.

81 (e)~~(c)~~ If a repeat violation is found subsequent to the
82 issuance of a citation, the code inspector is not required to
83 give the violator a reasonable time to correct the violation and
84 may immediately issue a citation. For purposes of this
85 subsection, the term "repeat violation" means a violation of a
86 provision of a code or ordinance by a person who has previously
87 been found to have violated the same provision within 5 years

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88 prior to the violation, notwithstanding the violations occurred
89 at different locations.

90 (f)~~(d)~~ If the owner of property which is subject to an
91 enforcement proceeding before county court transfers ownership
92 of such property between the time the initial citation or
93 citations are issued and the date the violator has been summoned
94 to appear in county court, such owner shall:

95 1. Disclose, in writing, the existence and the nature of
96 the proceeding to the prospective transferee.

97 2. Deliver to the prospective transferee a copy of the
98 pleadings, notices, and other materials relating to the county
99 court proceeding received by the transferor.

100 3. Disclose, in writing, to the prospective transferee that
101 the new owner will be responsible for compliance with the
102 applicable code and with orders issued in the county court
103 proceeding.

104 4. File a notice with the code enforcement official of the
105 transfer of the property, with the identity and address of the
106 new owner and copies of the disclosures made to the new owner,
107 within 5 days after the date of the transfer.

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

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117 (g)~~(e)~~ If the code inspector has reason to believe a
118 violation or the condition causing the violation presents a
119 serious threat to the public health, safety, and welfare or if
120 the violation is irreparable or irreversible in nature, or if
121 after attempts under this section to bring a repeat violation
122 into compliance with a provision of a code or ordinance prove
123 unsuccessful, the local governing body may make all reasonable
124 repairs which are required to bring the property into compliance
125 and charge the owner with the reasonable cost of the repairs
126 along with the fine imposed pursuant to this section. Making
127 such repairs does not create a continuing obligation on the part
128 of the local governing body to make further repairs or to
129 maintain the property and does not create any liability against
130 the local governing body for any damages to the property if such
131 repairs were completed in good faith.

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

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

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

148 ~~(k)(i)~~ The provisions of this subsection are additional or
149 supplemental means of enforcing county codes and ordinances.
150 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,
151 nothing in this subsection shall prohibit a county from
152 enforcing its codes or ordinances by any other means.

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

155 162.06 Enforcement procedure.—

156 (1) (a) It shall be the duty of the code inspector to
157 initiate enforcement proceedings of the various codes; however,
158 no member of a board shall have the power to initiate such
159 enforcement proceedings.

160 (b) A code inspector may not initiate enforcement
161 proceedings for a potential violation of a duly enacted code or
162 ordinance by way of an anonymous complaint. A person who reports
163 a potential violation of a code or an ordinance must provide his
164 or her name and address to the respective local government
165 before an enforcement proceeding may occur. This paragraph does
166 not apply if the code inspector has reason to believe that the
167 violation presents an imminent threat to public health, safety,
168 or welfare or imminent destruction of habitat or sensitive
169 resources.

170 Section 3. Section 162.13, Florida Statutes, is amended to
171 read:

172 162.13 Provisions of act supplemental.—It is the
173 legislative intent of ss. 162.01-162.12 to provide an additional
174 or supplemental means of obtaining compliance with local codes.

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175 Except as provided in s. 162.06(1)(b), nothing contained in ss.
176 162.01-162.12 shall prohibit a local governing body from
177 enforcing its codes by any other means.

178 Section 4. Present paragraphs (b) and (c) of subsection (3)
179 of section 162.21, Florida Statutes, are redesignated as
180 paragraphs (c) and (d), respectively, a new paragraph (b) is
181 added to that subsection, and subsection (8) of that section is
182 amended, to read:

183 162.21 Enforcement of county or municipal codes or
184 ordinances; penalties.—

185 (3)

186 (b) A code enforcement officer may not initiate an
187 investigation of a potential violation of a duly enacted code or
188 ordinance by way of an anonymous complaint. A person who reports
189 a potential violation of a code or an ordinance must provide his
190 or her name and address to the respective local government
191 before an investigation may occur. This paragraph does not apply
192 if the code enforcement officer has reason to believe that the
193 violation presents an imminent threat to public health, safety,
194 or welfare or imminent destruction of habitat or sensitive
195 resources.

196 (8) The provisions of this section are additional and
197 supplemental means of enforcing county or municipal codes or
198 ordinances and may be used for the enforcement of any code or
199 ordinance, or for the enforcement of all codes and ordinances.
200 Except as provided in paragraph (3)(b), nothing contained in
201 this section shall prohibit a county or municipality from
202 enforcing its codes or ordinances by any other means.

203 Section 5. Subsections (1) and (7) of section 166.0415,

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204 Florida Statutes, are amended to read:

205 166.0415 Enforcement by code inspectors; citations.—

206 (1) (a) The governing body of each municipality may
207 designate its agents or employees as code inspectors whose duty
208 it is to assure code compliance. Any person designated as a code
209 inspector may issue citations for violations of municipal codes
210 and ordinances, respectively, or subsequent amendments thereto,
211 when such code inspector has actual knowledge that a violation
212 has been committed.

213 (b) A person designated as a code inspector may not
214 initiate an investigation of a potential violation of a duly
215 enacted code or ordinance by way of an anonymous complaint. A
216 person who reports a potential violation of a code or an
217 ordinance must provide his or her name and address to the
218 governing body of the municipality before an investigation
219 occurs. This paragraph does not apply if the person designated
220 as a code inspector has reason to believe that the violation
221 presents an imminent threat to public health, safety, or welfare
222 or imminent destruction of habitat or sensitive resources.

223 (7) The provisions of this section are additional or
224 supplemental means of enforcing municipal codes and ordinances.
225 Except as provided in paragraph (1) (b) and subsection (6),
226 nothing in this section shall prohibit a municipality from
227 enforcing its codes or ordinances by any other means.

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