

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Overdorf offered the following:

Amendment (with title amendment)

Remove lines 70-258 and insert:

6 (c) A complainant who falsely claims a fear of retaliation
7 or of status-based legal jeopardy to make a false complaint
8 alleging a violation of a duly enacted code or ordinance is
9 liable for all costs incurred by the county in investigating the
10 potential violation, including costs of personnel, equipment,
11 testing, and reasonable costs and attorney fees if the county
12 brings an action to prosecute the complainant or to collect
13 amounts made payable under this paragraph provided such
14 complainant is given notice of such potential liability at the
15 time the complaint is made.

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

30 (e)~~(b)~~ A citation issued by a code inspector shall state
31 the date and time of issuance, name and address of the person in
32 violation, date of the violation, section of the codes or
33 ordinances, or subsequent amendments thereto, violated, name of
34 the code inspector, and date and time when the violator shall
35 appear in county court.

36 (f)~~(e)~~ If a repeat violation is found subsequent to the
37 issuance of a citation, the code inspector is not required to
38 give the violator a reasonable time to correct the violation and
39 may immediately issue a citation. For purposes of this
40 subsection, the term "repeat violation" means a violation of a

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41 provision of a code or ordinance by a person who has previously
42 been found to have violated the same provision within 5 years
43 prior to the violation, notwithstanding the violations occurred
44 at different locations.

45 (g)~~(d)~~ If the owner of property which is subject to an
46 enforcement proceeding before county court transfers ownership
47 of such property between the time the initial citation or
48 citations are issued and the date the violator has been summoned
49 to appear in county court, such owner shall:

50 1. Disclose, in writing, the existence and the nature of
51 the proceeding to the prospective transferee.

52 2. Deliver to the prospective transferee a copy of the
53 pleadings, notices, and other materials relating to the county
54 court proceeding received by the transferor.

55 3. Disclose, in writing, to the prospective transferee
56 that the new owner will be responsible for compliance with the
57 applicable code and with orders issued in the county court
58 proceeding.

59 4. File a notice with the code enforcement official of the
60 transfer of the property, with the identity and address of the
61 new owner and copies of the disclosures made to the new owner,
62 within 5 days after the date of the transfer.

63
64 A failure to make the disclosure described in subparagraphs 1.,
65 2., and 3. before the transfer creates a rebuttable presumption

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66 of fraud. If the property is transferred before the date the
67 violator has been summoned to appear in county court, the
68 proceeding shall not be dismissed but the new owner will be
69 substituted as the party of record and thereafter provided a
70 reasonable period of time to correct the violation before the
71 continuation of proceedings in county court.

72 (h)~~(e)~~ If the code inspector has reason to believe a
73 violation or the condition causing the violation presents a
74 serious threat to the public health, safety, and welfare or if
75 the violation is irreparable or irreversible in nature, or if
76 after attempts under this section to bring a repeat violation
77 into compliance with a provision of a code or ordinance prove
78 unsuccessful, the local governing body may make all reasonable
79 repairs which are required to bring the property into compliance
80 and charge the owner with the reasonable cost of the repairs
81 along with the fine imposed pursuant to this section. Making
82 such repairs does not create a continuing obligation on the part
83 of the local governing body to make further repairs or to
84 maintain the property and does not create any liability against
85 the local governing body for any damages to the property if such
86 repairs were completed in good faith.

87 (i)~~(f)~~ Nothing in this subsection shall be construed to
88 authorize any person designated as a code inspector to perform
89 any function or duties of a law enforcement officer other than
90 as specified in this subsection. A code inspector shall not make

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91 physical arrests or take any person into custody and shall be
92 exempt from requirements relating to the Special Risk Class of
93 the Florida Retirement System, bonding, and the Criminal Justice
94 Standards and Training Commission, as defined and provided by
95 general law.

96 (j)~~(g)~~ The provisions of this subsection shall not apply
97 to the enforcement pursuant to ss. 553.79 and 553.80 of the
98 Florida Building Code adopted pursuant to s. 553.73 as applied
99 to construction, provided that a building permit is either not
100 required or has been issued by the county.

101 (k)~~(h)~~ The provisions of this subsection may be used by a
102 county in lieu of the provisions of part II of chapter 162.

103 (l)~~(i)~~ The provisions of this subsection are additional or
104 supplemental means of enforcing county codes and ordinances.
105 Except as provided in paragraphs (b), (c), and (k) ~~paragraph~~
106 ~~(h)~~, nothing in this subsection shall prohibit a county from
107 enforcing its codes or ordinances by any other means.

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

110 162.06 Enforcement procedure.—

111 (1) (a) It shall be the duty of the code inspector to
112 initiate enforcement proceedings of the various codes; however,
113 no member of a board shall have the power to initiate such
114 enforcement proceedings.

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115 (b) A code inspector may not initiate enforcement
116 proceedings of a potential violation of a duly enacted code or
117 ordinance by way of an anonymous complaint unless the
118 complainant states that he or she has a substantial fear of
119 retaliation or of status-based legal jeopardy. Unless the
120 complainant expresses such fear, a complainant who reports a
121 potential violation of a code or an ordinance must provide his
122 or her name and address to the respective local governing body
123 before an enforcement proceeding may occur. This paragraph does
124 not apply if the code inspector has reason to believe that the
125 violation presents an imminent threat to public health, safety,
126 or welfare or threat of imminent destruction of habitat or
127 sensitive resources.

128 (c) A complainant who falsely claims a fear of retaliation
129 or status-based legal jeopardy to make a false complaint
130 alleging a violation of a duly enacted code or ordinance is
131 liable for all costs incurred by the respective local governing
132 body in investigating the claim of violation, including costs of
133 personnel, equipment, testing, and reasonable costs and attorney
134 fees if the local governing body brings an action to prosecute
135 the complainant or to collect amounts made payable under this
136 paragraph provided such complainant is given notice of such
137 potential liability at the time the complaint is made.

138 Section 3. Section 162.13, Florida Statutes, is amended to
139 read:

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140 162.13 Provisions of act supplemental.—It is the
141 legislative intent of ss. 162.01-162.12 to provide an additional
142 or supplemental means of obtaining compliance with local codes.
143 Except as provided in s. 162.06(1)(b), nothing contained in ss.
144 162.01-162.12 shall prohibit a local governing body from
145 enforcing its codes by any other means.

146 Section 4. Paragraphs (b) and (c) of subsection (3) of
147 section 162.21, Florida Statutes, are redesignated as paragraphs
148 (d) and (e), respectively, subsection (8) is amended, and new
149 paragraphs (b) and (c) are added to subsection (3) of that
150 section, to read:

151 162.21 Enforcement of county or municipal codes or
152 ordinances; penalties.—

153 (3)

154 (b) A code enforcement officer may not initiate an
155 investigation of a potential violation of a duly enacted code or
156 ordinance by way of an anonymous complaint unless the
157 complainant states that he or she has a substantial fear of
158 retaliation or of status-based legal jeopardy. Unless the
159 complainant expresses such fear, a complainant who reports a
160 potential violation of a code or an ordinance must provide his
161 or her name and address to the county or the municipality that
162 is responsible for investigating the complaint before an
163 investigation may occur. This paragraph does not apply if the
164 code enforcement officer has reason to believe that the

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165 violation presents an imminent threat to public health, safety,
166 or welfare or threat of imminent destruction of habitat or
167 sensitive resources.

168 (c) A complainant who falsely claims a fear of retaliation
169 or of status-based legal jeopardy to make a false complaint
170 alleging a violation of a duly enacted code or ordinance is
171 liable for all costs incurred by the county or the municipality
172 that is responsible for enforcing the violation in investigating
173 the claim of violation, including costs of personnel, equipment,
174 testing, and reasonable costs and attorney fees if the
175 applicable local governing body brings an action to prosecute
176 the complainant or to collect amounts made payable under this
177 paragraph provided such complainant is given notice of such
178 potential liability at the time the complaint is made.

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

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

189 166.0415 Enforcement by code inspectors; citations.-

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

197 (b) A person designated as a code inspector may not
198 initiate an investigation of a potential violation of a duly
199 enacted code or ordinance by way of an anonymous complaint
200 unless the complainant states that he or she has a substantial
201 fear of retaliation or of status-based legal jeopardy. Unless
202 the complainant expresses such fear, a complainant who reports a
203 potential violation of a code or an ordinance must provide his
204 or her name and address to the governing body of the
205 municipality before an investigation occurs. This paragraph does
206 not apply if the person designated as a code inspector has
207 reason to believe that the violation presents an imminent threat
208 to public health, safety, or welfare or threat of imminent
209 destruction of habitat or sensitive resources.

210 (c) A complainant who falsely claims a fear of retaliation
211 or of status-based legal jeopardy to make a false complaint
212 alleging a violation of a duly enacted code or ordinance is
213 liable for all costs incurred by the municipality in
214 investigating the claim of violation, including costs of

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215 personnel, equipment, testing, and reasonable costs and attorney
216 fees if the municipality brings an action to prosecute the
217 complainant or to collect amounts made payable under this
218 paragraph provided such complainant is given notice of such
219 potential liability at the time the complaint is made.

220 (7) The provisions of this section are additional or
221 supplemental means of enforcing municipal codes and ordinances.
222 Except as provided in paragraphs (1)(b) and (1)(c) and
223 subsection (6),

224
225 -----
226 **T I T L E A M E N D M E N T**

227 Remove lines 24-43 and insert:
228 specifying actions a local governing body may take if a person
229 falsely claims a fear of retaliation or status-based legal
230 jeopardy to make a false complaint; amending s. 162.13, F.S.;
231 providing construction; amending s. 162.21, F.S.; prohibiting
232 code enforcement officers from initiating investigations of
233 potential violations of codes and ordinances by way of anonymous
234 complaints unless the complainant provides specified
235 information; requiring complainants to provide specified
236 information to report potential code or ordinance violations;
237 providing an exception; specifying actions a county or
238 municipality may take if a person falsely claims a fear of
239 retaliation or status-based legal jeopardy to make a false

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 883 (2021)

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240 complaint; amending s. 166.0415, F.S.; prohibiting code
241 inspectors designated by governing bodies of municipalities from
242 initiating enforcement proceedings for potential violations of
243 codes and ordinances by way of anonymous complaints unless the
244 complainant provides specified information; requiring
245 complainants to provide specified information to report
246 potential code or ordinance violations; providing an exception;
247 specifying actions a municipality may take if a person falsely
248 claims a fear of retaliation or status-based legal jeopardy to
249 make a false complaint;