

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| WITHDRAWN | ___ | (Y/N) |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: Local Administration &
 2 Veterans Affairs Subcommittee
 3 Representative Overdorf offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 125.69 Penalties; enforcement by code inspectors.—

10 (4) (a) The board of county commissioners of each county
 11 may designate its agents or employees as code inspectors whose
 12 duty it is to assure code compliance. Any person designated as a
 13 code inspector may issue citations for violations of county
 14 codes and ordinances, respectively, or subsequent amendments
 15 thereto, when such code inspector has actual knowledge that a
 16 violation has been committed.

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17 (b) A person designated as a code inspector may not
18 initiate an investigation of a potential violation of a duly
19 enacted code or ordinance by way of an anonymous complaint. A
20 person who reports a potential violation of a code or an
21 ordinance must provide his or her name and address to the
22 respective board of county commissioners before an investigation
23 occurs. This paragraph does not apply if the person designated
24 as a code inspector has reason to believe that the violation
25 presents an imminent threat to public health, safety, or welfare
26 or imminent destruction of habitat or sensitive resources.

27 (c) ~~(a)~~ Prior to issuing a citation, a code inspector shall
28 provide notice to the violator that the violator has committed a
29 violation of a code or ordinance and shall establish a
30 reasonable time period within which the violator must correct
31 the violation. Such time period shall be no more than 30 days.
32 If, upon personal investigation, a code inspector finds that the
33 violator has not corrected the violation within the time period,
34 a code inspector may issue a citation to the violator. A code
35 inspector does not have to provide the violator with a
36 reasonable time period to correct the violation prior to issuing
37 a citation and may immediately issue a citation if the code
38 inspector has reason to believe that the violation presents a
39 serious threat to the public health, safety, or welfare, or if
40 the violation is irreparable or irreversible.

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41 ~~(d)~~ ~~(b)~~ A citation issued by a code inspector shall state
42 the date and time of issuance, name and address of the person in
43 violation, date of the violation, section of the codes or
44 ordinances, or subsequent amendments thereto, violated, name of
45 the code inspector, and date and time when the violator shall
46 appear in county court.

47 ~~(e)~~ ~~(c)~~ If a repeat violation is found subsequent to the
48 issuance of a citation, the code inspector is not required to
49 give the violator a reasonable time to correct the violation and
50 may immediately issue a citation. For purposes of this
51 subsection, the term "repeat violation" means a violation of a
52 provision of a code or ordinance by a person who has previously
53 been found to have violated the same provision within 5 years
54 prior to the violation, notwithstanding the violations occurred
55 at different locations.

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

61 1. Disclose, in writing, the existence and the nature of
62 the proceeding to the prospective transferee.

63 2. Deliver to the prospective transferee a copy of the
64 pleadings, notices, and other materials relating to the county
65 court proceeding received by the transferor.

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66 3. Disclose, in writing, to the prospective transferee
67 that the new owner will be responsible for compliance with the
68 applicable code and with orders issued in the county court
69 proceeding.

70 4. File a notice with the code enforcement official of the
71 transfer of the property, with the identity and address of the
72 new owner and copies of the disclosures made to the new owner,
73 within 5 days after the date of the transfer.

74
75 A failure to make the disclosure described in subparagraphs 1.,
76 2., and 3. before the transfer creates a rebuttable presumption
77 of fraud. If the property is transferred before the date the
78 violator has been summoned to appear in county court, the
79 proceeding shall not be dismissed but the new owner will be
80 substituted as the party of record and thereafter provided a
81 reasonable period of time to correct the violation before the
82 continuation of proceedings in county court.

83 ~~(g)(e)~~ If the code inspector has reason to believe a
84 violation or the condition causing the violation presents a
85 serious threat to the public health, safety, and welfare or if
86 the violation is irreparable or irreversible in nature, or if
87 after attempts under this section to bring a repeat violation
88 into compliance with a provision of a code or ordinance prove
89 unsuccessful, the local governing body may make all reasonable
90 repairs which are required to bring the property into compliance

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91 and charge the owner with the reasonable cost of the repairs
92 along with the fine imposed pursuant to this section. Making
93 such repairs does not create a continuing obligation on the part
94 of the local governing body to make further repairs or to
95 maintain the property and does not create any liability against
96 the local governing body for any damages to the property if such
97 repairs were completed in good faith.

98 (h)~~(f)~~ Nothing in this subsection shall be construed to
99 authorize any person designated as a code inspector to perform
100 any function or duties of a law enforcement officer other than
101 as specified in this subsection. A code inspector shall not make
102 physical arrests or take any person into custody and shall be
103 exempt from requirements relating to the Special Risk Class of
104 the Florida Retirement System, bonding, and the Criminal Justice
105 Standards and Training Commission, as defined and provided by
106 general law.

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

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

114 (k)~~(i)~~ The provisions of this subsection are additional or
115 supplemental means of enforcing county codes and ordinances.

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116 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,
117 nothing in this subsection shall prohibit a county from
118 enforcing its codes or ordinances by any other means.

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

121 162.06 Enforcement procedure.—

122 (1) (a) It shall be the duty of the code inspector to
123 initiate enforcement proceedings of the various codes; however,
124 no member of a board shall have the power to initiate such
125 enforcement proceedings.

126 (b) A code inspector may not initiate enforcement
127 proceedings for a potential violation of a duly enacted code or
128 ordinance by way of an anonymous complaint. A person who reports
129 a potential violation of a code or an ordinance must provide his
130 or her name and address to the respective local government
131 before an enforcement proceeding may occur. This paragraph does
132 not apply if the person designated as a code inspector has
133 reason to believe that the violation presents an imminent threat
134 to public health, safety, or welfare or imminent destruction of
135 habitat or sensitive resources.

136 Section 3. Section 162.13, Florida Statutes, is amended to
137 read:

138 162.13 Provisions of act supplemental.—It is the
139 legislative intent of ss. 162.01-162.12 to provide an additional
140 or supplemental means of obtaining compliance with local codes.

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141 Except as provided in s. 162.06(1)(b), nothing contained in ss.
142 162.01-162.12 shall prohibit a local governing body from
143 enforcing its codes by any other means.

144 Section 4. Present paragraphs (b) and (c) of subsection
145 (3) of section 162.21, Florida Statutes, are redesignated as
146 paragraphs (c) and (d), respectively, a new paragraph (b) is
147 added to that subsection, and subsection (8) of that section is
148 amended, to read:

149 162.21 Enforcement of county or municipal codes or
150 ordinances; penalties.-

151 (3)

152 (b) A code enforcement officer may not initiate an
153 investigation of a potential violation of a duly enacted code or
154 ordinance by way of an anonymous complaint. A person who reports
155 a potential violation of a code or an ordinance must provide his
156 or her name and address to the respective local government
157 before an investigation may occur. This paragraph does not apply
158 if the person designated as a code inspector has reason to
159 believe that the violation presents an imminent threat to public
160 health, safety, or welfare or imminent destruction of habitat or
161 sensitive resources.

162 (8) The provisions of this section are additional and
163 supplemental means of enforcing county or municipal codes or
164 ordinances and may be used for the enforcement of any code or
165 ordinance, or for the enforcement of all codes and ordinances.

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166 Except as provided in paragraph (3) (b), nothing contained in
167 this section shall prohibit a county or municipality from
168 enforcing its codes or ordinances by any other means.

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

171 166.0415 Enforcement by code inspectors; citations.-

172 (1) (a) The governing body of each municipality may
173 designate its agents or employees as code inspectors whose duty
174 it is to assure code compliance. Any person designated as a code
175 inspector may issue citations for violations of municipal codes
176 and ordinances, respectively, or subsequent amendments thereto,
177 when such code inspector has actual knowledge that a violation
178 has been committed.

179 (b) A person designated as a code inspector may not
180 initiate an investigation of a potential violation of a duly
181 enacted code or ordinance by way of an anonymous complaint. A
182 person who reports a potential violation of a code or an
183 ordinance must provide his or her name and address to the
184 governing body of the municipality before an investigation
185 occurs. This paragraph does not apply if the person designated
186 as a code inspector has reason to believe that the violation
187 presents an imminent threat to public health, safety, or welfare
188 or imminent destruction of habitat or sensitive resources.

189 (7) The provisions of this section are additional or
190 supplemental means of enforcing municipal codes and ordinances.

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191 Except as provided in paragraph (1)(b) and subsection (6),
192 nothing in this section shall prohibit a municipality from
193 enforcing its codes or ordinances by any other means.

194 Section 6. This act shall take effect July 1, 2021.
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197 **T I T L E A M E N D M E N T**

198 Remove everything before the enacting clause and insert:

199 An act relating to county and municipal code enforcement;
200 amending s. 125.69, F.S.; prohibiting code inspectors designated
201 by boards of county commissioners from initiating investigations
202 of potential violations of codes and ordinances by way of
203 anonymous complaints; requiring persons who report potential
204 violations of codes and ordinances to provide specified
205 information to the board before an investigation occurs;
206 providing an exception; providing construction; amending s.
207 162.06, F.S.; prohibiting code inspectors from initiating
208 enforcement proceedings for potential violations of codes and
209 ordinances by way of anonymous complaints; requiring persons who
210 report potential violations of codes and ordinances to provide
211 specified information to the respective local government before
212 an investigation occurs; providing an exception; amending s.
213 162.13, F.S.; providing construction; amending s. 162.21, F.S.;
214 prohibiting code enforcement officers from initiating
215 investigations of potential violations of codes and ordinances

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216 | by way of anonymous complaints; requiring persons who report
217 | potential violations of codes and ordinances to provide
218 | specified information to the respective local government before
219 | an investigation occurs; providing an exception; providing
220 | construction; amending s. 166.0415, F.S.; prohibiting code
221 | inspectors designated by governing bodies of municipalities from
222 | initiating investigations of potential violations of codes and
223 | ordinances by way of anonymous complaints; requiring persons who
224 | report potential violations of codes and ordinances to provide
225 | specified information to the governing body before an
226 | investigation occurs; providing an exception; providing
227 | construction; providing an effective date.