

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  
 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  
 42 may designate its agents or employees as code inspectors whose  
 43 duty it is to assure code compliance. Any person designated as a  
 44 code inspector may issue citations for violations of county  
 45 codes and ordinances, respectively, or subsequent amendments  
 46 thereto, when such code inspector has actual knowledge that a  
 47 violation has 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  
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  
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  
95 that 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  
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  
 136 to the enforcement pursuant to ss. 553.79 and 553.80 of the  
 137 Florida Building Code adopted pursuant to s. 553.73 as applied  
 138 to 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  
 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  
169 (3) 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.—

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



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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  
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.