

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 an exception;  
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 an exception; amending  
19          s. 162.13, F.S.; providing construction; amending s.  
20          162.21, F.S.; prohibiting code enforcement officers  
21          from initiating investigations of potential violations  
22          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 construction; providing an exception; amending s.  
 28 166.0415, F.S.; prohibiting code inspectors designated  
 29 by governing bodies of municipalities from initiating  
 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 an exception; providing construction;  
 36 providing an effective date.

37

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

39

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  
 44 may designate its agents or employees as code inspectors whose  
 45 duty it is to assure code compliance. Any person designated as a  
 46 code inspector may issue citations for violations of county  
 47 codes and ordinances, respectively, or subsequent amendments  
 48 thereto, when such code inspector has actual knowledge that a  
 49 violation has 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,  
59 safety, or welfare or threat of imminent destruction of habitat  
60 or 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)~~(e)~~ 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  
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

101 that 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.

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  
 142 | to the enforcement pursuant to ss. 553.79 and 553.80 of the  
 143 | Florida Building Code adopted pursuant to s. 553.73 as applied  
 144 | to construction, provided that a building permit is either not  
 145 | required or has been issued by the county.

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 person designated as a code inspector has  
167 reason to believe that the violation presents an imminent threat  
168 to public health, safety, or welfare or threat of imminent  
169 destruction of habitat or sensitive 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.  
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. Paragraphs (b) and (c) of subsection (3) of  
 179 | section 162.21, Florida Statutes, are redesignated as paragraphs  
 180 | (c) and (d), respectively, subsection (8) is amended, and a new  
 181 | paragraph (b) is added to subsection (3) of that section, to  
 182 | 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 person designated as a code inspector has reason to  
 193 | believe that the violation presents an imminent threat to public  
 194 | health, safety, or welfare or threat of imminent destruction of  
 195 | habitat or sensitive 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,  
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 threat of imminent destruction of habitat or sensitive  
223 resources.

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

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

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