

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; prohibiting code inspectors from
8 initiating enforcement proceedings for potential
9 violations of codes and ordinances by way of anonymous
10 complaints; providing an exception; requiring
11 complainants to provide specified information to
12 report potential code or ordinance violations;
13 providing an exception; providing construction;
14 specifying actions a county may take if a person
15 falsely claims a fear of retaliation or status-based
16 legal jeopardy to make a false complaint; amending s.
17 162.06, F.S.; prohibiting code inspectors from
18 initiating enforcement proceedings for potential
19 violations of codes and ordinances by way of anonymous
20 complaints unless the complainant provides specified
21 information; requiring complainants to provide
22 specified information to report potential code or
23 ordinance violations; providing an exception;
24 specifying actions a county may take if a person
25 falsely claims a fear of retaliation or status-based

26 | legal jeopardy to make a false complaint; amending s.
 27 | 162.13, F.S.; providing construction; amending s.
 28 | 162.21, F.S.; prohibiting code enforcement officers
 29 | from initiating investigations of potential violations
 30 | of codes and ordinances by way of anonymous
 31 | complaints; requiring persons who report potential
 32 | violations of codes and ordinances to provide
 33 | specified information to the respective local
 34 | government before an investigation occurs; providing
 35 | construction; providing an exception; amending s.
 36 | 166.0415, F.S.; prohibiting code inspectors designated
 37 | by governing bodies of municipalities from initiating
 38 | investigations of potential violations of codes and
 39 | ordinances by way of anonymous complaints; requiring
 40 | persons who report potential violations of codes and
 41 | ordinances to provide specified information to the
 42 | governing body before an investigation occurs;
 43 | providing an exception; providing construction;
 44 | providing an effective date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

47 |
 48 | Section 1. Subsection (4) of section 125.69, Florida
 49 | Statutes, is amended to read:
 50 | 125.69 Penalties; enforcement by code inspectors.—

51 (4) (a) The board of county commissioners of each county
52 may designate its agents or employees as code inspectors whose
53 duty it is to assure code compliance. Any person designated as a
54 code inspector may issue citations for violations of county
55 codes and ordinances, respectively, or subsequent amendments
56 thereto, when such code inspector has actual knowledge that a
57 violation has been committed.

58 (b) A code inspector may not initiate an investigation of
59 a potential violation of a duly enacted code or ordinance by way
60 of an anonymous complaint unless the complainant states that he
61 or she has a substantial fear of retaliation or of status-based
62 legal jeopardy. Unless the complainant expresses such fear, a
63 complainant who reports a potential violation of a code or an
64 ordinance must provide his or her name and address to the board
65 of county commissioners before an investigation occurs. This
66 paragraph does not apply if the code inspector has reason to
67 believe that the violation presents an imminent threat to public
68 health, safety, or welfare or threat of imminent destruction of
69 habitat or sensitive resources.

70 (c) A person who falsely claims a fear of retaliation or
71 of status-based legal jeopardy to make a false complaint
72 alleging a violation of a duly enacted code or ordinance is
73 liable for all costs incurred by the county in investigating the
74 potential violation, including costs of personnel, equipment,
75 testing, and reasonable costs and attorney fees if the county

76 | brings an action to prosecute the claimant of the false report
 77 | or to collect amounts made payable under this paragraph,
 78 | provided such person is given notice of such potential liability
 79 | at the time the complaint is made.

80 | (d)~~(a)~~ Prior to issuing a citation, a code inspector shall
 81 | provide notice to the violator that the violator has committed a
 82 | violation of a code or ordinance and shall establish a
 83 | reasonable time period within which the violator must correct
 84 | the violation. Such time period shall be no more than 30 days.
 85 | If, upon personal investigation, a code inspector finds that the
 86 | violator has not corrected the violation within the time period,
 87 | a code inspector may issue a citation to the violator. A code
 88 | inspector does not have to provide the violator with a
 89 | reasonable time period to correct the violation prior to issuing
 90 | a citation and may immediately issue a citation if the code
 91 | inspector has reason to believe that the violation presents a
 92 | serious threat to the public health, safety, or welfare, or if
 93 | the violation is irreparable or irreversible.

94 | (e)~~(b)~~ A citation issued by a code inspector shall state
 95 | the date and time of issuance, name and address of the person in
 96 | violation, date of the violation, section of the codes or
 97 | ordinances, or subsequent amendments thereto, violated, name of
 98 | the code inspector, and date and time when the violator shall
 99 | appear in county court.

100 | (f)~~(e)~~ If a repeat violation is found subsequent to the

101 issuance of a citation, the code inspector is not required to
102 give the violator a reasonable time to correct the violation and
103 may immediately issue a citation. For purposes of this
104 subsection, the term "repeat violation" means a violation of a
105 provision of a code or ordinance by a person who has previously
106 been found to have violated the same provision within 5 years
107 prior to the violation, notwithstanding the violations occurred
108 at different locations.

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

114 1. Disclose, in writing, the existence and the nature of
115 the proceeding to the prospective transferee.

116 2. Deliver to the prospective transferee a copy of the
117 pleadings, notices, and other materials relating to the county
118 court proceeding received by the transferor.

119 3. Disclose, in writing, to the prospective transferee
120 that the new owner will be responsible for compliance with the
121 applicable code and with orders issued in the county court
122 proceeding.

123 4. File a notice with the code enforcement official of the
124 transfer of the property, with the identity and address of the
125 new owner and copies of the disclosures made to the new owner,

126 | within 5 days after the date of the transfer.

127 |

128 | A failure to make the disclosure described in subparagraphs 1.,
129 | 2., and 3. before the transfer creates a rebuttable presumption
130 | of fraud. If the property is transferred before the date the
131 | violator has been summoned to appear in county court, the
132 | proceeding shall not be dismissed but the new owner will be
133 | substituted as the party of record and thereafter provided a
134 | reasonable period of time to correct the violation before the
135 | continuation of proceedings in county court.

136 | (h)~~(e)~~ If the code inspector has reason to believe a
137 | violation or the condition causing the violation presents a
138 | serious threat to the public health, safety, and welfare or if
139 | the violation is irreparable or irreversible in nature, or if
140 | after attempts under this section to bring a repeat violation
141 | into compliance with a provision of a code or ordinance prove
142 | unsuccessful, the local governing body may make all reasonable
143 | repairs which are required to bring the property into compliance
144 | and charge the owner with the reasonable cost of the repairs
145 | along with the fine imposed pursuant to this section. Making
146 | such repairs does not create a continuing obligation on the part
147 | of the local governing body to make further repairs or to
148 | maintain the property and does not create any liability against
149 | the local governing body for any damages to the property if such
150 | repairs were completed in good faith.

151 (i)~~(f)~~ Nothing in this subsection shall be construed to
 152 authorize any person designated as a code inspector to perform
 153 any function or duties of a law enforcement officer other than
 154 as specified in this subsection. A code inspector shall not make
 155 physical arrests or take any person into custody and shall be
 156 exempt from requirements relating to the Special Risk Class of
 157 the Florida Retirement System, bonding, and the Criminal Justice
 158 Standards and Training Commission, as defined and provided by
 159 general law.

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

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

167 (l)~~(i)~~ The provisions of this subsection are additional or
 168 supplemental means of enforcing county codes and ordinances.
 169 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,
 170 nothing in this subsection shall prohibit a county from
 171 enforcing its codes or ordinances by any other means.

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

174 162.06 Enforcement procedure.—

175 (1) (a) It shall be the duty of the code inspector to

176 initiate enforcement proceedings of the various codes; however,
177 no member of a board shall have the power to initiate such
178 enforcement proceedings.

179 (b) A code inspector may not initiate enforcement
180 proceedings of a potential violation of a duly enacted code or
181 ordinance by way of an anonymous complaint unless the
182 complainant states that he or she has a substantial fear of
183 retaliation or of status-based legal jeopardy. Unless the
184 complainant expresses such fear, a complainant who reports a
185 potential violation of a code or an ordinance must provide his
186 or her name and address to the respective local government
187 before an enforcement proceeding may occur. This paragraph does
188 not apply if the code inspector has reason to believe that the
189 violation presents an imminent threat to public health, safety,
190 or welfare or threat of imminent destruction of habitat or
191 sensitive resources.

192 (c) A person who falsely claims a fear of retaliation or
193 of status-based legal jeopardy to make a false complaint
194 alleging a violation of a duly enacted code or ordinance is
195 liable for all costs incurred by the county in investigating the
196 claim of violation, including costs of personnel, equipment,
197 testing, and reasonable costs and attorney fees if the county
198 brings an action to prosecute the claimant of the false report
199 or to collect amounts made payable under this paragraph,
200 provided such person is given notice of such potential liability

201 at the time the complaint is made.

202 Section 3. Section 162.13, Florida Statutes, is amended to
203 read:

204 162.13 Provisions of act supplemental.—It is the
205 legislative intent of ss. 162.01-162.12 to provide an additional
206 or supplemental means of obtaining compliance with local codes.
207 Except as provided in s. 162.06(1)(b), nothing contained in ss.
208 162.01-162.12 shall prohibit a local governing body from
209 enforcing its codes by any other means.

210 Section 4. Paragraphs (b) and (c) of subsection (3) of
211 section 162.21, Florida Statutes, are redesignated as paragraphs
212 (c) and (d), respectively, subsection (8) is amended, and a new
213 paragraph (b) is added to subsection (3) of that section, to
214 read:

215 162.21 Enforcement of county or municipal codes or
216 ordinances; penalties.—

217 (3)

218 (b) A code enforcement officer may not initiate an
219 investigation of a potential violation of a duly enacted code or
220 ordinance by way of an anonymous complaint. A person who reports
221 a potential violation of a code or an ordinance must provide his
222 or her name and address to the respective local government
223 before an investigation may occur. This paragraph does not apply
224 if the person designated as a code inspector has reason to
225 believe that the violation presents an imminent threat to public

226 | health, safety, or welfare or threat of imminent destruction of
 227 | habitat or sensitive resources.

228 | (8) The provisions of this section are additional and
 229 | supplemental means of enforcing county or municipal codes or
 230 | ordinances and may be used for the enforcement of any code or
 231 | ordinance, or for the enforcement of all codes and ordinances.
 232 | Except as provided in paragraph (3) (b), nothing contained in
 233 | this section shall prohibit a county or municipality from
 234 | enforcing its codes or ordinances by any other means.

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

237 | 166.0415 Enforcement by code inspectors; citations.—

238 | (1) (a) The governing body of each municipality may
 239 | designate its agents or employees as code inspectors whose duty
 240 | it is to assure code compliance. Any person designated as a code
 241 | inspector may issue citations for violations of municipal codes
 242 | and ordinances, respectively, or subsequent amendments thereto,
 243 | when such code inspector has actual knowledge that a violation
 244 | has been committed.

245 | (b) A person designated as a code inspector may not
 246 | initiate an investigation of a potential violation of a duly
 247 | enacted code or ordinance by way of an anonymous complaint. A
 248 | person who reports a potential violation of a code or an
 249 | ordinance must provide his or her name and address to the
 250 | governing body of the municipality before an investigation

251 | occurs. This paragraph does not apply if the person designated
252 | as a code inspector has reason to believe that the violation
253 | presents an imminent threat to public health, safety, or welfare
254 | or threat of imminent destruction of habitat or sensitive
255 | resources.

256 | (7) The provisions of this section are additional or
257 | supplemental means of enforcing municipal codes and ordinances.
258 | Except as provided in paragraph (1)(b) and subsection (6),
259 | nothing in this section shall prohibit a municipality from
260 | enforcing its codes or ordinances by any other means.

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