

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 or
6 enforcement proceedings of potential violations of
7 codes and ordinances by way of anonymous complaints;
8 providing an exception; requiring complainants to
9 provide specified information to report potential code
10 or ordinance violations; providing an exception;
11 providing construction; specifying actions a county
12 may take if a person falsely claims a fear of
13 retaliation or status-based legal jeopardy to make a
14 false complaint; amending s. 162.06, F.S.; prohibiting
15 code inspectors from initiating enforcement
16 proceedings for potential violations of codes and
17 ordinances by way of anonymous complaints unless the
18 complainant provides specified information; requiring
19 complainants to provide specified information to
20 report potential code or ordinance violations;
21 providing an exception; specifying actions a local
22 governing body may take if a person falsely claims a
23 fear of retaliation or status-based legal jeopardy to
24 make a false complaint; amending s. 162.13, F.S.;
25 providing construction; amending s. 162.21, F.S.;

26 | prohibiting code enforcement officers from initiating
27 | investigations of potential violations of codes and
28 | ordinances by way of anonymous complaints unless the
29 | complainant provides specified information; requiring
30 | complainants to provide specified information to
31 | report potential code or ordinance violations;
32 | providing an exception; specifying actions a county or
33 | municipality may take if a person falsely claims a
34 | fear of retaliation or status-based legal jeopardy to
35 | make a false complaint; amending s. 166.0415, F.S.;
36 | prohibiting code inspectors designated by governing
37 | bodies of municipalities from initiating enforcement
38 | proceedings for potential violations of codes and
39 | ordinances by way of anonymous complaints unless the
40 | complainant provides specified information; requiring
41 | complainants to provide specified information to
42 | report potential code or ordinance violations;
43 | providing an exception; specifying actions a
44 | municipality may take if a person falsely claims a
45 | fear of retaliation or status-based legal jeopardy to
46 | make a false complaint; providing an effective date.

47 |
48 | Be It Enacted by the Legislature of the State of Florida:

49 |
50 | Section 1. Subsection (4) of section 125.69, Florida

51 Statutes, is amended to read:

52 125.69 Penalties; enforcement by code inspectors.—

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

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

72 (c) A complainant who falsely claims a fear of retaliation
 73 or of status-based legal jeopardy to make a false complaint
 74 alleging a violation of a duly enacted code or ordinance is
 75 liable for all costs incurred by the county in investigating the

76 | potential violation, including costs of personnel, equipment,
77 | testing, and reasonable costs and attorney fees if the county
78 | brings an action to prosecute the complainant or to collect
79 | amounts made payable under this paragraph provided such
80 | complainant is given notice of such potential liability at the
81 | time the complaint is made.

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

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

101 appear in county court.

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

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

116 1. Disclose, in writing, the existence and the nature of
117 the proceeding to the prospective transferee.

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

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

125 4. File a notice with the code enforcement official of the

126 transfer of the property, with the identity and address of the
127 new owner and copies of the disclosures made to the new owner,
128 within 5 days after the date of the transfer.

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

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

151 the local governing body for any damages to the property if such
152 repairs were completed in good faith.

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

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

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

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

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

176 | 162.06 Enforcement procedure.—

177 | (1) (a) It shall be the duty of the code inspector to
178 | initiate enforcement proceedings of the various codes; however,
179 | no member of a board shall have the power to initiate such
180 | enforcement proceedings.

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

194 | (c) A complainant who falsely claims a fear of retaliation
195 | or status-based legal jeopardy to make a false complaint
196 | alleging a violation of a duly enacted code or ordinance is
197 | liable for all costs incurred by the applicable local governing
198 | body in investigating the claim of violation, including costs of
199 | personnel, equipment, testing, and reasonable costs and attorney
200 | fees if the local governing body brings an action to prosecute

201 the complainant or to collect amounts made payable under this
202 paragraph provided such complainant is given notice of such
203 potential liability at the time the complaint is made.

204 Section 3. Section 162.13, Florida Statutes, is amended to
205 read:

206 162.13 Provisions of act supplemental.—It is the
207 legislative intent of ss. 162.01-162.12 to provide an additional
208 or supplemental means of obtaining compliance with local codes.
209 Except as provided in s. 162.06(1)(b), nothing contained in ss.
210 162.01-162.12 shall prohibit a local governing body from
211 enforcing its codes by any other means.

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

217 162.21 Enforcement of county or municipal codes or
218 ordinances; penalties.—

219 (3)

220 (b) A code enforcement officer may not initiate an
221 investigation of a potential violation of a duly enacted code or
222 ordinance by way of an anonymous complaint unless the
223 complainant states that he or she has a substantial fear of
224 retaliation or of status-based legal jeopardy. Unless the
225 complainant expresses such fear, a complainant who reports a

226 potential violation of a code or an ordinance must provide his
227 or her name and address to the county or the municipality that
228 is responsible for investigating the complaint before an
229 investigation may occur. This paragraph does not apply if the
230 code enforcement officer has reason to believe that the
231 violation presents an imminent threat to public health, safety,
232 or welfare or threat of imminent destruction of habitat or
233 sensitive resources.

234 (c) A complainant who falsely claims a fear of retaliation
235 or of status-based legal jeopardy to make a false complaint
236 alleging a violation of a duly enacted code or ordinance is
237 liable for all costs incurred by the county or the municipality
238 that is responsible for enforcing the violation in investigating
239 the claim of violation, including costs of personnel, equipment,
240 testing, and reasonable costs and attorney fees if the
241 applicable local governing body brings an action to prosecute
242 the complainant or to collect amounts made payable under this
243 paragraph provided such complainant is given notice of such
244 potential liability at the time the complaint is made.

245 (8) The provisions of this section are additional and
246 supplemental means of enforcing county or municipal codes or
247 ordinances and may be used for the enforcement of any code or
248 ordinance, or for the enforcement of all codes and ordinances.
249 Except as provided in paragraphs (3) (b) and (3) (c), nothing
250 contained in this section shall prohibit a county or

251 municipality from enforcing its codes or ordinances by any other
252 means.

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

255 166.0415 Enforcement by code inspectors; citations.—

256 (1) (a) The governing body of each municipality may
257 designate its agents or employees as code inspectors whose duty
258 it is to assure code compliance. Any person designated as a code
259 inspector may issue citations for violations of municipal codes
260 and ordinances, respectively, or subsequent amendments thereto,
261 when such code inspector has actual knowledge that a violation
262 has been committed.

263 (b) A person designated as a code inspector may not
264 initiate an investigation of a potential violation of a duly
265 enacted code or ordinance by way of an anonymous complaint
266 unless the complainant states that he or she has a substantial
267 fear of retaliation or of status-based legal jeopardy. Unless
268 the complainant expresses such fear, a complainant who reports a
269 potential violation of a code or an ordinance must provide his
270 or her name and address to the governing body of the
271 municipality before an investigation occurs. This paragraph does
272 not apply if the person designated as a code inspector has
273 reason to believe that the violation presents an imminent threat
274 to public health, safety, or welfare or threat of imminent
275 destruction of habitat or sensitive resources.

276 (c) A complainant who falsely claims a fear of retaliation
277 or of status-based legal jeopardy to make a false complaint
278 alleging a violation of a duly enacted code or ordinance is
279 liable for all costs incurred by the municipality in
280 investigating the claim of violation, including costs of
281 personnel, equipment, testing, and reasonable costs and attorney
282 fees if the municipality brings an action to prosecute the
283 complainant or to collect amounts made payable under this
284 paragraph provided such complainant is given notice of such
285 potential liability at the time the complaint is made.

286 (7) The provisions of this section are additional or
287 supplemental means of enforcing municipal codes and ordinances.
288 Except as provided in paragraphs (1)(b) and (1)(c) and
289 subsection (6), nothing in this section shall prohibit a
290 municipality from enforcing its codes or ordinances by any other
291 means.

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