

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1300

SPONSOR: Senator Geller

SUBJECT: Code Enforcement

DATE: March 10, 1999

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|-----------|------------------|
| 1. | <u>Cooper</u> | <u>Yeatman</u> | <u>CA</u> | <u>Favorable</u> |
| 2. | _____ | _____ | <u>FR</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

This bill authorizes certain counties or municipalities to adopt ordinances granting code enforcement boards or special masters authority to impose fines for code violations in excess of those authorized by law.

This bill substantially amends the following sections of the Florida Statutes: s. 162.09.

II. Present Situation:

Part I, chapter 162, F.S., is known as the "Local Government Code Enforcement Boards Act" and defines the authority and duties of local government code enforcement boards. Counties and municipalities are authorized to create administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any county and municipal codes and ordinances where pending or repeated violations exist.

Section 162.09, F.S., authorizes code enforcement boards to impose fines upon violators and repeat violators. The fines are limited to \$250 per day for a first violation, not to exceed \$500 per day for a repeat violation. Additional charges may be imposed to include all costs of repairs. If a code enforcement board finds the violation irreparable or irreversible, a fine, not to exceed \$5,000 per violation, may be imposed. The amounts of the fines are based upon the gravity of the violation, actions taken to correct the violation, and previous violations committed by the violator. An enforcement board may also reduce a fine imposed under this section.

III. Effect of Proposed Changes:

Section 1 creates paragraph 162.09(2)(d), F.S., to authorize counties or municipalities having a population equal to or greater than 50,000 to adopt an ordinance that gives code enforcement boards or special masters authority to impose fines in excess of the currently established limits.

The ordinance authorizing the fines must be adopted by a vote of at least a majority plus one of the entire governing body of the county or municipality. The fines are limited to the following:

- \$1,000 per day per violation for a first violation;
- \$5,000 per day per violation for a repeat violation; and
- Up to \$15,000 per violation if the violation is irreparable or irreversible in nature.

In addition to the fines, a code enforcement board or special master may impose additional fines to cover all costs incurred by the local government to enforce the code and all reasonable costs of repairs made to bring the property into compliance with the code. Any ordinance adopted by the governing body must include criteria to be considered by the code enforcement board or special master in determining the amount of the fines. These factors must include those factors listed in paragraph 162.09(2) (b), F.S.

Section 2 provides an effective date of October 1, 1999.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Counties or municipalities having populations of or greater than 50,000 will have the authority to impose fines in excess of the current statutory limits.

B. Private Sector Impact:

Persons in counties that impose the greater fines may pay more for code violations.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
