

## Chapter 11 - CODE ENFORCEMENT<sup>[1]</sup>

**State Law reference**— Code enforcement, F.S. ch. 162.

### ARTICLE I. - IN GENERAL

Secs. 11-1—11-25. - Reserved.

### ARTICLE II. - CODE ENFORCEMENT BOARD<sup>[2]</sup>

**Cross reference**— Boards, commissions, authorities, etc., § 2-136 et seq.

Sec. 11-26. - Short title.

This article may be cited as the "Orange County Code Enforcement Board Ordinance."

(Code 1965, § 10-1; Ord. No. 82-19, § 1, 9-21-82; Ord. No. 87-37, § 1, 10-19-87; Ord. No. 89-16, § 3, 11-20-89)

Sec. 11-27. - Statutory authority.

This article is enacted pursuant to F.S. ch. 162, as amended.

(Code 1965, § 10-2; Ord. No. 82-19, § 2, 9-21-82; Ord. No. 87-37, § 2, 10-19-87; Ord. No. 89-16, § 4, 11-20-89)

Sec. 11-28. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Code enforcement board* shall mean the county code enforcement board.

*Code inspector* shall mean any authorized agent or employee of the county whose duty it is to assure code compliance.

*County attorney* shall mean the legal counselor for the county.

*Repeat violation* shall mean a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or has admitted violating the same provision within five (5) years prior to the violation, notwithstanding that the violations occur at different locations.

*Special magistrate* (also known as *special master* or *hearing officer* ) means a person authorized to hold hearings and assess fines against violators of the county codes and ordinances.

(Code 1965, § 10-5; Ord. No. 82-19, § 5, 9-21-82; Ord. No. 87-37, § 5, 10-19-87; Ord. No. 89-16, § 6, 11-20-89; Ord. No. 2002-10, § 1, 8-13-02; Ord. No. 2002-14, § 1, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**State Law reference**— Similar provisions, F.S. § 162.04.

Sec. 11-29. - Intent.

It is the intent of this article to promote, protect, and improve the health, safety, and welfare of the citizens of the county by creating an administrative board with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in the county, where a pending or repeated violation continues to exist.

(Code 1965, § 10-3; Ord. No. 82-19, § 3, 9-21-82; Ord. No. 87-37, § 3, 10-19-87; Ord. No. 89-16, § 5, 11-20-89)

**State Law reference**— Similar provisions, F.S. § 162.02.

Sec. 11-30. - Board created; manner of abolishment.

There is hereby created a Code Enforcement Board of Orange County, Florida, and the office of special magistrate, as provided in this article. The code enforcement board and special magistrate may be abolished by ordinance.

(Code 1965, § 10-4; Ord. No. 82-19, § 4, 9-21-82; Ord. No. 87-37, § 4, 10-19-87; Ord. No. 2002-14, § 2, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Authority to create or abolish code enforcement board, F.S. § 162.03(1).

Sec. 11-31. - Organization.

(a) *Composition* . The code enforcement board shall consist of seven (7) members appointed by the board of county commissioners. Members of the code enforcement board shall be residents of the county.

(b) *Appointments* . Appointments to the code enforcement board shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the code enforcement board and in the sole discretion of the board of county commissioners. The membership of the code enforcement board shall, whenever possible, include:

- (1) An architect.
- (2) A businessperson.
- (3) An engineer/surveyor.
- (4) A general contractor.
- (5) A subcontractor.
- (6) A licensed real estate broker or licensed real estate salesperson.

Subject to the preceding requirements for inclusion of certain professional specialties on the code enforcement board, each district of the county shall be represented by at least one (1) member.

(c) *Terms*. Appointments to the code enforcement board shall be made for a term of three (3) years. A member may be reappointed by the board of county commissioners. An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office.

(d) *Vacancies; removal*. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the board of county commissioners shall promptly fill such vacancy. The members of the code enforcement board shall serve in accordance with the ordinances of the county and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(e) *Officers; quorum; compensation*. The members of the code enforcement board shall elect a chair and a vice-chair, who shall be voting members, from among the members of the code enforcement board. The presence of four (4) or more members shall constitute a quorum of the code enforcement board. Members of the code enforcement board shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the board of county commissioners or as are otherwise provided by law.

(f) The board of county commissioners is authorized and hereby provides for the designation of one (1) or more county code enforcement special magistrates for the purposes of conducting administrative hearings regarding code violation cases brought by code enforcement officers, by resolution.

- (g) Members of the code enforcement board and the special magistrate shall avoid ex parte communications, when identifiable, with any person who is a party to a code enforcement proceeding. The foregoing however does not prohibit discussions between members of the code enforcement board or the special magistrate and county staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the proceeding. If an ex parte communication occurs between a party and a member of the code enforcement board or the special magistrate, the member or the special magistrate shall disclose, and make a part of the record, the subject of the communication and the identity of the person, group, or entity with whom the communication took place, before final action on the matter. Any written communication received by a member of the code enforcement board or special magistrate that relates to a pending code enforcement proceeding shall be made a part of the record before final action on the matter.

(Code 1965, § 10-6; Ord. No. 82-19, § 6, 9-21-82; Ord. No. 87-37, § 6, 10-19-87; Ord. No. 93-06, § 1, 3-9-93; Ord. No. 94-24, § 1, 12-6-94; Ord. No. 98-16, § 1, 8-4-98; Ord. No. 2002-14, § 3, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.05(1)—(3).

Sec. 11-32. - Legal counsel and case presentation.

- (a) An attorney may be appointed by the board of county commissioners in accordance with applicable law and ordinances to be counsel to the code enforcement board.
- (b) A Code enforcement officer inspector and/or a member of the county attorney's staff, shall represent the county by presenting cases before the code enforcement board or a special magistrate. If the county prevails in prosecuting a case before the enforcement board or a special magistrate, it shall be entitled to recover all costs incurred by prosecuting the case before the board or before the special magistrate, including, but not limited to, any fees paid to the special magistrate.
- (c) In no instance may the county attorney or a member of his or her staff serve in both capacities.

(Code 1965, § 10-7; Ord. No. 82-19, § 7, 9-21-82; Ord. No. 87-37, § 7, 10-19-87; ; Ord. No. 92-14, § 1, 4-14-92; Ord. No. 98-16, § 2, 8-4-98; Ord. No. 2002-10, § 2, 8-13-02; Ord. No. 2002-14, § 4, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Legal counsel, etc. for code enforcement board, F.S. § 162.05(4).

Sec. 11-33. - Jurisdiction.

- (a) The code enforcement board and special magistrate shall have jurisdiction to hear and decide alleged violations of the codes and ordinances in force in the county, including any amendments to such codes thereto.
- (b) The jurisdiction of the code enforcement board or special magistrate shall not be exclusive. It is the legislative intent of this article to provide an additional or supplemental means of obtaining compliance with the codes and ordinances of the county. Nothing contained in this article shall prohibit the board of county commissioners from enforcing such codes and ordinances by any other means. The board of county commissioners may appoint one (1) or more special magistrates to hear any, or all code violations in accordance with the procedure shown herein. Any alleged violation of county codes and ordinances may be pursued by appropriate remedy in court, or as may otherwise be provided by law.

(Code 1965, § 10-8; Ord. No. 82-19, § 8, 9-21-82; Ord. No. 84-14, § 3, 7-16-84; Ord. No. 87-37, § 8, 10-19-87; Ord. No. 2002-14, § 5, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

Sec. 11-34. - Enforcement procedure.

- (a) It shall be the duty of the code enforcement officer/inspector to initiate enforcement proceedings of the various codes and ordinances. No member of the code enforcement board or the special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d), if a violation of the codes or ordinances is found, the code enforcement officer/inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue past the time specified for correction, the code enforcement officer/inspector shall notify the code enforcement board or special magistrate and request a hearing. The code enforcement board or special magistrate, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 11-41 to such violator. At the option of the code enforcement board or special magistrate, notice may also be served by publication or posting as provided in section 11-41. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer/inspector, the case may be presented to the code enforcement board or special magistrate even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) If a repeat violation is found, the code enforcement officer/inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer/inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board or special magistrate and request a hearing. The code enforcement board, or

special magistrate through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 11-41. The case may be presented to the enforcement board or special magistrate even if the repeat violation has been corrected prior to the board or special magistrate's hearing, and the notice shall so state

- (d) If the code enforcement officer/inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code enforcement officer/inspector shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board or special magistrate and request a hearing.
- (e) If the owner of property which is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
  - (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
  - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of the transfer.

A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(Code 1965, § 10-9; Ord. No. 82-19, § 9, 9-21-82; Ord. No. 87-37, § 9, 10-19-87; Ord. No. 89-16, § 7, 11-20-89; Ord. No. 94-24, § 2, 12-6-94; Ord. No. 98-16, § 3, 8-4-98; Ord. No. 2002-10, § 3, 8-13-02; Ord. No. 2002-14, § 6, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.06.

Sec. 11-35. - Conduct of hearing.

- (a) Upon request of the code enforcement officer/inspector, or at such other times as may be necessary, the chairman of the code enforcement board or special magistrate may call a hearing of the code enforcement board or special magistrate. A hearing also may be called by written notice signed by at least three (3) members of the code enforcement board or, in a proper case, by the special magistrate.
- (b) Minutes shall be kept of all hearings by the code enforcement board or special magistrate, and all hearings and proceedings shall be open to the public. The board of county commissioners shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board or special magistrate for the proper performance of its duties.
- (c) The code enforcement board or special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board or special magistrate shall take testimony from the code inspector, alleged violator and any witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state. The burden of proof shall be upon the code inspector to show, by a preponderance of the evidence, that a violation exists.
- (e) Any member of the code enforcement board, or special magistrate, or the counsel to the code enforcement board, or to the special magistrate, may inquire of any witness before the code enforcement board or before the special magistrate. The alleged violator or his attorney, the code enforcement officer/inspector, or member of the County Attorney's staff shall be permitted to inquire of any witness before the code enforcement board or before the special magistrate and present brief opening and closing statements.
- (f) At the conclusion of the hearing, the code enforcement board or special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted by this chapter. The finding by the code enforcement board shall be by motion approved by a majority of those members present and voting, except that at least four (4) members of the code enforcement board must vote in order for the action to be official. The order by the code enforcement board or special magistrate may include a notice that it must be complied with by a specified date, and that a fine may be imposed, as provided and under the conditions specified in section 11-34(d), the cost of repairs may be included along with the fine if the order is

not complied with by such date, and include a statement that any person aggrieved by the order who was a party below may appeal in accordance with the procedures shown in this chapter. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors and assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors and assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board or special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

- (g) If the county prevails in prosecuting a case before the code enforcement board, the county shall be entitled to recover all costs incurred in prosecuting the case before the code enforcement board, and such costs may be included in the lien authorized under subsection 11-37(c).

(Code 1965, § 10-10; Ord. No. 82-19, § 10, 9-21-82; Ord. No. 87-37, § 10, 10-19-87; Ord. No. 89-16, § 8, 11-20-89; Ord. No. 94-24, § 3, 12-6-94; Ord. No. 98-16, § 4, 8-4-98; Ord. No. 2002-10, § 4, 8-13-02; Ord. No. 2002-14, § 7, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Conduct of hearing, F.S. § 162.07.

Sec. 11-36. - Powers of the board.

The code enforcement board and special magistrate shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or any deputy sheriff of the county.
- (3) Subpoenas may be served by the sheriff or any deputy sheriff of the county.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Code 1965, § 10-11; Ord. No. 82-19, § 11, 9-21-82; Ord. No. 87-37, § 11, 10-19-87; Ord. No. 2002-14, § 8, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.08.



Sec. 11-37. - Administrative fines; costs of repair; liens.

- (a) (1) The code enforcement board or special magistrate, upon notification by the code enforcement officer/inspector that an order of the code enforcement board or special magistrate has not been complied with by the date set in that order or, upon notification that a repeat violation has been committed, may issue an order against the violator finding that a violation has been committed and imposing a fine in an amount specified in subsection 11-37(b) for each day the violation continues past the date set by the code enforcement board or special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer/inspector. A copy of such order shall be promptly mailed to the violator. In addition, if the violation is a violation described in subsection 11-34(d), the code enforcement board or special magistrate shall notify the county, which may make all reasonable repairs (or in the appropriate circumstances, demolish such structures or buildings, or do such other cleanup or hauling away of objects creating such a violation, as prescribed in sections 9-277 through 9-279 of the Orange County Code), which are required to bring the property into compliance and charge the violator with the reasonable cost of such repairs or other abatement along with the fine imposed pursuant to this section. Making such repairs or engaging in such demolition or cleanup does not create a continuing obligation on the part of the local governing body for any damages to the property if such repairs/demolition/cleanup were completed in good faith. In addition, if after due notice and hearing, the code enforcement board or special magistrate finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection 11-37(b).
- (2) If the violator desires a hearing on an order imposing a fine entered pursuant to subsection 11-37(a)(1), the violator shall file a request for such a hearing with the clerk of the code enforcement board or special magistrate not later than twenty (20) days from the date of such order. Notice of the procedure for requesting such a hearing shall be placed in the order imposing the fine. Such notice shall explain that the order will be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator if the violator does not timely request a hearing or if he timely requests a hearing and the code enforcement board or the special magistrate reaffirms the finding that a violation has been committed. When a request for such a hearing is timely filed by the violator, the order imposing the fine shall be automatically stayed until after the hearing is held. Such a hearing shall

be limited to a consideration of those new findings necessary to impose an appropriate fine. If after such a hearing the code enforcement board or the special magistrate reaffirms the finding that a violation has been committed, the fine shall begin accruing retroactive to the date when the violation began as indicated in the order imposing the fine. Conversely, if after such a hearing the code enforcement board or special magistrate finds that a violation has not been committed, the code enforcement board or special magistrate shall rescind or vacate the order imposing the fine.

- (b) A fine imposed pursuant to this section shall not exceed one thousand dollars (\$1,000.00) per day for a first violation and shall not exceed five thousand dollars (\$5,000.00) per day for a repeat violation and, in addition, the code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the county in enforcing its codes and include all costs of repairs pursuant to subsection 11-37(a). However, if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed fifteen thousand dollars (\$15,000.00) per violation. In determining the amount of the fine, if any, the code enforcement board or special magistrate shall consider the following factors:
- (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.

The code enforcement board or special magistrate may reduce a fine imposed pursuant to this section.

- (c) (1) A certified copy of an order imposing a fine or a fine plus repair/demolition/cleanup costs may be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, but only after the time frame set forth in subsection 11-37(a)(2) has expired without the violator having requested a hearing on the order imposing the fine or, if a hearing on the order was timely requested and held, only after the code enforcement board or special magistrate has reaffirmed the finding that a violation was committed. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. Repair/demolition/cleanup costs may additionally be assessed against the violator, under such circumstances as are appropriate and fall into the category and type of repair/demolition/cleanup which is

provided for and defined in sections 9-277 through 9-279 of the Orange County Code. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until the judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the county, and the county may execute a satisfaction or release of a lien pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the county attorney to foreclose on the lien. After the suit for foreclosure has been filed, any offer of settlement must be forwarded to the division manager of the division for which the original code enforcement case was brought. The division manager may accept or reject an offer of settlement. If however the amount of the lien, in the suit for foreclosure, is more than one hundred thousand dollars (\$100,000.00) approval by the board of county commissioners must be obtained prior to acceptance of an offer of settlement. A proposed settlement shall be final upon the court's signature of the final judgment. No lien created pursuant to the provision of this article may be foreclosed on real property which is a homestead under Fla. Const., Art. X, § 4.

- (2) Unless a lien foreclosure suit has been filed by the county, an interested party may request a reduction in a lien imposed by an administrative order of the code enforcement board or special magistrate. The request must be submitted in writing, on a form prescribed by the county, to the Orange County Code Enforcement Division. The board of county commissioners hereby delegates to the manager of code enforcement the authority to approve such requests in accordance with the provisions of this article, when the amount of the lien is one hundred thousand dollars (\$100,000.00) or less. When the amount of the lien is more than one hundred thousand dollars (\$100,000.00), approval by the code enforcement board or special magistrate that issued the original order imposing the lien must be obtained. In deciding whether to approve a lien reduction, the code enforcement board, special magistrate, or manager of code enforcement, as applicable, shall review the written submission and listen to any corresponding oral presentation by the requesting party. Lien amounts may be reduced in cases in which a violator has come into compliance but due to hardship is unable to pay the full amount necessary to satisfy and release the lien. Lien amounts may also be reduced in cases in which the violator has not come into compliance but there is a contract to sell the property to a purchaser who intends to bring the property into compliance. Any decision to reduce a lien for the benefit of a prospective purchaser must include a timetable for the property to come into compliance and a stipulation acknowledging that liens are not released until all violations are cured and the property is in compliance.

In determining a new amount to satisfy a lien, the code enforcement board, special magistrate, or manager of code enforcement, as applicable, must, at a minimum, recover costs incurred by the county. Code enforcement liens are an asset of the county. Accordingly, any decision to reduce a lien is a discretionary decision and does not constitute a final administrative order for purposes of appeal.

(Code 1965, § 10-12; Ord. No. 82-19, § 12, 9-21-82; Ord. No. 87-37, § 12, 10-19-87; Ord. No. 89-12, § 1, 8-7-89; Ord. No. 89-16, § 9, 11-20-89; Ord. No. 94-24, § 4, 12-6-94; Ord. No. 98-16, § 5, 8-4-98; Ord. No. 2002-10, § 5, 8-13-02; Ord. No. 2002-14, § 9, 9-24-02; Ord. No. [2006-12](#), § 1, 7-11-06; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Administrative fines; liens, F.S. § 162.09.

Sec. 11-38. - Duration of lien.

No lien provided under this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees incurred in the foreclosure. The county shall be entitled to all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(Code 1965, § 10-13; Ord. No. 82-19, § 13, 9-21-82; Ord. No. 87-37, § 13, 10-19-87; Ord. No. 89-16, § 10, 11-20-89; Ord. No. 94-24, § 5, 12-6-94; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.10.

Sec. 11-39. - Code enforcement fines account.

All administrative fines and liens collected pursuant to this article shall be deposited in a separate revenue account, which is hereby created and designated as the "code enforcement fines account."

(Code 1965, § 10-14; Ord. No. 82-19, § 14, 9-21-82; Ord. No. 87-37, § 14, 10-19-87)

Sec. 11-40. - Appeals.

An aggrieved party, including the board of county commissioners, may appeal a final administrative order of the code enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the code enforcement board or special magistrate. An appeal shall be foiled within thirty (30) days of the execution of the order to be appealed.

(Code 1965, § 10-15; Ord. No. 82-19, § 15, 9-21-82; Ord. No. 87-37, § 15, 10-19-87; Ord. No. 2002-14, § 10, 9-24-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.11.

Sec. 11-41. - Notices.

- (a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested, provided if such notice is sent under this paragraph to such violators in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the county by such entities and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs (b)(2) and by first class mail directed to the addresses furnished to the local government with a properly executed proof of mailing or affidavit confirming the first class mailing; or by hand delivery by the sheriff or other law enforcement officer, code inspector or other person designated by the board of county commissioners, or by leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice or in the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a), at the option of the code enforcement board, notice may also be served by publication or posting as follows:
  - (1) Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50, for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
  - (2) In lieu of publication as described in subparagraph (1) above, such notice may be posted for at least ten (10) days prior to the hearing, or prior to the expiration or any deadline contained in the notice in at least two (2) locations, one (1) of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the front

door of the courthouse in the county. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

- (c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a). Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a), together with proof of publication or posting as provided in subsection (b), shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

(Code 1965, § 10-16; Ord. No. 82-19, § 16, 9-21-82; Ord. No. 87-37, § 16, 10-19-87; Ord. No. 89-16, § 11, 11-20-89; Ord. No. 94-24, § 6, 12-6-94; Ord. No. 2002-10, § 6, 8-13-02; Ord. No. [2016-13](#), § 2, 6-28-16)

**State Law reference**— Similar provisions, F.S. § 162.12.

(Ord. No. 94-09, § 7, 5-10-94; Ord. No. [2016-13](#), § 2, 6-28-16)