

**LEON COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 6, SECTION 6-32, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ENTITLED HEARING PROCEDURE; AMENDING SECTION 6-34, ENTITLED ADMINISTRATIVE FINES; LIENS; AMENDING CHAPTER 14, ARTICLE V, SECTION 14-56, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ENTITLED APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 6-32 of the Leon County Code of Laws, relating to Hearing Procedure;

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 6-34 of the Leon County Code of Laws, relating to Administrative fines; liens;

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Section 14-56 of the Leon County Code of Laws, relating to Appeals;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1. Amendments to Chapter 6, Code Enforcement.**

Section 6-32 of the Code of Laws of Leon County, Florida, entitled "Hearing Procedure" is hereby amended to read as follows:

Sec. 6-32. - Hearing procedure.

- (a) The ~~chairman of the code enforcement board~~ administrator may call code enforcement board hearings and such hearings may also be called by a written notice signed by three members of the ~~code enforcement board~~. The code enforcement board may, at any hearing, set a future hearing date.
- (b) The code enforcement board shall ~~convene~~ conduct a code compliance hearing at least once every two months, but may convene more often as ~~the caseload~~ demands dictates.

- 1 (c) Minutes shall be kept of all hearings held by the code enforcement board, and all such hearings shall  
2 be open to the public.  
3
- 4 (d) The County Administrator shall provide clerical and administrative personnel as may be required  
5 to assist the code enforcement board in the proper performance of its duties.  
6
- 7 (e) Each case before the code enforcement board shall be presented by a representative of the county.  
8
- 9 (f) The county will provide counsel to the code enforcement board, and in no case shall the County  
10 Attorney's staff present a case and represent the code enforcement board in the same case.  
11
- 12 (g) Cases scheduled for a particular day shall be heard. All testimony shall be under oath and shall be  
13 recorded. At the code compliance hearing, the code enforcement board shall take testimony from  
14 the code inspector, the alleged violator and any other person familiar with the case or having  
15 knowledge about the case. The code enforcement board shall not be bound by any formal rules of  
16 evidence; however, it shall act to ensure fundamental due process in each case brought before the  
17 code enforcement board.  
18
- 19 (h) At the conclusion of the code compliance hearing, the code enforcement board shall issue a code  
20 compliance order, including findings of fact, based on evidence of record, and conclusions of law,  
21 and shall issue an order requiring compliance and affording the proper relief consistent with powers  
22 granted herein. The terms of the code compliance order findings shall be adopted, by motion,  
23 approved by a majority of those members present and voting, except that at least four members of  
24 the seven-member code enforcement board must vote in order for the action to be official. The code  
25 compliance order may will include a notice that it must be complied with by a specified date, and  
26 that a fine may will be imposed if the order is not complied with by such date, specifying how the  
27 fine will be calculated, and that a lien will be imposed on the property. If the violation was corrected  
28 after scheduling of the code compliance hearing but before such hearing, the code enforcement  
29 board may enter a code compliance order finding that the violation occurred and has been resolved,  
30 and order closing of the file. The code enforcement board shall provide the code compliance order  
31 by certified mail to the violator. A certified copy of such order may be recorded in the public records  
32 of the county and shall constitute notice to any subsequent purchasers, successors in interest, or  
33 assigns if the violation concerns real property, and the findings terms therein shall be binding upon  
34 the violator and, if the violation concerns real property, any subsequent purchasers, successors in  
35 interest, or assigns. If an code compliance order is recorded in the public records pursuant to this  
36 subsection and the order is complied with by the date specified in the order, the code enforcement  
37 board shall issue an order acknowledging code compliance that shall be recorded in the public  
38 records. A hearing is not required to issue such an order acknowledging compliance. The code  
39 enforcement board may at the time of the code compliance hearing authorize the chair to enter the  
40 order imposing fine and lien described in section 6-32(j) in the event the violator fails to comply  
41 with any one or more of the requirements set forth in the code compliance order.  
42
- 43 (i) If the violator fails to comply with any one or more of the requirements set forth in the code  
44 compliance order issued by the code enforcement board by the corresponding compliance deadline,

1 the county will send notice by certified mail to the violator advising that the violator has failed to  
 2 comply with the code compliance order and will be subject to penalties in the form of a fine per  
 3 day for each day that the violator remains out of compliance with the code compliance order, and  
 4 that a lien as determined will be imposed on the property. The violator shall have 20 days from the  
 5 date of the notice of non-compliance to file a request for a compliance review hearing before the  
 6 code enforcement board to challenge the determination of non-compliance with the code  
 7 compliance order, validity of the fine amount, or the imposition of the lien. Such request for a  
 8 compliance review hearing shall be filed with the board administrator, who will notice the case for  
 9 hearing. Failure to timely file a request for a compliance review hearing will be deemed a waiver  
 10 of the right to challenge the determination of non-compliance in the code compliance order, validity  
 11 of the fine amount, or the imposition of a lien.

12  
 13 (j) If the violator fails to timely file a request for a compliance review hearing, the county will submit  
 14 an affidavit of non-compliance to the chair of the code enforcement board. Upon receipt of the  
 15 affidavit of non-compliance, and confirmation that the violator waived the right to request a hearing  
 16 to contest non-compliance, validity of the fine amount, or the imposition of a lien, the chair may  
 17 execute an order imposing a fine, which will be filed against the violator immediately and a fine  
 18 shall be assessed for the days the violator is out of compliance. The fines established by the order  
 19 imposing fine shall constitute a lien against the property and upon any other real or personal  
 20 property owned by the violator.

21  
 22 (ik) Any case may be continued by the code enforcement board for good cause shown. If the code  
 23 enforcement board's consideration of a case has already been publicly noticed, the code  
 24 enforcement board's counsel may grant a continuance prior to the meeting at which a case is to be  
 25 heard, provided that the request is unopposed by all parties. The continuance shall be announced  
 26 during the publicly noticed hearing.

27  
 28 Section 6-34 of the Code of Laws of Leon County, Florida, entitled "Administrative fines;  
 29 liens" is hereby amended to read as follows:

30  
 31 Sec. 6-34. – Administrative fines; liens.

32  
 33 (a) As set forth above in Section 6-32, The code enforcement board, upon notification by the code  
 34 inspector that an order of the code enforcement board when a code compliance order has not been  
 35 complied with by the set time or, upon finding that a repeat violation has been committed, may  
 36 order the violator may be ordered to pay a fine in an amount specified in this section for each day  
 37 the violation continues past the date set by the code enforcement board for compliance order or, in  
 38 the case of a repeat violation, for each day the repeat violation continues, beginning with the date  
 39 the repeat violation is found to have occurred by the code inspector past the date of notice to the  
 40 violator of the repeat violation. If Where a finding of a violation or a repeat violation has been made  
 41 as provided in this part, at a code compliance hearing and the violator has failed to timely request  
 42 a compliance review hearing as provided in Section 6-32(i), a hearing shall not be necessary for  
 43 issuance of the order imposing the fine.

1  
2 ~~(b) The code enforcement board shall provide by certified mail the findings of fact and conclusions of~~  
3 ~~law to the property owner with a notice that the property owner may request a hearing challenging~~  
4 ~~the fine amount within 20 days from the date of the findings of fact and conclusions of law. The~~  
5 ~~findings of fact and conclusions of law shall be recorded after 20 days unless the property owner~~  
6 ~~files a timely request for hearing. If such a hearing is requested, the hearing shall be limited to a~~  
7 ~~consideration of only those new findings necessary to impose an appropriate fine.~~

8  
9 (e**b**) A fine imposed pursuant to this ~~section~~ Chapter shall not exceed \$250.00 per day for a first  
10 violation and shall not exceed \$500.00 per day for a repeat violation. If, at the code compliance  
11 hearing, the code enforcement board finds the violation to be irreparable or irreversible in nature,  
12 it may impose a one-time fine not to exceed \$5,000.00 per violation in the code compliance order.  
13 In determining the amount of the fine, if any, the code enforcement board shall consider the  
14 following factors:

15  
16 (1) The gravity of the violation.

17  
18 (2) Any actions taken by the violator to correct the violation.

19  
20 (3) Any previous violations committed by the violator.

21  
22 (d**c**) The code enforcement board may reduce a fine imposed pursuant to this ~~section~~ Chapter upon  
23 request after the violation has been corrected.

24  
25 (e**d**) A lien for a violation of section 14-31 or 14-41 has a maximum lien threshold of \$10,000.00 and  
26 shall cease accruing once the lien reaches \$10,000.00. Violations that are found to be repeat  
27 violations, regardless of the violation, and violations of other sections of the Code other than  
28 sections 14-31 and 14-41 do not have a maximum lien threshold, unless otherwise stated.

29  
30 (f**e**) A certified copy of an order imposing a fine shall be recorded in the public records and, thereafter,  
31 shall constitute a lien against the land on which the violation exists and upon any other real or  
32 personal property owned by the violator. Upon petition to the circuit court, such order may be  
33 enforced in the same manner as a court judgment by the sheriffs of the state, including levy against  
34 the personal property, but such order shall not be deemed to be a court judgment except for  
35 enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the  
36 violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed  
37 pursuant to this ~~section~~ Chapter, whichever occurs first. After three months from the filing of any  
38 such lien which remains unpaid, the code enforcement board may authorize the County Attorney  
39 to foreclose on the lien. No lien created pursuant to the provisions of this ~~section~~ Chapter may be  
40 foreclosed on real property which is a homestead under Fla. Const. art. X, § 4. A lien arising from  
41 a fine imposed pursuant to this ~~section~~ Chapter runs in favor of the county, and the county may  
42 execute a satisfaction or release of lien entered pursuant to this ~~section~~ Chapter.

43  
44 **Section 2. Amendments to Chapter 14, Nuisance Abatement.**

1  
2 Section 14-56 of the Code of Laws of Leon County, Florida, entitled "Appeals" is hereby  
3 amended to read as follows:

4  
5 **Sec. 14-56. - Appeals.**  
6

7 (a) An aggrieved party and/or the county may appeal a final administrative order of the nuisance  
8 abatement board to the circuit court by writ of certiorari. An appeal shall be filed within ~~15~~ 30 days  
9 of the entry of the order to be appealed. As used in this section, the term "aggrieved party" means  
10 a person who possesses a present legal right of present or future enjoyment of the property by virtue  
11 of a deed, title, mortgage, fully executed contract for purchase, lien on estate in the property,  
12 judgment of court, being named a beneficiary in a will or trust of a deceased owner or the legal  
13 spouse of the property owner.  
14

15 (b) The filing of an appeal stays the order of the nuisance abatement board until the appeal is resolved  
16 unless the building or premises presents imminent peril to the public health or general welfare or  
17 presents immediate danger to the life or safety of any person.  
18

19 **Section 3. Conflicts.**  
20

21 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby  
22 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon  
23 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this  
24 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.  
25

26 **Section 4. Severability.**  
27

28 If any word, phrase, clause, section, or portion of this ordinance is declared by any court of  
29 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and  
30 portions of this ordinance shall remain in full force and effect.  
31

32 **Section 5. Applicability.**  
33

34 This ordinance shall apply to and be effective in the unincorporated area of Leon County.  
35

36 **Section 6. Effective Date.**  
37

38 This ordinance shall have effect upon becoming law.  
39

40 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,  
41 Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.  
42

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Brian Welch, Chair  
Board of County Commissioners

ATTESTED BY:  
Gwendolyn Marshall Knight, Clerk of  
Court & Comptroller, Leon County, Florida

By: \_\_\_\_\_

APPROVED AS TO FORM:  
Chasity H. O'Steen, County Attorney  
Leon County Attorney's Office

By: \_\_\_\_\_