

**Town of Lauderdale-By-The-Sea**  
**Town Commission Workshop**

**Agenda**

Wednesday, June 3, 2026

5:30 PM



Jarvis Hall 4505 N. Ocean Drive  
[www.Lauderdalebythesea-fl.gov](http://www.Lauderdalebythesea-fl.gov)

**LAUDERDALE-BY-THE-SEA TOWN COMMISSION**

**Mayor Edmund Malkoon**  
**Vice Mayor Randy Strauss**  
**Commissioner Richard DeNapoli**  
**Commissioner John A. Graziano**  
**Commissioner Theo Pouloupoulos**

**Ken Rubach, Town Manager**  
**Susan Trevarthen, Town Attorney**  
**Melissa Vasami, Town Clerk**

# Workshop Town Commission

Wednesday, June 3, 2026, 5:30 PM

Jarvis Hall 4505 N. Ocean Drive

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1. **CALL TO ORDER, MAYOR EDMUND MALKOON**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **PUBLIC COMMENTS**

4. **DISCUSSION ITEM**

4.a. Code Workshop Presentation

5. **ADJOURNMENT**

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THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**PROCEDURES FOR PUBLIC COMMENTS:**

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

**INVOCATION:**

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 4.a.

## Town Commission Agenda Item Report

**Meeting Date:** June 3, 2026

**Submitted By:** Jhanelle Campbell, Development Services Director, Terry-Ann Boyd, Assistant Director Development Services -Code Compliance

**Submitting Department:** Development Services

**Item Type:** Presentation

**Agenda Section:**DISCUSSION ITEM

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**Subject Title:** Code Workshop Presentation

### Explanation:

The purpose of this workshop is to provide the Mayor, Town Commission, and the public with a broader overview of the Town's Code Compliance Division, including its role within the community, current operational practices, recent legislative changes impacting enforcement procedures, and areas where future policy direction may be beneficial.

Code Compliance serves as an important component of neighborhood preservation and community maintenance within the Town. The Code Compliance Department is responsible for enforcing regulations related to property maintenance, signage, rights-of-way, swales, vacation rentals, construction-related issues, nuisance conditions, outdoor displays, lighting, and other quality-of-life concerns that directly impact residents, businesses, and visitors. While enforcement activities are often associated with citations and fines, the primary objective of the Division is to achieve voluntary compliance through education, communication, and consistency.

The Town's overall enforcement philosophy is centered on fairness, transparency, customer service, and due process. In many cases, staff works directly with residents and businesses to explain code requirements, identify corrective actions, and provide reasonable opportunities for compliance before formal enforcement action becomes necessary. The Division also works closely with other departments, including Building, Planning & Zoning, Public Works, the Town Attorney, and outside agencies when needed to address issues that may involve overlapping regulations or other concerns.

Code Compliance operations are governed primarily by Chapter 162, Florida Statutes (**Exhibit 1**), commonly referred to as the Local Government Code Enforcement Act, which establishes the legal framework for municipal code enforcement boards, Special Magistrate proceedings, administrative fines, liens, citations, and enforcement procedures throughout the State of Florida. The statute also outlines due process requirements, notice procedures, citation

authority, repeat violation standards, and enforcement limitations applicable to municipalities.

Chapter 6.5 (**Exhibit 2**) establishes the Town's Code Compliance process and authorizes the use of Special Magistrates to enforce Town codes and ordinances through administrative remedies rather than criminal proceedings. The chapter outlines the authority and procedures for code compliance hearings, enforcement actions, administrative fines, liens, appeals, and notices, all in accordance with Florida Statutes Chapter 162. It also authorizes Code Compliance Officers to issue civil citations for violations, establishes penalty structures for repeat and irreparable violations, and provides respondents with procedures for payment or appeal of citations before the Special Magistrate.

### **Code Compliance Process**

Complaints may originate from residents, businesses, visitors, or staff observations in the field. Once a complaint is received, staff conducts an inspection to determine whether a violation exists and whether corrective action is necessary. Depending on the nature of the issue, the process may include notices of violation, re-inspections, citations, hearings before the Special Magistrate, administrative fines, liens, or abatement actions.

In recent years, the State Legislature has adopted several laws affecting local government authority, permit processing procedures, and complaint intake requirements. One example is CS/SB 60 (2021), which amended Chapter 162, Florida Statutes, to prohibit municipalities from initiating code enforcement investigations based solely upon anonymous complaints except in limited circumstances involving imminent threats to public health, safety, or welfare (**Exhibit 3**). As a result, municipalities throughout Florida have experienced a greater need for proactive enforcement efforts and officer-initiated observations to address recurring quality-of-life concerns within neighborhoods and commercial areas.

As part of the discussion, staff will also provide an overview of current enforcement trends and operational observations within the Town. Topics will include recurring property maintenance concerns, commercial signage issues, right-of-way and swale protection, vacation rental compliance, construction site management, lighting and noise complaints, and seasonal enforcement challenges associated with tourism and special events. Staff will also discuss the importance of proactive neighborhood inspections, public education efforts, and maintaining consistency in enforcement practices throughout the Town.

The workshop is also intended to introduce a broader policy discussion regarding potential voluntary compliance and lien amnesty programs that have been implemented by other Florida municipalities. Communities such as Fort Lauderdale, Sunrise, St. Lucie County, and Hollywood have implemented temporary programs designed to encourage resolution of long-standing violations, reduce excessive accrued liens, and incentivize voluntary compliance efforts.

These programs are typically structured with eligibility requirements, mandatory correction of violations, and temporary application periods. The purpose of introducing this topic is not to propose a specific program at this time, but rather to provide information regarding how other municipalities are approaching long-standing enforcement issues and to allow for Commission

discussion regarding whether similar concepts may warrant future evaluation.

The workshop will conclude with a broader Commission roundtable discussion regarding enforcement priorities, community expectations, operational challenges, and potential future policy considerations. Staff is looking for Commission input regarding areas of focus, public education initiatives, neighborhood concerns, and any future code-related topics the Commission may wish to evaluate further.

Following the workshop, staff will continue to evaluate operational needs, legislative impacts, and potential policy considerations and will return to the Commission with any future recommendations or follow-up items as appropriate.

**Recommendation:** Following completion of the presentation and Commission discussion, staff will look to the Town Commission for direction regarding any desired policy changes, operational modifications, or potential code amendments related to the items presented. Based on Commission direction, staff will evaluate operational considerations, legislative impacts, and implementation needs, and will return with any future recommendations or follow-up items as appropriate.

**Exhibits:**

1. Exhibit 1- Chapter 162- Local Government Code Enforcement
2. Exhibit 2- Chapter 6.5- Code Compliance
3. Exhibit 3 - Senate Bill 60
4. Microsoft PowerPoint - CODE COMPLIANCE WORKSHOP 5-28- FINAL

**CHAPTER 162**

**COUNTY OR MUNICIPAL CODE ENFORCEMENT**

**PART I**

**LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS**

**(ss. 162.01-162.13)**

**PART II**

**SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT  
PROCEDURES**

**(ss. 162.21-162.30)**

**PART I**

**LOCAL GOVERNMENT CODE  
ENFORCEMENT BOARDS**

162.01 Short title.

162.02 Intent.

162.03 Applicability.

162.04 Definitions.

162.05 Local government code enforcement boards; organization.

162.06 Enforcement procedure.

162.07 Conduct of hearing.

162.08 Powers of enforcement boards.

162.09 Administrative fines; costs of repair; liens.

162.10 Duration of lien.

162.11 Appeals.

162.12 Notices.

162.125 Actions for money judgments under this chapter; limitation.

162.13 Provisions of act supplemental.

**162.01 Short title.**—Sections 162.01-162.13 may be cited as the “Local Government Code Enforcement Boards Act.”

**History.**—s. 1, ch. 80-300; s. 72, ch. 81-259; s. 1, ch. 82-37.

**Note.**—Former s. 166.051.

**162.02 Intent.**—It is the intent of this part to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards 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 counties and municipalities, where a pending or repeated violation continues to exist.

**History.**—s. 1, ch. 80-300; s. 2, ch. 82-37; s. 1, ch. 85-150; s. 1, ch. 86-201; s. 1, ch. 89-268.

**Note.**—Former s. 166.052.

**162.03 Applicability.**—

(1) Each county or municipality may, at its option, create or abolish by ordinance local government code enforcement boards as provided herein.

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

**History.**—ss. 1, 2, ch. 80-300; s. 3, ch. 82-37; s. 2, ch. 86-201; s. 1, ch. 87-129; s. 2, ch. 89-268; s. 2, ch. 99-360; s. 63, ch. 2004-11.

**Note.**—Former s. 166.053.

**162.04 Definitions.**—As used in ss. 162.01-162.13, the term:

(1) “Local governing body” means the governing body of the county or municipality, however designated.

(2) “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

(3) “Local governing body attorney” means the legal counselor for the county or municipality.

(4) “Enforcement board” means a local government code enforcement board.

(5) “Repeat violation” means 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 who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

**History.**—s. 1, ch. 80-300; s. 4, ch. 82-37; s. 10, ch. 83-216; s. 3, ch. 86-201; s. 3, ch. 89-268; s. 3, ch. 99-360; s. 22, ch. 2001-60.

**Note.**—Former s. 166.054.

#### **162.05 Local government code enforcement boards; organization.—**

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.

(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

**History.**—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

**Note.**—Former s. 166.055.

**162.06 Enforcement procedure.—**

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

(b) A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.

(4) If the code 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 inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(5) If the owner of property that 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:

- (a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (c) 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.
- (d) 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 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.

**History.**—s. 1, ch. 80-300; s. 5, ch. 86-201; s. 1, ch. 87-391; s. 5, ch. 89-268; s. 2, ch. 94-291; s. 1442, ch. 95-147; s. 2, ch. 96-385; s. 4, ch. 99-360; s. 64, ch. 2004-11; s. 2, ch. 2021-167.

**Note.**—Former s. 166.056.

#### **162.07 Conduct of hearing.—**

(1) Upon request of the code inspector, or at such other times as may be necessary, the chair of an enforcement board may call a hearing of an enforcement board; a hearing also may be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Minutes shall be kept of all hearings by each enforcement board, and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical

and administrative personnel as may be reasonably required by each enforcement board for the proper performance of its duties.

(2) Each case before an enforcement board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. If the local governing body prevails in prosecuting a case before the enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under s. 162.09(3).

(3) An enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(4) At the conclusion of the hearing, the enforcement board 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 herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of a seven-member enforcement board, or three members of a five-member enforcement board, must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by said date. 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 in interest, or 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 in interest, or 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 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.

**History.**—s. 1, ch. 80-300; s. 6, ch. 82-37; s. 44, ch. 83-217; s. 6, ch. 86-201; s. 6, ch. 89-268; s. 3, ch. 94-291; s. 1443, ch. 95-147; s. 2, ch. 95-297.

**Note.**—Former s. 166.057.

**162.08 Powers of enforcement boards.**—Each enforcement board 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 of the county or police department of the municipality.

(3) Subpoena evidence to its hearings.

(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.

**History.**—s. 1, ch. 80-300; s. 7, ch. 82-37; s. 7, ch. 86-201; s. 7, ch. 89-268.

**Note.**—Former s. 166.058.

### **162.09 Administrative fines; costs of repair; liens.—**

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board 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 inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board 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.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$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 code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as determined by the property appraiser.

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may 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. 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. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a

fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

**History.**—s. 1, ch. 80-300; s. 8, ch. 82-37; s. 2, ch. 85-150; s. 8, ch. 86-201; s. 2, ch. 87-391; s. 8, ch. 89-268; s. 4, ch. 94-291; s. 1, ch. 95-297; s. 5, ch. 99-360; s. 1, ch. 2000-125; s. 65, ch. 2004-11; s. 1, ch. 2025-87.

**Note.**—Former s. 166.059.

**162.10 Duration of lien.**—No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to s. 162.09(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The local governing body shall be entitled to collect 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.

**History.**—s. 9, ch. 82-37; s. 9, ch. 86-201; s. 9, ch. 89-268; s. 5, ch. 94-291; s. 2, ch. 2000-125.

**162.11 Appeals.**—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board 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 enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**History.**—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

**Note.**—Former s. 166.061.

**162.12 Notices.**—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. 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 (1).

(3) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

**History.**—s. 1, ch. 80-300; s. 11, ch. 86-201; s. 3, ch. 87-391; s. 10, ch. 89-268; s. 6, ch. 94-291; s. 6, ch. 99-360; s. 3, ch. 2000-125; s. 1, ch. 2012-13; s. 2, ch. 2013-193; s. 1, ch. 2014-154; s. 14, ch. 2021-17; s. 14, ch. 2022-103.

**Note.**—Former s. 166.062.

**162.125 Actions for money judgments under this chapter; limitation.**—Actions for money judgments under this chapter may be pursued only on fines levied after October 1, 2000.

**History.**—s. 4, ch. 2000-125.

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

**History.**—s. 11, ch. 82-37; s. 3, ch. 2021-167.

## PART II

### SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT PROCEDURES

162.21 Enforcement of county or municipal codes or ordinances; penalties.

162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.

162.23 Notice to appear.

162.30 Civil actions to enforce county and municipal ordinances.

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

(1) As used in this section, “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.

(2) A county or a municipality may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(3)(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(b) A code enforcement officer may not initiate an investigation of a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(c) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(d) A citation issued by a code enforcement officer shall be in a form prescribed by the county or the municipality and shall contain:

1. The date and time of issuance.

2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.
6. The name and authority of the code enforcement officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.

(5) A county or a municipality is authorized to enforce codes and ordinances under the provisions of this section and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. If a county or municipality chooses to enforce codes or ordinances under the provisions of this section, each code or ordinance or the ordinance enacted by the county or municipality establishing procedures for implementation of this section shall provide:

(a) That a violation of a code or an ordinance is a civil infraction.

(b) A maximum civil penalty not to exceed \$500.

(c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.

(e) For the contesting of a citation in county court.

(f) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this section.

(6) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The provisions of this part shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code adopted pursuant to s. 553.73 as applied to construction, provided that a building permit is either not required or has been issued by the county or the municipality.

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

**History.**—s. 11, ch. 89-268; s. 7, ch. 94-291; s. 1444, ch. 95-147; s. 3, ch. 96-385; s. 4, ch. 98-287; s. 115, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 4, ch. 2021-167.

**162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.**—The governing body of a municipality may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances as provided for in chapter 901. Unless otherwise specifically authorized and provided for by law, a person convicted of violating a municipal ordinance may be sentenced to pay a fine, not to exceed \$500, and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a municipal detention facility or other facility as authorized by law.

**History.**—s. 1, ch. 94-255.

**162.23 Notice to appear.**—

(1) Notwithstanding s. 34.07, a code enforcement officer, designated pursuant to s. 162.21(1) and (2), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date

and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.

(2) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than 5 days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

**History.**—s. 1, ch. 96-385; s. 7, ch. 99-360.

**162.30 Civil actions to enforce county and municipal ordinances.**—In addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action. The action shall be brought in county or circuit court, whichever is appropriate depending upon the relief sought. Counties and municipalities are authorized and required to pay any counsel appointed by the court to represent a private party in such action if the provision of counsel at public expense is required by the Constitution of the United States or the Constitution of the State of Florida and if the party is indigent as established pursuant to s. 27.52. The county or municipality shall bear all court fees and costs of any such action, and may, if it prevails, recover the court fees and costs and expense of the court-appointed counsel as part of its judgment. The state shall bear no expense of actions brought under this section except those that it would bear in an ordinary civil action between private parties in county court.

**History.**—s. 87, ch. 2003-402.

## Chapter 6.5 CODE COMPLIANCE<sup>1</sup>

### Sec. 6.5-1. Intent.

- (a) It is the intent of the Town to provide an equitable, expeditious, effective, and inexpensive method of enforcing any of the codes and ordinances in force in the Town by granting to the Code Compliance Special Magistrate the authority to impose administrative fines and other non-criminal penalties for a violation of said codes and ordinances.
- (b) To that end, the Town hereby creates and implements the code enforcement procedures authorized by the Florida Local Government Code Enforcement Boards Act, set forth in F.S. ch. 162, as it may be amended from time to time.
- (c) Terms used in this chapter shall have the same meaning given to such terms in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

### Sec. 6.5-2. Special Magistrates.

- (a) The Town shall retain one or more Special Magistrates who may conduct code compliance hearings and assess fines against violators of the Town in the same manner as a Code Enforcement Board established pursuant to F.S. ch. 162.
- (b) Each agreement for Special Magistrate services shall be approved by resolution of the Town Commission.
- (c) To qualify for and hold the position of Special Magistrate, an individual shall be a member in good standing with the Florida Bar and engaged in the practice of law in either Broward, Dade or Palm Beach Counties.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

Editor's note(s)—Ord. No. 2021-01, § 2, adopted February 23, 2021, changed the title of § 6.5-2 from "special masters" to "special magistrates."

### Sec. 6.5-3. Counsel.

The Town Attorney or Assistant Town Attorney may represent the Town by presenting cases before the Special Magistrate.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

### Sec. 6.5-4. Code compliance procedure.

The Town Manager shall hire one or more Code Compliance Officers whose duty it shall be to initiate compliance proceedings for the various codes of the Town. The Code Compliance Officer(s) shall follow the

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<sup>1</sup>Editor's note(s)—Ord. No. 2021-01, § 2, adopted February 23, 2021 changed the title of ch. 6.5 from "code enforcement" to "code compliance."

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enforcement procedures set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time, or as otherwise provided by this chapter.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

Editor's note(s)—Ord. No. 2021-01, § 2, adopted February 23, 2021 changed the title of § 6.5-4 from "enforcement procedure" to "code compliance procedure."

### **Sec. 6.5-5. Conduct of hearing.**

All Code Compliance Special Magistrate hearings shall be conducted in accordance with the procedures set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

### **Sec. 6.5-6. Powers of the Special Magistrate.**

The Special Magistrate shall possess those powers provided to Code Enforcement Boards or Special Magistrates as set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

Editor's note(s)—Ord. No. 2021-01, § 2, adopted February 23, 2021, changed the title of § 6.5-6 from "powers of the enforcement special master" to "powers of the special magistrate."

### **Sec. 6.5-7. Administrative fines and costs; costs of repair; liens.**

The Special Magistrate is authorized to impose administrative fines, inspection and re-inspection costs, costs of repair, and liens in accordance with the procedures set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2013-09, § 3, 7-23-2013; Ord. No. 2021-01, § 2, 2-23-2021)

### **Sec. 6.5-8. Duration of lien.**

- (a) The duration of liens established through the Town's code compliance process shall be governed by the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.
- (b) An aggrieved party, including the Town, may appeal a final administrative order of the Special Magistrate in accordance with the procedures set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

### **Sec. 6.5-9. Appeal.**

An aggrieved party, including the Town, may appeal a final administrative order of the Special Magistrate in accordance with the procedures set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

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(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

**Sec. 6.5-10. Notices.**

All notices issued in conjunction with a code compliance action shall be as set forth in the Florida Local Government Code Enforcement Boards Act, as set forth in F.S. ch. 162, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

**Sec. 6.5-11. Provisions supplemental.**

Nothing contained in this chapter shall prohibit the Town from enforcing the provisions of the Code of Ordinances by any other means available.

(Ord. No. 03-527, § 2, 11-25-2003)

**Sec. 6.5-12. Supplemental enforcement procedures.**

The Town hereby adopts the supplemental procedure for enforcement of its Code as authorized in Part II of the Florida Local Government Code Enforcement Boards Act, as it may be amended from time to time.

(Ord. No. 03-527, § 2, 11-25-2003)

**Sec. 6.5-13. Code citation form for civil citations.**

- (a) The Town hereby adopts the Broward County Uniform Code Citation Form, in addition to any other code citation form which the Town desires to use, and hereby adopts by reference those requirements imposed by F.S. § 162.21, which sets forth the required data and information for each Code Compliance Officer.
- (b) A citation issued by a Code Compliance Officer shall be in a form prescribed by the Town and shall contain the following information:
  - (1) The date and time of issuance.
  - (2) The name and address of the person to whom the citation is issued.
  - (3) The date and time that the civil infraction was committed.
  - (4) The facts constituting reasonable cause.
  - (5) The number or section of the code or ordinance violated.
  - (6) The name and authority of the Code Compliance Officer.
  - (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
  - (8) The applicable civil penalty if the person elects to contest the citation.
  - (9) The applicable civil penalty if the person elects not to contest the citation.
  - (10) A conspicuous statement that, if the person fails to pay the civil penalty within the time allowed or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

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- (c) This section is adopted pursuant to F.S. §§ 162.03(2) and 162.13, as an alternative to the use of the Special Magistrate for ensuring code compliance, and is enacted to protect the public health, welfare and safety of the residents of the Town.
- (1) A violation of the Code is a civil infraction for which a citation may be issued pursuant to this section.
  - (2) A Code Compliance Officer may issue a citation to a respondent when, based upon personal investigation, the Code Compliance Officer has reasonable cause to believe that the respondent is responsible for the civil infraction.
  - (3) Each day that a violation continues to exist shall constitute a separate civil infraction for which a citation may be issued.
  - (4) Unless a violation is deemed to be irreparable or irreversible in nature, a civil penalty imposed pursuant to this section shall not exceed \$250.00 for a first violation and shall not exceed \$500.00 for a repeat violation. If the violation is deemed to be irreparable or irreversible in nature, a civil penalty not to exceed \$5,000.00 per violation may be imposed.
  - (5) Notice of the citation shall be served on the respondent pursuant to section 6.5-10 of this chapter.
  - (6) Civil penalties assessed pursuant to this section are due immediately and payable to the Town no later than the 20th day from the issuance of the citation or, if a proper appeal is filed, when the appeal has been finally decided adversely against the respondent.
  - (7) A respondent who has been served with a citation shall elect either to:
    - a. Pay the civil penalty in the manner indicated on the citation; or
    - b. Request an administrative hearing before the Special Magistrate to appeal the determination of the Code Compliance Officer which resulted in the issuance of the citation.
  - (8) If the respondent chooses to appeal the citation, he or she must file with the Town a written request for an administrative hearing within ten calendar days after service of the citation.
  - (9) The administrative hearing shall be conducted in accordance with section 6.5-5 of this chapter, as applicable.
  - (10) If the respondent fails to pay the civil penalty within the time due or fails to timely appeal the citation, such failure shall constitute a waiver of the respondent's right to an administrative hearing before the Special Magistrate. Such waiver shall be deemed an admission of the violation and civil penalties may be assessed accordingly.
  - (11) The contents of the citation shall include but are not be limited to the following:
    - a. The date and time of issuance;
    - b. The name and address of the respondent to whom the citation is issued;
    - c. The date and time the civil infraction was committed;
    - d. The section of the specific code that has been violated;
    - e. The applicable civil penalty for committing the violation;
    - f. The name of the Code Compliance Officer;
    - g. Instructions and due date to pay the civil penalty or to contest the citation;
    - h. Notice that each day the violation continues shall be treated as a separate civil infraction for which a citation may be issued;

- 
- i. Notice that failure to request an administrative hearing within ten calendar days after service of a citation shall constitute a waiver of the respondent's right to an administrative hearing before the Special Magistrate, and that such waiver shall constitute an admission of violation and that a penalty may be entered against the respondent for an amount up to the maximum civil penalty; and
  - j. Notice that the respondent may be liable for the reasonable costs of the hearing to contest the violation, should the citation be affirmed by the Special Magistrate at such hearing.

(Ord. No. 03-527, § 2, 11-25-2003; Ord. No. 2021-01, § 2, 2-23-2021)

Editor's note(s)—Ord. No. 2021-01, § 2, adopted February 23, 2021, changed the title of § 6.5-13 from "code citation form" to "code citation form for civil citations."

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1  
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; requiring persons who report  
8 potential violations of codes and ordinances to  
9 provide specified information to the board before an  
10 investigation occurs; providing applicability;  
11 providing construction; amending s. 162.06, F.S.;  
12 prohibiting code inspectors from initiating  
13 enforcement proceedings for potential violations of  
14 codes and ordinances by way of anonymous complaints;  
15 requiring persons who report potential violations of  
16 codes and ordinances to provide specified information  
17 to the respective local government before an  
18 investigation occurs; providing applicability;  
19 amending s. 162.13, F.S.; providing construction;  
20 amending s. 162.21, F.S.; prohibiting code enforcement  
21 officers from initiating investigations of potential  
22 violations of codes and ordinances by way of anonymous  
23 complaints; requiring persons who report potential  
24 violations of codes and ordinances to provide  
25 specified information to the respective local  
26 government before an investigation occurs; providing  
27 applicability; providing construction; amending s.  
28 166.0415, F.S.; prohibiting code inspectors designated  
29 by governing bodies of municipalities from initiating

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30 investigations of potential violations of codes and  
31 ordinances by way of anonymous complaints; requiring  
32 persons who report potential violations of codes and  
33 ordinances to provide specified information to the  
34 governing body before an investigation occurs;  
35 providing applicability; providing construction;  
36 providing an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Subsection (4) of section 125.69, Florida  
41 Statutes, is amended to read:

42 125.69 Penalties; enforcement by code inspectors.—

43 (4) (a) The board of county commissioners of each county may  
44 designate its agents or employees as code inspectors whose duty  
45 it is to assure code compliance. Any person designated as a code  
46 inspector may issue citations for violations of county codes and  
47 ordinances, respectively, or subsequent amendments thereto, when  
48 such code inspector has actual knowledge that a violation has  
49 been committed.

50 (b) A person designated as a code inspector may not  
51 initiate an investigation of a potential violation of a duly  
52 enacted code or ordinance by way of an anonymous complaint. A  
53 person who reports a potential violation of a code or an  
54 ordinance must provide his or her name and address to the  
55 governing body of the respective board of county commissioners  
56 before an investigation occurs. This paragraph does not apply if  
57 the person designated as a code inspector has reason to believe  
58 that the violation presents an imminent threat to public health,

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59 safety, or welfare or imminent destruction of habitat or  
60 sensitive resources.

61 (c)~~(a)~~ Prior to issuing a citation, a code inspector shall  
62 provide notice to the violator that the violator has committed a  
63 violation of a code or ordinance and shall establish a  
64 reasonable time period within which the violator must correct  
65 the violation. Such time period shall be no more than 30 days.  
66 If, upon personal investigation, a code inspector finds that the  
67 violator has not corrected the violation within the time period,  
68 a code inspector may issue a citation to the violator. A code  
69 inspector does not have to provide the violator with a  
70 reasonable time period to correct the violation prior to issuing  
71 a citation and may immediately issue a citation if the code  
72 inspector has reason to believe that the violation presents a  
73 serious threat to the public health, safety, or welfare, or if  
74 the violation is irreparable or irreversible.

75 (d)~~(b)~~ A citation issued by a code inspector shall state  
76 the date and time of issuance, name and address of the person in  
77 violation, date of the violation, section of the codes or  
78 ordinances, or subsequent amendments thereto, violated, name of  
79 the code inspector, and date and time when the violator shall  
80 appear in county court.

81 (e)~~(c)~~ If a repeat violation is found subsequent to the  
82 issuance of a citation, the code inspector is not required to  
83 give the violator a reasonable time to correct the violation and  
84 may immediately issue a citation. For purposes of this  
85 subsection, the term "repeat violation" means a violation of a  
86 provision of a code or ordinance by a person who has previously  
87 been found to have violated the same provision within 5 years

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88 prior to the violation, notwithstanding the violations occurred  
89 at different locations.

90 (f)~~(d)~~ If the owner of property which is subject to an  
91 enforcement proceeding before county court transfers ownership  
92 of such property between the time the initial citation or  
93 citations are issued and the date the violator has been summoned  
94 to appear in county court, such owner shall:

95 1. Disclose, in writing, the existence and the nature of  
96 the proceeding to the prospective transferee.

97 2. Deliver to the prospective transferee a copy of the  
98 pleadings, notices, and other materials relating to the county  
99 court proceeding received by the transferor.

100 3. Disclose, in writing, to the prospective transferee that  
101 the new owner will be responsible for compliance with the  
102 applicable code and with orders issued in the county court  
103 proceeding.

104 4. File a notice with the code enforcement official of the  
105 transfer of the property, with the identity and address of the  
106 new owner and copies of the disclosures made to the new owner,  
107 within 5 days after the date of the transfer.

108

109 A failure to make the disclosure described in subparagraphs 1.,  
110 2., and 3. before the transfer creates a rebuttable presumption  
111 of fraud. If the property is transferred before the date the  
112 violator has been summoned to appear in county court, the  
113 proceeding shall not be dismissed but the new owner will be  
114 substituted as the party of record and thereafter provided a  
115 reasonable period of time to correct the violation before the  
116 continuation of proceedings in county court.

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117        (g)~~(e)~~ If the code inspector has reason to believe a  
118 violation or the condition causing the violation presents a  
119 serious threat to the public health, safety, and welfare or if  
120 the violation is irreparable or irreversible in nature, or if  
121 after attempts under this section to bring a repeat violation  
122 into compliance with a provision of a code or ordinance prove  
123 unsuccessful, the local governing body may make all reasonable  
124 repairs which are required to bring the property into compliance  
125 and charge the owner with the reasonable cost of the repairs  
126 along with the fine imposed pursuant to this section. Making  
127 such repairs does not create a continuing obligation on the part  
128 of the local governing body to make further repairs or to  
129 maintain the property and does not create any liability against  
130 the local governing body for any damages to the property if such  
131 repairs were completed in good faith.

132        (h)~~(f)~~ Nothing in this subsection shall be construed to  
133 authorize any person designated as a code inspector to perform  
134 any function or duties of a law enforcement officer other than  
135 as specified in this subsection. A code inspector shall not make  
136 physical arrests or take any person into custody and shall be  
137 exempt from requirements relating to the Special Risk Class of  
138 the Florida Retirement System, bonding, and the Criminal Justice  
139 Standards and Training Commission, as defined and provided by  
140 general law.

141        (i)~~(g)~~ The provisions of this subsection shall not apply to  
142 the enforcement pursuant to ss. 553.79 and 553.80 of the Florida  
143 Building Code adopted pursuant to s. 553.73 as applied to  
144 construction, provided that a building permit is either not  
145 required or has been issued by the county.

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146        ~~(j)-(h)~~ The provisions of this subsection may be used by a  
147 county in lieu of the provisions of part II of chapter 162.

148        ~~(k)-(i)~~ The provisions of this subsection are additional or  
149 supplemental means of enforcing county codes and ordinances.  
150 Except as provided in paragraphs (b) and (j) ~~paragraph (h)~~,  
151 nothing in this subsection shall prohibit a county from  
152 enforcing its codes or ordinances by any other means.

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

155        162.06 Enforcement procedure.—

156        (1) (a) It shall be the duty of the code inspector to  
157 initiate enforcement proceedings of the various codes; however,  
158 no member of a board shall have the power to initiate such  
159 enforcement proceedings.

160        (b) A code inspector may not initiate enforcement  
161 proceedings for a potential violation of a duly enacted code or  
162 ordinance by way of an anonymous complaint. A person who reports  
163 a potential violation of a code or an ordinance must provide his  
164 or her name and address to the respective local government  
165 before an enforcement proceeding may occur. This paragraph does  
166 not apply if the code inspector has reason to believe that the  
167 violation presents an imminent threat to public health, safety,  
168 or welfare or imminent destruction of habitat or sensitive  
169 resources.

170        Section 3. Section 162.13, Florida Statutes, is amended to  
171 read:

172        162.13 Provisions of act supplemental.—It is the  
173 legislative intent of ss. 162.01-162.12 to provide an additional  
174 or supplemental means of obtaining compliance with local codes.

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175 Except as provided in s. 162.06(1)(b), nothing contained in ss.  
176 162.01-162.12 shall prohibit a local governing body from  
177 enforcing its codes by any other means.

178 Section 4. Present paragraphs (b) and (c) of subsection (3)  
179 of section 162.21, Florida Statutes, are redesignated as  
180 paragraphs (c) and (d), respectively, a new paragraph (b) is  
181 added to that subsection, and subsection (8) of that section is  
182 amended, to read:

183 162.21 Enforcement of county or municipal codes or  
184 ordinances; penalties.—

185 (3)

186 (b) A code enforcement officer may not initiate an  
187 investigation of a potential violation of a duly enacted code or  
188 ordinance by way of an anonymous complaint. A person who reports  
189 a potential violation of a code or an ordinance must provide his  
190 or her name and address to the respective local government  
191 before an investigation may occur. This paragraph does not apply  
192 if the code enforcement officer has reason to believe that the  
193 violation presents an imminent threat to public health, safety,  
194 or welfare or imminent destruction of habitat or sensitive  
195 resources.

196 (8) The provisions of this section are additional and  
197 supplemental means of enforcing county or municipal codes or  
198 ordinances and may be used for the enforcement of any code or  
199 ordinance, or for the enforcement of all codes and ordinances.  
200 Except as provided in paragraph (3)(b), nothing contained in  
201 this section shall prohibit a county or municipality from  
202 enforcing its codes or ordinances by any other means.

203 Section 5. Subsections (1) and (7) of section 166.0415,

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204 Florida Statutes, are amended to read:

205 166.0415 Enforcement by code inspectors; citations.—

206 (1) (a) The governing body of each municipality may  
207 designate its agents or employees as code inspectors whose duty  
208 it is to assure code compliance. Any person designated as a code  
209 inspector may issue citations for violations of municipal codes  
210 and ordinances, respectively, or subsequent amendments thereto,  
211 when such code inspector has actual knowledge that a violation  
212 has been committed.

213 (b) A person designated as a code inspector may not  
214 initiate an investigation of a potential violation of a duly  
215 enacted code or ordinance by way of an anonymous complaint. A  
216 person who reports a potential violation of a code or an  
217 ordinance must provide his or her name and address to the  
218 governing body of the municipality before an investigation  
219 occurs. This paragraph does not apply if the person designated  
220 as a code inspector has reason to believe that the violation  
221 presents an imminent threat to public health, safety, or welfare  
222 or imminent destruction of habitat or sensitive resources.

223 (7) The provisions of this section are additional or  
224 supplemental means of enforcing municipal codes and ordinances.  
225 Except as provided in paragraph (1) (b) and subsection (6),  
226 nothing in this section shall prohibit a municipality from  
227 enforcing its codes or ordinances by any other means.

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



# CODE COMPLIANCE WORKSHOP

DEVELOPMENT SERVICES



# AGENDA

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Introduction

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Workflow & Enforcement Process Interdepartmental  
Coordination

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Enforcement Philosophy

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Legal Framework & Authority

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Code Compliance Process Costs

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# AGENDA

Code Compliance Amnesty & Voluntary Compliance Programs

What we have already been doing

What we can do

Policy Discussion Considerations

Recent Code

Commission direction / consensus items

Next Steps



# INTRODUCTION

- Overview of staff roles and responsibilities
  - Field operations and inspection coverage
  - Coordination between Code Compliance Officers and administrative staff



# OUR TEAM



**JHANELLE CAMPBELL**  
Development Services Director



**TERRY-ANN BOYD**  
Assistant Development Services Director-Code



**RALPH DESROCHES**  
Code Officer



**DONOVAN WILLIAMS**  
Code Officer



## Complaint intake

- Property owner voluntarily corrects the issue after being contacted
- Complaint determined to be unfounded or outside Town jurisdiction

## Notice

- Owner corrects violation within the compliance deadline stated in the notice
- Required documentation, permits, or approvals submitted
- Property passes follow-up inspection

## Inspection

- Violation corrected immediately following inspector visit
- Required permits obtained or corrective work completed  
Inspector verifies no violation exists

## Re-inspection

- Inspector confirms corrective actions were completed
- Remaining deficiencies addressed before escalation
- Case closed upon verification of compliance

# WORKFLOW & ENFORCEMENT PROCESS

## Citation

- Violation corrected within citation compliance period
- Applicable fines paid, if required
- Inspector verifies compliance and closes citation

## Lien

- Outstanding fines and administrative costs paid
- Recorded lien satisfied or released by the Town through mitigation
- Property brought into full compliance prior to lien foreclosure actions

## Special Magistrate

- Respondent complies before or after hearing
- Compliance achieved within timeframe ordered by the Magistrate
- Fine mitigation or reduction may be requested after compliance

## Abatement

- Owner reimburses Town for abatement costs
- Property maintained in continued compliance afterward
- Case closed once nuisance or unsafe condition is eliminated and costs resolved

# WORKFLOW & ENFORCEMENT PROCESS





2026

Building Division  
Expired permits  
Unlicensed work

Planning & Zoning  
Site Plan Modifications without approval

Public Works  
ROW and swale issues  
Law Enforcement (when applicable)

Town Attorney coordination

**INTERDEPARTMENTAL COORDINATION**



**LAUDERDALE  
BY • THE • SEA**

CODE COMPLIANCE  
WORKSHOP

# ENFORCEMENT PHILOSOPHY & TOOLS

## Compliance Philosophy

- Code Compliance's first priority is to gain voluntary **COMPLIANCE**
- Focus on consistency and fairness
- Prioritization based on health, safety, and quality-of-life impacts



# ENFORCEMENT PHILOSOPHY & TOOLS

## Enforcement Tools

- Site visits and inspections
- Door hangers and courtesy notices
- Notices of violation
- Final Orders
- Citations
- Special Magistrate hearings
- Administrative fines
- Liens and abatement actions
- Irreparable harm fines (when appropriate)

# ENFORCEMENT PHILOSOPHY & TOOLS

- The Town adopted a civil citation process in 2021 to supplement the Town's existing Special Magistrate enforcement process under Ordinance 2021-01
- Town utilizes the Broward County Uniform Code Citation Form and follows Florida Statute requirements for code enforcement citations
- Provides Code Compliance Officers with an additional enforcement tool for transient or recurring violations, including:
  - Bulk trash violations
  - Commercial or recreational vehicle storage violations
  - Certain animal-related violations
- Code Compliance Officers may issue citations based on personal investigation and reasonable cause Citations must include:
  - Violation details
  - Applicable code section
  - Penalties and fines
  - Hearing rights
  - Payment instructions

## CIVIL CITATION PROCESS



# ENFORCEMENT PHILOSOPHY & TOOLS

## CIVIL CITATION PROCESS

- Each day a violation continues constitutes a separate civil infraction
- Civil penalties may include:
  - Up to \$250 for a first violation
  - Up to \$500 for repeat violations
  - Up to \$5,000 for irreparable or irreversible violations
- Respondents must either:
  - Pay the citation, or
  - Request a hearing before the Special Magistrate within 10 calendar days
- Failure to respond or appeal constitutes an admission of the violation and waiver of hearing rights Civil penalties are due immediately and payable within 20 days unless appealed
- Respondents may also be responsible for hearing costs if the citation is upheld

# ENFORCEMENT PHILOSOPHY & TOOLS

## Proactive Enforcement Initiatives

- Neighborhood sweeps
  - Officer patrol for general review of neighborhoods, commercial areas of the beach
  - Dedicated sweeps for a particular purpose (sign pollution)
- Commercial corridor inspections
- Weekend and after-hours enforcement needs

## ROLE OF CODE COMPLIANCE

- Role of Code Compliance in protecting community character, safety, resiliency, and property values
- Importance of balancing proactive enforcement with customer service, economic vitality, and neighborhood preservation
- Relationship between Code Compliance, Building, Planning & Zoning, Public Works, and public safety initiatives

## MISSION AND GUIDING PRINCIPLES

- Voluntary Compliance
- Education first
- Consistency and fairness
- Transparency and accountability
- Voluntary compliance whenever possible
- Due process protections for property owners and businesses
- Strategic and proactive neighborhood preservation

# LEGAL FRAMEWORK AND AUTHORITY

- Town Code Chapter 6.5
- Florida Statutes & Regulatory Authority
  - F.S. Chapter 162 - Local Government Code Enforcement
- Resolution 2014-22
- Recent State Legislative Updates
  - SB 60

## RESOLUTION 2014-22 – CODE RELIEF POLICY

- Adopted revised Town Code Settlement Policy for reduction of code fines and liens
- Delegated limited settlement authority to the Town Manager
- Established formal application procedures for lien/fine relief
- Requires supporting documentation and non-refundable application fee
- Generally requires property compliance before relief is granted
- Allows limited relief consideration during property sales/transfers Relief prohibited for Town foreclosure cases without Town Attorney approval



## RESOLUTION 2014-22 – CODE RELIEF POLICY

- Town Manager may approve reductions within purchasing authority and less than 50% of amount owed
- Larger reductions require Town Commission approval
- Evaluation factors include:
  - Severity of violation
  - Length of noncompliance
  - Corrective actions taken
  - Hardship/equitable considerations
  - Homestead status
  - Impact on property sale or restoration
- Relief contingent upon payment and completion of compliance requirements
- Failure to comply reinstates original penalties
- Relief decisions are discretionary and not appealable



## CODE COMPLIANCE PROCESS COSTS

- Staff time associated with complaint intake, investigation, inspections, documentation, and follow-up
- Administrative costs related to case tracking, notices of violation, affidavits, and legal advertisements
- Costs associated with repeat inspections and ongoing monitoring of noncompliant properties
- Hearing costs related to Special Magistrate proceedings, including agenda preparation, recordings, and staff attendance and magistrate attendance.
- Legal expenses associated with enforcement actions and litigation support where needed.
- Potential abatement costs incurred by the Town for nuisance removal, unsafe structures, landscaping, or emergency corrective actions



## CODE COMPLIANCE PROCESS COSTS CONTINUED

- Recording and processing fees associated with liens, satisfactions, and compliance documentation
- Technology and software costs for code case tracking
- Vehicle, fuel, equipment, and operational costs associated with field inspections and enforcement activities
- Personnel training and certification requirements for code compliance staff
- Overtime or after-hours enforcement costs for special operations, recurring violations, or emergency situations
- Costs associated with community outreach, education, and voluntary compliance initiatives designed to reduce enforcement actions



## TOWN DATA AND TRENDS

- Repeat offender statistics
- Properties with liens with a total amount more than \$100,000
- Top Violation Categories
- Vacation Rental Enforcement

## WHAT HAVE WE BEEN DOING?

- COST RECOVERY LETTERS
- PATROL
- TRADITIONAL CODE COMPLIANCE PROCESS
- NOTICE OF INTENT TO FORECLOSE





## WHAT WE CAN DO?

- Foreclosure
- Civil Judgments
- Amnesty Programs
  - Purpose of Amnesty Programs
  - Overview of Amnesty Program Model
  - Common Elements of Existing Amnesty Programs
  - Potential Amnesty Program Concepts for Consideration

# FORECLOSURE

- The Town may foreclose on recorded code enforcement liens for unpaid fines and violations.
- Foreclosure requires a judicial process in circuit court with notice to all interested parties.
- Property may ultimately be sold at public auction to satisfy outstanding municipal liens.
- Often considered a last-resort enforcement mechanism for chronic noncompliance.

## Reason Why This Enforcement Avenue is Often Pursued

- Encourages long-term compliance and resolution of unsafe or nuisance properties.
- Demonstrates consistent enforcement and accountability.
- May improve neighborhood conditions and property maintenance.

## Potential Concerns / Legal Challenges

- May create negative public perception regarding displacement or fairness.
- Litigation and foreclosure proceedings can be costly and time intensive.
- Collection may be limited by bankruptcy proceedings and homestead protections.

## LBTS NOTABLE CODE COMPLIANCE ISSUES

- *James Ober v. Town of Lauderdale-By-The-Sea*, -The Town defended its authority to enforce code enforcement liens after a bank foreclosure, resulting in years of appeals, legal costs, and eventual settlement..
- FDG South
  - Resolved long-running foreclosure and code enforcement litigation between the Town and FDG South. Involved the former Holiday Inn and Villa Caprice properties.
  - Approximately \$7.16 million in code enforcement liens and fines were settled. FDG South agreed to pay the Town \$1.65 million as part of the settlement.
  - FDG South agreed to demolish the unsafe Holiday Inn structure. Required restoration of the property, including landscaping, irrigation, and fencing.
  - Town agreed to release liens and dismiss the litigation with prejudice upon compliance.



## POLICY DISCUSSION CONSIDERATIONS

- Whether the Town Commission wishes to explore a temporary lien amnesty program
- Appropriate eligibility standards and exclusions
- Recommended duration of any future program
- Whether reductions should vary based on violation type, repeat offenses, or life-safety impacts
- Coordination with Special Magistrate processes and lien mitigation procedures
- Public outreach and education strategies associated with any future initiative

## COMMON CODE RELATED INQUIRIES

- LANDSCAPE PERMIT REQUIREMENTS FOR SOD REPLACEMENT
- SIGHT TRIANGLE ISSUES
- DOGS ON THE BEACH
- UNPERMITTED BUSINESS OPERATIONS ON THE BEACH
- VACATION RENTAL

# COMMISSION ROUNDTABLE DISCUSSION & PRIORITY SETTING

- Discussion Topics
  - What areas should staff prioritize for enforcement?
- Potential Priority Areas
  - Vacation rental operations
  - Commercial signage and outdoor displays
  - Construction site management and ROW encroachments
  - Property maintenance standards
  - Sight visibility triangle enforcement
  - Seasonal proactive sweeps ( Ex. Dirty roof, overgrown grass)
  - Noise and entertainment-related violations



# COMMISSION DIRECTION/ CONSENSUS ITEMS

- Requested Commission Direction
  - Priority violations going forward
  - Desired performance metrics and reporting frequency
  - Interest in future amnesty initiatives
  - Recommended code amendments or policy changes
  - Public education and outreach initiatives:
    - Mailers
    - Graphics
  - Community workshops

# NEXT STEPS AND IMPLEMENTATION TIMELINE

- Staff Action Items

- Draft enforcement priority list
- Develop implementation strategy
- Evaluate amnesty initiatives
- Identify potential code amendment recommendations



## FOLLOW-UP

Return to Commission with progress updates on direction items.



THANK YOU

