

Chapter 2, Article VI, Division 2, Section 2-173, "Enforcement Procedure."

- (a) The code inspectors have the primary duty of enforcing the various code and ordinances and initiating enforcement proceedings before the special magistrate. No special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsections (c) and (d), if a violation of the codes or ordinances is found, the code inspector shall notify the violator of the violation and give the violator a reasonable time, in light of the nature of the violation, to correct the violation. Should the violation continue beyond the time specified for correction, a hearing before the special magistrate shall be set and notice of the hearing will be provided to the respondent by hand delivery or mailed in accordance with F.S. § 162.12. If the violation is a recurring violation or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the code enforcement special magistrate even if the violation has been corrected prior to the special magistrate hearing, and the notice shall so state.
- (c) 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 request a hearing and notice of such hearing shall be made in accordance with F.S. § 162.12. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the special magistrate hearing, and the notice shall so state. If the repeat violation has been corrected, the special magistrate 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 special magistrate. Fines associated with a finding that a repeat violation exists shall be calculated from the date of first observation to the date of compliance.
- (d) 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 set the matter for hearing before the special magistrate.
- (e) A code inspector may not initiate an investigation of a potential violation by way of an anonymous complaint. A person who reports a potential violation of an ordinance must provide his or her name and address before an investigation may occur. This subsection 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, or to those investigations initiated under the authority derived from Chapter 22, Article VI, "Contractors."
- (f) If two complaints have been filed against a person and/or property within a one-year period and no violations have been identified or verified, then the county manager may require any subsequent complaint against that person and/or property be written and under oath and/or otherwise limit further investigation.

- (g) If the owner of property that is subject to an enforcement proceeding before the special magistrate or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:
- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
  - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
  - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
  - (4) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.
  - (5) Failure to make the disclosures described in paragraphs (1), (2), and (3) 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. Nothing herein shall prevent the county from continuing to prosecute the pending code enforcement proceeding to its conclusion against either the previous owner and/or the new owner.