

**ORDINANCE NO. 2020-\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ORDINANCE NO. 99-02, AS AMENDED, WHICH ESTABLISHED A CODE ENFORCEMENT BOARD FOR NASSAU COUNTY, FLORIDA; SPECIFICALLY AMENDING ARTICLE III, SECTION 1-60, ADMINISTRATIVE FINES, LIENS; PROVIDING, PURSUANT TO FLORIDA STATUTES, CHAPTER 162.09(3)(D), THAT THE FINES SHALL INCREASE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County has found it necessary to amend Ordinance No. 99-02 to increase the administrative fines pursuant to Florida Statutes, Chapter 162.09(3)(d).

**NOW, THEREFORE BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 99-02, as amended shall be further amended as follows:

1. **SECTION 1-60. ADMINISTRATIVE FINES; LIENS**

(a) The code enforcement board, upon notification by the code enforcement officer that an order of the code 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 for each day the violation continues. The amount of the fine is set forth herein. If a finding of a violation or repeat violation has been made, a hearing is not necessary for the issuance of an order imposing a fine.

(b) (1) ~~A fine imposed shall not exceed two hundred fifty dollars (\$250.00) per day for the first violation and shall not exceed one thousand dollars (\$1,000.00) per day for a repeat violation.~~ Pursuant to Florida Statutes, Chapter 162.09(3)(d), a fine imposed shall not exceed one thousand dollars (\$1,000.00) per day for a first violation. The minimum fine per day shall be two hundred fifty dollars (\$250.00) per day for the

first violation; shall not exceed five thousand dollars (\$5,000.00) per day for a repeat violation and up to fifteen thousand dollars (\$15,000.00) per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

(2) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation; and
- c. Any previous violations committed by the violator.

(3) The code enforcement board may reduce a fine imposed pursuant to this article.

(c) ~~An~~ Additional fines may be imposed to cover all costs incurred in enforcing the particular code to include title searches in cases wherein a lien is imposed and costs of repairs. The costs shall be determined by the board based upon information to be provided by the county manager or his designee. In determining the amount, the board shall consider the information provided by the county manager or his designee, and the criteria in subsection (b)(2) above.

(d) A certified copy of an order imposing a fine 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 may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, 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 to foreclose on a lien filed pursuant to this article, whichever comes first. A lien arising from a fine pursuant to this section runs in favor of the local governing body and the local governing body may execute a satisfaction or release of the lien by the board of county commissioners pursuant to this section. After three (3) months from the filing of such lien which remains unpaid, the code enforcement board may authorize the county attorney to foreclose on the lien or to sue to recover a money judgment of the amount of the lien plus accrued interest. No lien or money judgment created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under section 4, art. X of the Florida Constitution.

2. This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

**DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

\_\_\_\_\_  
DANIEL B. LEEPER  
Its: Chair

ATTEST AS TO CHAIR'S SIGNATURE:

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JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the Nassau County  
Attorney:

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MICHAEL S. MULLIN