



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 25, 2014

Honorable Don Barbee Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Shannon Andrews, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-9, which was filed in this office on April 25, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/mrh

Enclosure

## Shanna Andrews

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Friday, April 25, 2014 12:24 PM  
**To:** Shanna Andrews  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando20140425\_Ordinance2014\_9\_Ack.pdf

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**From:** Shanna Andrews [<mailto:sandrews@co.hernando.fl.us>]  
**Sent:** Friday, April 25, 2014 10:42 AM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

<b>Sender Full Name:</b>	<b>Shanna Andrews</b>
<b>Sender Phone number:</b>	<b>352-540-6738</b>
<b>County Name:</b>	<b>Hernando</b>
<b>Ordinance Number:</b>	<b>2014-09</b>

*Shanna Andrews*  
*Administrative Services*  
Hernando County Clerk of Circuit Court  
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ORDINANCE NO. 2014-9

1  
2  
3 AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, RELATING TO  
4 MORTGAGED REAL PROPERTY; AMENDING THE CODE OF  
5 ORDINANCES OF HERNANDO COUNTY, FLORIDA, BY AMENDING  
6 CHAPTER 15 (HEALTH AND SANITATION), BY ADOPTING ARTICLE  
7 10 "FORECLOSURE REGISTRY/REAL PROPERTY MORTGAGE  
8 REGISTRATION SYSTEM"; PROVIDING PURPOSE AND INTENT,  
9 DEFINITIONS, AND APPLICABILITY; REQUIRING MORTGAGEE  
10 REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN  
11 DEFAULT; PROVIDING FOR MAINTENANCE REQUIREMENTS;  
12 PROVIDING FOR SECURITY AND POSTING REQUIREMENTS;  
13 PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN  
14 THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY AND  
15 CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE  
16 DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE  
17 DATE.

18  
19 WHEREAS, the mortgage foreclosure crisis has serious negative implications for all  
20 communities trying to manage the resulting vacant properties, increases in crime, homelessness,  
21 and other problems that stem from family financial crisis; and

22  
23 WHEREAS, Hernando County has determined local codes must be adopted to mitigate  
24 the negative impact of foreclosures and abandoned or vacant property; and

25  
26 WHEREAS, vacant foreclosed homes quickly become nuisances, grass and weeds grow,  
27 swimming pools become stagnant, public health hazards, landscaping either dies or grows out of  
28 control, windows are broken, and exteriors suffer damage from normal wear-and-tear and  
29 vandalism, that impact community appearance; thus resulting in loss of property value on  
30 neighboring residences then on neighborhoods, and ultimately the entire community; and

31  
32 WHEREAS, registration requires the personal contact information of the owner or other  
33 responsible party who may be personally liable for any violation of codes when such person is or  
34 was the person owning or managing, controlling, or acting as agent in regard to buildings or  
35 premises; and

36  
37 WHEREAS, most mortgages contain clauses allowing mortgagees to enter onto the  
38 mortgaged property and prevent waste, damage and correct or abate nuisances; and

39  
40 WHEREAS, in the absence of the owner of the property, it is appropriate for Hernando  
41 County to expect and demand the mortgagee exercise their powers and be responsible to inspect  
42 and maintain the mortgaged property if it is abandoned or vacant while the owner is default on  
43 the mortgage; and

44  
45 WHEREAS, Hernando County finds that neighborhoods should be protected from  
46 becoming blighted through the lack of adequate maintenance and security of abandoned and  
47 vacant properties subject to mortgages that are in default; and

1           **WHEREAS**, Hernando County finds that the mortgagee’s registration of abandoned and  
2 vacant real property, or property subject to a mortgage which is in default, will establish a  
3 contact person for Hernando County to address concerns regarding the maintenance and security  
4 of the property; and  
5

6           **WHEREAS**, Hernando County finds that it is in the public interest to address safety,  
7 community appearance, and aesthetic concerns to assure that property subject to a mortgage in  
8 default or foreclosure will continue to be maintained and secured and that blight will not occur.  
9

10           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
11 Hernando County that:  
12

13 **SECTION I. CHAPTER 15 (HEATH AND SANITATION) is hereby amended to adopt**  
14 **Article X (FORECLOSURE REGISTRY/ REAL PROPERTY MORTGAGE**  
15 **REGISTRATION SYSTEM). Chapter 15 (Health and Sanitation) of the Hernando County**  
16 **Code of Ordinance is amended to adopt Article X, Foreclosure Registry/Real Property Mortgage**  
17 **Registration System with the following language added in its entirety:**  
18

19 **ARTICLE X. FORCLOSURE REGISTRY/ REAL PROPERTY MORTGAGE**  
20 **REGISTRATION SYSTEM**  
21

22           **Sec. 15-252. Purpose and Intent:** It is the purpose and intent of this article to protect  
23 community appearance by establishing a process to mitigate the amount of deteriorating  
24 property located within Hernando County, which is in default and vacant, which a public  
25 notice of default has been filed regardless of occupancy, is in foreclosure, or where  
26 ownership has been transferred to the lender or mortgagee by any legal method. It is  
27 further intended to establish a registration program as a mechanism to protect  
28 neighborhoods from becoming blighted through the lack of adequate maintenance of  
29 abandoned and vacated properties subject to a mortgage or properties subject to  
30 mortgages that are in default.  
31

32           **Sec. 15-253. Definitions.** The following words, terms, and phrases, when used in this  
33 chapter, shall have the meanings ascribed to them, except where the context clearly  
34 indicates a different meaning.  
35

36           *Abandoned real property* means any real property that is vacant or shows evidence of  
37 vacancy and/or is under a current notice of default, notice of mortgagee’s sale, pending  
38 tax assessor’s lien sale and/or properties that have been the subject of a foreclosure sale  
39 where title is retained by the beneficiary of a mortgage involved in the foreclosure, and  
40 any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any  
41 other legal means.  
42

43           *County* means Hernando County, Florida.  
44

45           *Default* means mortgagee declares said mortgage to be in default either in writing, by  
46 recording a lis pendens, or by its actions, or commences foreclosure proceedings.  
47

1           *Enforcement officer* means any authorized agent or employee of Hernando County whose  
2 duty it is to assure code compliance.

3  
4           *Evidence of vacancy* means any condition that on its own, or combined with other  
5 conditions present would lead a reasonable person to believe that the property is vacant.  
6 Such conditions may include, but not be limited to, overgrown and/or dead vegetation,  
7 electricity, water or other utilities turned off, stagnant swimming pool, statements by  
8 neighbors, passers-by, delivery agents or government agents, among other evidence.

9  
10           *Foreclosure* means the judicial process by which a property, placed as security for a  
11 mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon  
12 which the borrower has defaulted.

13  
14           *Local Property Manager* means an individual property manager, property management  
15 company, property maintenance company, agent for the property, or similar entity located  
16 within the County, designated by the owner or mortgagee who is responsible for the  
17 maintenance of abandoned real property.

18  
19           *Property* means any improved real property, or portion thereof, situated in the  
20 unincorporated County, designed or permitted to be used for dwelling purposes, and shall  
21 include the buildings and structures located on such improved real property.

22  
23           *Vacant* means any building or structure that is not lawfully occupied or inhabited by  
24 human beings.

25  
26           **Sec. 15-254. Applicability.** This Foreclosure Registry/Real Property Mortgage Registration  
27 System relates to all abandoned and vacant property subject to a mortgage that has been  
28 determined by the mortgagee to be in default, regardless of when the default has  
29 occurred. This article shall be considered cumulative and is not superseding or subject to  
30 any other law or provision for same, but shall rather be an additional remedy available to  
31 the County above and beyond any other state or local provisions for same.

32  
33           **Sec. 15-255. Registration of real property mortgagee holding mortgages in default.**

- 34  
35           (a) Any mortgagee who holds a mortgage on real property located within Hernando  
36 County shall perform an inspection of the property that is the security of the  
37 mortgage, upon default by the mortgagor, or issuance of a notice of default. If the  
38 property is found to be vacant or shows evidence of vacancy, it shall be deemed  
39 abandoned and the mortgagee shall, within ten (10) days of the inspection, register  
40 the property with the County Code Enforcement Department, or authorized agent,  
41 on forms provided by the County. A registration is required for each vacant  
42 property.  
43  
44           (b) If the property is occupied but remains in default, it shall be inspected by the  
45 mortgagee or his designee monthly until:  
46           (1) the mortgagor or other parties remedies the default, or

1 (2) it is found to be vacant or shows evidence of vacancy at which time it is  
2 deemed abandoned, and the mortgagee shall, within (10) days of that  
3 inspection, register the property with the County.  
4

5 (c) Each registrant shall designate in writing a local property manager to inspect,  
6 maintain, and secure the real property subject to the mortgage in default.  
7

8 (d) Registration pursuant to this section shall contain at a minimum the name of the  
9 mortgagee and servicer along with the corresponding mailing addresses, email  
10 addresses, and telephone numbers and name of the registrant, owner of the property  
11 and local property manager. The registrant shall certify that the property has been  
12 inspected within the preceding ten (10) days, and certify the evidence of vacancy  
13 and condition of the property. The local property manager shall be responsible to  
14 inspect, secure and maintain the property. The property manager named in the  
15 registration shall be located within Hernando County and available for contact by  
16 the County Monday through Friday between 8:00 a.m. and 5:00 p.m., holidays  
17 excepted.  
18

19 (e) All registrations shall be valid for one calendar year from the date of issuance. An  
20 annual registration fee of \$200 per property shall accompany the registration or \$50  
21 for a modification of registration. There is no fee for modifying contact information  
22 if the organization information remains the same during the effective period of the  
23 last registration payment. Subsequent annual registrations and fees are due on or  
24 before the expiration of the previous registration. Any part of the registration  
25 process may be performed for the County by an agent, independent contractor or  
26 constitutional office for the County pursuant to an agreement or contract approved  
27 by the Board of County Commissioners.  
28

29 (f) This section shall also apply to properties that have been subject of a foreclosure  
30 sale where title is transferred to a beneficiary of a mortgage involved in the  
31 foreclosure and any properties transferred to the mortgagee under a deed in lieu of  
32 foreclosure/sale.  
33

34 (g) Any person or other legal entity that has registered a property under this ordinance  
35 must report any change of information contained in the registration within ten (10)  
36 days of the change.  
37

38 (h) Properties subject to this section shall remain under the annual registration  
39 requirement, inspection, security, and maintenance standards of this article as long  
40 as they remain vacant or having been declared by a mortgagee to be in default.  
41 Once the property is sold or the lis pendens and foreclosure action is terminated, the  
42 mortgagee must provide proof of sale or termination of the legal proceedings to the  
43 County Code Enforcement Department or its authorized agent. The registration and  
44 the mortgagee's continuing obligations under this article will then terminate.  
45

46 (i) Failure of the mortgagee and/or property owner of record to properly register or to  
47 revise from time to time the registration to reflect a change of circumstances as  
48 required by the ordinance shall be deemed a violation of this article.

1  
2 **Sec. 15-256. Maintenance requirements.**  
3

- 4 (a) Properties subject to this ordinance shall be kept free of weeds, overgrown brush,  
5 dead vegetation, trash, junk, debris, building materials; any accumulation of  
6 newspapers, circulars, flyers, notices except those required by federal, state, or local  
7 law; discarded personal items including, but not limited to, furniture, clothing, large  
8 and small appliances; or any other items that give the appearance that the property  
9 is abandoned or not being properly maintained. Weeds, overgrown brush or dead  
10 vegetation over the height limitations imposed by the Hernando County Code of  
11 Ordinances are prohibited.  
12
- 13 (b) The property shall be maintained free of graffiti or similar markings by removal or  
14 painting over with an exterior grade paint that matches the color of the exterior  
15 structure. Yards shall be landscaped and maintained. Landscaping shall include,  
16 but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar  
17 plantings, decorative rock or bark or artificial turf/sod designed specifically for  
18 residential, commercial or industrial installation, as applicable. Landscaping shall  
19 not include weeds, gravel, broken concrete, asphalt, or similar material.  
20
- 21 (c) Maintenance shall include, but not be limited to, watering, irrigation, cutting and  
22 mowing of required landscape or removal of all trimmings and weeds.  
23
- 24 (d) Pools and spas shall be kept in working order so that pool and spa water remains  
25 free and clear of pollutants and debris. Pools and spas shall be secured from public  
26 access.  
27
- 28 (e) Failure of the mortgagee and/or property owner of record to properly maintain the  
29 property shall be deemed a violation of this article.  
30

31 **Sec. 15-257. Security and posting requirements.**  
32

- 33 (a) Properties subject to this ordinance shall be maintained in a secure manner so as not  
34 to be accessible to unauthorized persons.  
35
- 36 (b) A “secure manner” shall include, but not be limited to, the enclosure and locking of  
37 windows, doors, gates and other opening of such size that may allow a child or  
38 adult to access the interior of the property and/or structure. Broken windows shall  
39 be secured by reglazing or boarding.  
40
- 41 (c) If a mortgage on the property is in default on the property and has become vacant or  
42 abandoned, a local property manager shall be designated by the mortgagee to  
43 perform the work necessary to bring the property into compliance with this article,  
44 and the local property manager must perform bi-weekly inspections to verify  
45 compliance with the requirements of this section, and any other applicable laws or  
46 ordinances of Hernando County.  
47

1 (d) When the property becomes vacant or abandoned, it shall be posted with the name  
2 and twenty-four (24) hour emergency contact telephone number for the local  
3 property manager. The posting shall be no less than 18 inches x 24 inches, and  
4 shall be of a font that is legible from the distance of 45 feet. The posting shall  
5 contain the following language:

6 **THIS PROPERTY IS MANAGED BY (Name of Local Property Manager).**  
7 **TO REPORT PROBLEMS OR CONCERNS CALL (Telephone number of**  
8 **Local Property Manager).**  
9

10 (e) The posting shall be placed on the interior of a window facing the street to the front  
11 of the property so that it is visible from the street, or secured to the exterior of the  
12 building/structure facing the street to the front of the property so that it is visible  
13 from the street or if no such area exists, on a stake of sufficient size to support the  
14 posting in a location that is at all times visual from the street to the front of the  
15 property but not readily accessible to vandals. Exterior posting shall be constructed  
16 of and printed with weather-resistant materials.  
17

18 (f) The local property manager shall inspect the property on a bi-weekly basis to ensure  
19 that the property is in compliance with this section. Upon the request of the County,  
20 or its authorized agent, the local property manager shall provide a copy of the  
21 inspection reports to the County.  
22

23 (g) Failure of the mortgagee and/or property owner of record to properly inspect and  
24 secure the property, and post and maintain the signage noted in this section, is a  
25 violation of this article.  
26

27 **Sec. 15-258. Enforcement.**  
28

29 (a) Enforcement officers for the County in the performance of their assigned duties or  
30 functions may issue notice to all violators of this article and shall order that such  
31 violations cease.  
32

33 (b) If necessary, the governing body, or any appropriate official of the governing body,  
34 may institute appropriate action in a court of competent jurisdiction to enjoin any  
35 violation of this article.  
36

37 (c) In addition, any violation hereunder may be prosecuted as described in Chapter 2  
38 (Administration), Article III (Code Enforcement), or Chapter 15, (Health and  
39 Sanitation) Article V (Property Maintenance) of the Hernando County Code of  
40 Ordinances, as amended or renumbered from time to time.  
41

42 (d) Each violation hereunder shall be deemed a separate offense and a separate offense  
43 shall be deemed committed on each day during or on which a violation occurs or  
44 continues.  
45

46 (e) Any violation of this article shall constitute a misdemeanor and shall be punishable  
47 as provided in Chapter 1 (General Provisions), Section 1-8 (General Penalty) of the  
48 Hernando County Code.

