Marguerite Linke

From: Sent: To: Cc: Attachments: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com> Friday, February 27, 2015 2:51 PM Marguerite Linke Ashley Hofecker Hernando20150227_Ordinance2015_2_Ack.pdf

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FLORIDA DEPARTMENT Of STATE

RICK SCOTT Governor **KEN DETZNER** Secretary of State

February 27, 2015

Honorable Don Barbee Jr. Hernando County Clerk's Office 20 North Main Street, Rm. 241 Brooksville, Florida 34601-2800

Attention: Marguerite Linke

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. 2015-2, which was filed in this office on February 27, 2015.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\JAJ\Ordinances\Unsafe Building Abatement Ordinance\Revision Ordinance - Draft 3.wpd, January 26, 2015 (3:23pm) NOTE: <u>additions/deletions</u> = language proposed for addition/deletion to existing Code provisions.

1	ORDINANCE NO.: 2015 - A
2 3 4 5 6 7 8 9 10	AN ORDINANCE AMENDING HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8, ARTICLE II, DIVISION 6 RELATING TO PROVISIONS FOR UNSAFE STRUCTURES AND EQUIPMENT; AMENDING HERNANDO COUNTY CODE § 8-136(B)(3) REGARDING THE ENFORCEMENT PROCEDURE FOR THE ABATEMENT OF UNSAFE STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROSPECTIVE APPLICATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.
12	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO
13	COUNTY, FLORIDA:
14	Section 1. Amending Enforcement Procedure for the Abatement of Unsafe Structures.
15	Hernando County Code § 8-136(b)(3) is hereby amended to read as follows:
16	(3) Chapter 7 of the Standard Unsafe Building Abatement Code is amended by
17	adding the following sections:
18	701.1 Special Assessment and Lien on Property.
19	A. The Board of County Commissioners shall assess the entire cost of demolition
20	and removal including asbestos abatement, the sodding or seeding of the lot,
21	and rodent extermination against the real property in the form of a special
22	assessment lien. When the owner of record or other interested party has abated
23	the unfit or unsafe structure as a result of having received a Notice of Unsafe
24	Building, all costs incurred by the County to the date of abatement shall be
25	assessed against the property in the form of a special assessment. This special

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1		assessment lien upon such property shall be superior to all others except
2		property taxes, and shall include all administrative costs including postal
3		expenses, the cost of newspaper publications, staff time, recording and
4		documentation of inspection (photos, reports, filming), landfill, permit(s), and
5		other associated costs. All assessments shall be paid in full no later than the
6		close of business on the twentieth business day after the owner has received
7		notice of the assessment. Thereafter, the unpaid amount of the assessment
8		will accrue interest at the maximum rate allowed by law.
9	B.	When the owner of record or other interested party has abated the unfit or
10		unsafe structure as a result of having received a Notice of Unsafe Building, all
11		costs incurred by the County to the date of abatement shall be assessed against
12		the property in the form of a special assessment lien. The liens created hereby
13		shall accrue from date of abatement at an interest rate equal to the amount of
14		interest payable on a judgment lien pursuant to Section 55.03, Florida Statutes,
15		as it may be amended from time to time until such time as the costs of
16		abatement is placed on the "Non-ad valorem assessment roll" as defined by
17		Section 197.102, Florida Statutes. If Section 55.03, Florida Statutes is
18		repealed, then the liens created hereby shall accrue at the interest rate in effect
19		prior to its repeal. The liens created hereby shall bear, on its face, the rate of
20		interest that is payable on the lien. The failure to bear the rate of interest on the

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1	lien s	shall not invalidate the lien. The rate of interest shall be established on the
2	date	the violation is abated by the County.
3	C. <u>B.</u> Upor	n completion of the actions undertaken by the County abatement of an
4	unsat	fe structure, the Building Official shall notify in writing the owner that a
5	speci	al assessment has been imposed on the property. The notice shall be
6	deliv	ered by certified mail, return receipt requested. The notice of assessment
7	shall	set forth the following:
8	1.	A description of the unsafe structure, a description of the actions taken
9		by the County to substantially repair or demolish the building,
10		structure, electrical, gas, mechanical or plumbing system or portion
11		thereof, and the fact that the property has been assessed for the costs
12		incurred by the County to substantially repair or demolish the building,
13		structure, electrical, gas, mechanical or plumbing system or portion
14		thereof, and any other costs related thereto.
15	2.	The aggregate amount of such costs, and an itemized list of such costs.
16	3.	That the County has recorded the assessment as a special assessment
17		lien against the property and that will incur interest at the applicable
18		rate provided for herein. The intent of the County to assess interest at
19		the maximum legal rate if not paid within twenty days of the owner's
20		receipt of the notice.

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1	4.	The intent of the County to declare the assessment delinquent and to
2		
		place the assessment on the tax roll as a non-ad valorem assessment if
3		not paid in full within thirty (30) days by the following December 1 st .
4	5.	The potential for the property to be subject to the sale of a tax
5		certificate, bearing interest by law, if the non-ad valorem assessment
6		is not paid as part of the tax bill on the property.
7	6.	The potential for the property to be sold and conveyed by tax deed if
8		the tax certificate is not redeemed by payment of the non-ad valorem
9		assessment in full, plus interest, as required by Florida law.
10	Section 2. Pi	rospective Application. This ordinance shall not affect the validity of any liens
11	recorded prior to this	ordinance's effective date. Non-ad valorem assessments to recover actual costs
12	incurred by the Count	y in abating nuisances pursuant to this article prior to the effective date of this
13	ordinance, that have no	ot been previously included in a recorded lien, may be levied against the affected
14	properties, and, if not	timely paid in full, may be placed on a non-ad valorem assessment roll at the
15	next available opportur	nity. All actions taken by County officials and employees to that end are ratified
16	and confirmed herewith	1.
17	Section 3. Se	verability. It is declared to be the intent of the Board of County Commissioners
18	that if any section, sub-	section, clause, sentence, phrase, or provision of this ordinance is for any reason
19	held unconstitutional	or invalid, the invalidity thereof shall not affect the validity of the remaining
20	portions of this ordinar	nce.

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1	Section 4. Inclusion in the Code. It is the intention of the Board of County Commissioners
2	of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
3	become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
4	section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the
5	word "ordinance" may be changed to "section, "article," or other appropriate designation.
6	Section 5. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict
7	with the provisions of this ordinance are hereby repealed.
8	Section 6. Effective Date. This ordinance shall take effect immediately upon receipt of
9	official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
10	been filed with said office.
11	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
12	HERNANDO COUNTY in Regular Session this 24th day of February, 2015.
13 14 15 16 17	BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA
13 14 15 16 17 18 19	Attest: DONALE CORRECTOR ANDEE, JR. BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA By: MICHOLAS W. MICHOLSON
13 14 15 16 17 18 19 20 21	Attest:
13 14 15 16 17 18 19 20	Attest: DONALDOCOMARDEE, JR. BOARD OF COUNTY COMMISSIONERS HERNANDO COUNTY, FLORIDA By: Micholas W. Micholson