

ORDINANCE NO.: 2008-07

AN ORDINANCE AMENDING SECTION 2-55, HERNANDO COUNTY CODE OF ORDINANCES, ADDING PROVISIONS RELATING TO THE PRIORITY OF LIENS CREATED PURSUANT TO THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. Adding a subsection (c) to section 2-55, Hernando County Code of Ordinances, providing for priority of liens created pursuant to the Code; indicating new language by underlining, as follows:

Sec. 2-55. Recovery of unpaid civil penalties; unpaid penalty to constitute a lien; foreclosure.

(a) The county may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties imposed under this supplemental code enforcement procedure.

(b) A certified copy of an order imposing a civil penalty may be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists or existed; provided that if the violator does not own the land, upon any other real or personal property owned by the violator; and that it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the county may foreclose or otherwise execute on the lien.

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CLERK OF COUNTY OF FLORIDA

(c) Each and every county lien existing from the delivery of county services, including liens for special assessments, code enforcement, special master orders, and the like, shall be deemed to be prior in dignity to any other lien, including mortgages, irrespective of the date of the recording of the county's lien or the date of the recording of any mortgage or any other lien on real property, and such lien shall survive any action to foreclose such inferior lien whether such inferior lien arises by virtue of a mortgage, a mechanic's lien or other security interest in real property; provided, however, that nothing herein contained shall be construed to be respecting the priority of liens, and where a law or statute specially provides for the priority of liens, the provisions hereof shall be construed to achieve harmony therewith.

SECTION 7. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. Codification.

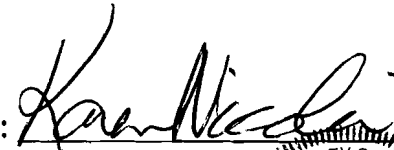
It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.


SECTION 6. Effective date.

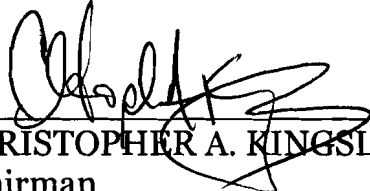
This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

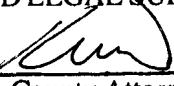
**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
HERNANDO COUNTY** in Regular Session this 1st day of April, 2008.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: 
KAREN NICOLAY
Clerk



By: 
CHRISTOPHER A. KINGSLEY
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY:  kw 4/1/08
County Attorney's Office