



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 16, 2014

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

Attention: Ms. Amy Stephens, Deputy Clerk II

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. 2014-19, which was filed in this office on September 16, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ERL/lb

1 scenarios, will help to replenish the funding needed to continue to abate unsafe structures and
2 systems, to keep our communities safe.

3 **Section 2. Amending Enforcement Procedure for the Abatement of Unsafe Structures.**

4 Hernando County Code § 8-136(b)(3) is hereby amended to read as follows:

5 (3) Chapter 7 of the Standard Unsafe Building Abatement Code is amended by
6 adding the following sections:

7 701.1 Special Assessment of Costs and Lien on Property.

8 A. ~~The Building Official~~ Board of County Commissioners shall assess
9 the entire cost of demolition and removal including asbestos abatement, the sodding
10 or seeding of the lot, and rodent extermination against the real property in the form
11 of a special assessment lien. This special assessment lien upon such property shall
12 be superior to all others except property taxes, and shall include all administrative
13 costs including postal expenses, the cost of newspaper publications, staff time,
14 recording and documentation of inspection (photos, reports, filming), landfill,
15 permit(s), and other associated costs.

16 B. When the owner of record or other interested party has abated the
17 unfit or unsafe structure as a result of having received a Notice of Unsafe Building,
18 all costs incurred by the County to the date of abatement shall be assessed against the
19 property in the form of a special assessment lien. The liens created hereby shall
20 accrue from date of abatement at an interest rate equal to the amount of interest

1 payable on a judgment lien pursuant to Section 55.03, Florida Statutes, as it may be
2 amended from time to time until such time as the costs of abatement is placed on the
3 “Non-ad valorem assessment roll” as defined by Section 197.102, Florida Statutes.
4 If Section 55.03, Florida Statutes is repealed, then the liens created hereby shall
5 accrue at the interest rate in effect prior to its repeal. The liens created hereby shall
6 bear, on its face, the rate of interest that is payable on the lien. The failure to bear the
7 rate of interest on the lien shall not invalidate the lien. The rate of interest shall be
8 established on the date the violation is abated by the County.

9 ~~C. A lien shall be filed in the County's official record book showing the~~
10 ~~nature of such lien, the amount thereof, and an accurate legal description of the~~
11 ~~property, including the street address and the date of filing, and shall recite the names~~
12 ~~of the interested parties notified. Such lien shall bear interest from such date at the~~
13 ~~rate of 18 percent (18%) per annum and may be foreclosed if unsatisfied after the~~
14 ~~expiration of one (1) year from the date of filing as other liens may be enforced by~~
15 ~~the County.~~

16 C. Upon completion of the actions undertaken by the County, the
17 Building Official shall notify in writing the owner that a special assessment has been
18 imposed on the property. The notice shall be delivered by certified mail, return
19 receipt requested. The notice of assessment shall set forth the following:

- 1 1. A description of the unsafe structure, a description of the
2 actions taken by the County to substantially repair or
3 demolish the building, structure, electrical, gas, mechanical or
4 plumbing system or portion thereof, and the fact that the
5 property has been assessed for the costs incurred by the
6 County to substantially repair or demolish the building,
7 structure, electrical, gas, mechanical or plumbing system or
8 portion thereof, and any other costs related thereto.
- 9 2. The aggregate amount of such costs, and an itemized list of
10 such costs.
- 11 3. That the County has recorded the assessment as a special
12 assessment lien against the property and that will incur
13 interest at the applicable rate provided for herein.
- 14 4. The intent of the County to declare the assessment delinquent
15 and to place the assessment on the tax roll as a non-ad
16 valorem assessment if not paid in full within thirty (30) days.
- 17 5. The potential for the property to be subject to the sale of a tax
18 certificate, bearing interest by law, if the non-ad valorem
19 assessment is not paid as part of the tax bill on the property.
- 20 6. The potential for the property to be sold and conveyed by tax

1 deed if the tax certificate is not redeemed by payment of the
2 non-ad valorem assessment in full, plus interest, as required
3 by Florida law.

4 ~~701.2 Enforcement. Upon a petition to the circuit court, a lien shall be enforceable~~
5 ~~in the same manner as a court judgement by the sheriffs of this state, including~~
6 ~~execution and levy against the personal property owned by the violator, but such~~
7 ~~order shall not be deemed to be a court judgement except for enforcement purposes.~~
8 ~~Costs incurred by the county and recorded as a lien shall continue to accrue interest~~
9 ~~charges until judgement is rendered or a suit is filed pursuant to this code, whichever~~
10 ~~occurs first. A lien arising from the costs incurred by the county runs in favor of~~
11 ~~Hernando County, and Hernando County may execute a satisfaction or release of the~~
12 ~~lien entered pursuant to this code. After 1 year from the filing of any such lien which~~
13 ~~remains unpaid, the Building Official or his/her designee may authorize the County~~
14 ~~Attorney to foreclose on the lien or sue to recover a money judgement for the amount~~
15 ~~of the lien plus accrued interest. No lien created pursuant to the provision of this part~~
16 ~~may be foreclosed on real property which is a homestead under s. 4, Art. X of the~~
17 ~~State Constitution. The money judgement provisions of this code shall not apply to~~
18 ~~real property or personal property which is covered under s. 4(a), Art. X of the State~~
19 ~~Constitution.~~

20 ~~The county shall have the right to compromise or settle any lien by accepting~~

1 ~~payment of less than the full amount of the lien as to any accrued interest and for~~
2 ~~good cause. For liens where a proposed compromise or settlement amount as to any~~
3 ~~accrued interest is equal to or greater than two-thirds of the accrued interest plus the~~
4 ~~original principal amount, the Building Official or designee shall have final authority~~
5 ~~to determine existence of good cause and approve such a compromise or settlement~~
6 ~~and to sign or certify a satisfaction of the lien on behalf of the county for entry in the~~
7 ~~official records:~~

8 ~~701.3 Duration of Lien. Such a lien shall constitute notice to any subsequent~~
9 ~~purchasers, successors in interest, or assign. A lien shall not continue for a period~~
10 ~~longer than 20 years after recording unless within that time an action is commenced~~
11 ~~pursuant to this code or applicable law, in a court of competent jurisdiction. In an~~
12 ~~action to foreclose on a lien or for a money judgment, the prevailing party is entitled~~
13 ~~to recover all costs, including a reasonable attorney's fee, that it incurs in the action.~~
14 ~~Hernando County shall be entitled to collect all costs incurred in recording and~~
15 ~~satisfying a valid lien. The continuation of the lien affected by the commencement~~
16 ~~of the action shall not be good against creditors or subsequent purchasers for valuable~~
17 ~~consideration without notice, unless a notice of lis pendens is recorded."~~

18 **Section 3. Adopting Uniform Method of Levying and Collecting Non-Ad Valorem**
19 **Assessments for the Abatement of Unsafe Structures.** A new Hernando County Code § 8-139
20 is hereby created to read as follows:

1 Adopting Uniform Method of Levying and Collecting Non-Ad Valorem Assessments
2 for the Abatement of Unsafe Structures.

3 (1) For each year in which the majority of the Board of County Commissioners
4 votes to use the uniform method to collect unpaid Unsafe Building Abatement Liens,
5 the Board shall adopt an enabling resolution at a public hearing prior to January 1st
6 or, if the Property Appraiser, Tax Collector, and Board of County Commissioners
7 agree, March 1st. The resolution shall state the Board of County Commissioners'
8 intent to collect unpaid Unsafe Building Abatement Liens by means of the uniform
9 non-ad valorem collection method, the need for the levy, the legal descriptions of the
10 real properties subject to the levy.

11 (2) The Board of County Commissioners shall then send the enabling
12 resolution to the Property Appraiser, Tax Collector, and the Florida Department of
13 Revenue by January 10th or, if the Property Appraiser, Tax Collector, and Board of
14 County Commissioners' agree, by March 10th. The Board of County Commissioners
15 shall send the enabling resolution in the manner required by Florida law and any
16 applicable administrative rules of the Florida Department of Revenue.

17 (3) The Board of County Commissioners shall adopt and certify a non-ad
18 valorem assessment roll prior to July 1st in the manner required by Florida law and
19 any applicable administrative rules of the Florida Department of Revenue.

20 (4) All assessments imposed pursuant to this part will be included in the

1 combined notice of ad valorem taxes and non-ad valorem assessments as provided
2 in Fla. Stat. § 197.3635. Non-ad valorem assessments collected pursuant to this part
3 are subject to all collection provisions in Fla. Stat. § 197.3632, including provisions
4 relating to discount for early payment, prepayment by installment method, deferred
5 payment, penalty for delinquent payment, and issuance and sale of tax certificates
6 and tax deeds for nonpayment.

7 (5) The Board of County Commissioners shall compensate the Hernando
8 County Property Appraiser and the Hernando County Tax Collector for their costs
9 in levying and collecting the special assessments provided for herein, at the
10 applicable statutory rates, pursuant to the existing interlocal agreements entered into
11 by Hernando County with the Hernando County Property Appraiser and with the
12 Hernando County Tax Collector.

13 **Section 4. Prospective Application.** This ordinance shall have prospective application only
14 and shall not affect the validity of any liens recorded prior to this ordinance's effective date.

15 **Section 5. Severability.** It is declared to be the intent of the Board of County
16 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
17 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
18 validity of the remaining portions of this ordinance.

19 **Section 6. Inclusion in the Code.** It is the intention of the Board of County Commissioners
20 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall

1 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
2 section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that
3 the word "ordinance" may be changed to "section, "article," or other appropriate designation.

4 **Section 7. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
5 conflict with the provisions of this ordinance are hereby repealed.

6 **Section 8. Effective Date.** This ordinance shall take effect immediately upon receipt of
7 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
8 been filed with said office.

9 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
10 **HERNANDO COUNTY** in Regular Session this 9th day of September, 2014.

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



13
14
15
16 Attest: [Signature]
17 DONALD C. BARBEE, JR.
18 Clerk

19
20 By: [Signature]
21 WAYNE DUKES
22 Chairman

23 Approved for Form and Legal Sufficiency

24 [Signature]
Deputy County Attorney