

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Thursday, January 28, 2016 4:23 PM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20160128_Ordinance2016_1_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 28, 2016

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

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. 2016-1, which was filed in this office on January 28, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

- 1 (1) The mortgagor or other parties remedies the default, ~~or,~~
2 ~~(2) It is found to be vacant or shows evidence of vacancy at which time it is~~
3 ~~deemed abandoned, and the mortgagee shall, within ten (10) days of that~~
4 ~~inspection, register the property with the county.~~
- 5 (c) Each registrant shall designate in writing a ~~local~~ property manager to inspect, maintain,
6 and secure the real property subject to the mortgage in default.
- 7 (d) Registration pursuant to this section shall contain at a minimum the name of the
8 mortgagee and servicer along with the corresponding mailing addresses, email addresses,
9 and telephone numbers and name of the registrant, owner of the property and ~~local~~
10 property manager. The registrant shall certify that the property has been inspected within
11 the preceding ten (10) days, and certify the evidence of vacancy and condition of the
12 property. The ~~local~~ property manager shall be responsible to inspect, secure and maintain
13 the property. The property manager named in the registration shall ~~be located~~ have the
14 ability to inspect, secure and maintain the real property within Hernando County and be
15 available for contact by the county at a minimum Monday through Friday between 8:00
16 a.m. and 5:00 p.m., holidays excepted. National property managers and property postings
17 shall provide for a toll free phone number with 24 hour/7 day per week emergency
18 access.
- 19 (e) All registrations shall be valid for one (1) calendar year from the date of issuance. An
20 annual registration fee of two hundred fifty dollars (~~\$200.00~~ \$250.00) per property shall
21 accompany the registration or fifty dollars (~~\$50.00~~) for a modification of registration.
22 There is no fee for modifying contact information if the organization information remains
23 the same during the effective period of the last registration payment. Subsequent annual
24 registrations and fees are due on or before the expiration of the previous registration. Any
25 part of the registration process may be performed for the county by an agent, independent
26 contractor or constitutional office for the county pursuant to an agreement or contract
27 approved by the board of county commissioners.
- 28 (f) This section shall also apply to properties that have been subject of a foreclosure sale
29 where title is transferred to a beneficiary of a mortgage involved in the foreclosure and
30 any properties transferred to the mortgagee under a deed in lieu of foreclosure/sale.
- 31 (g) Any person or other legal entity that has registered a property under this article must
32 report any change of information contained in the registration within ten (10) days of the
33 change.
- 34 (h) Properties subject to this section shall remain under the annual registration requirement,
35 inspection, security, and maintenance standards of this article as long as they remain
36 vacant or having been declared by a mortgagee to be in default. Once the property is sold
37 or ~~the lis pendens and foreclosure action is terminated~~ is no longer in default, the
38 mortgagee must provide proof of sale or ~~termination of the legal proceedings~~ evidence
39 that the property is no longer in default to the county code enforcement department or its
40 authorized agent. The registration and the mortgagee's continuing obligations under this
41 article will then terminate.
- 42 (i) Failure of the mortgagee and/or property owner of record to properly register or to revise
43 from time to time the registration to reflect a change of circumstances as required by the
44 article shall be deemed a violation of this article.
- 45

1 **Sec. 15-257. - Security and posting requirements.**

- 2 (a) Properties subject to this article shall be maintained in a secure manner so as not to be
3 accessible to unauthorized persons.
- 4 (b) A "secure manner" shall include, but not be limited to, the enclosure and locking of
5 windows, doors, gates and other opening of such size that may allow a child or adult to
6 access the interior of the property and/or structure. Broken windows shall be secured by
7 reglazing or boarding.
- 8 (c) If a mortgage on the property is in default ~~and on~~ the property ~~and~~ has become vacant or
9 abandoned, a ~~local~~ property manager shall be designated by the mortgagee to perform the
10 work necessary to bring the property into compliance with this article, and the ~~local~~
11 property manager must perform bi-weekly inspections to verify compliance with the
12 requirements of this section, and any other applicable laws or ordinances of Hernando
13 County.
- 14 (d) When the property becomes vacant or abandoned, it shall be posted with the name and
15 twenty-four-hour emergency contact telephone number for the ~~local~~ property manager.
16 The posting shall be no less than eighteen (18) inches x twenty-four (24) inches, and shall
17 be of a font that is legible from the distance of forty-five (45) feet. The posting shall
18 contain the following language:
19 THIS PROPERTY IS MANAGED BY (Name of ~~Local~~ Property Manager). TO REPORT
20 PROBLEMS OR CONCERNS CALL (Telephone number of ~~Local~~ Property Manager).
- 21 (e) The posting shall be placed on the interior of a window facing the street to the front of the
22 property so that it is visible from the street, or secured to the exterior of the
23 building/structure facing the street to the front of the property so that it is visible from the
24 street or if no such area exists, on a stake of sufficient size to support the posting in a
25 location that is at all times visual from the street to the front of the property but not
26 readily accessible to vandals. Exterior posting shall be constructed of and printed with
27 weather-resistant materials.
- 28 (f) The ~~local~~ property manager shall inspect the property on a bi-weekly basis to ensure that
29 the property is in compliance with this section. Upon the request of the county, or its
30 authorized agent, the ~~local~~ property manager shall provide a copy of the inspection
31 reports to the county.
- 32 (g) Failure of the mortgagee and/or property owner of record to properly inspect and secure the
33 property, and post and maintain the signage noted in this section, is a violation of this
34 article.

35
36 **SECTION II. APPLICABILITY.** This Ordinance shall be applicable throughout the
37 unincorporated area of Hernando County.

38
39 **SECTION III. SEVERABILITY.** It is declared to be the intent of the Board of County
40 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
41 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
42 the validity of the remaining portions of this ordinance.

1 **SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
2 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
3 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
4 ordinance to the extent of such conflict except for ordinances concerning either adoption or
5 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.
6

7 **SECTION V. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
8 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of
9 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,
10 Tallahassee, FL 32399-0250.
11

12 **SECTION VI. INCLUSION IN CODE.** It is the intention of the Board of County
13 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
14 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
15 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-
16 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,
17 "article," or other appropriate designation. Whereas Clauses, and Sections II through Section VII
18 need not be codified.
19

20 **SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing
21 with the Department of State.
22

23 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 26th **DAY OF**
24 JANUARY **, 2016.**
25

26 BOARD OF COUNTY COMMISSIONERS
27 HERNANDO COUNTY, FLORIDA
28
29
30

31
32 Attest: 
33 DONALD C. STARBREE JR, CLERK

By: 
JAMES E. ADKINS, CHAIRMAN

34 (SEAL)  **SEAL**
35
36
37 **Approved as to Form and**
38 **Legal Sufficiency**

39
40
41 By: 
42