

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AMENDING CHAPTER 40 (BUILDING AND CONSTRUCTION), CHAPTER 53 (CODE ENFORCEMENT), CHAPTER 95 (HEALTH AND SANITATION), CHAPTER 168 (NUISANCES), AND CHAPTER 250 (TRAFFIC) OF THE SEMINOLE COUNTY CODE; PROVIDING AN ADMINISTRATIVE PROCESS EMPOWERING THE COUNTY MANAGER, OR DESIGNEE, TO EXECUTE AND RECORD A SATISFACTION OR RELEASE OF CERTAIN CODE ENFORCEMENT LIENS UPON COMPLIANCE AND FULL PAYMENT OF THE TOTAL AMOUNTS DUE; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seminole County Board of County Commissioners recognizes the need to enforce County codes; and

WHEREAS, the Seminole County Board of County Commissioners recognizes the need to establish fines and impose liens against land for certain violations; and

WHEREAS, the Seminole County Board of County Commissioners has the authority to abate certain nuisances and impose a lien against the land; and

WHEREAS, the Seminole County Board of County Commissioners has the authority to abate certain hazards to traffic safety and impose a lien against the affected land; and

WHEREAS, the Seminole County Board of County Commissioners has identified a need to allow the County Manager, or designee, to execute and record a satisfaction or release of code enforcement liens which are fully complied and paid in full.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

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Section 2. Chapter 40 (Building and Construction) of the Seminole County Code is hereby amended to read as follows:

Chapter 40 – BUILDING AND CONSTRUCTION

* * *

PART 7. SWIMMING POOLS

Sec. 40.110. - Stagnant, foul, etc., waters; removal.

* * *

(b) If any such owner does not comply with the provisions of this Section by draining or cleaning such pool, the County may then proceed with such work and the cost thereof shall be a charge against the owners of such land and shall remain a lien against such land until paid. If the total amount due on the lien is paid in full, including all applicable costs, interest, administrative expenses, and attorney's fees pursuant to this Part, the County Manager or designee shall execute a satisfaction or release of lien and shall cause such to be recorded by Seminole County staff.

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Section 3. Chapter 53 (Code Enforcement) of the Seminole County Code is hereby amended to read as follows:

Chapter 53 – CODE ENFORCEMENT

* * *

PART 2. – CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATES

* * *

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Sec. 53.16. Administrative fines and liens.

(a) A lien arising from a fine imposed pursuant to this Section runs in favor of the Board of County Commissioners, ~~and only. Only~~ the Board may approve or deny a request to waive or reduce the amount due on a recorded code enforcement lien and, if approved, only the Board of County Commissioners shall execute a satisfaction or release of the recorded lien entered pursuant to this Section. Notwithstanding the above, if a violation has been fully remedied and the recorded code enforcement lien has been paid in full, including all applicable costs, interest, administrative expenses, and attorney's fees pursuant to this Part, a satisfaction or release of lien shall be executed by the County Manager or designee and shall be recorded by the Seminole County Code Enforcement Clerk.

* * *

Section 4. Chapter 95 (Health and Sanitation) of the Seminole County Code is hereby amended to read as follows:



Chapter 95 – HEALTH AND SANITATION

PART 1. – NUISANCES

ARTICLE II. – REMOVAL OF NUISANCES FROM PROPERTY

* * *

Sec. 95.18. Lien created. If the owner(s) fails to make payment within the time specified by this Part, the certification of costs assessed against the affected land, as described in Section 95.16, shall be recorded in the official land records of the County and shall create and constitute an order and a lien against such land, payable to the County. More than one (1) lot or parcel of land, by whomever owned, may be joined in any foreclosure action if assessed under the provisions of this Part. Property subject to a lien may be redeemed at any time prior to sale by its owner by

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paying the total amount due under the corresponding lien including all interest, court costs, advertising costs and reasonable attorney's fees. Where a lien recorded pursuant to this Article has been paid in full, including all applicable costs, interest, administrative expenses, and attorney's fees pursuant to this Part, a satisfaction or release of lien shall be executed by the County Manager or designee and shall be recorded by Seminole County staff.

* * *

Section 5. Chapter 168 (Nuisances) of the Seminole County Code is hereby amended to read as follows:

Chapter 168 – NUISANCES

PART 1. – UNOCCUPIED, UNSUITABLE AND DANGEROUS OR UNSAFE BUILDINGS AND STRUCTURES

* * *



Sec. 168.10. Lien created. If the owner fails to make payment within said 15 days, the amount of the certified cost shall be assessed by the Board against the affected land and such assessment shall create and constitute a lien against such land, payable to Seminole County upon said land superior to all other liens except taxes. Said assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the land from the date of the assessment and shall be collectible in the same manner as liens for taxes and with the same attorney's fee, penalties for default in payment, and under the same provisions as to sale and forfeiture, as apply to other County taxes. Collection of such assessments, with such interest and with a reasonable attorney's fee, may also be made by the Board of County Commissioners by proceedings in a court of competent jurisdiction to foreclose the lien of the assessment in the manner in which a lien for mortgages is foreclosed under the Laws of Florida and it shall be lawful

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to join in any complaint for foreclosure any one or more lots or parcels of land, by whomever owned, if assessed under the provisions of this Part. Property subject to lien may be redeemed at any time prior to sale by its owner by paying the total amount due under the corresponding assessment lien including interest, court costs, advertising costs and reasonable attorney's fees. If the total amount of the lien, including all applicable costs, interest, administrative expenses, and reasonable attorney's fees pursuant to this Part, is paid in full, a satisfaction or release of lien shall be executed by the County Manager or designee and shall be recorded by Seminole County staff.

* * *

Section 6. Chapter 250 (Traffic) of the Seminole County Code is hereby amended to read as follows:

Chapter 250 – TRAFFIC

PART 1. TRAFFIC ORDINANCE



* * *

ARTICLE IX. SIGHT DISTANCE HAZARDS

* * *

Sec. 250.94. - Failure of owner to comply with notice.

* * *

(d) If the owner fails to make payment within said ten days, the amount of the certified cost shall be assessed against the affected land and such assessment shall create and constitute a lien in favor of Seminole County upon said land superior to all other liens except taxes. Said assessment shall bear interest at the current legal rate of interest per annum as provided by law and shall constitute a lien upon the land from the date of the assessment and shall be collectible in the same manner as liens for taxes and with the same attorney's fee,



penalties for default in payment, and under the same provisions as to sale and forfeiture, as apply to other County taxes. Collection of such assessments, with such interest and with a reasonable attorney's fee, may also be made by the Board of County Commissioners by proceedings in a court of competent jurisdiction to foreclose the lien of the assessment in the manner in which a lien for mortgages is foreclosed under the Laws of Florida and it shall be lawful to join in any complaint for foreclosure any one or more lots or parcels of land, by whomever owned, if assessed under the provisions of this Part. Property subject to lien may be redeemed at any time prior to sale by its owner by paying the total amount due under the corresponding assessment lien including interest, court costs, advertising costs and reasonable attorney's fees. Where a lien pursuant to this Article has been paid in full, including all applicable costs, interest, administrative expenses, and attorney's fees, a satisfaction or release of lien shall be executed by the County Manager or designee and shall be recorded by Seminole County staff.

* * *



Section 7. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word "ordinance" may be changed to "section", "article", or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 7, 8 and 9 of this Ordinance are not to be codified.

Section 8. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.


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Section 9. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 27 day of August, 2024

ATTEST


GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


JAY ZEMBOWER, Chairman

AFL/sjs
8/26/24

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Certified Copy - Grant Maloy
Clerk of the Circuit Court and Comptroller
Seminole County, Florida



Seminole County Clerk of the Circuit Court and Comptroller
eCertified at 09/04/2024 13:40:04 -04:00
eCertified Id: 9ADE-75I2-519D
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FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 30, 2024

Honorable Grant Maloy
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Dear Honorable Grant Maloy:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Seminole County Ordinance No. 2024-28, which was filed in this office on August 29, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

Certified Copy - Grant Maloy
Clerk of the Circuit Court and Comptroller
Seminole County, Florida



Seminole County Clerk of the Circuit Court and Comptroller
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