

ORDINANCE NO. C-25-19

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 11 - CODE ENFORCEMENT, SECTION 11-12(c), OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING MAXIMUM DAILY PENALTIES FOR CODE VIOLATIONS TO ALIGN WITH CHAPTER 162, FLORIDA STATUTES; REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of Chapter 11 - Code Enforcement, of the City of Fort Lauderdale Code of Ordinances, is to promote, protect, and improve the health, safety, and welfare of the citizens of Fort Lauderdale; and

WHEREAS, Section 11-12(c) of the City's Code of Ordinances limits fines for violations to \$500 per day and up to \$1,000 per day for each day a repeat violation continues beyond the compliance deadline; and

WHEREAS, Section 162.09(2)(d)(a), Florida Statutes, allows counties and municipalities with populations of 50,000 or more to adopt an ordinance that grants code enforcement boards or special magistrates the authority to impose fines beyond these limits; and

WHEREAS, the City of Fort Lauderdale should align the maximum daily penalty for violations in the City's Code of Ordinances with Section 162.09(2)(d)(a), Florida Statutes to enhance compliance efforts and provide a more effective deterrent against violations that impact the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Chapter 11 – Code Enforcement - Section 11-12. - Hearing; Penalties; Liens, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 11-12. - Hearing; penalties; liens.

- (a) The time, date and place set for the board hearing or special magistrate hearing shall be scheduled and notice of the hearing shall be provided to the alleged violator and the Code Inspector by the clerk or clerk's designee. If the Code inspector has reason to believe a

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violation presents a serious threat to the public health, safety and welfare, or is irreparable or irreversible in nature, a special or emergency hearing may be called as provided in Section 11-11(d).

- (b) At the time, date and place set for the hearing, the board or special magistrate shall hear and consider all testimony offered and shall examine and consider all relevant evidence presented. The fact finding determination of the board or special magistrate shall be limited to whether the violation alleged did occur and, if so, whether the violator can be held responsible for that violation. After the conclusion of the hearing, the board or special magistrate shall issue findings of fact and conclusions of law in a written order affording the proper relief consistent with the powers granted in this chapter. An order may include the date by which the violations shall be corrected, a daily fine amount which may be imposed for non compliance with the order, an additional fine may be imposed for the cost of correction of violation by the city and administrative costs of the proceedings. If the violation, or condition causing the violation, presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the board or special magistrate shall notify the city which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed. Making such repairs does not create a continuing obligation on the part of the city to make further repairs or to maintain the property and does not create any liability against the city for any damages to the property if such repairs were completed in good faith. An order of the board or special magistrate shall be announced orally at the meeting and shall be reduced to writing and served on the violator as provided in Section 11-16. A hearing is not required to acknowledge compliance.
- (c) Upon notification by the code inspector to the clerk that an order of the board or special magistrate has not been complied or upon finding that a repeat violation has been committed, a hearing shall be scheduled and notice of the hearing shall be provided to the alleged violator as provided in Section 11-16. The board or special magistrate may issue an order requiring the violator to pay a fine not to exceed ~~five hundred~~ one thousand dollars (~~\$500.00~~1,000.00) per day for each day that the violation continues past the date set by the board or special magistrate for compliance. The board or special magistrate may also issue an order requiring a repeat violator to pay a fine not to exceed ~~one~~ five thousand dollars (~~\$1,000.00~~5,000.00) per day for each day the repeat violation occurs. If the board or special magistrate finds a violation to be irreparable or irreversible in nature, it may impose a fine not to exceed fifteen thousand dollars (\$15,000.00) per violation.

- (d) In determining the amount of daily fines, if any, the board or special magistrate shall consider the following factors:
- (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (e) A certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it shall constitute a lien against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator, and 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 otherwise to be a judgment of a court except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until a judgment is rendered in a suit filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien, which lien remains unpaid, the City Attorney may foreclose upon the lien in the same manner as mortgage liens are foreclosed. The duration and effect of such lien shall be consistent with Florida law. No lien created pursuant to this chapter may be foreclosed on real property which is homestead under S. 4, Art. X of the Florida Constitution.
- (f) In the event the board or the special magistrate believes that a violation presents a serious threat to the public health, safety or welfare, the board or the special magistrate may request approval from the city commission for the city attorney to seek appropriate injunctive relief in the name of the city in the appropriate court.
- (g) The findings, conclusions and order of the board shall be by motion approved by a majority of those present and voting, except that at least four (4) members of the board must vote for the action to be official.

SECTION 2. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

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SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 6th day of May, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

Mayor
DEAN TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN