

ORDINANCE NO. 2024-____

SEMINOLE COUNTY, FLORIDA

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

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

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

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

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

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

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

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

Section 2. Chapter 40 (Building and Construction) of the Seminole County Code is hereby

30 amended to read as follows:

Chapter 40 – BUILDING AND CONSTRUCTION

32 * * *

PART 7. SWIMMING POOLS

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

* * *

36 (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
38 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, the County Manager or designee, shall execute
40 a satisfaction or release of lien and shall cause such to be recorded by Seminole County staff.

* * *

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

Chapter 53 – CODE ENFORCEMENT

* * *

46 **PART 2. – CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATES**

* * *

48 **Sec. 53.16. Administrative fines and liens.**

(a) A lien arising from a fine imposed pursuant to this Section runs in favor of the
50 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

52 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
54 recorded code enforcement lien has been paid in full, a satisfaction or release of lien shall be
executed by the County Manager, or designee, and shall be recorded by the Seminole County Code
56 Enforcement Clerk.

* * *

58 **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

* * *

64 **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
66 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
68 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
70 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
72 been paid in full, including administrative expenses, if applicable, a satisfaction or release of lien
shall be executed by the County Manager, or designee, and shall be recorded by Seminole County
74 staff.

* * *

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

78 **Chapter 168 – NUISANCES**

80 **PART 1. – UNOCCUPIED, UNSUITABLE AND DANGEROUS OR UNSAFE**

80 **BUILDINGS AND STRUCTURES**

* * *

82 **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
84 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
86 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
88 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
90 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
92 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
94 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
96 assessment lien including interest, court costs, advertising costs and reasonable attorney's fees. If
the total amount of the lien, including all costs, interest, and reasonable attorney's fees pursuant to

98 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.

100 * * *

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

Chapter 250 – TRAFFIC

104 **PART 1. TRAFFIC ORDINANCE**

* * *

106 **ARTICLE IX. SIGHT DISTANCE HAZARDS**

* * *

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

* * *

110 (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
112 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
114 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,
116 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
118 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
120 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
122 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
124 lien including interest, court costs, advertising costs and reasonable attorney's fees. Where a lien
pursuant to this Article has been paid in full, a satisfaction or release of lien shall be executed
126 by the County Manager, or designee, and shall be recorded by Seminole County staff.

* * *

128 **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,
130 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
132 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
134 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
136 effect without the invalid provision or application and, to this end, the provisions of this Ordinance
are declared severable.

138 **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.

140 **BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this
_____ day of _____, 20__.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

JAY ZEMBOWER, Chairman

AFL/sjs
7/5/24
C:\Users\ssharrer\ND Office Echo\VAULT-B4HIZ3PD\Ordinance Amendment re Satisfaction of Code Enforcement Liens Jul05(24) 4856-3089-7598 v.4.docx