



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 15, 2013

Mr. Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32303

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 15, 2013 and certified copies of Leon County Ordinance Nos. 13-06 through 13-09, which were filed in this office on March 15, 2013.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

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CLERK DIVISION
BOB INZER
CLERK CIRCUIT COURT

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1 WHEREAS, Leon County has adopted property maintenance codes to regulate standards
2 for the interior and exterior of structures and the condition of property as a whole; and

3 WHEREAS, a foreclosed property registration process is necessary for Leon County to
4 provide a monitoring mechanism and additional enforcement for defaulted properties; and

5 WHEREAS, Leon County finds that the registration process would include properties
6 that have already been foreclosed upon, are currently in the foreclosure process, or may be in the
7 foreclosure process in the future; and

8 WHEREAS, the Leon County Board of County Commissioners has determined that the
9 following additions to the County's code will serve and contribute to promoting and protecting
10 the general health, safety and welfare of the residents of Leon County; and

11 WHEREAS, the Board of County Commissioners desires to enact an ordinance creating
12 Chapter 14, Article V. Leon County Code of Laws, relating to an Abandoned Property
13 Registration Program;

14 BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
15 Florida, as follows, that:

16 **Section 1.** **Recitals Incorporated.** The above recitals are true and correct and by this
17 reference are incorporated herein and made an integral part hereof.

18 **Section 2.** **Abandoned Property Registration Program Enacted.** Chapter 14. Code
19 Enforcement is amended to add a new Article V of Chapter 14 of the Leon County Code
20 (Abandoned Property Registration Program) to read as follows:

21 **CHAPTER 14. PUBLIC NUISANCE**

22 **ARTICLE V. ABANDONED PROPERTY REGISTRATION PROGRAM**

23 **Sec. 14-70.** **Purpose and Intent.**

1 It is the purpose and intent of this Ordinance to establish a process to limit and reduce the
2 deterioration of property located within unincorporated Leon County, which property is in
3 mortgage foreclosure, where ownership has been transferred to a lender or mortgagee by any
4 legal method, or where property is distressed or deemed to be abandoned due to the actions of a
5 mortgagee. It is further intended to establish a registration program as a mechanism to protect
6 neighborhoods from becoming blighted through the lack of adequate maintenance or through
7 distressed and/or abandoned properties which are subject to mortgages that are in default.

8 **Sec. 14-71. Definitions.**

9 The following words, terms and phrases, when used in this Ordinance, shall have the
10 meanings ascribed to them, except where the context clearly indicates a different meaning.

11 *Abandoned* means any building or structure that is not lawfully occupied or inhabited as
12 evidenced by overgrown and/or dead vegetation; electricity, water or other utilities turned off or
13 otherwise non-operational; stagnant swimming pool; or statements by neighbors, passers-by,
14 delivery agents or government agents; or other conditions which would indicate that the property
15 is not lawfully inhabited.

16 *Code Inspector* shall mean those authorized agents or employees of the County whose
17 duty it is to ensure compliance with the Leon County Code of Laws.

18 *Default* means that the mortgagee has filed a foreclosure action or notice of default on the
19 mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said
20 mortgage to be in default either by letter or notice to property owner, by recording a lis pendens,
21 by commencing foreclosure proceedings, or by any other actions demonstrating a breach of a
22 security covenant on a property.

1 *Distressed property* means any real property that is under *default*, or notice of
2 mortgagee's sale, or pending lien sale and/or properties that have been the subject of a mortgage
3 foreclosure sale where title is retained by the mortgagee, and/or any properties transferred under
4 a deed-in-lieu of foreclosure sale, and short sale or any other legal means.

5 *Foreclosure* means the judicial process by which a property, placed as security for a
6 mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the
7 borrower has defaulted.

8 **Sec. 14-72. Registration and Inspection of Distressed Real Property.**

9 (a) Registration. Within ten (10) days of the date of taking an action which results in
10 a property qualifying as *distressed*, a mortgagee who holds a mortgage for any real property
11 located in unincorporated Leon County shall register the property that is the security for the
12 mortgage. A registration is required for each property. Registration pursuant to this section shall
13 contain, at a minimum, the name and mailing addresses of the mortgagee and servicer, as well as
14 the e-mail addresses and telephone numbers of the mortgagee and servicer, and the name of the
15 local property manager and said person's address, e-mail address, and 24-hour telephone
16 number. A local property manager shall be designated at the time of registration and shall be
17 responsible for inspecting, securing, and maintaining the property. The property manager named
18 in the registration shall be located within twenty (20) miles of Leon County and available to be
19 contacted by the County, Monday through Friday between 8:00 a.m. and 5:00 p.m.

20 (b) Within ten (10) days of the date of taking an action which results in a property
21 qualifying as *distressed*, a mortgagee who holds a mortgage for any real property located in
22 unincorporated Leon County shall have the property physically inspected.

(1) If the property is occupied, but the property remains *distressed*, the mortgagee shall register the property as “occupied” and shall inspect the property quarterly until:

(A) the property no longer qualifies as *distressed*, or

(B) the property is found to be *abandoned*, in which case the mortgagee shall update the property’s status to “abandoned” within ten (10) days of the last inspection.

(2) Property which is found to be *abandoned* shall be inspected at least every sixty (60) days by the mortgagee or mortgagee’s designee.

(3) The mortgagee or mortgagee’s designee shall certify that each inspection has taken place and the results of each inspection in writing within three (3) working days of the inspection.

(c) Properties subject to this section shall remain under the registration requirement, and the inspection, security, and maintenance standards of this ordinance as long as they remain *distressed properties*.

(d) Any person or other legal entity that has registered a property under this ordinance must report a change to the information contained in the registration within ten (10) days of the change.

Sec. 14-73. Annual Registration Fee.

An annual registration fee in an amount approved by the Board of County Commissioners shall be paid upon the registration of each *distressed property*.

Sec. 14-74. Posting Requirements.

(a) When a property subject to this Ordinance becomes *abandoned*, it shall be posted with the name and twenty-four (24) hour contact telephone number of the local property manager, unless such posting is prohibited by recorded covenants and restrictions. The posting

shall be no less than 18 inches x 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language, at a minimum, with supporting information:

THIS PROPERTY IS MANAGED BY _____

AND IS INSPECTED ON A REGULAR BASIS.

THE PROPERTY MANAGER CAN BE CONTACTED

BY TELEPHONE AT _____

OR BY EMAIL AT _____

(b) The posting required in subsection (a) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property. Exterior posting shall be weather-resistant.

Sec. 14-75. Maintenance Requirements.

Properties subject to this Article shall be maintained in accordance with all relevant County regulations, including but not limited to those contained in Chapter 5 *Building Construction Regulations*, Chapter 6 *Code Enforcement Board*, Chapter 10 *Land Development Code*, and Chapter 14 *Public Nuisances* of the Leon County Code of Laws.

(a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), abandoned vehicles, discarded personal items including, but not limited to, furniture, clothing, large and

1 small appliances, printed material or any other items that give the appearance that the property is
2 Abandoned.

3 (b) The property shall be maintained free of graffiti or similar markings by removal
4 or painting over with an exterior grade paint that matches the color of the exterior structure.

5 (c) Front, side, and rear yards, including landscaping, shall be maintained in
6 accordance with the Leon County Code of Laws.

7 (d) Pools and spas shall be maintained so that the water remains free and clear of
8 pollutants and debris. Pools and spas shall comply with all requirements of the Leon County
9 Code of Laws and Florida Building Code, as amended from time to time.

10 (e) Properties subject to this Article shall be maintained in a secure manner so as not
11 to be accessible to unauthorized persons or open to the elements. A “secure manner” shall
12 include, but not be limited to, the closure and locking of all windows, doors, gates and other
13 openings of such size that will not allow a child or adult to access the interior of the structure and
14 pool area, if any. Broken windows or doors shall be secured by reglazing or boarding.

15 **Sec. 14-77. Enforcement.**

16 (a) Failure of the mortgagee and/or property owner of record to properly register or to
17 modify the registration to reflect a change of information as required by this Article is a violation
18 of this Article and shall be subject to enforcement pursuant to the Leon County Code
19 Enforcement procedures established in Chapter 6, Leon County Code of Laws.

20 (b) Failure of the mortgagee and/or property owner of record to properly inspect,
21 secure, or properly maintain *distressed* or *abandoned* property, and post and maintain the
22 signage noted in this Article, is a violation of this Article and shall be subject to enforcement

pursuant to the Leon County Code Enforcement procedures established in Chapter 6, Leon County Code of Laws.

Sec. 14-78. Additional Authority.

(a) If an appropriate County Code Inspector has reason to believe that a property subject to the provisions of this Article poses a serious threat to the public health, safety, and welfare, the Code Inspector may bring the violations before the County's Code Enforcement Board or a court of competent jurisdiction as soon as possible to address the conditions of the property.

(b) If there is a finding that the condition of the property poses a serious threat to the public health, safety, and welfare, then the Code Enforcement Board or a court of competent jurisdiction may direct the County to abate the violations and charge the mortgagee with the cost of abatement.

Sec. 14-79. Provisions Supplemental.

In addition to the remedies authorized in the Article, the County may enforce its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by law or ordinance.

Section 3. Severability.

If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

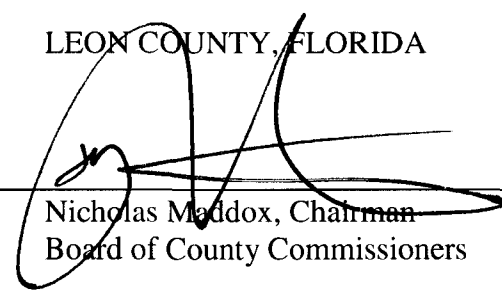
Section 4. Effective Date.

This ordinance shall become effective 120 days from the date of adoption by the Board of County Commissioners.

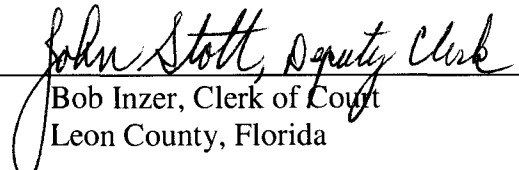
1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
2 County, Florida this 12th day of March, 2013.



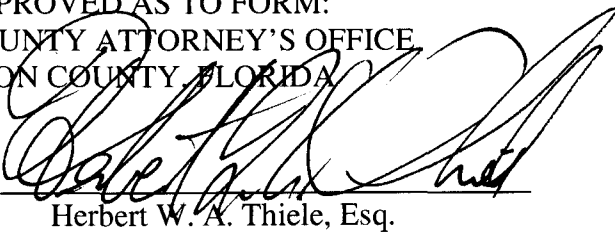
LEON COUNTY, FLORIDA

4 By: 
5 Nicholas Maddox, Chairman
6 Board of County Commissioners

7 ATTESTED BY:
8 BOB INZER, CLERK OF THE COURT
9 LEON COUNTY, FLORIDA

10 By: 
11 Bob Inzer, Clerk of Court
12 Leon County, Florida

13 APPROVED AS TO FORM:
14 COUNTY ATTORNEY'S OFFICE
15 LEON COUNTY, FLORIDA

16 By: 
17 Herbert W. A. Thiele, Esq.
18 County Attorney