

ORDINANCE

15-1

ORDINANCE NO. 15-1

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 8, ARTICLE V, AS PERTAINING TO ABANDONED REAL PROPERTY REGISTRATION; PROVIDING FOR INCLUSION OF CONDOMINIUMS AND OTHER INDIVIDUAL UNITS IN COMMON-INTEREST COMMUNITIES WITHIN SCOPE OF REGISTRATION REQUIREMENT; PROVIDING FOR AUTHORIZED DESIGNEES TO ACT ON BEHALF OF CODE ENFORCEMENT DEPARTMENT; PROVIDING FOR CONFLICT WITH LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners of Hillsborough County has the power to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, in 2009, the Board of County Commissioners adopted an abandoned real property registration ordinance, Ordinance No. 09-59, to require mortgagees to register all abandoned real property in unincorporated Hillsborough County upon the filing of a lis pendens and/or an action to foreclose upon a mortgage and within ten (10) days after determining a property has been abandoned; and

WHEREAS, in 2012, the Board of County Commissioners amended Ordinance No. 09-59 to, among other things, require registration within ten (10) date of filing a lis pendens or action to foreclose on a property regardless of whether the property is vacant and abandoned; to make the registration requirement applicable retroactively; and to exempt from the registration requirement individual units in condominium ownership in accordance with Chapter 718, Florida Statutes, or other individual units in common-interest communities where all exterior elements and common areas are jointly owned and maintenance is the joint responsibility of a community association; and

WHEREAS, the Board of County Commissioners no longer wishes to exempt from the registration requirement individual units in condominium ownership in accordance with Chapter 718, Florida Statutes, or other individual units in common-interest communities; and

WHEREAS, the Board of County Commissioners recognizes that, while the foreclosure of an individual condominium unit and other common interest communities do not automatically trigger concerns about maintenance and upkeep of exterior and common areas because those areas remain commonly owned, it is a benefit to the county for the Code Enforcement Department to be able to identify contacts for these properties in order to address safety and aesthetic concerns that may arise concerning property that is not commonly owned; and

WHEREAS, the Board of County Commissioners recently approved outsourcing the County's Property Registration Program and awarding certain obligations thereunder to a private vendor; and

WHEREAS, the Ordinance does not contemplate outsourcing these certain County obligations, therefore, consistent with Board action, the current language in the ordinance should be amended to reflect that authorized designees may act on behalf of the Code Enforcement Department; and

WHEREAS, the Board of County Commissioners finds that including individual units in condominium ownership or other individual units in common-interest communities as part of the county's real property registration process and updating the current ordinance language to allow authorized designees to act on behalf of the Code Enforcement Department is in the best interest of the citizens of Hillsborough County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 7TH DAY OF JANUARY, 2015, AS FOLLOWS:

- 1. Section 8-151 of the Hillsborough County Code of Ordinances is hereby amended to read:**

CODE ENFORCEMENT DEPARTMENT means a department of Hillsborough County, or its designee, tasked with assuring code compliance.

PROPERTY means any real property, or portion thereof, located in unincorporated Hillsborough County, including building or structures situated on the property. For purposes of this article only, the term "property" does not include property owned or subject to the control of the County or any of its governmental bodies

- 2. Conflicts.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

- 3. Severability.**

If any section, phrase, sentence, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. Inclusion in the Hillsborough County Code.

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition to or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established.

5. Filing of Ordinance and Effective Date.

In accordance with the provisions of Section 125.66, Florida Statutes, as may be amended, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment of this Ordinance. This Ordinance shall take effect upon filing with the Florida Department of State.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and corrected copy of an ordinance adopted by the Board of County Commissioners at its meeting of January 7, 2015, as the same appears of record in Minute Book 464, of the Public Records of Hillsborough County Florida.

WITNESS my hand and official seal this 12th day of January 2015.

PAT FRANK, CLERK OF CIRCUIT COURT

By: Micah D. K. Ditt

Deputy Clerk



Approved By County Attorney
As To Form and Legal Sufficiency

By: DeBora Cromartie-Mincey
Sr. Assistant County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 12, 2015

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Midge Dixon, Deputy Clerk, BOCC Records

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 15-1, which was filed in this office on January 12, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb