

RESOLUTION NO. 21-16

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AUTHORIZING PARTIAL FORGIVENESS OF LIENS IMPOSED PURSUANT TO P.C.C. § 2-625, RELATING TO CODE ENFORCEMENT BY SPECIAL MAGISTRATE, PROVIDING FOR FORGIVENESS OF SPECIFIED ADMINISTRATIVE FINES, COSTS, AND LIENS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pinellas County is Florida's most densely populated county and many of its homes were constructed before 1990;

WHEREAS, Fla. Stat. § 162.09 permits Pinellas County to impose daily accruing fines and impose liens on properties for noncompliance with its code;

WHEREAS, Pinellas County's primary code enforcement goal is compliance, and maintaining safe, healthy, welfare, and preservation of properties;

WHEREAS, Pinellas County has determined that partial lien forgiveness is helpful in encouraging a proportionality between its code compliance efforts and curtailing excessive liens; and

WHEREAS, Pinellas County continues to be an innovative leader in promulgating citizen-friendly policies.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THIS 23rd DAY OF FEBRUARY, 2021, AS FOLLOWS:

Section 1. Pinellas County authorizes the recording of a partial release of any existing aggregate lien(s) imposed by a Special Magistrate for Code Enforcement Division violations that exceed twenty thousand dollars (\$20,000.00) against a property or structure lawfully utilized as a single-family residence. Up to a twenty thousand dollar (\$20,000.00) aggregate lien will remain on the property or structure until the lien is paid and compliance is achieved.

Section 2. Pinellas County authorizes the recording of a partial release of any existing aggregate lien(s) imposed by a Special Magistrate for Code Enforcement Division violations that exceed one hundred thousand dollars (\$100,000.00) against a property or structure that is lawfully utilized, but not as a single-family residence. Up to a one hundred thousand dollar (\$100,000.00) aggregate lien will remain on the property or structure until the lien is paid and compliance is achieved.

Section 3. *Aggregate*, as used herein, refers to the total dollar amount of any lien(s) imposed by a Special Magistrate for one or more Code Enforcement Division violations on a single property or structure. *Aggregate* does not mean the total number of any lien(s) imposed by a Special Magistrate for Code Enforcement Division violations in separate proceedings against

different properties or structures where Code Enforcement Division violations occurred, that are in Pinellas County, and are owned by the same owner(s).

Section 4. This Resolution is intended only to authorize partial releases of any lien(s) imposed by a Special Magistrate for Code Enforcement Division violations on a per-property/per-structure basis, as set forth herein, and does not apply to any hard costs incurred by Pinellas County. Hard costs or fees may include any expenses incurred by Pinellas County in conjunction with enforcing a Code Enforcement Division violation.

Section 5. Nothing herein may be construed to limit Pinellas County's ability to permit the imposition of liens in the future by a Special Magistrate for Code Enforcement Division violations that exceed the threshold limits in this Resolution.

Section 6. Nothing herein may be construed as a release of any other liens imposed by Pinellas County against a property or structure for any other reason, including, but not limited to, a lien imposed for the failure to pay any applicable taxes or pay any applicable utility payments.

Section 7. Nothing herein may be construed to alter or release any liens imposed by the federal government, the State of Florida, another local government, or any other government entity against a property or structure, or to apply to any lien, judgment, order, or decree imposed by a court of competent jurisdiction, imposed as a result of another quasi-judicial proceeding, or an administrative proceeding.

Section 8. For the purposes of this Resolution, an individual unit intended for occupancy by a single family in a multi-family residential building, included, but not limited to, condominiums and townhouses, may be considered a lawfully utilized single-family residence.

Section 9. Upon passage of this Resolution, a partial release of any lien(s) imposed by a Special Magistrate for Code Enforcement Division violations may be recorded in the Official Records of Pinellas County for all liens subject to the Resolution. The Code Enforcement Division will amend its internal records to reflect any partial releases recorded pursuant to this Resolution.

Section 10. This Resolution shall take effect immediately upon its adoption.

Commissioner _____ Flowers _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____ Seel _____, and upon roll call the vote was:

Ayes Eggers, Justice, Flowers, Gerard, Long, Peters, and Seel.

Nayes None.

Absent not voting None.

APPROVED AS TO FORM

By: Diriki T. Geuka
Office of the County Attorney