

ORDINANCE NO.: 2025-__

AN ORDINANCE AMENDING CODE ENFORCEMENT PROCEDURES TO PROMOTE EFFICIENCY AND TO REDUCE COSTS; AUTHORIZING THE CLERK OF THE SPECIAL MASTER PROGRAM TO EXECUTE DEFAULT ORDERS; INCORPORATING RECITALS BY REFERENCE; AUTHORIZING THE COLLECTION OF UNPAID CODE ENFORCEMENT ORDERS BY DEBT COLLECTION AGENCIES; AUTHORIZING ENACTMENT OF VOLUNTARY COMPLIANCE INCENTIVE PROGRAMS BY RESOLUTION; RENAMING OF HERNANDO COUNTY CODE CHAPTER 9 AND REPEALING CABLE TELEVISION FRANCHISING REGULATIONS; AUTHORIZING THE COLLECTION OF DELINQUENT ACCOUNTS BY DEBT COLLECTION AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 8, 2025, the Hernando County Board of County Commissioners (the “Board”) adopted Resolution No. 2025-67; and,

WHEREAS, the Board, by enacting Resolution No. 2025-67, committed Hernando County’s Government to the goals of “identifying unnecessary spending, eliminating waste, and saving taxpayers’ money”; and,

WHEREAS, the Board finds that it can reduce unnecessary costs and wasted time if it allows the special master clerk, as opposed to its special masters, to enter default orders against non-participating defendants; provided, that the Board creates a procedural mechanism by which a special master can vacate a default order upon good cause being shown; and,

WHEREAS, as the Florida Attorney General’s Office opined in AGO 99-03, counties and municipalities are authorized by Fla. Stat. § 162.09 to “enter into an agreement[s] with a collection

1 agency to settle or compromise outstanding liens from code enforcement violations and pursue
2 collection through litigation”; and,

3 WHEREAS, the Board finds that by retaining the services of a debt collection agency, it will
4 promote its code enforcement cost recovery efforts; and,

5 WHEREAS, the Legislature preempted local governments from entering into franchise
6 agreements with cable television providers in Chapter 2007-29, which rendered Hernando County
7 Code Chapter 9, Cable Television, moot; and,

8 WHEREAS, the Board finds that it promotes the twin goals of making government more
9 efficient and reducing unnecessary spending by offering property owners incentives to voluntarily
10 bring their noncompliant properties into compliance with the Hernando County Code.

11 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF HERNANDO COUNTY:

13 **Section 1. Incorporation of Recitals.** foregoing recitals are hereby ratified as being true
14 and correct and are incorporated herein by reference.

15 **Section 2. Clerk to Execute Default Orders.** Hernando County Code § 2-52, “Pre-Hearing
16 Administrative Enforcement Costs; Rights of Violators; Payment of Fines; Right to Appeal; Failure
17 to Pay and Correct, or to Appeal,” is hereby amended to read as follows:

18 (a) If a violation cited under subsection 2-51(b) is corrected before a section 2-54
19 special master hearing, the violator shall pay the enforcement costs incurred by
20 Hernando County. The individual enforcement cost that may be assessed shall be set

1 by the board of county commissioners by resolution. The code officer shall prepare
2 an order specifying the enforcement costs incurred by the county in the enforcement
3 of its codes, and he shall serve a copy of the order on the violator.

4 (b) A violator who has been served with a civil violation notice shall elect either
5 to:

6 (1) Pay the civil penalty in the manner indicated on the civil violation
7 notice, and correct the violation within the time specified on the notice (if
8 applicable); or,

9 (2) Request an administrative hearing before the special master to appeal
10 the decision of the code officer which resulted in the issuance of the civil violation
11 notice.

12 (c) Appeal by administrative hearing of the notice of violation shall be
13 accomplished by filing a request in writing to the address indicated on the notice, no
14 later than twenty (20) calendar days after the service of the notice.

15 (d) If the named violator after notice fails to pay the civil penalty and correct the
16 violation within the time specified (if applicable), or fails to timely request an
17 administrative hearing before the special master, the ~~special master~~ code enforcement
18 clerk shall be informed of such failure by report from the code officer. Failure of the
19 named violator to appeal the decision of the Code Officer within the prescribed time
20 period shall constitute a waiver of the violator's right to administrative hearing before

1 the special master. A waiver of the right to administrative hearing shall be treated as
2 an admission of the violation, and the ~~special master~~ code enforcement clerk shall
3 enter a default order assessing fines against the violator accordingly.

4 (e) Proceedings to Vacate Default Orders. After entry of a default order by the
5 code enforcement clerk pursuant to subpart (d) supra, a special master may set aside
6 a default order entered by the code enforcement clerk pursuant to subpart (d) supra,
7 and set a new hearing date upon the original notice to appear, if a named defendant
8 files a motion seeking such relief within twenty-one (21) calendar days after the
9 service of the default order on the named defendant, and the motion establishes that
10 the defendant's default was the result of either excusable neglect on the defendant's
11 part or the county's failure to comply with the service requirements of Hernando
12 County Code § 2-53.

13 ~~(e)~~(f) If the named violator pays the civil penalty for a correctable violation but
14 does not correct that violation within the time specified, each day that the violation
15 continues beyond such specified time shall constitute a continuing violation.

16 **Section 3. Referral of Unpaid Fines to Collection Agencies.** Hernando County Code §
17 2-56, "Recovery of Unpaid Civil Penalties; Unpaid Penalty to Constitute a Lien; Foreclosure," is
18 hereby amended to read as follows:

1 (a) The county may institute proceedings in a court of competent jurisdiction to
2 compel payment of fines imposed under this supplemental code enforcement
3 procedure.

4 (b) The county may, for the purpose of collecting any delinquent civil penalties
5 or costs from a violator, refer the delinquency to a debt collection agency. The
6 authority of a debt collection agency to compromise such penalties or costs, if any,
7 shall be set forth in the county's contract with the debt collection agency. The
8 collection fee, including any reasonable attorney's fee, paid to any collection agency
9 shall be in accordance with Florida law. Such collection fees shall be added to the
10 unpaid balance.

11 (b) A certified copy of an order imposing fines may be recorded in the public
12 records of the county and thereafter shall constitute a lien against the land on which
13 the violation exists or existed; provided that if the violator does not own the land,
14 upon any other real or personal property owned by the violator; and that it may be
15 enforced in the same manner as a court judgment by the sheriffs of this state,
16 including levy against the personal property, but shall not be deemed to be a court
17 judgment except for enforcement purposes. After three (3) months from the filing of
18 any such lien which remains unpaid, the county attorney's office or debt collection
19 agency, as applicable, may foreclose or otherwise execute on the lien.

1 **Section 4. Authorization of Voluntary Compliance Incentive Programs.** A new
2 Hernando County Code § 2-60, to be entitled “Voluntary Compliance Incentive Programs,” is
3 hereby created to read as follows:

4 The Board may enact, by resolution, incentive programs that promote voluntary
5 compliance with the Hernando County Code. Such an incentive program may
6 provide for non-material deviations from the procedural requirements set forth in
7 Hernando County Code § 2-52.

8 **Section 5. Renaming of Hernando County Code Chapter 9 and Repealing Cable**
9 **Television Franchising Regulations.** Hernando County Code Chapter 9 is hereby renamed from
10 “Cable Television” to “Collection Agencies.” Hernando County Code §§ 9-1 through 9-6, inclusive,
11 are hereby repealed.

12 **Section 6. Authorization of the Collection of Delinquent Accounts by Debt Collection**
13 **Agencies.** A new Article II of Hernando County Code Chapter 9, to be entitled “Utilization of Debt
14 Collection Agencies,” is hereby created to read as follows:

15 Utilization of Debt Collection Agencies

16 Sec. 9-16. Use of Debt Collection Agencies Authorized.

17 The county may engage a third-party debt collection agency to pursue any
18 debt owed to the county, including, but not limited to, special master orders, code
19 enforcement liens, non-ad valorem assessments that are not collected by the
20 “Uniform Method,” and civil restitution lien orders.

1 Sec. 9-17. Authority to Compromise Delinquencies.

2 The authority of a debt collection agency to compromise delinquencies, if
3 any, shall be set forth in the county's contract with the debt collection agency.

4 Sec. 9-18. Collection Cost Recovery; Collection Fees.

5 (a) For each delinquency that the county refers to a debt collection agency, the
6 county shall impose a collection fee, to be calculated as the sum of all of the debt
7 collection costs, including any attorney's fees and court costs, that the county incurs,
8 or will incur, in the debt collection process. In the alternative, the board of county
9 commissioners may, by resolution, set a pass-through collection fee to be added to
10 all delinquencies that the county refers to debt collection agencies.

11 (b) Such collection fees shall be added to the debtor's unpaid balance.

12 **Section 7. Severability.** It is declared to be the intent of the Board of County
13 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
14 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
15 the validity of the remaining portions of this ordinance.

16 **Section 8. Inclusion in the Code.** It is the intention of the Board of County Commissioners
17 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
18 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end,
19 the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and

1 that the word “ordinance” may be changed to “section,” “article,” or any other appropriate
2 designation.

3 **Section 9. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
4 conflict with the provisions of this ordinance are hereby repealed.

5 **Section 10. Effective Date.** This ordinance shall take effect immediately upon receipt of
6 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
7 been filed with said office.

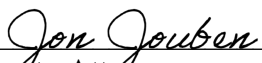
8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
9 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 20__.

10 **BOARD OF COUNTY COMMISSIONERS**
11 **HERNANDO COUNTY, FLORIDA**
12
13
14

15 Attest: _____
16 DOUGLAS CHORVAT, JR.
17 Clerk and Comptroller
18

By: _____
BRIAN HAWKINS
Chairman

19 Approved for Form and Legal Sufficiency
20
21

22  _____
23 County Attorney