

RESOLUTION 2026-14

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BOCC) OF LEVY COUNTY, FLORIDA, AUTHORIZING THE COUNTY MANAGER TO EXECUTE AND RECORD RELEASE OF LIEN OR PARTIAL RELEASE OF CODE COMPLIANCE LIENS UPON FULL PAYMENT OF THE LIEN, FULL PAYMENT OF AMOUNT REDUCED BY THE BOCC, OR OTHERWISE REQUIRED BY LAW; AUTHORIZING THE COUNTY MANAGER TO CONSIDER ANY APPLICATIONS FOR REDUCTION OF CODE COMPLIANCE LIENS AND MAKE RECOMMENDATIONS TO THE BOCC; PROVIDING CRITERIA TO BE FOLLOWED WHEN CONSIDERING APPLICATIONS FOR REDUCTION OF LIENS;; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 162.09(3), Florida Statutes, provides that code compliance liens run in favor of the local governing body, and the local governing body may agree to satisfy or release code compliance liens; and

WHEREAS, the Attorney General of the State of Florida has concluded that code enforcement boards or special magistrates imposing code compliance fines are not authorized to reduce fines after the code compliance order has been recorded in the public records, and that the local governing body is vested with the authority to compromise, reduce, or satisfy liens after such liens have been recorded; and

WHEREAS, the Attorney General also has concluded that a local governing body, such as the BOCC, may delegate its authority to execute satisfactions or releases of code compliance liens so long as such delegation does not result in a complete divestiture of such liens by the BOCC to a private party; and

WHEREAS, the BOCC has previously delegated authority to negotiate a reduction of the amounts due to the County to the County Manager pursuant to Section 2-154(l) of the Levy County Code of Ordinances subject to final approval by the BOCC; and

WHEREAS, this Resolution supplements and supports such delegated authority by providing objective criteria, goals, and objectives in considering reduction requests pursuant to the BOCC's home rule powers and authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOCC OF LEVY COUNTY, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Legislative and Administrative Findings. The above recitals are hereby adopted as the findings of the BOCC.

SECTION 2. Release of Liens: Applications for Reduction of Code Compliance Liens.

- (a) Where a certified copy of an order imposing a penalty or fine relating to a Code Compliance Division case has been recorded in the public records and has become a lien against the land and/or property of the violator/property owner (a lien), the County Manager is authorized to execute and record a release or partial release of a lien where:
 - (1) full payment of the lien amount is made by or on behalf of the violator/property owner; or
 - (2) full payment of a reduced lien amount is made within ninety (90) days after approval of a request for a reduction of a lien submitted in accordance with this Resolution, unless an alternate time period is established at the time of approval; or -
 - (3) the lien is not enforceable under Florida law.
- (b) Applications for a reduction of a lien shall be made in writing to the County Manager or his/her designee and shall include, at a minimum, the following:
 - (1) a copy of the order imposing the lien upon the property;
 - (2) the code compliance case number;
 - (3) the date upon which the violator/property owner brought the subject property into compliance with the City Code;
 - (4) the factual basis upon which the violator/property owner believes the application for reduction or forgiveness of the lien should be granted;
 - (5) the terms upon which the violator/property owner believes a reduction of the lien should be granted;
 - (6) the reasons, if any, compliance' was not obtained prior to the compliance date ordered by the Code Compliance Division; and
 - (7) the amount of the reduction in the lien sought by the violator/property owner.

- (c) Applications shall be executed under oath and sworn to in the presence of a notary public.
- (d) Upon receipt of any request to satisfy, release, or reduce a lien, the County Manager, or his/her designee, shall confirm that the violation which resulted in the order imposing the lien has been brought into compliance. If the violation has not been brought into compliance, a waiver or reductions of the lien shall not be granted.
- (e) The County Manager, or his/her designee, shall then review and consider the application for reduction of the lien pursuant to the following threshold criteria:

(1) if a title insurance policy is issued upon the purchase of the property and the title insurance policy failed to identify the lien, a waiver or reduction of the lien shall not be granted. (2) if the request is for reduction of a previously reduced lien that was not timely paid in accordance with this Resolution or other duly approved written agreement with the County to compromise such lien, a waiver or reduction of the lien shall not be granted.

- (f) If the County Manager, or his/her designee, determines that the above established threshold criteria applies to the request, the County Manager, or his/her designee, shall issue a written denial of the application. If the applicant wishes to appeal the County Manager's threshold determination, the applicant may do so by filing a written appeal with the County Manager asserting why the BOCC should make an exception to its established guidelines within fifteen (15) calendar days of the issuance of the County Manager's written denial. Upon the receipt of a proper and timely appeal; the County Manager shall present the appeal to the Board of Adjustment and Appeals for its consideration and final determination.
- (g) If the County Manager, or his/her designee, determines that a request does not warrant immediate denial pursuant to the above threshold criteria, the County Manager, or his/her designee, shall consider the following factors to determine how much, if any, the amount of the lien should be reduced:

FACTOR	MAXIMUM LIEN REDUCTION
(1) Gravity of the Violation (impact on the public health, safety, and general welfare of the occupant(s) and surrounding properties.)	
(a) Minor	50%
(b) Severe	25%
(2) Time to Come into Compliance from the date Notice of Violation is issued.	

(a) Under 6 months	30%
(b) 6-12 months	20%
(c) 1-2 years	10%
(d) More than two years	0%
(3) Previous Code Violations	
(a) No previous violations found by Code Compliance Board and/or Magistrate	20%
(b) Repeat Violator (as defined in chapter 162, Florida Statutes), or other prior violations found by Code Compliance Board and/or Magistrate	0%
Total Possible Lien Reduction	100%

- (h) In addition to the above stated factors, the County Manager may take into consideration the property owner's financial ability to pay the lien based upon the ratio of property value to outstanding mortgage amount and any pending purchase contracts that could cover all or a portion of the lien.
- (i) The County Manager, or his/her designee, shall present a recommendation to the BOCC regarding requests for code compliance lien reductions submitted in accordance with this Resolution, based on the above stated lien reduction factors. If the applicant wishes to appeal the determined reduction percentage, the applicant may do so by filing a written appeal with the County Manager asserting why the BOCC should make an exception to its percentage reduction determination within fifteen (15) calendar days of the issuance of the County Manager's written determination. Upon receipt of a proper and timely percentage reduction appeal, the County Manager shall present the appeal to the BOCC for consideration and final determination. Any requests for shall require approval by the BOCC in accordance with this Resolution and the procedures below:
 - (1) The County Manager shall place the application for reduction of lien on the agenda of a BOCC meeting. The County Manager's recommendation should set forth the amount of administrative expenses related to the lien. The BOCC may take action based solely upon the sworn application; recommendation of the County Manager, and the applicant's written statements, if any, to the BOCC as to the factors warranting reduction of the lien in considering the application.
 - (2) The BOCC may reduce the amount of the lien, waive the full amount of the lien less administrative expenses, or continue the lien in its full amount.
 - a) When a lien is satisfied, whether by full payment of the entire lien amount or a reduced amount approved pursuant to this Resolution, the applicant shall pay all costs of recording of the release of lien or other documentation.

- (j) The applicant shall have ninety (90) days from the date of approval to pay the reduced amount of the lien unless an alternate time period is established by the BOCC at the time of approval. If the applicant fails to pay the reduced amount of the lien and all costs of recording within the time frame set forth in this paragraph, the lien shall revert to the full amount prior to the reduction and shall continue in the full amount until paid in full by or on behalf of the violator/property owner.

SECTION 3. Implementing Actions. The County Manager, or his/her designee, is hereby authorized to take any actions necessary to implement the provisions of this Resolution.

SECTION 4. Severability. Each provision of this Ordinance shall be deemed separate and severable and if any section or part thereof is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon adoption by the BOCC.

PASSED AND DULY ADOPTED on _____

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Tim Hodge, Chair

ATTEST:
Clerk of Circuit Court and Ex-officio
Clerk to the Board of County Commissioners

Matt Brooks, Clerk

Approved as to form and legal sufficiency

County Attorney