DIVISION 3. SPECIAL MAGISTRATE

Sec. 2-150. Special magistrate.

(a) *Creation; alternative proceedings; jurisdiction.* There is hereby created a county code enforcement special magistrate to hear alleged violations of the code or ordinances. Code enforcement proceedings pursuant to this division are alternative and supplemental to all other methods of code enforcement provided by Florida law. Any special magistrate under contract with the county shall have jurisdiction and authority to hear and decide any alleged violation of the code or ordinances in accordance with the procedures set forth in this article.

(b) *Selection.* The board of county commissioners may, through a request for proposals or other competitive solicitation, select and contract with one or more qualified individuals or firms to act as a primary special magistrate and/or alternate special magistrate in the event of conflict of interest or absence of the primary special magistrate.

(c) *Minimum qualifications.* To be considered for appointment or reappointment, a special magistrate must have the minimum qualifications set forth below. In addition, the county may specify further qualifications and/or requirements in its solicitation documents.

(1) Membership in good standing in the Florida Bar;

(2) Relevant experience in litigation, quasi-judicial proceedings, administrative hearings, code enforcement and/or local government law; and

(3) Must not hold any office, employment or represent other clients that would create frequently recurring conflicts of interest if appointed as a special magistrate.

(d) *Term; removal.* A special magistrate contract shall be for a term of four years from the effective date. The board of county commissioners may extend the contract term for subsequent periods of four years without additional competitive procurement process. Any such extension must be approved by written amendment between the parties and may contain other amended terms as negotiated by the parties. During any term, the board of county commissioners may remove a special magistrate, with or without cause, as set forth in the contract between the parties.

(e) *Compensation.* Special magistrates are not county employees, they are independent contractors compensated as established by contract with the county.

(f) *Public officer.* Special magistrates are public officers and are, therefore, subject to the code of ethics for public officers and employees found in F.S. ch. 112, and are subject to Florida's Public Records laws.

(g) *Administrative support.* A special magistrate must provide any administrative support they deem necessary to perform their duties.

(h) *Recusal.* At any point before, during or after a hearing, a special magistrate may recuse themself to assure a fair proceeding free from potential bias or prejudice. A special magistrate shall not hear any case in which they have a conflict of interest. In the event of such recusal or conflict, the alternate special magistrate may hear the case or the county may request a hearing officer from the Florida Department of Administrative Hearings to hear the case.

(i) *Ex parte communication.* Special magistrates should avoid ex parte communication concerning cases which may come before them. If a special magistrate receives ex parte communications, the special magistrate must disclose the source and nature of the ex parte communication before hearing that violation and must consider any motion for recusal by a party, including the county.

(j) *Powers.* Pursuant to F.S. §§ 162.03 and 162.08, the special magistrate shall have all of the powers of a code enforcement board, including the power to:

(1) Adopt rules for the conduct of hearings.

(2) Subpoena alleged violators, witnesses and evidence to the hearings. Subpoenas may be served by the sheriff's office.

(3) Take testimony under oath.

(4) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Ord. No. 2023-5, § 3, 3-21-2023)

Sec. 2-151. Clerk.

The county manager will designate county employee(s) to serve as the clerk for special magistrate hearings. The duties of the clerk include providing public notice of hearings, preparing agendas, preparing minutes, distributing orders issued by the special magistrate, recording orders in the public records, sending requests for payment of fines and costs, preparing and recording satisfactions and releases, and handling other administrative duties related to the special magistrate program as are assigned by the county manager.

(Ord. No. 2023-5, § 3, 3-21-2023; Ord. No. 2024-5, § 1, 8-6-2024)

Sec. 2-152. Enforcement procedures.

Enforcement procedures shall be as follows:

(1) Code enforcement officers will initiate code enforcement proceedings. A special magistrate has no authority to initiate enforcement proceedings. A code enforcement officer is authorized to issue a notice of violation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a violation or the property they own is in violation of the code or an ordinance.

(2) A code enforcement officer may initiate an investigation based upon:

a. The code enforcement officer observing an alleged violation while performing his/her duties.

b. A complaint received from a person who provides his or her name and address to the code enforcement office.

c. An anonymous complaint from a person, but only if the officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources. Otherwise, F.S. § 162.21, prohibits initiating an investigation based on an anonymous complaint.

(3) Except as provided in subsection (5) below, if an initial violation is found, the code enforcement officer shall notify the violator in accordance with subsection (6) below and provide a reasonable time, which shall be no more than 30 days, to correct the violation. The case may then be presented to the special magistrate even if the violation is corrected prior to the special magistrate hearing.

(4) If a repeat violation is found, the code enforcement officer shall notify the violator in accordance with subsection (6) below, but is not required to provide a reasonable time to correct the violation. The case may be presented to the special magistrate even if the repeat violation is corrected prior to the special magistrate hearing.

(5) If the code enforcement officer has reason to believe the violation presents a serious threat to the public health, safety, or welfare or is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator, but is not required to provide a reasonable time to correct the violation and may immediately schedule the matter for a special magistrate hearing.

(6) A notice of violation issued to a violator must contain, at a minimum:

a. The date of issuance of the notice.

b. The name and address of the person or entity to whom the notice is issued.

c. A description of the violation(s) and the date they were observed by the code enforcement officer.

d. The number or section of the code(s) or ordinance(s) violated.

e. The name and title of the code enforcement officer.

f. The date for compliance and the corrective action necessary for compliance.

g. The procedure for the person to request a compliance inspection.

h. The date, time and location of the special magistrate hearing to contest the violation. If the hearing information is not known and cannot be included in the notice of violation, then a second notice must be sent to the violator informing them of the date, time and location of the hearing. This second notice must be sent at least ten calendar days prior to the hearing date.

i. A statement that if the violator fails to come into compliance within the time allowed, or fails to appear before the special magistrate to contest the violation, the violator shall be deemed to have waived his or her right to contest the violation and that, in such case, an order imposing fines, costs and fees may be entered against the violator and shall constitute a lien against real and personal property.

j. A statement advising the alleged violator that the case may be presented to the special magistrate even if the violation is corrected prior to the special magistrate hearing.

(7) The notice of violation shall be provided by one of the means set forth below. Evidence of mail delivery or hand delivery or the affidavit of posting shall be sufficient to show that notice requirements have been met without regard to whether or not the alleged violator actually received such notice.

a. Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. For property owned by a corporation, notices may be provided to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting the property. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and place of its posting; or

b. Hand delivery by the sheriff or other law enforcement officer or a code enforcement officer; or

c. Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or in the case of commercial premises, leaving the notice with the manager or other person in charge.

(Ord. No. 2023-5, § 3, 3-21-2023)

Sec. 2-153. Transfer of property during enforcement proceedings.

If the owner of property which is subject to an enforcement proceeding transfers ownership of such property between the time of the notice of violation and the time of the hearing, such owner shall:

(1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

(3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(4) Notify the code enforcement office of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described above before the transfer creates a rebuttable presumption of fraud that may be enforced by the prospective transferee. If the property is transferred before a hearing, the proceeding shall not be dismissed, but the hearing may be rescheduled to provide the new owner (if they purchased in an arms length transaction for valuable consideration or obtained the property through foreclosure or deed-in-lieu of foreclosure) a reasonable period of time, not to exceed 30 days, to correct the violation.

(Ord. No. 2023-5, § 3, 3-21-2023)

Sec. 2-154. Special magistrate hearings; post-hearing process.

(a) *Schedule of hearings.* The county manager, or designee, may schedule special magistrate hearings on an as-needed basis and/or may establish a fixed schedule of hearings, any one of which may be cancelled if no cases are ready to be heard. When possible, multiple cases will be scheduled for each hearing.

(b) *Sunshine law.* As required by Florida's Government-in-the-Sunshine law, the county will provide reasonable public notice of the special magistrate hearings, the hearings will be open to the public and minutes of the hearings will be kept.

(c) *Burden of proof.* The county has the burden of proof to show by a preponderance of the evidence that a violation exists.

(d) *Evidence.* All testimony shall be under oath. A special magistrate, the county and the violator may inquire of any witness. Formal rules of evidence do not apply, but fundamental due process shall be observed and shall govern such proceedings.

(e) *Absence of alleged violator.* If the notice provisions of this division have been met, a hearing may take place in the absence of an violator.

(f) *Order of enforcement.* At the conclusion of the hearing, if the special magistrate finds that enforcement action is necessary, the special magistrate will issue a written order that contains: findings of fact and conclusions of law and, if applicable, the date by which compliance must be achieved, the fines that will be imposed if compliance is not achieved by the date set, and, if granted pursuant to section 2-155(b) and (c) below, the payment of abatement and/or enforcement costs incurred by the county. The special magistrate must issue the order and file it with the clerk either at the hearing or within 20 calendar days after the hearing.

(g) *Delivery of order.* Within ten calendar days from the date that the clerk receives the executed order from a special magistrate, the clerk shall send the order to the violator by certified mail, return receipt requested.

(h) *Inspection; affidavit of compliance or non-compliance; recording of order.* The code enforcement officer shall inspect the violation(s) upon request of the violator or after the date for compliance set forth in the order, whichever first occurs. Upon inspection, the code enforcement officer shall issue and file with the clerk an affidavit of compliance (if they find the violation(s) fully remedied) or an affidavit of non-compliance (if they find the violation(s) not fully remedied). The clerk shall send the affidavit to the violator by certified mail, return receipt requested. When sending an affidavit of compliance, the clerk shall provide instructions for the payment of all fines, costs and interest (if any) ordered and accrued. If payment in full is received by the county within 60 calendar days of the date the affidavit is sent, the clerk will prepare a satisfaction and receipt of payment and mail same to the violator.

(i) *Recording of order.* If payment in full is not received by the county within 60 calendar days of the date the affidavit of compliance is sent, or if an affidavit of non-compliance is sent, the clerk shall then record a certified copy of the special magistrate's order, together with the affidavit of compliance or affidavit of non-compliance, in the public records of Levy County.

(j) *Compliance and payment; satisfaction and release.* If, after recording of the order, the violation(s) are fully remedied and payment in full is made to the county, the county shall record a satisfaction of the order and release of lien. The county is entitled to collect from the property owner all costs incurred in recording and satisfying the lien.

(k) *Compliance without payment.* If, after recording the order, the violation(s) are fully remedied but the fines, costs and interest (if any) ordered are not paid, the county shall record an affidavit of compliance to stop the accrual of daily fines, but the recorded order will remain a lien and will not be satisfied until all amounts due thereunder are paid to the county.

(l) *Reduction.* After violation(s) are fully remedied and upon request of the property owner, the county manager is authorized to negotiate a reduction of the amounts due to the county; however, final approval of any reduction requires action of the board of county commissioners.

(Ord. No. 2023-5, § 3, 3-21-2023; Ord. No. 2024-5, § 1, 8-6-2024)

Sec. 2-155. Fines, abatement action and costs, enforcement costs and liens.

(a) *Fines.* Upon finding a violation or repeat violation exists, the special magistrate may impose fines that do not exceed $250.00 per day for a first violation, $500.00 per day for a repeat violation, and $5,000.00 per violation if the special magistrate finds a violation to be irreparable or irreversible in nature. In determining the amount of the fine, if any, the special magistrate shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator. Fines imposed shall continue to accrue until the violator comes into compliance or until judgment is rendered pursuant to this division, whichever occurs first.

(b) *Abatement action and costs.* If the violation or the condition causing the violation presents a serious threat to the public health, safety, or welfare or if the violation is irreparable or irreversible in nature, the special magistrate may authorize the county to board and seal, make reasonable repairs or demolish or remove the violation in order to bring the property into compliance. The special magistrate shall order the violator to pay the reasonable costs incurred by the county, along with the fines imposed pursuant to (a), such costs will be considered an additional fine and included in the lien. Any such action taken by the county does not create a continuing obligation on the part of the county to make further repairs or to maintain the property and does not create any liability against the county for any damages to the property if such action was undertaken in good faith.

(c) *Enforcement costs.* In addition to the fines in (a) above and abatement costs in (b) above, the special magistrate may order that the violator pay the costs incurred by the county in enforcing the code and bringing a case before the special magistrate. If awarded, such costs will be considered an additional fine and included in the lien.

(d) *Lien.* Upon the recording of a certified copy of an order imposing fines and/or costs, it shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, and it shall constitute notice to and be binding upon the violator and any subsequent purchasers, successors in interest, or assigns.

(e) *Execution and levy; foreclosure.* If, after three months from the recording of the order, the lien remains unpaid, the county may foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest. Upon petition to the circuit court, each recorded order shall be enforceable in the same manner as a court judgment by the sheriffs of the State of Florida, including execution and levy against the personal property of the violator, but such order shall not be deemed otherwise to be a judgment of a court except for enforcement purposes. The foreclosure and money judgment provisions of this division shall not apply to real property or personal property which is exempt under Section 4, Article X of the Florida Constitution. In an action to foreclose on a lien, the prevailing party is entitled to recover costs, including a reasonable attorney's fee, incurred in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration with notice, unless a notice of lis pendens is recorded.

(f) *Duration of lien.* In accordance with F.S. ch. 162, no lien provided by this division may continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded unless, within that time, an action to foreclose on the lien or for a money judgment is commenced in a court of competent jurisdiction.

(Ord. No. 2023-5, § 3, 3-21-2023)

Sec. 2-156. Appeals.

Pursuant to F.S. § 162.11, an aggrieved party, including the county, may file an appeal of a final order of the special magistrate to the circuit court within 30 days of the date of the order. The appeal is not a hearing de novo, but rather is limited to appellate review of the record created before the special magistrate.

(Ord. No. 2023-5, § 3, 3-21-2023)

Secs. 2-157—2-160. Reserved.

INSTR # 771307, OR BK: 1853 PG: 132, Recorded 7/8/2026 9:44 AM
Rec: $52.50 Matt Brooks,Clerk of the Circuit Court Levy FL Deputy Clerk Jennifer

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 July 7, 2026

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

BOARD OF COUNTY COMMISSIONERS
SEAL
LEVY COUNTY FL

Approved as to form and legal sufficiency

County Attorney


07/31/2026 12:44 PM


BEWARE OF THE DOG
07/31/2026 12:44 PM


07/31/2026 12:44 PM