

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING CHAPTER 1, ARTICLE 4, SECTION 1.98.B., GENERAL ORDINANCES, MARTIN COUNTY CODE, REGARDING DELEGATION OF HEARING AND DETERMINING REDUCTION OF CODE ENFORCEMENT LIENS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION

WHEREAS, the Board of County Commissioners of Martin County, Florida (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the Board amended Chapter 1, Article 4, Section 1.98.B., of the General Ordinances, Martin County Code, to codify a lien reduction; and

WHEREAS, the fine reduction provisions in Section 1.98.B. would be most efficiently implemented by delegating the authority to determine fine reductions to the Special Magistrate; and

WHEREAS, the Board has determined that it is in the public interest to implement this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART I: AMENDMENT OF CHAPTER 1, ARTICLE 4, SECTION 1.98, GENERAL ORDINANCES OF MARTIN COUNTY

Section 1.98 is amended as follows:

SECTION 1.98. – DURATION OF LIEN; AUTHORITY TO RELEASE AND REDUCE LIENS

1.98.A. No lien provided by this article shall continue for a longer period than 20 years after the certified copy of an order imposing a fine has been recorded, unless within the time an action is commenced pursuant to section 1.97.C. in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The Board of County Commissioners shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good

against creditors or subsequent purchases for valuable consideration without notice, unless a notice of lis pendens is recorded.

1.98.B. The Board of County Commissioners has delegated the authority ~~of to hearing~~ and make a final determination on whether to approve, modify or deny requests for release or reduction of code enforcement liens to the Special Magistrate. ~~If the Special Magistrate recommends release, or reduction, said recommendation shall be delivered to the Board of County Commissioners. The Board of County Commissioners shall then vote on the recommendation of the Special Magistrate.~~ No code enforcement lien arising from a fine imposed pursuant to section 1.97.C., shall be reduced to a value less than 10% of the total lien amount, or 10% of the value of the property, whichever is less.

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

PART III. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout Martin County's jurisdiction.

PART V. FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Department of State that this ordinance has been filed in that office.

PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts II through VII shall not be codified. The word "ordinance" may

be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intentions.

DULY PASSED AND ADOPTED THIS 6TH DAY OF MAY, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
SARAH HEARD, CHAIR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
SARAH W. WOODS,
COUNTY ATTORNEY

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