



CUA-PP-02: CODE ENFORCEMENT ANONYMOUS COMPLAINTS (AS AMENDED)

COMMITTEE RECOMMENDATION: ADOPT

PROPOSED POLICY: SUPPORT amending the Florida law Statutes, relating to county and municipal code enforcement, to restore the authority of county code inspectors under s. 125.69(4)(a), F.S., and s. 162.06(1), F.S., and code enforcement officers designated under s. 162.21, F.S., its previous language allowing a code inspector to act on a complaint submitted anonymously. SUPPORT legislation that also authorizes animal control officers to investigate alleged civil infractions, relating to animal control or cruelty, received anonymously from county residents, and to issue citations as provided in s. 828.27, F.S., or other state law.

BACKGROUND: Code enforcement investigations usually begin with a complaint or tip from the public - typically by phone or online form - or a code enforcement officer personally observing an alleged violation while performing his or her duties. As code enforcement is inherently an exercise in home rule by local governments, procedures for collecting complaints previously varied throughout the state. In many areas, complaints were made anonymously, while in other jurisdictions, a complainant must identify themselves. Code inspectors accept any information given to them in the complaints and, generally using their own judgment, may investigate the allegations made.

Chapter 2021-167 (a/k/a CS/SB 60) now requires a person who reports a potential violation of a code or an ordinance to provide his or her personal information to the local government. The Florida Senate Bill Analysis and Fiscal Impact Statement (FIS) does not identify the intended purpose of the bill or the defect the bill is intended to cure. It appears, however, that the intention of requiring personal information from the person filing the complaint is less about nuisance abatement and code compliance and more about preventing persons from using the code enforcement process as a weapon to harass the alleged code violator. Disclosing the personal information of the person reporting the violation, however, allows the alleged code or ordinance violator to harass, threaten or intimidate the person who filed the complaint. This law already has resulted in a reduction in code complaints, which increases the threat to public health, safety, and welfare caused by unreported potential code violations.

ANALYSIS: This reduction was noted by the FIS, which stated that local governments may experience a reduction in complaints filed due to individuals not wanting to provide personal identifying information. More importantly, this new law may have unintended



consequences. In today's polarized society, disclosing the personal information of a person who files a complaint could allow the alleged code or ordinance violator to retaliate against the person filing the complaint, including property damage, threats, acts of violence, and even death.

FISCAL IMPACT: Indeterminate.

FAC STAFF NOTES:

- FAC 2022 Policy Conference
 - The Committee recommended adopting CUA-PP-02 with an amendment to include reported animal cruelty violations as a category of anonymous complaints that a code inspector may investigate and take action.
- Relevant Statutes: Part II of Chapter 125, F.S.; Chapter 162, F.S.; Part I of Chapter 166, F.S.; and s. 828.27, F.S.
 - [Ch. 2021-167, L.O.F.](#), (CS/SB 60 by Sen. Bradley) took effect July 1, 2021, and amended several statutes relating to enforcement of county and municipal codes and ordinances contained in Chapter 125, F.S., Chapter 162, F.S., and Chapter 166, F.S.
 - [s.125.69, F.S.](#), *Penalties; enforcement by code inspectors.*
 - [s. 162.06, F.S.](#), *Enforcement procedure.*
 - [s. 162.13, F.S.](#), *Provisions of act supplemental.*
 - [s. 162.21, F.S.](#), *Enforcement of county or municipal codes or ordinances; penalties.*
 - [s. 166.0415, F.S.](#), *Enforcement by code inspectors; citations.*
 - [s. 828.27, F.S.](#), *Local animal control or cruelty ordinances; penalty.*
 - Specifically, the Act prohibits county and municipal code inspectors from initiating an investigation into violations of city or county codes based upon an anonymous complaint. It requires that an individual making a complaint about a potential violation provide his or her name and address before an investigation may occur.
 - The prohibition against initiation an investigation based upon an anonymous complaint or tip does not apply if the code inspector has reason to believe the alleged violation presents an imminent threat to public health, safety, or welfare or the imminent destruction of habitat or sensitive resources.

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ASSIGNED COMMITTEE: CUA



BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes