

“Honey, Those Neighbors Are At It Again! Call Code Enforcement!”

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There was a time, not so long ago, when Floridians could easily, and anonymously, report known or suspected violations of local ordinances and regulations to code enforcement. Neighbors could report their concerns about abandoned or unsafe structures, building without permits or by unlicensed contractors, unpermitted uses of property, noise violations, storing inoperable vehicles and junk, and letting the grass grow too tall. There are well-intentioned people who file legitimate complaints and trust that code enforcement will investigate the activity, and the property owner will do whatever it takes to comply. There are also people who use code enforcement as a weapon and the intention is less about nuisance abatement and code compliance and more about personal agendas and even harassment. Florida lawmakers intervened by ensuring that the accused violator will know the identity of the complainant, causing those who misuse and abuse the complaint system to think twice.

Florida’s code enforcement laws now prohibit county and municipal code inspectors from investigating violations of local ordinances based on anonymous complaints. As a result of this new law, anyone filing a complaint of an alleged code violation must provide his or her name and address before an investigation is initiated by code enforcement staff. However, if a code enforcement inspector has reason to believe that an alleged violation presents an imminent threat to public health, safety, or welfare or imminent destruction to habitat or sensitive resources, then the inspector may act immediately even where the complainant did not give his or her name and address. Still, this limited exception to the ban on anonymous code enforcement complaints is premised on imminency of the threat, meaning that something is about to happen, and the nature of the threat endangers the public or the environment.

Since the new law went into effect in July of 2021, many local governments have taken action to effectuate the intent of the law. Miami-Dade County, for example, wants the individual making the complaint to also verify his or her identity through photo identification or other means. The County believes this will prevent complainants from providing a false name or using someone else’s name when filing a complaint.

If you are faced with a notice of a code violation, it is important to understand the process for responding and resolving the complaint, regardless of the identity of the complainant. Seek the assistance of a qualified land use and zoning attorney who can help you navigate the process.

A note to the reader: This article is intended to provide general information and is not intended to be a substitute for competent legal advice. Competent legal counsel should be consulted if you have any questions regarding this new law or code compliance in general. **Becker's Land Use & Zoning attorneys** guide clients through all facets of land use and zoning issues, including code compliance, enforcement hearings, and negotiations with local government among other matters, and are available to assist.