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# News Release

FOR IMMEDIATE RELEASE ON:

May 26, 2015

## **PALM BEACH COUNTY PLANNING, ZONING & BUILDING July 1<sup>st</sup> 2015 – Mortgage Foreclosure Registration Fee Adjustment**

Please be advised that per Palm Beach County [Ordinance 2011-015](#), the Mortgage Foreclosure Registration fee will be increasing to \$200 on **July 1<sup>st</sup> 2015**.

For Additional information, please contact us at [pzbcode@pbcgov.com](mailto:pzbcode@pbcgov.com).

# Palm Beach County Registration Ordinance

- **ARTICLE XII. - MORTGAGE FORECLOSURE REGISTRATION**

- **Sec. 17-381. - Purpose and intent.**

It is the purpose and intent of this article to establish a process to limit and reduce the deterioration of property located within unincorporated Palm Beach County, which property is in mortgage foreclosure, where ownership has been transferred to a lender or mortgagee by any legal method or where property is deemed to be vacant or abandoned. It is further intended to establish a registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance or through abandoned and/or vacated properties which are subject to mortgages that are in default.

(Ord. No. 2011-015, § 2(1), 8-16-11)

- **Sec. 17-382. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the Florida Building Code shall apply.

*Abandoned real property* means any real property that is vacant, or is under notice of default, or is pending a mortgage foreclosure, or notice of mortgagee's sale, or lien sale and/or properties that have been the subject of a mortgage foreclosure sale where title is retained by the mortgagee, and/or any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any other legal means.

*Default* means that the mortgagee has filed a foreclosure action or notice of default on the mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said mortgage to be in default either by letter or notice to property owner, by recording a lis pendens, by commencing foreclosure proceedings; or by any other actions demonstrating a breach of a security covenant on a property.

*Enforcement officer* means any fulltime law enforcement officer, building official, fire inspector or code enforcement officer employed by Palm Beach County.

*Evidence of vacancy* means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off; stagnant swimming pool; or statements by neighbors, passers-by, delivery agents or government agents.

*Foreclosure* means the judicial process by which a property, placed as security for a mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

*Vacant* means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of "evidence of vacancy" above.

*(Ord. No. 2011-015, § 2(2), 8-16-11)*

- **Sec. 17-383. - Applicability.**

This article applies to occupied or abandoned and/or vacant property which is in default located within unincorporated Palm Beach County, or which property is in or has been in mortgage foreclosure, or where ownership has been transferred to a lender or mortgagee by any legal method.

*(Ord. No. 2011-015, § 2(3), 8-16-11)*

- **Sec. 17-384. - Inspection and registration of real property by mortgagee holding mortgages in default.**

(a)

Within ten (10) days of the date any mortgagee declares its mortgage to be in default, the mortgagee shall register the real property with the county planning, zoning and building department, or its designee, or the county's authorized representative. At the time of registration, a local property manager shall be designated to inspect, maintain and secure the real property subject to the mortgage in default. A registration is required for each property.

(b)

Any mortgagee who holds a mortgage on real property located within unincorporated Palm Beach County shall perform an inspection of the property within five (5) days of the registration pursuant to subsection (a) above.

(c)

Property inspected pursuant to subsection (b) above that is occupied but remains in default, shall be inspected quarterly by the mortgagee or mortgagee's designee.

(d)

Property which is found to be vacant, or which shows evidence of vacancy shall be inspected at least every sixty (60) days by the mortgagee or mortgagee's designee.

(e)

Registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, e-mail address and telephone number of the mortgagee, and the name of the local property manager and said person's address, e-mail address, and telephone number. The local property manager shall be responsible to inspect, secure and maintain the property. The property manager named in the registration shall be located within twenty (20) miles of the county and available to be contacted by the county, Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excepted.

(f)

This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure.

(g)

Properties subject to this section shall remain under the registration requirement, and the inspection, security, and maintenance standards of this article as long as they remain vacant or subject to having been declared by a mortgagee to be in default.

(h)

Any person or other legal entity that has registered a property under this article must report any change of information contained in the registration within ten (10) days of the change.

*(Ord. No. 2011-015, § 2(4), 8-16-11)*

- **Sec. 17-385. - Annual registration fee.**

An annual registration fee in an amount approved by the board of county commissioners, per property, shall accompany the registration. Fees shall be deposited into a special revenue account, which account shall be for the purpose of enforcement of the county property maintenance code, the Florida Building Code and other related property codes.

*(Ord. No. 2011-015, § 2(5), 8-16-11)*

- **Sec. 17-386. - Enforcement.**

(a)

Failure of the mortgagee and/or property owner of record to properly register or to modify the registration from time to time to reflect a change of circumstances as required by this article is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the county.

(b)

Pursuant to any judicial finding and determination, including any administrative proceeding, that any property which is in violation of this article, the county may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed, including an administrative fee, to benefit the property and to bring it into compliance.

(c)

Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this article, and post and maintain the signage noted in this section, is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the county. Pursuant to a finding and determination, the county may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

*(Ord. No. 2011-015, § 2(6), 8-16-11)*

- **Sec. 17-387. - Maintenance requirements.**

Properties subject to this article shall be maintained in accordance with all relevant county regulations, including the county's property maintenance code (Ordinance 2003-051, as amended).

*(Ord. No. 2011-015, § 2(7), 8-16-11)*

- **Sec. 17-388. - Security requirements.**

(a)

Properties subject to this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b)

A "secure manner" shall include, but not be limited to, the closure and locking of all windows, doors, gates and other openings of such size that will not allow a child or adult to access the interior of the structure and pool area, if any. Broken windows or doors shall be secured by reglazing or boarding.

*(Ord. No. 2011-015, § 2(8), 8-16-11)*

- **Sec. 17-389. - Posting of property.**

(a)

When a property subject to this article becomes vacant or abandoned, unless prohibited by recorded covenants and restrictions, it shall be posted with the name and twenty-four-hour contact telephone number of the local property manager. The posting shall be no less than eighteen (18) inches × twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language, at a minimum, with supporting information:

THIS PROPERTY IS MANAGED BY AND IS INSPECTED ON A REGULAR BASIS. THE PROPERTY MANAGER CAN BE CONTACTED BY TELEPHONE AT OR BY EMAIL AT

(b)

The posting required in subsection (a) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

*(Ord. No. 2011-015, § 2(9), 8-16-11)*

- **Sec. 17-390. - Additional authority.**

(a)

If an appropriate county code enforcement administrator has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement administrator may bring the violations before the county's code enforcement board or code enforcement special magistrate, or a court of competent jurisdiction as soon as possible to address the conditions of the property.

(b)

If there is a finding that the condition of the property is posing a serious threat to the public health safety and welfare, then the code enforcement board or code enforcement special magistrate or a court of competent jurisdiction may direct the county to abate the violations and charge the mortgagee with the cost of abatement.

(c)

If the mortgagee does not reimburse the county for the cost of abatement within thirty (30) days of the county sending the mortgagee the invoice, then the county may lien the property with the cost of abatement, along with any and all administrative fees allowed by law to recover the administrative personnel services.

*(Ord. No. 2011-015, § 2(10), 8-16-11)*

- **Sec. 17-391. - Provisions supplemental.**

Nothing contained in this article shall prohibit the county from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by law or ordinance.

**RESOLUTION NO. R-2022- 0268****RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION 2018-0346, THE SCHEDULE OF FEES IMPOSED BY THE PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING, AND BUILDING, DIVISION OF CODE ENFORCEMENT, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Palm Beach County Board of County Commissioners (the "Board") to enforce the Florida Building Code, housing and related codes, the zoning codes and other codes necessary protect the health, safety, and welfare of the citizens of Palm Beach County; and

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Board to adopt resolutions necessary for the exercise of its powers and to perform all acts not prohibited by law; and

**WHEREAS**, in the course of its duties, the Palm Beach County Division of Code Enforcement (the "Division") imposes certain fees for services provided by the Division; and

**WHEREAS**, certain ordinances implemented by the Division provide that the Board will adopt fees necessary to implement programs; and

**WHEREAS**, the Board hereby approves a schedule of fees to be charged by the Division.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**SECTION 1.**

The Division of Code Enforcement Schedule of Fees is hereby amended as

shown on **Attachment "A."** This resolution shall take effect immediately.

**SECTION 2.**

Should any section, paragraph, sentence, clause, or word of this resolution be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of the resolution.

The foregoing Resolution was offered by Commissioner Kerner, who moved its adoption. The motion was seconded by Commissioner Weiss, and upon being put to a vote, the vote was as follows:

Commissioner, Robert S. Weinroth, Mayor	-	Aye
Commissioner, Gregg K. Weiss, Vice Mayor	-	Aye
Commissioner Maria G. Marino	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Maria Sachs	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 22nd day of March, 2022.

Filed with the Clerk of the Board of County Commissioners on 22nd of March, 2022.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS



JOSEPH ABRUZZO, CLERK & COMPTROLLER

By: Marcy Powell  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: [Signature]  
County Attorney

**ATTACHMENT A**  
**SCHEDULE OF FEES**

<b><u>Description of Fee</u></b>	<b><u>Amount of Fee</u></b>
Code Violation Search	\$50
Emergency Code Violation Search (within 24 hours)	\$75
Code Enforcement Hearing Fee	\$25
Modification Application Fee	\$67
Mortgage Foreclosure Registration Fee	\$100

ORDINANCE NO. 2022 - 008

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 17 (ORDINANCE 2011-015) PERTAINING TO MORTGAGE FORECLOSURE REGISTRATION, SECTION 17-385, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and welfare of the citizens of Palm Beach County; and

WHEREAS, pursuant to its authority, the Board of County Commissioners (the "Board") enacted Palm Beach County Mortgage Foreclosure Registration 2011-015 ("Ordinance"); and

WHEREAS, the Ordinance is being amended to reflect that the fees will be collected by the County or the County's designee to cover the cost of the registration program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**Section 1. ANNUAL REGISTRATION FEE. Section 17-385 of the Palm Beach County Code is amended as follows:**

An annual registration fee in an amount approved by the board of county commissioners, per property, shall accompany the registration. The fees established shall cover the costs of the registration program.

**Section 2. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 3. SAVINGS CLAUSE:**

Notwithstanding anything to the contrary, all provisions of Palm Beach County Code Section 17-381 through 17-391, codifying Palm Beach County Ordinance No. 2011-015 are specifically preserved and remain in full force and effect and this amendment does not affect any registration issued or fees collected prior to the effective date of this ordinance.

**Section 4. SEVERABILITY:**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word ordinance may be changed to section, article, or other appropriate word.

**Section 6. ENFORCEMENT:**

This Ordinance is enforceable by all means provided by law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

**Section 7. PENALTY:**

Any violation of any portion of this Ordinance shall be punishable as provided by law.

**Section 8. CAPTIONS:**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**Section 9. EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 22nd day of March, 2022.

JOSEPH ABRUZZO, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]  
Deputy Clerk

By: [Signature]  
Robert S. Weinroth, Mayor



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 24th day of

March, 2022.