January 24, 2025

RE: Demolition by Neglect Task Force

# MCCD Requests and Recommendations

## Community Education

Educate the public on initiating complaints within the historic districts.

## Training

1. Eliminate the requirement for FACE certification, which serves little value to Jacksonville Code Officers, and use those yearly dues and travel expenses to create an internal training program.
2. Utilize the funding from 111.470 for additional internal training.

## Staffing

1. Additional staffing is needed for training and implementing process improvements.
2. Additional staffing is needed for proactive enforcement in all areas of Jacksonville.

## Process Improvements

1. Improve the inspection database (scheduled for later this year?) to identify historic districts and which properties require historic enforcement, easily export reports, and deliver citation payments to the appropriate accounts.

### Ch. 307

1. Create a process to flag violators to prevent obtaining a COA when a violation is outstanding or the fines are unpaid. 307.111(a)(3)(i); 111(b)
2. Create a process to lien properties the demolition penalty described in 307.111(b)
3. Clarify the language in 307.111(h) to list the appropriate historic funding (111.900?)

### Ch. 111

1. Create the process through which citations issued in historic districts are deposited into the funding as required in 307.111(h)
2. Improve software and processes to allocate fines for all specialized funding accounts properly.

## Next Steps

Create a clear process for adding liens to tax rolls. This will enforce stricter consequences on neglectful property owners and provide an alternative to foreclosure when a property is abandoned and taxes or liens remain unpaid.

**Sec. 518.145. Collection and settlement of nuisance abatement and demolition liens.**

(b) The Director of Finance and Administration or his/her authorized representative shall be authorized to use whatever means are available under this Chapter or law to collect the unpaid liens. Collection methods shall include, but not necessarily be limited to:

(2) Placing the unpaid lien on the non-ad valorem tax assessment roll pursuant to F.S. § 197.3635;

(d) In exceptional circumstances, when the property has been abandoned, is heavily encumbered with liens and constitutes a blighting influence, the Director of Finance and Administration, with the concurrence of the Real Estate Officer, shall be authorized to extinguish the lien in consideration for the rehabilitation of the property to conform with the minimum standards of this Chapter. The extinguishment of the lien shall in no circumstance take effect until the property complies with the Jacksonville Property Safety and Maintenance Code.

**Florida Statutes Chapter** [**197**](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0197/0197ContentsIndex.html) **TAX COLLECTIONS, SALES, AND LIENS**

[197.332](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.332.html) Duties of tax collectors; branch offices.

[197.333](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.333.html) When taxes due; delinquent.

[197.3335](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.3335.html) Tax payments when property is subject to adverse possession; refunds.

[197.343](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.343.html) Tax notices; additional notice required.

[197.344](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.344.html) Lienholders; receipt of notices and delinquent taxes.

[197.363](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.363.html) **Special assessments and service charges; optional method of collection.**

[197.3631](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.3631.html) **Non-ad valorem assessments; general provisions.**

[197.3632](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.3632.html) **Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.**

[197.3635](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.3635.html) **Combined notice of ad valorem taxes and non-ad valorem assessments; requirements.**

# Referenced Ordinance’s

## Ch. 307

### 307.111(a)(3)(i)

Additionally, **the violator shall be prohibited from applying for any certificate of appropriateness until such civil penalty awarded pursuant to this Section has been paid in full**. Prohibitions against application for a certificate of appropriateness contemplated in this Section shall not become effective until the judgment requiring such prohibition becomes final.

### 307.111(b)

In cases where a structure has been either **demolished** or relocated **in violation of this Chapter**, or where **any building has to be demolished by the City pursuant to the property safety requirements of Chapter 518 and the owner of said building has received two or more notices from the City regarding neglect or failure to comply with Chapter 518** as they pertain to the structure, **a civil penalty shall be assessed in an amount equal to 30 percent of the market value of the property and structure(s) prior to its demolition, however this civil penalty shall be no less than $10,000**. This civil penalty shall be in addition to and separate from any costs incurred by the City in removal of any structure and otherwise recoverable from the property owner. Additionally and separate from any civil penalty provision in this Section, **there shall be no certificate of appropriateness issued for new development on the subject property for a period of one year from the date the City's judgment for civil penalties has become final, unless and only when such certificate of appropriateness is issued to correct and repair a partial demolition.**

### 307.111(h)

**Civil penalty payments recovered pursuant to this Chapter shall be used to fund enforcement efforts under this Chapter**, with any remainder deposited into the Historic Preservation Trust Fund on an annual basis.

## Funding Accounts

**Sec. 111.465. Zoning Code Enforcement Special Revenue Fund.**

There is hereby created the Zoning Code Enforcement Revolving Fund, a permanent fund of the City within the Neighborhoods Department, into which monies derived from the fines collected pursuant to Ordinance 2006-631-E resulting from the issuance of tickets for violation of Section 656.411, Ordinance Code, shall be deposited, together with such monies as may be appropriated by the Council, from time-to-time. The Director of Finance and Administration is authorized and directed to make disbursements from this fund upon written request of the Director of the Neighborhoods Department, for the purpose of funding the overtime, overhead, staff support and other necessary expenses of additional Zoning Code Enforcement support required to enforce the City's zoning ordinances. Such disbursements shall be subject to appropriation by the City Council. The monies deposited in this fund shall not lapse at the end of any fiscal year and shall remain available for expenditure for the purposes set forth herein.

(Ord. 2006-673-E, § 4; Ord. 2015-202-E, § 1; Ord. 2016-140-E, § 16)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

**Sec. 111.900. Jacksonville Historic Preservation Commission Trust Fund.**

There is hereby created an account to be known as the *Jacksonville Historic Preservation Commission Trust Fund* into which shall be deposited all revenues, donations or gifts which are received by the Commission or the City on behalf of the Commission. The moneys in this fund shall be expended pursuant to such guidelines as determined by an executive order to be issued by the Mayor, subject to the terms and conditions contained in any donation or gift, if any. The Director of Finance and Administration is authorized and directed to make disbursements from this fund upon the written request of the Chief Administrative Officer. To the extent that disbursements are made, the funds are appropriated for the purpose of the disbursement.

(Ord. 84-483-263, § 1; Ord. 90-706-486, § 6; Ord. 2006-422-E, § 32; Ord. 2016-140-E, § 16)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Note(s)—Former 110.330.

**Sec. 111.905. Code Enforcement Board Lien Amnesty Special Revenue Fund.**

There is hereby created the *Code Enforcement Amnesty Revolving Fund,* a permanent fund of the City, within the Neighborhoods Department into which monies derived from the amnesty program approved in Ordinance 2006-631-E resulting from the settlement of fines imposed and levied by Chapter 91, Ordinance Code, shall be deposited, together with such monies as may be appropriated by the Council, from time to time. The Director of Finance and Administration is authorized and directed to make disbursements from this fund upon written request of the Director of the Neighborhoods Department, to assist low to moderate income persons, as those persons are defined by the Neighborhoods Department, in restoring or repairing their homes to meet minimum City and State building, health, safety and fire codes. Such disbursements shall be subject to appropriation by the City Council. The monies deposited in this fund shall not lapse at the end of any fiscal year and shall remain available for expenditure for the purposes set forth herein.

(Ord. 2006-631-E, § 4; Ord. 2011-732-E; Ord. 2013-209-E, § 40; Ord. 2016-140-E, § 16)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

**Sec. 111.909. Restore Endangered Historic Adaptable Buildings Special Revenue Fund.**

(a) *Fund creation.* There is hereby created an account to be known as the *Restore Endangered Historic Adaptable Buildings* ("REHAB")*Special Revenue Fund*, an ongoing fund which shall carry forward each fiscal year and not lapse. The REHAB Special Revenue Fund shall be comprised of funds as may be appropriated from time to time by Council, and all fees, fines, and civil penalties as may be designated for deposit into the Fund from time to time by Council. It shall also include all such donations, contributions, gifts, and related sponsorships received by the City for use toward the general purpose of furthering the goals of this Fund. All monies and interest placed into this fund are hereby appropriated for the purposes of this fund, and all appropriations shall carry forward each fiscal year and shall not lapse.

(b) *Fund purpose.* These funds are designated to pay for the repair, rehabilitation and restoration of non-residential income-producing historic buildings, mixed-use historic buildings and historic buildings owned by not-for-profit corporations, located throughout Jacksonville, excluding the Downtown Area as defined in Section 55.105, Ordinance Code.

(c) *Grant funding limitations.* Grant requests from the REHAB Special Revenue Fund shall not exceed $100,000 and shall be administratively approved pursuant to this program. Subject to availability of unencumbered funds, applicants that request $100,000 or less in the aggregate for a project may be approved by the Historic Preservation Section of the Planning and Development Department, without further Council action, in accordance with Subsection (e) below and the REHAB Special Revenue Fund Guidelines, available on the City's website. For the purpose of this Section, the dollar amounts in all grant applications for any one project submitted within five years of the first grant approved under this fund for the project, shall be aggregated to determine if the grant amount exceeds $100,000.

(d) *Fund administration.* The Historic Preservation Section shall follow the REHAB Special Revenue Fund Guidelines. The Historic Preservation Section shall review and approve the design aspects of the grant application, and the City's Chief Administrative Officer ("CAO") or their designee shall review and approve the financial aspects of the grant application and administer fund allocation, in accordance with the REHAB Special Revenue Fund Guidelines. Changes to the REHAB Special Revenue Fund Guidelines which have financial impact shall be jointly approved by the CAO or their designee and the Historic Preservation Section and shall be submitted to the Council for approval. Approved applicants may receive financial assistance through reimbursement grants as set forth in the REHAB Special Revenue Fund Guidelines. Funds may only be used for one or more of the purposes specified in Subsection (b) above.

(e) *Eligibility Criteria.*

(1) The building must be located within Jacksonville outside of the Downtown Area, as defined in Section 55.105, Ordinance Code; and

(2) The building must be at least 50 years old; and

(3) The building must be non-residential income-producing, mixed-use or owned by a not-for-profit corporation; and

(4) The building must be architecturally or historically significant, as determined by the Historic Preservation Section, in accordance with Section 307.102(s), Ordinance Code; and

(5) The building must be:

(i) A local landmark, designated by the City pursuant to Chapter 307, Ordinance Code; or

(ii) A contributing structure to a local historic district, designated by the City pursuant to Chapter 307, Ordinance Code; or

(iii) Declared a potential local landmark, as defined in Chapter 307, Ordinance Code, however, final local landmark designation must be obtained from City Council prior to final approval of the grant by the CAO or their designee; and

(6) The building must be declared critically endangered by the Jacksonville Historic Preservation Commission (the "JHPC"). In considering a building for critically endangered status, the JHPC shall consider the following criteria:

(i) Evidence of a physical threat of loss, damage, or neglect;

(ii) If the building is currently vacant;

(iii) The building's susceptibility to development pressures or natural disasters;

(iv) The building's suitability for preservation or rehabilitation; and

(v) Any other criteria the JHPC considers relevant.

(f) *Historic Preservation Section Review.* To receive grant assistance from the Fund, the owner of a historic building, or their agent, shall submit a grant application to the Historic Preservation Section for eligibility review, and an application to the Historic Preservation Section for a Certificate of Appropriateness for the improvements proposed, in accordance with the REHAB Special Revenue Fund Guidelines.

(1) The Historic Preservation Section shall review the grant application for eligibility pursuant to the criteria in Subsections (e)(1)—(5) above, and the REHAB Special Revenue Fund Guidelines. If the Historic Preservation Section finds that a building meets the eligibility criteria in Subsections (e)(1)—(5) above, they shall issue a recommendation regarding whether the building is critically endangered, as required by Subsection (e)(6) above. Said recommendation shall be forwarded to the JHPC.

(2) The Historic Preservation Section shall also review the application for the Certificate of Appropriateness for compliance with the United States Secretary of Interior's Standards for Rehabilitation and any applicable historic preservation design guidelines. The Historic Preservation Section shall evaluate Certificate of Appropriateness applications based on the historic importance and significance of the project, the overall contribution of the project to the restoration of the historic fabric, and the overall preservation of the building. If appropriate, the Historic Preservation Section shall issue administrative approval of the Certificate of Appropriateness in accordance with the Administrative Matrix, pursuant to the authority granted in Section 307.107, Ordinance Code; otherwise, they shall forward a recommended approval, denial, or approval with conditions to the JHPC.

(g) *Jacksonville Historic Preservation Commission Review.* The JHPC shall review all REHAB Special Revenue Fund grant applications and the recommendations of the Historic Preservation Section, for a determination on the critically endangered status of each building, pursuant to Subsection (e)(6) above. The JHPC shall also review those related applications for Certificates of Appropriateness which are not eligible to receive administrative approval according to Section 307.102(a), Ordinance Code. The JHPC shall issue its decision to the CAO or their designee in accordance with the REHAB Special Revenue Fund Guidelines.

(h) *Review by the CAO or their designee.* To receive a reimbursement grant from the fund, the owner of a historic building, or his or her agent, shall submit, in accordance with the REHAB Special Revenue Fund Guidelines, a grant application to the CAO or their designee for the grant requested. The CAO or their designee shall analyze the specific finances of the project for the express purpose of determining if the project meets the REHAB Special Revenue Fund Guidelines.

(i) *Fund programs.* The owner of a historic building which meets the eligibility requirements in Subsection (e) above, or their agent, may apply for assistance from the fund in the form of reimbursement grants for repair, rehabilitation or restoration, according to the REHAB Special Revenue Fund Guidelines which includes, but is not limited to: restoration or rehabilitation of the building exterior, restoration of historic features on the building interior, rehabilitation of the building interior, code compliance improvements and general requirements and overhead of the general contractor, as further detailed in the REHAB Special Revenue Fund Guidelines.

(j) *Final inspection.* A final inspection shall be conducted within 90 days following completion of the project to ensure compliance with the terms of the approved Certificate of Appropriateness and REHAB Special Revenue Fund grant application. The final inspection shall be conducted by, or at the direction of, the Historic Preservation Section staff. An applicant whose project fails to meet the REHAB Special Revenue Fund Guidelines and criteria set forth herein shall be deemed ineligible for a grant under this program.

The inspection required by this subsection shall not replace or supersede any other inspection required by local, State, or federal law.

(Ord. 2023-316-E, § 1)

**Sec. 111.910. Downtown Historic Preservation and Revitalization Trust Fund.**

(a) *Fund creation.* There is hereby created an account to be known as the *Downtown Historic Preservation and Revitalization Trust Fund,* a permanent trust fund into which shall be deposited all donations and contributions of money, including gifts and grants received by the City for use in furthering the goals of this fund, as well as all funds as may be appropriated from time to time by Council and all fees, fines, and civil penalties as may be designated for deposit into the fund from time to time by Council. These funds are designated to pay for the programs described herein. The DIA and the Historic Preservation Section of the Jacksonville Planning and Development Department (the "Historic Preservation Section") shall review all applications for grants to be paid out of the fund in accordance with the requirements set forth herein. No grant in excess of $100,000 shall be made from the trust fund pursuant to this program. Subject to availability of unencumbered funds, applicants that request $100,000 or less in the aggregate for a project may be approved by the DIA without further Council action, in accordance with the HPRTF Guidelines (defined below). For the purpose of this Section, the dollar amounts in all applications for loans or grants for any one project submitted within five years of the first loan or grant approved under this fund for the project, shall be aggregated to determine if the loan or grant amount exceeds $100,000. All monies and interest placed into this trust fund are hereby appropriated for the purposes of this trust fund, and all appropriations shall carry forward each fiscal year and shall not lapse.

(b) *Fund administration.* The DIA and the Planning and Development Department Historic Preservation Section shall follow the Downtown Historic Preservation and Revitalization Trust Fund Guidelines ("HPRTF Guidelines"). The Historic Preservation Section shall review and approve the design aspect of the application, and the DIA shall review and approve the application and administer fund allocation. Changes to the HPRTF Guidelines which have financial impact shall be jointly approved by the DIA and the Historic Preservation Section and shall be submitted to the Council for approval. Approved applicants may receive financial assistance through grant programs as set forth in the HPRTF Guidelines. Trust funds may only be used for one or more of the purposes specified in subsection (e).

(c) *Planning and Development Department Historic Preservation Section review.* To receive assistance from the fund, the owner of a historic building, or his or her agent, shall submit an application to the Planning and Development Department Historic Preservation Section for designation as a local landmark unless already designated, and an application to the Historic Preservation Section for a Certificate of Appropriateness for the improvements proposed, in accordance with the HPRTF Guidelines. The Historic Preservation Section shall review the landmark designation application for eligibility. Only historic buildings located within the DIA boundary area and which meet one of the following criteria shall be eligible to make application for assistance from the fund:

(1) The building is a local landmark, designated by the City pursuant to Chapter 307, Ordinance Code; or

(2) The building is a contributing structure to a local historic district, designated by the City pursuant to Chapter 307, Ordinance Code; or

(3) The building has been declared a potential local landmark, as defined in Chapter 307, Ordinance Code, however final local landmark designation must be obtained from City Council prior to final approval of the grant by DIA.

The Historic Preservation Section shall also review the application for the Certificate of Appropriateness for compliance with the United States Secretary of Interior's Standards for Rehabilitation and any applicable historic preservation design guidelines and shall issue an approval, denial, or approval with conditions. The Historic Preservation Section shall evaluate applications based on the project's historic importance and significance, the overall contribution of the project to the restoration of the historic fabric, and the overall preservation of the building. The Historic Preservation Section shall forward its recommendation and actions on the Certificate of Appropriateness application to the DIA in accordance with the HPRTF Guidelines.

(d) *DIA review.* To receive a grant from the fund, the owner of a historic building, or his or her agent, shall submit, in accordance with the HPRTF Guidelines, an application to the DIA for the grant requested. The DIA shall analyze the specific finances of the project for the express purpose of determining whether or not to engage in a redevelopment agreement between the City and the applicant.

(e) *Fund programs.* The owner of a historic building which meets the eligibility requirements in subsection (c), or his or her agent, may apply for assistance from the fund in the form of grants for eligible improvements under the HPRTF Guidelines which include restoration or rehabilitation of the building exterior, restoration of historic features on the building interior, rehabilitation of the building interior, code compliance improvements and general requirements and overhead of the general contractor, as further detailed in the HPRTF Guidelines.

(f) *Final inspection.* A final inspection to ensure compliance with the terms of the approved Certificate of Appropriateness and trust fund grant application shall be conducted within 90 days following completion of the project. The final inspection shall be conducted by, or at the direction of the Planning and Development Department Historic Preservation Section staff. All projects shall comply with the HPRTF Guidelines and criteria established herein. An applicant whose project fails to meet the HPRTF Guidelines and criteria set forth herein shall be required to repay the City any amounts received under a grant and/or loan program, less any payments made thereunder. The inspection required by this subsection shall not replace or supersede any other inspection required by local, State, or federal law.

(Ord. 2002-395-E, § 2; Ord. 2006-422-E, § 106; Ord. 2012-364-E, § 10; Ord. 2020-527-E, § 2)

Note(s)—Former § 110.399.2.