

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND House Committee Substitute for Senate Bill No. 145, Page 5,
 2 Section 67.319, Line 53, by inserting after all of said line the
 3 following:

4 "67.451. Any city in which voters have approved fees to
 5 recover costs associated with enforcement of municipal housing,
 6 property maintenance, or nuisance ordinances may issue a special
 7 tax bill against the property where such ordinance violations
 8 existed. The officer in charge of finance shall cause the amount
 9 of unrecovered costs to be included in a special tax bill or
 10 added to the annual real estate tax bill for the property at the
 11 collecting official's option, and the costs shall be collected by
 12 the city collector or other official collecting taxes in the same
 13 manner and procedure for collecting real estate taxes. If the
 14 cost is not paid, the tax bill shall be considered delinquent,
 15 and the collection of the delinquent bill shall be governed by
 16 laws governing delinquent and back taxes. The tax bill shall be
 17 deemed a personal debt against the owner from the date of
 18 issuance, and shall also be a lien on the property until paid.
 19 Notwithstanding any provision of the city's charter to the
 20 contrary, the city may provide, by ordinance, that the city may
 21 discharge the special tax bill upon a determination by the city
 22 that a public benefit will be gained by such discharge, and such
 23 discharge shall include any costs of tax collection, accrued
 24 interest, or attorney fees related to the special tax bill."; and

25 Further amend said bill, Page 5, Section 475.115, Line 15,
 26 by inserting after all of said line the following:

27 "479.011. 1. (1) The following cities may establish an
 28 administrative adjudication system under this section:

29 (a) Any city not within a county [or];

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1 **(b)** Any home rule city with more than four hundred thousand
2 inhabitants and located in more than one county;

3 **(c)** Any home rule city with more than seventy-three
4 thousand but fewer than seventy-five thousand inhabitants.

5 **(2)** The cities listed in subdivision (1) of this subsection
6 may establish, by order or ordinance, an administrative system
7 for adjudicating housing, property maintenance, nuisance,
8 parking, and other civil, nonmoving municipal code violations
9 consistent with applicable state law. Such administrative
10 adjudication system shall be subject to practice, procedure, and
11 pleading rules established by the state supreme court, circuit
12 court, or municipal court. This section shall not be construed
13 to affect the validity of other administrative adjudication
14 systems authorized by state law and created before August 28,
15 2004.

16 2. The order or ordinance creating the administrative
17 adjudication system shall designate the administrative tribunal
18 and its jurisdiction, including the code violations to be
19 reviewed. The administrative tribunal may operate under the
20 supervision of the municipal court, parking commission, or other
21 entity designated by order or ordinance and in a manner
22 consistent with state law. The administrative tribunal shall
23 adopt policies and procedures for administrative hearings, and
24 filing and notification requirements for appeals to the municipal
25 or circuit court, subject to the approval of the municipal or
26 circuit court.

27 3. The administrative adjudication process authorized in
28 this section shall ensure a fair and impartial review of
29 contested municipal code violations, and shall afford the parties
30 due process of law. The formal rules of evidence shall not apply
31 in any administrative review or hearing authorized in this
32 section. Evidence, including hearsay, may be admitted only if it
33 is the type of evidence commonly relied upon by reasonably
34 prudent persons in the conduct of their affairs. The code
35 violation notice, property record, and related documentation in
36 the proper form, or a copy thereof, shall be prima facie evidence
37 of the municipal code violation. The officer who issued the code

1 violation citation need not be present.

2 4. An administrative tribunal may not impose incarceration
3 or any fine in excess of the amount allowed by law. Any
4 sanction, fine or costs, or part of any fine, other sanction, or
5 costs, remaining unpaid after the exhaustion of, or the failure
6 to exhaust, judicial review procedures under chapter 536 shall be
7 a debt due and owing the city, and may be collected in accordance
8 with applicable law.

9 5. Any final decision or disposition of a code violation by
10 an administrative tribunal shall constitute a final determination
11 for purposes of judicial review. Such determination is subject
12 to review under chapter 536 or, at the request of the defendant
13 made within ten days, a trial de novo in the circuit court.
14 After expiration of the judicial review period under chapter 536,
15 unless stayed by a court of competent jurisdiction, the
16 administrative tribunal's decisions, findings, rules, and orders
17 may be enforced in the same manner as a judgment entered by a
18 court of competent jurisdiction. Upon being recorded in the
19 manner required by state law or the uniform commercial code, a
20 lien may be imposed on the real or personal property of any
21 defendant entering a plea of nolo contendere, pleading guilty to,
22 or found guilty of a municipal code violation in the amount of
23 any debt due the city under this section and enforced in the same
24 manner as a judgment lien under a judgment of a court of
25 competent jurisdiction. The city may also issue a special tax
26 bill to collect fines issued for housing, property maintenance,
27 and nuisance code violations."; and

28 Further amend said title, enacting clause and intersectional
29 references accordingly.