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RESOLUTION NO. 09-24

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO FORECLOSURE PROPERTIES AND REGISTRATION BY THE FINANCE INSTITUTIONS; SUPPORT FOR PROPOSED FLORIDA HOUSE BILL 221 RELATING TO PUBLIC RECORDS AND STATEWIDE INTERNET REGISTRY OF VACANT, ABANDONED, OR FORECLOSURE-PROPOSED REAL PROPERTIES; AND SUPPORT FOR LINKED SENATE BILL 874 REAL PROPERTY REGISTRATION; WHICH IS IDENTICAL TO SENATE BILL 1044 RELATING TO PUBLIC RECORDS AND VACANT OR ABANDONED REAL PROPERTY REGULATIONS; PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)

**WHEREAS**, Florida State Representative Ari Porth has sponsored state legislation under House Bill 221, that would require state registration by finance institutions of foreclosed properties; and,

**WHEREAS**, the Village and other Florida communities have been faced with increased foreclosures of residents thus creating serious deterioration of the properties in question and community at large; and,

**WHEREAS**, according to the Sunday New York Times article dated February 8, 2009, the state of Florida is projected to lose about \$100 billion in property value due to the foreclosure crisis; and,

**WHEREAS**, on September 8, 2008, the Village in an effort to address the deterioration of properties first enacted emergency ordinance no. 08-11; and on October 6, 2008, the Village then enacted Ordinance no. 08-19, creating chapter 27 relating to abandoned property and lot maintenance; and,

**WHEREAS**, Chapter 27 created an obligation in the financial institutions to register with the Village and requires the financial institutions to maintain the foreclosure properties; and,

**WHEREAS**, the proposed House Bill, and companion Senate Bill, 1044, will assist the Village in its registration requirement with finance institutions and assist the Village in tracking these properties and obtain compliance with lot maintenance and deterioration issues associated with foreclosure properties; and,

**WHEREAS**, House Bill 119 has been forwarded to the following committees/groups/entities for review and comment: Insurance, Business & Financial Affairs Policy Committee; Civil Justice & Courts Policy Committee; General Government Policy Council; Government Operations Appropriations Committee; and the Full Appropriations Council on General Government & Health Care; and,

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2           **WHEREAS**, the Mayor and Village Council desire to support State Representative Ari  
3 Porth and the entire state legislation and request the enactment of House Bill 221 and Senate Bill  
4 1044.

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6           NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
7 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
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9           Section 1.       The Above whereas clauses are incorporated by reference.

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11           Section 2.       House Bill 119 is reiterated below so as to facilitate the understanding of the  
12 bill and to illustrate the Village's support for the enactment of the Bill:  
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14 HB 119 - Real Property Registration GENERAL BILL by Porth Real Property Registration:  
15 Requires DFS to establish Internet registry of vacant, abandoned, or foreclosure-proposed real  
16 properties; authorizes DFS to charge registry filing fee; requires lenders to file specified information  
17 on such properties; requires lenders & DFS to notify local governments of properties on registry;  
18 requires local governments to establish e-mail address for receiving such notices; requires lenders  
19 initiating foreclosure proceedings on registry properties to include specified information in  
20 foreclosure filings; provides for dismissal of foreclosure proceedings for failing to include  
21 information; authorizes local governments to enter registry properties for specified examination  
22 purposes; requires local governments to notify lenders of intent to enter such properties for such  
23 examinations; prohibits local governments from entering such properties under specified  
24 circumstances; authorizes lenders to certify to local governments that registry properties have been  
25 inspected & meet specified criteria; provides penalties; requires local governments to notify lender's  
26 agents of specified conditions of registry properties; authorizes local governments to correct or  
27 repair such conditions & recover full costs of such repairs or corrections; provides for superiority of  
28 liens for such costs; protects right of local governments to inspect properties for specified purposes.  
29 Effective Date: July 1, 2009  
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31           Section 3.       The Village also supports any related bills including House Bill 221 relating  
32 to Public Records and Statewide Internet Registry of Vacant, Abandoned, or Foreclosure-proposed  
33 Real Properties; and Senate Bill 874 Real Property Registration Identical SB 1044 Pub. Rec./Vacant  
34 or Abandoned Real Property Reg. Compare.  
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36           Section 4.       A copy of this resolution shall be sent to the Florida House of  
37 Representatives and Florida Senate.  
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