

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

CITY OF PALM BAY,

Appellant,

v.

Case No. 5D09-1810

WELLS FARGO BANK, N.A.,

Appellee.

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Opinion filed March 25, 2011

Appeal from the Circuit Court
for Brevard County,
Bruce W. Jacobus, Judge.

James D. Stokes, City Attorney, and
Andrew P. Lannon, Deputy City Attorney,
City of Palm Bay, for Appellant.

Tracy A. Mitchell and Keith Poliakoff of
Becker & Poliakoff, P.A., Amicus Curiae,
Town of Southwest Ranches, Fort
Lauderdale, for Appellant.

Matthew J. Conigliaro and Stephanie C.
Zimmerman of Carlton Fields, P.A., St.
Petersburg, and Michael K. Winston of
Carlton Fields, P.A., West Palm Beach, for
Appellee.

ON MOTION FOR CERTIFICATION

PER CURIAM.

Upon consideration of Appellant's motion for certification, we grant same and certify the following rephrased question to the Florida Supreme Court as one of great public importance:

Whether, under Article VIII, section 2(b), Florida Constitution, section 166.021, Florida Statutes and Chapter 162, Florida Statutes, a municipality has the authority to enact an ordinance stating that its code enforcement liens, created pursuant to a code enforcement board order and recorded in the public records of the applicable county, shall be superior in dignity to prior recorded mortgages?

TORPY, EVANDER and COHEN, JJ., concur.