



Florida Man Could Lose His Home For Having Long Grass - Chicago's impound racket

[J. Justin Wilson](#) Senior Director of Communications

St. Petersburg, Fla.—Yesterday, the city of Dunedin, Florida did something unthinkable: it authorized the foreclosure of someone's home in order to collect fines the city assessed for having grass that was too long.

And now, today, Jim Ficken, a 69-year old resident of Dunedin, is fighting back. He's partnered with the Institute for Justice (IJ), a national public interest law firm, to sue the city to end its abusive practice of saddling homeowners with outrageously large fines—or even foreclosures—for minor code enforcement matters.

The lawsuit, which was filed in Pinellas County Court, argues that the fines are excessive under the excessive fines clauses of the U.S. and Florida Constitutions. Earlier this year, [IJ won a unanimous decision affirming the importance of Eighth Amendment at the U.S. Supreme Court.](#)

So how did Jim come to have owe nearly \$30,000 in fines over his lawn? Last summer, while Jim was out of town to take care of his late mother's estate, a friend he'd paid to mow his lawn died unexpectedly. Grass grows quickly in Florida, and Jim's lawn soon grew taller than ten inches. Without so much as a phone call, the city then began assessing fines of \$500 per day, every day. By the time he got back and became aware that he was being fined, the fines were already sky high and unpayable for someone like Jim, who lives on a fixed income.

"Losing your home because you inadvertently let your grass get too long is the very definition of an excessive fine," said Ari Bargil, an attorney at the Institute for Justice. "No one should face crippling fines, let alone foreclosure, for trivial code violations. Dunedin's Code Enforcement Board operates like a nightmarish homeowners association, but as a public board, it cannot rule with an iron fist. Rather, it must abide by state laws, as well as the state and federal constitution."

Bargil continued: "Jim asked the city if they would reconsider and give him a fair fine or a new hearing, but they rejected him. Now they are trying to take his home. But the amount of Jim's fine is wildly out of proportion to the offense of having long grass. The Institute for Justice will defend Jim's constitutional right to be free from this excessive fine so that he can keep his home."



This case is bigger than just Jim. In 2007, the entire amount of fines that Dunedin imposed for code violations was \$34,000—only a little more than the amount the city is now demanding for Jim's lawn alone. A decade later, in 2017, [the city was raking in 20 times as much, about \\$700,000.](#) In fiscal year 2018, it collected almost \$1.3 million in total fines. The city's code enforcement attorney, the one who refused to negotiate with Jim, calls the system a "well oiled machine." In 2018 alone, the city authorized foreclosure on 18 homes. In another case, the city authorized foreclosure to collect \$250.

In the recent unanimous decision secured by IJ in [Timbs v. Indiana](#), the U.S. Supreme Court confirmed once and for all that the Constitution prohibits governments from imposing excessive fines.

While the High Court confirmed that the right to be free from overly burdensome fines applies to the states, the justices did not set a clear standard for when a fine becomes excessive. Legal tradition maintains that a person's ability to pay a fine should be considered, yet today few government bodies consider the fairness of imposing large fines on Americans of limited means. With local governments increasingly looking to pad their budgets by assessing fines and fees, Jim's problem is emblematic of one facing many citizens.

"All over the country, citizens are being fined hundreds or thousands of dollars for minor violations and then threatened with the loss of their property or other serious consequences if they can't pay up," said IJ Attorney Andrew Ward. "The Founders knew that the government would always be tempted to levy outrageous penalties. It is past time for courts to give meaning to the Eighth Amendment's prohibition on excessive fines."