

City of Delray Beach Code Enforcement Division Analysis



Code Enforcement Process

Observations

- Florida Statute 162 supported by Municipal Code Chapter 37
- “Code Compliance Policies and Procedures Manual” sets local standards for the code process
- City Attorney’s Role and Authority
- Notice of Violation and Time To Comply
 - Code Inspector gives reasonable time to comply
 - Additional 15 days
 - Supervisor administrator grants 30 days
- Citation

Recommendations

- Revise the name to “Code *Compliance* Policies and Procedures Manual.”
- Add in the Policies and Procedure Manual verification of ownership in Palm Beach County Appraiser (PAPA) due to property market trends.
- Consider live-streaming Code Enforcement Hearings.
- Issue a Notice of Violation and Notice of Hearing *simultaneously*.
 - Code Inspector gives reasonable time to comply up to (30 Days) with a Notice of Violation that includes a Hearing date
 - Additional time may be granted by Code Enforcement Board (CEB) or Magistrate.
 - Shows case consistency and addresses negative perceptions
- Use Citations
 - Common violations

Code Enforcement Officer, Leadership and Operations

Observations

- Collaborative Structure
 - Development Services, Planning and Zoning, Public Works, Building, Business Tax Receipt, Sanitation, Community Redevelopment Agency/Clean and Safe, Housing and Community Development and the Downtown Development Agency (DDA) district.
 - Emphasizes commitment to public service
 - Supports future growth
 - Opportunity to better serve community and stakeholders

Recommendations

- Expand collaborations with Code Enforcement
 - Assign two Building Inspectors to the Code Division
 - Florida Building Code (FBC) and Florida Statutes outlines authority to the Building Official and *not* Code Enforcement.
 - Address all FBC violations through the code enforcement process under Building Official authority
 - Assign a code inspector to work all Business Tax Receipts (BTR) related violations, find new opportunity, affects revenues.
 - Assign a code officer to public works
 - Stormwater certified
 - Illicit discharge
 - Turtle lighting training
 - Dune permits
 - Lighting regulations
 - Communication meetings for consistency and collaboration enhancing synergy

Code Enforcement Officer, Leadership and Operations

Observations

- Code Enforcement Division Leadership Development
 - Administrator and supervisor roles are key in leading the code team
 - Code division leaders have Level 1, Fundamentals certification through Florida Association for Code Enforcement (FACE).
- Fiscal Year priorities is effective and clear
 - Code University

Recommendations

- Set development goals to obtain all four levels of certification from FACE and the Code Enforcement Professional certifications.
- Use FACE Supervision in Government course as a developmental tool.
 - Certifications add value, credibility, and skills to a code enforcement leader to better manage and direct a code division
- Goals and priorities should be realistic, purposeful, actionable and measurable
 - How are they defined
 - Are they aligned with stakeholders, residents, elected officials, City Management and business partners
 - Add timelines, and expected outcomes
 - Feedback from new team members and stakeholders assessing effectiveness of the Code University training and its outcomes.

Code Enforcement Officer, Leadership and Operations

Observations

- Performance measures established with a goal of five cases per day and 1155 code cases in eleven months- generalized and one size fits all.
- Individual performance compared to other code officers
- Unclear how the measures were determined or if aligned with the expectations of residence, business partners, stakeholders, elected officials and City Management
- No benchmarking
- Are zones, demographics, role assignments or other factors influencing performance measure goals
- Code enforcement input
- Is experience, training, individual strengths and weaknesses factored in.
- The appearance and perception of a quota system of measure.

Recommendations

- Goals and priorities aligned with residents, stakeholders, officials, City Management and business partners.
- Communicate strategic priorities and goals to the code team through regular communication for opportunities
- Use comparable data and benchmarking through available resources including similar size municipalities, Florida Benchmark Consortium and other organizations dedicated to benchmarking.

Code Enforcement Officer Internal Training

Observations

- Large Training Manual broken into a four-week program
- Manual is a good outline and template to start
- The guide has a review between the new code inspector and code enforcement supervisor on the fifth day

Recommendations

- Create an evaluation worksheet tracking a new code enforcement officers progress or improvement that is in real time.
- Field Training Officers continue training until a new code inspector has the proper knowledge to function independently (process, procedures, code familiarization)
- Customer Service training formalized as part of initial and ongoing training.
- Increases effective communication and exceptional customer service skills. Facilitates a higher level of service- oriented approach.
- Part of customer service is knowing specific area codes related to assigned area. Training specific to the assigned role will increase knowledge and customer service addressing the appearance of inconsistencies and selective enforcement.
- Training and learning to access approved site plans including outdoor seating, landscape, lighting, irrigation or development orders, variances will elevate the level of knowledge and service.
- Cross Training for potential learning and reallocation of resources

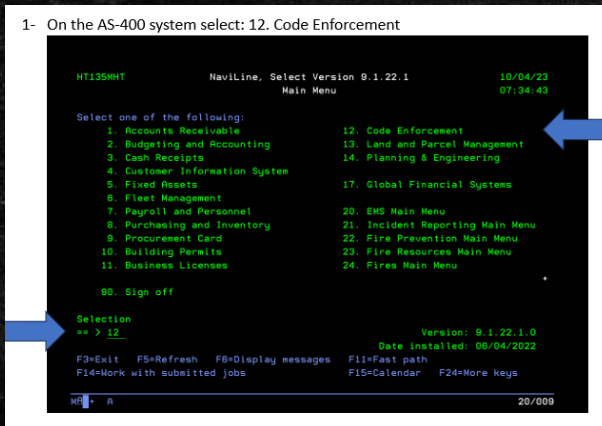
Code Enforcement Administration

Observations

- Ordinances were entered in the AS400 during initial configuration
- Ordinances are outdated and inconsistent with current municipal and Land Development Regulations.
- Outdated AS400 code case management system is causing rework, dismissals, and delays in cases involving municipal code and land development regulation violations.

Recommendations

- The City is currently working on a new case management system - code module to replace the AS400
- New software better manages inaccuracy and disconnect with current and outdated ordinances causing perceiving code officers, code leadership and the City of Delray Beach related to code enforcement appear discrediting.
 - Has an impact to all stakeholders
 - Review and analyze Legal Notice templates in the AS400 identifying inconsistencies and inaccuracies meeting CH 162. Collaboration with City Attorney.
 - Continuous collaboration with Development Services, Downtown Authority and City Attorney as prevention.
 - Continuous collaboration with Development Services, Downtown Authority and City Attorney as prevention. Review all Notices, Orders and Lien process proactively preventing legal obstacles



Code Administration - Anonymous Complaints

Observations

- Florida Statutes prohibits anonymous complaints in Part 1 and Part 2 of F.S. 162.
- Florida Statutes 162.06(1)(b) that describes enforcement proceeding for a potential violation as it relates to anonymous complaints when reporting a violation
- “name and address to the respective local government before an enforcement proceeding may occur.”
- Florida Statute 162 the law does not require the inspector code to include the complainant’s information within a Notice to the violator.
- Becomes a Public Records function under F.S. 119
- Code Division since 2023 implemented a complaint form to capture complainant information and prevents violating the requirements.

Recommendations

- There is nothing prohibited in the F.S. Chapter 162 from adding complainant information to a Notice. The only requirement per F.S. is that the complainant provide their name, and address when filing a complaint. Once that information is captured, it now falls under F.S. 119.

CITY OF DELRAY BEACH
NEIGHBORHOOD & COMMUNITY SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION
COMPLAINT RECEIPT FORM

TYPE & CASE NO: _____ DATE RECEIVED: _____
DATE INVESTIGATED: _____

COMPLAINT ADDRESS: _____
COMPLAINT P.C. NUMBER: _____
OWNER: _____
IF RENTAL PROPERTY, INDICATE LANDLORD PERMIT NUMBER: _____

COMPLAINANT RECEIVED VIA		ORIGINATOR CODE	
TELEPHONE	FIRE DEPT	OTHER STAFF	
LETTER	SW	OWNER	
	BUILDING	POLICE DEPT	
	CITIZEN	CODE & LICENSES	
OFFICE VISIT	CITY MANAGER	OTHER (SPECIFY)	
	CODE ENFORCEMENT		
FIELD CONTACT	ENGINEER		

COMPLAINANT'S NAME: _____
MANDATORY: ADDRESS: _____
NAME & ADDRESS: _____
NO. & ADDRESS: _____
COMPLAINT: _____ EMAIL: _____

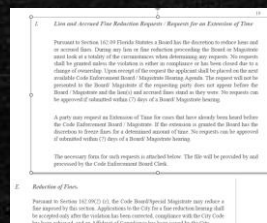
ASSIGNED/REFERRED TO: _____
DATE ASSIGNED/REFERRED: _____

DIVISION SECRETARY RECEIVING COMPLAINT: _____
CASE TYPE: AC AN SW OC RC LC NA NR
OL RN RO RW SI TR TH SR PAYE

DESCRIPTION OF PROBLEM: _____

August 10, 2022

- The process for requesting fine mitigation or relief is in the “Operating Guidelines Manual” and City Ordinance Chapter 37 supported by F.S. 162.
- Currently utilizes a lien and accrued fine requests form and application process.



- Current form may need revisions adding additional or relevant information describing circumstances the Code Enforcement Board or Special Magistrate should consider.
 - Example, Deerfield Beach allows property owners to request mitigation or relief for hardships or other circumstances through an application with instructions.
 - The city may consider a mitigation application fee similar to the City of Coral Springs.

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Stipulated Settlement Agreements

Observations

- Stipulated Agreement currently in place
- Violator waive their right to a Hearing
- Process outlined in the Operating Guidelines Manual for Code Enforcement and appears to be clear process.

9. *Stipulation and Waiver of Hearing*

(a) Any person cited with a Code violation has the right to stipulate to the violation and waive his/her right to a hearing by completing a Stipulation and/or a Waiver of Hearing form.

(b) Any person cited with a code violation may request a Stipulation and/or Waiver of Hearing form from the Code Enforcement Office after receiving a Notice, any day during normal business hours before the date of the Code Enforcement Board Hearing. The stipulation will be notarized and placed in the case file. Alternatively, the Stipulation/Waiver of Hearing form may be executed at the hearing and submitted to the Code Board/Special Magistrate at the Code

Enforcement hearing.

(c) An Order finding Violation shall then be prepared and signed by the Code Board/Special Magistrate, which Order is to be delivered to the violator either at the Code Enforcement hearing, or pursuant to the Notice provisions of this manual.

(d) The Order shall specify a final date of compliance. Further, the Order shall set a Fine Assessment hearing date, and shall advise the violator that a failure to comply by the final date of compliance shall result in the imposition of fines and costs, making it clear when the violator needs to appear again if he/she fails to timely comply.

(e) The original Order shall be placed in the case file.

(f) The drafting and signing of a Stipulation agreement shall comply with the guidelines set forth in the stipulation agreement process policy of this manual.

Recommendations

- Consider utilization of the stipulated agreement option with the property owner to achieve compliance.
- Consider a review of the City of Pompano Beach process using a stipulated agreement for code enforcement as a legally binding agreement.
- Property owner agrees to correct the issue within a specified timeframe, outlining the exact steps they will take to comply with city ordinances and avoid further penalties.
- The stipulated agreement helps the Code Enforcement Division, and the violator achieve a quick resolution.

Tiered Violations: Civil Citations

Observations

- Civil citation violations are classified using a tiered system, which sets fine amounts and contested costs
- City Municipal Ordinance 37 includes around 107 codes under the Civil Citation ordinance, covering violations such as garbage disposal, trash handling, landscaping, and building maintenance.

Categories	Courtesy Notice	First Offense	Second Offense	Third Offense	Additional Offense
Class I					
False alarm—Fee schedule in section 16.27 of Code	Yes	\$ —	\$ —	\$ —	\$50.00—\$200.00
Failure to register alarm	No	\$100.00	\$100.00	\$100.00	\$100.00
Emergency water restrictions	Yes	75.00	125.00	250.00	\$00.00
Golf cart ordinance	No	150.00	150.00	250.00	\$00.00
Class II					
Overgrown lots	Yes	\$150.00	\$250.00	\$400.00	\$500.00
Landscaping/light tree right place/tree protection/utility line clearing daily running lines	Yes	100.00	250.00	\$00.00	\$00.00
Illegal signs—residential	Yes	150.00	250.00	400.00	\$00.00
Illegal vehicles business advertising	Yes	150.00	250.00	400.00	\$00.00
Illegal display of vehicles for sale	Yes	150.00	250.00	400.00	\$00.00
Other violations of equivalent gravity	Yes	150.00	250.00	400.00	\$00.00
Class III					
Occupational license	Yes	\$100.00	\$250.00	\$500.00	\$500.00

Recommendations

- The fee schedule appears to cover violations that can be addressed in a citation, but the fee schedule can be enhanced by including a tiered penalty depending on the times a property owner was issued a citation for the same violations similar to a regular code case in a repeat offender status.
- Consider a repeat violation escalation adding an increase in penalties. For example, the first offense could be \$150, the second offense could be \$300, the third offense could be a mandatory appearance at a Hearing. This type of increase based on occurrences may deter a violation and encourage long-term compliance.
 - The City of Palmetto Bay uses a Tiered violation in their Citation program where there is a fine escalation for multiple violations occurring after a Courtesy Notice is issued. Review the snapshot of Palmetto Bay's fine citation schedule.

Processes For Repeat Offender Cases

Observations

- Current process to address ‘Repeat Offender’ code cases as outlined in Florida Statute 162 and the current Code Enforcement Manual
- Violator receives a Notices of Repeat Violation / Notice of Hearing

4. **Notice of Repeat Violation/Notice of Hearing (NOR/NOH)** - If a repeat violation is found, the Officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The Officer, upon notifying the violator of a repeat violation, shall schedule a hearing and notice of such hearing shall be provided to the alleged violator pursuant to the Notice provisions of this manual. The case may be presented to the Code Board/Special Magistrate even if the repeat violation has been corrected prior to the hearing, and the notice shall so state. If the repeat violation has been corrected, the City retains the right to schedule a Code Enforcement hearing to determine fines and reasonable enforcement costs and to request that the Code Board /Special Magistrate impose same upon the repeat violator.

Recommendations

- Repeat violator /Offender is a useful tool and the code officer can request from the Code Enforcement Board or Special Magistrate to issue a Final Order / Finding of Fact
- Hearing adjudicates or finds the violation “guilty.”
- Use when violators continues to violate municipal codes on a regular basis but comply prior to the Code Enforcement Board or Special Magistrate Hearings
- Once the Order is issued for a Finding of Fact, the property owner is considered a Repeat Offender
- Owner is now subject to receive immediate and elevated fines for five years upon a code officer’s observation
- Notice of Repeat Violation/ Notice of Hearing on any of the properties that property owner has ownership
- Same property owner / same violation.

Special Magistrate and Code Enforcement Board Procedures

Observations

- City Ordinance is clear on Code Enforcement Board Rules of Procedure
- The term limit for any board member's tenure is three consecutive years and Chapter 162.05(2) states, Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments will follow relevant laws and ordinances, considering experience or interest in the board's subject matter, as determined by the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.
- Chapter 37 of the Delray Beach municipal code is consistent with Chapter 162.05(3)(f) "members shall serve in accordance with ordinances of the local governing body".

Recommendations

- The recommendation is to consider transitioning from a Code Enforcement Board to a Special Magistrate Hearing. Several cities are using Special Magistrates instead of Code Enforcement Boards to streamline hearings and increase effectiveness.
- The role of Special Magistrate requires an attorney with education, experience and legal knowledge of the laws, ordinances and codes related to the quasi-judicial code enforcement hearing. Most Special Magistrates are current or former municipal attorneys well-versed in this profession
- However, a well-functioning code enforcement board, one with regular membership that votes on the facts of the case and evidence presented, without bias in applying the local laws, is valuable

Sec. 37.01. - INTENT.

It is the intent of this Chapter to promote, protect, and improve the health, safety, and welfare of the citizens of the City by authorizing the creation of the Code Enforcement Board and creating the position of Code Enforcement Special Magistrate with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing City codes and ordinances where a pending or repeated violation continues to exist. Specific authority to hire and appoint a Special Magistrate and/or Code Enforcement Board attorney is hereby delegated to the City Manager or designee. A special magistrate shall have the same status as the Code Enforcement Board under this chapter. References in this chapter to the Board, except in [Sections 37.13](#) through [37.24](#), shall include a special magistrate if the context permits.

Statutory Support For Transition

- F.S. 162.03 (1) allows for Municipalities options to create or abolish by ordinance local government code enforcement boards as provided in F.S. 162. In section (2) of F.S. 162.03 it says, "A charter county, a non-charter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter for an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits."
- Florida Statute Chapter 162.05 Local government code enforcement boards; organization. – (1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 people may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 people must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members. The member meets the criteria as a quorum.
- In Chapter 162.05(3) (f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards. Chapter 37 in the municipal code is consistent with the statute.
- In Chapter 162.05(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

Incentive for Compliance

Observations

- The current code enforcement policies and procedures are incentivized through enforcement actions using the warning door hanger and any code enforcement case with a voluntary compliance outcome. There are City Programs and resources code enforcement have as tools for to achieve compliance if a resident needs assistance.



The screenshot shows a webpage titled "CITY PROGRAMS AVAILABLE TO HOMEOWNERS". It lists several programs including the Home Rehabilitation Assistance Program, the Home Energy and Cost-Reduction (HERC) program, and the Neighborhood Safety Program. Each program is described with its purpose and how to apply. At the bottom, there is a table titled "FISCAL YEAR 2026 INCOME LIMITS" showing income brackets for different household sizes.

Household Size	2025	2026	2027	2028	2029	2030
1	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
2	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
3	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
4	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
5	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000
6	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000

Recommendations

- The code enforcement division has a diverse resource to help incentivize compliance in the community that would encourage voluntary compliance as the purpose and mission statement for code enforcement. The Code Enforcement Division is currently under the Neighborhood and Community Services Department but the division name “Code Enforcement Division” may not be in alignment with the Department services aspect.
 - Delray Beach may need to consider aligning the Code Enforcement Division and the Division’s title with “Code Compliance Division” as rebranding code showing residents, business partners and stakeholders the true intent of code compliance. The Code Enforcement Officer can be changed to “Code Compliance Inspector” helping the mindset of the Code Compliance Inspector to focus on achieving voluntary compliance.
- Explore innovative ways to further incentivize compliance

Rolling Fines

Observations

- The Special Magistrate and Code Enforcement Board issue Orders and Impositions with daily fines and penalties based on the severity of violation and how it impacts the community.
- Currently structured is a rolling fine format
- Fines continue to run till compliance is achieved of all violations by the respondent / violator.

Recommendations

- Workshops with the Special Magistrate, Code Enforcement Boards , Code Enforcement Division and City Attorney's may offer clarity in this area.
- Workshops can be conducted semi-annually as a way to make sure the participants in this quasi-judicial body and the code team can communicate processes, legal matters related to the Hearing process and alignment with all party's purpose.

Thank You