

**CITY OF DELRAY BEACH
NEIGHBORHOOD AND COMMUNITY SERVICES (NCS)
CODE ENFORCEMENT PROCESS ASSESSMENT**



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

TABLE OF CONTENTS

Summary	3
Code Enforcement Division Process	4
Code Enforcement Officer, Code Enforcement Leadership Team Operations	7
Code Enforcement Officer Internal Training	12
Code Enforcement Administration	14
Legal Notices	14
Anonymous Complaints and Notices	16
Mitigation and Reduction	18
Stipulated Settlement Agreement	21
Tiered Violations	23
Repeat Offender Cases	25
Special Magistrate and Code Enforcement Board Process	26
Incentive for Compliance	28
Rolling Fines	30
APPENDIX A	City of Deerfield Beach Mitigation Application
APPENDIX B	City of Coral Springs Mitigation Request

Summary

The purpose of the Code Enforcement Division analysis is to review core processes, recognize and identify opportunities for improvement, and verify that processes involving legal requirements applicable through Florida Statutes and local code ordinances are consistent. The City of Delray Beach currently employs various methods to enforce alleged offenses of the city's Land Development Regulation and Municipal Code of Ordinances, Warning Notices, Door Hanger Warnings, Notices of Violation, and Notices of Hearing. In addition, the code enforcement division has implemented a citation program with a tiered violation fine schedule for numerous code violations.

Common violations cited include abandoned vehicles, business tax receipt issues, property maintenance, landscape violations, outdoor storage, trash and recycling services, address numbering, overgrowth, fences in disrepair, work without permits, nuisance abatements, boats and recreational vehicle violations, construction hours, mosquito prevention, commercial property maintenance, unlicensed landlords, and right of way maintenance. Enforcement efforts focus on preventing and eliminating blighted conditions, community health and safety concerns, and unsafe properties.

The use of door hangers and warnings are aids in achieving voluntary compliance with code violations. If a property owner or violator fails to comply, they are issued a Notice of Violation and a Notice of Hearing to appear before the Code Enforcement Board or Special Magistrate, which are a quasi-judicial process. The Code Enforcement Board or Special Magistrate has the authority to issue an order for compliance that may result in a daily fine, a line, or other legal options deemed appropriate by the city.

Since January 6, 2025, a comprehensive review of the code enforcement processes, inspector training manual, code division policy and procedure manual, including interviews and observations with the code enforcement leadership, officers, administrative team, Neighborhood and Community Services leadership, and stakeholders have been conducted. This review aims to assess opportunities for improvement and identify any unfair practices or perceived unfair practices within the code enforcement division. The recommendations presented in this assessment offer options for the City of Delray Beach to consider enhancing the code enforcement processes.

1. CODE ENFORCEMENT DIVISION PROCESSES

Observation

- The code enforcement process presently used by the City of Delray Beach meets the requirements of Florida Statute 162 and the City's Code of Ordinances under Chapter 37 as it relates to Florida Statute 162. The Code Enforcement Board and Special Magistrate process is a public hearing, and authority is given to the City Attorney's Office as legal representation for these proceedings. Both Hearing processes are thorough and transparent hearing processes consistent with the Florida Statute and the City ordinance.
- Strong points of the code enforcement process are Chapter 37 as a municipal ordinance adapting the criteria and requirements of Florida Statute 162 and the ordinance outlines further use of a Code Compliance Policies and Procedures Manual setting local standards to facilitate process consistency and process continuity.
- A second strong point of the code enforcement process is having the City Attorney as part of Chapter 37 in the "Enforcement Procedures" as outlined in Section 37.35 under City Attorney; Role and Authority show in figure 1a.

ENFORCEMENT PROCEDURES

Sec. 37.35. - CITY ATTORNEY; ROLE AND AUTHORITY.

The City Attorney shall either be counsel to the Code Enforcement Board or shall represent the City by presenting cases before the Board or Special Magistrate, but in no case shall the City Attorney serve in both capacities. Whenever the City Attorney serves in the capacity of presenting cases before the Board, he shall have full prosecutorial discretion, including, but not limited to the right to negotiate a plea with a violator and present that plea to the Board for approval, to recommend the disposition of a case to the Board, and to decline to prosecute a case, similar to the discretion exercised by the State Attorney in criminal cases.

(fig 1a)

RECOMMENDATIONS:

Neighborhood and Community Services Department:

- Municipal ordinance chapter 37 section 37-36 refers to a City of Delray Beach Code Compliance Policy and Procedures Manual that outlines the initiation and prosecution of code violation cases. The only manual I received was the Neighborhood and Community Services Operating Guidelines Manual that resembles a Policy and

Procedures Manual referenced in Chapter 37.

Recommendations

- The NCS leadership should consider revising the name of the existing document to be consistent with the identifying language contained in Chapter 37 of this ordinance by naming the manual “City of Delray Beach Code Compliance Policies and Procedures Manual” as appropriately mentioned in the code.

Sec. 37.36. - **ENFORCEMENT** PROCEDURES AND FINES.



(A) The initiation and prosecution of **code** violation cases shall be conducted in accordance with F.S. ch. 162, and the City of Delray Beach **Code** Compliance Policies and Procedures Manual, as may be amended.

- A review of the existing Operating Guidelines Manual found no section that suggests verifying ownership information through the Palm Beach County Property Appraiser (PAPA) website during the processes after the issuance of a Notice. With the current trends in the housing market where ownership can change regularly, this regular check in the PAPA website should be conducted up to the time of the Code Enforcement Board or Special Magistrate hearing process to ensure correct ownership verification.
- Considering live-streaming the Special Magistrate and Code Enforcement Board Hearings Live-streaming public meetings provides transparency and a learning resource for residents, business partners, and community stakeholders to gain a better understanding of code enforcement.

Observation

- In the Delray Beach Operating Guidelines Manual in Roman numeral II, C, (2) and (3), the manual states in (2) that the code officer can give a reasonable period of time to correct a violation and can offer an additional 15 days for the correction of the violation or more with the approval of the immediate supervisor. If the property owner needs more than 30 days to comply with the violation(s), the code enforcement supervisor administrator can grant an extension of time. In II, (3) if the property owner does not comply with the violation through the Notice of Violation, then a Notice of Hearing shall be issued and mailed no later than 30 days from the

Code Enforcement Hearing.

Recommendation

- The NCS leadership should consider issuing a Notice of Violation and Notice of Hearing *simultaneously*.
 - The Notice of Violation can be issued stating the code violation(s) the owner needs to comply and a reasonable time to comply but also obtains the Notice of Hearing with Hearing date to appear before the Special Magistrate or Code Enforcement Board if the violation(s) are not complied. A process such as this will help encourage voluntary compliance and streamline the Hearing process.
 - Considering this process will make the Notice process more consistent and remove the perception of inconsistency, favoritism, or selective enforcement. Utilizing this process places any extension of time or continuance for compliance strictly at the discretion of the Special Magistrate or Code Enforcement Board Hearing process and out of the control of the code enforcement division.
 - The City of Pompano Beach, Town of Hillsboro Beach. City of Deerfield Beach and West Palm Beach currently use this process.

Observation

- Municipal ordinance Chapter 37 references Florida Statute 162 Part 2 for the use of a citation to address code violations. The municipal ordinance is Section 37.38 Code Enforcement Citation Procedures provides the code enforcement officer the ability to issue a civil citation to violators once a warning with a reasonable time to comply is issued. If the property owner fails to comply by the warning compliance date, then a citation is issued with a fine outlined by the Schedule of Civil Penalties under Chapter 37, Section 37.39.

Recommendation

- Currently the Code Enforcement Division is not utilizing this additional tool addressing regular or common violations. Utilizing this tool may help resolve minor and ongoing violators.

2. Code Enforcement Officer, Code Enforcement Leadership Team Operations

Observation

- The Code Enforcement Division is within the Neighborhood and Community Services Department. The Code Enforcement Division has collaborative structure within the City of Delray Beach serving several stakeholders consisting of other departments and divisions including 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 district to name a few.
 - The structure of the Code Enforcement Division is a significant strength, enabling various departments to address code violations specific to their respective areas through the code enforcement and hearing process. This collaborative framework is uncommon among most municipalities, making Delray Beach's approach notably unique. The division has the potential to emphasize the commitment to the "Service" part of Public Service benefited by the community. This model supports citywide future growth and has an excellent opportunity to better serve every stakeholder in the community.

Recommendation

- Collaborating code enforcement teams with various departments, divisions, and community partners can be effective. It is important to expand these partnerships without over relying on code enforcement.
 - An example would be assigning two Building Inspectors to the Code Enforcement Division to address all Florida Building Code related

violations to include Unsafe Structures, work with no permits, and Building Safety Inspection Certification under the authority of the Building Official. The City of Pompano Beach has a team in the Building Department that consist of certified building inspectors and a supervisor where this team starts their own code case, presents their code case at Hearings and address all Florida Building Code (FBC) related violations within the Building Department and Building Officials jurisdiction. This would allow a reallocation of code enforcement officers back into the community.

- Assign a Business Tax Receipt (BTR) code enforcement inspector to the Code Enforcement Division to respond to BTR violations related to renewals, transfers, and new businesses. The budgetary implications in implementing this recommendation would be a discussion among internal City of Delray Beach Directors and the City Manager's Office.
- The City of Pompano has as team of Business Tax Receipt investigators that administer and present all code cases in violation of the BTR municipal code. The BTR inspectors can proactively find new businesses securing revenue.
- Public Works has a number of regulatory requirements under Stormwater and beach dune trimming permits related to illicit discharge and turtle lighting violations during turtle season. Presently code enforcement officers responding to environmental and stormwater violations do not have the appropriate training and certifications stormwater inspectors.
 - Consider collaboration with Public Works to provide specialized training addressing the regulatory requirements under the Stormwater and beach dune trimming permits relating to illicit discharge and turtle lighting violations during turtle season. The designated Code Enforcement Officers will be a dedicated resource specifically addressing these violations withing the Code Enforcement Division.

- Feedback from the Code Enforcement Division and stakeholders has highlighted the need to strengthen open lines of communication and collaboration with relevant departments. This enhancement is essential to achieve the synergistic dynamics originally intended by the city.
- To support this goal, the Code Enforcement Division should consider implementing monthly or quarterly communication meetings to supplement daily communications and ensure consistency during collaborative efforts.

Observation

- The Code Enforcement Division is currently managed by the NCS Director, the Code Enforcement Administrator, the Code Enforcement Field Supervisor, and a Lead Code Enforcement Officer. These code enforcement leadership roles are important to a code enforcement division and the people in these roles should have leadership skills, experience, and education through facilitators of code enforcement certifications such as Florida Association of Code Enforcement (FACE) and International Code Council (ICC).

Recommendation

- A person in a code enforcement leadership role should have the goal and expectation to obtain all four Florida Association of Code Enforcement certifications including the Code Enforcement Professional Certification. FACE also provides supervisor courses using current best practices and current management techniques. These certifications add value, credibility, and skills to a code enforcement leader to better manage and direct a code division. These certifications give staff, residents, business partners and the community a sense of confidence in the decision-making capabilities in a person designated as a code enforcement leader.

Observation

- Goals and Priorities set for Fiscal Year 2024/2025 consist of six priorities shown in figure 2c and figure 2d. The plan has the goals broken down into

categories including objectives, timing, action/activity, completion date and assignment shown in figure 2c. The plan is clear and there is mention of a Code University under training and development. Setting goals and priorities helps both new and experienced code enforcement officers in their training. The goals and priorities help focus the code division on the same mission with ongoing assessments of achievements.

CODE ENFORCEMENT DIVISION GOALS & PRIORITIES FY 24/25	
Strategic Goals:	
<ul style="list-style-type: none"> To build a proactive division, which through systematic inspections, discovers and addresses violations that protect the integrity of the neighborhoods we serve. To provide exceptional customer service to internal and external constituents Enhance communication amongst Code Enforcement Officers and residents through outreach & education to achieve voluntary compliance. 	
Priorities:	
Priority 1: Code Officers Cleanup Projects (Clean City Initiative)	
Priority 2: Community Education & Engagement	
Priority 3: Hot Spot Areas	
Priority 4: Unsafe Structures	
Priority 5: Training & Development	
Priority 6: Accountability	

CODE ENFORCEMENT DIVISION GOALS & PRIORITIES FY 24/25				
Priority 5: Training & Development				
Objectives	Timing	Actions/Activities	Date of Completion	Assign to:
1. Quarterly Code University Training for Code Enforcement Officers and Staff. A) Develop subject matter experts on specific areas such as: - Historic Preservation Properties - Vacation Rental Properties - Construction Sites procedures - Community Residence - Sea Turtles - Shopping Plazas B) Review and Update Policies and Procedures C) Cover Workflows information and refreshment of existing procedures 2. F.A.C.E. Certification for all code officers. 3. C.E.O.A.P.B.C (Code Enforcement Officers Association of Palm Beach County) 4. Delray Forward - Internal Training 5. Public Speaking training sessions 6. Human Resources Department Development training classes 7. Conference and Seminars attendance	- Quarterly - As available	1. Four (4) Trainings completed by September 2024. 2. Stay informed on upcoming classes offered by F.A.C.E. 3. Certified new Code Officers by end of FY. 4. Attendance of training classes offered by C.E.O.A.P.B.C. 5. Self-assignment training in Delray Forward	- On-going project.	1. Phil Cartwright 2. Janet Kent 3. Marc Woods 4. Code Officers

(fig.2c.)

Recommendation

- Having goals and priorities is a great idea but the goals must be realistic, purposeful, actionable, and measurable. How are these goals and priorities created and are they aligned with the needs of the stakeholders, residents, elected officials, City Management, and business partners? The Goals and Priorities outline lacks a specified timeline for measuring the expected outcomes and results of the objectives. Code Enforcement leadership should get feedback from new team members and stakeholders to assess the effectiveness of the Code University Training and its outcomes.

Observation

- There are performance metrics shared by the Code Enforcement Division from Fiscal Year 2023 that show the code case daily goal of five cases per day and an eleven-month case goal of 1155. The performance metrics also identify individual code officers and how their performance compares to other code officers.
 - It is unclear how these goals and expectations were/are determined.
 - Do these measures align with the expectations of residence, business partners, stakeholders, elected officials and City Management?
 - What process is the benchmark process that determines these measures (comparisons to similar / surrounding municipalities)?
 - Are the code enforcement officers assigned zones, demographics, role assignments, or other factors used to determine these measures?
 - Does the code enforcement team have input in these measures and goals?
 - Are the strengths and weaknesses (training and experience) of the individual code officers considered or factored in?
- At face value, these measures appear and perceived to be a quota system of measures.

Recommendation

- Goals and priorities should align with the needs of stakeholders, residents, officials, City Management, and business partners. Communicate strategic priorities and goals clearly to the code enforcement team. Regular communication allows for opportunities

for improvement.

- Comparing and benchmarking other similar cities to determine measures is useful keeping in mind each code enforcement jurisdiction utilizes different definitions of code enforcement actions. Access the Florida Benchmark Consortium database to compare average daily cases and analyze processes of municipalities that issued multiple warnings to property owners, affecting daily case measures and compliance rates.

CODE ENFORCEMENT PERFORMANCE METRICS FY 2023

- January 2023 to November 2023 working days: **231**
- Code case daily goal: **5**
- January 2023 to November 2023 case goal: **1155**
- 11 months top 3 high performers code cases average: **88**
- 11 months code officers code cases average:

<u>OFFICER</u>	<u>CASE AVG.</u>	<u>AVG. %</u>	<u>TOTAL CASES</u>	<u>GOAL PERFORMANCE RATING %</u>	<u>PERFORMANCE RATING</u>
Jude LeConte II	88	100	1071	93%	
Lakesia Harris	88	100	978	85%	
Chantale Jean-Baptiste	88	100	971	84%	
Khatoya Wesley	83	94.32	918	79%	
Rubenson Dejadin	69	78.41	763	66%	
Randell Strocke	65	72.86	710	62%	

(fig.2d.)

3. Code Enforcement Officer Internal Training:

Code Enforcement Officer Training Model

Observation

- The current training for a new code enforcement officer consists of the study of a large training manual called the Code Enforcement Division, New Employee Training Guide. The training guide outlines a four-week program, with each week's schedule broken down into tasks and days. The format of the training guide is a good outline and template. The training guide provides a review with the code

enforcement supervisor for day five of that week.

Recommendation

- The training guide contains substantial amounts of information for a new code enforcement officer to learn and the training period consists of reading the manual and participating in a field training program. Staff should create a training evaluation worksheet to track new code enforcement officers' progress and identify areas for improvement during the training period.
 - Field Training Officers should continue training new code enforcement officers on a regular basis to ensure they are fully prepared to conduct code enforcement functions independently and have obtained sufficient knowledge of the municipal code of ordinances, processes, and procedures.
 - It is advisable to establish a mentorship program that ensures ongoing post-training support from designated colleagues and code enforcement officers. Additionally, a mentorship program facilitates leadership development within the Code Enforcement Division.
- Appropriate customer service is an expectation resident, business partners and internal customers expect from a person in public service. There is not any formal customer service training in the training manual code.
- Add a Customer Service section to the training program to ensure clear communication, empathy, and effective problem-solving in code enforcement.
 - Increasing effective communication and developing exceptional customer service skills will shift the code enforcement experience to be more of an outreach and service-oriented approach instead of a punitive or negative approach to achieving compliance. Adequate training for Code Enforcement Officers is essential for effective ordinance application. Code Enforcement officers working with downtown businesses need to be familiar with all ordinances and specific issues related to the downtown area. The officer should have access to look up approvals from Development services, Public Works, and Planning Division.

- A code officer is responsible for being knowledgeable about and accessing the approved outdoor seating plans for a business. The same can apply to the code officers working on commercial properties.
- Code officers should have adequate access to landscape, irrigation, lighting plans, Development Orders, and approved variances to determine applicable code violations.
- Without role-specific training, a code officer may appear to practice selective enforcement or be inconsistent if they frequently misapply land development regulations.
- Cross training is crucial for potential staff reallocation.

4. Code Enforcement Administration

Legal Notices

Currently, all Notices related to the Code Enforcement process meet the requirements of F.S. Chapter 162 under Chapter 162.12 “Notices” as shown in figure 4a.

Observation

- Ordinances were recorded in the AS400 case management software during the initial configuration of the system. The code enforcement supervisor and team agree the ordinances are outdated and inconsistent with current municipal and land development regulations.

Recommendation

- The outdated AS400 code case management system is causing rework, dismissals, and delays in cases involving municipal code and land development regulation violations.
 - This inaccuracy and disconnect with current and outdated ordinances can present the perception that the code enforcement officers, code enforcement leadership and the City of Delray Beach related to code enforcement accuracy can look discrediting. These inaccuracies also have an impact on

the City Stakeholders that rely on the code enforcement division for enforcement and compliance.

- Review and analyze the Legal Notice templates in AS400 to identify inaccuracies, inconsistencies, and ensure compliance with F.S. 162 and City Attorney requirements.
- Collaboration with the City Attorney's Office should continue to ensure compliance with Florida Statutes.
- Continuous collaboration with the Development Services, Downtown Development Authority and City Attorney's office is necessary to be successful.
- The City Attorney and Code Enforcement team should work together to ensure compliance with the legal requirements under Florida Statutes, including Chapter 162, and Delray Beach Ordinance Chapter 37. The City Attorney and the code enforcement administrator can review all Notices, Orders, and the Lien process to help proactively prevent any legal obstacles for occurring.

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

(3) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(fig. 4a)

Anonymous Complaints and Notices

Observation

- The Code Enforcement Division meets the criteria for Legal Notices set in the Florida Statutes 162.06(1)(b) that describes enforcement proceeding for a potential violation as it relates to anonymous complaints when reporting a violation to the Code Enforcement Division. The Code Enforcement Division records complainant information upon receiving a complaint.
 - The Code Enforcement Division process collects a complainant's **“name and address to the respective local government before an enforcement proceeding may occur.”** In addition, an email and telephone number are added as the information is made available to better serve the complainant and to follow up with the complainant to provide a case status as provided in figure 4c Florida Statute sections in Part 1 and Part 2 of F.S. 162 that sets clear criteria related to anonymous complaints.
 - In Florida Statute 162 the law does not require the inspector code to include the complainant's information within a Notice to the violator. This function falls under Florida Statute 119, where violators or requestors will receive information through a public records request as per the City of Delray Beach's established process.
 - Currently, the Code Enforcement Division have utilized “Complaint Receipt Form” since 2023. This form contains the complainant's information that follows Florida Statute 162 as no anonymous complaints can initiate a code enforcement proceeding. Refer to the complaint form in figure 4b, and Chapter 162 statute in figure 4c.

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: _____	
COMPLAINT RECEIVED VIA:	ORIGINATION CODE:
TELEPHONE	FIRE DEPT
	SWS
LETTER	BUILDING
	CITIZEN
OFFICE VISIT	CITY MANAGER
	CODE ENFORCEMENT
FIELD CONTACT	ENGINEER

COMPLAINANT'S NAME: _____

MANDATORY ADDRESS: _____

NAME & ADDRESS PHONE#: _____

NO ANONYMOUS COMPLAINTS EMAIL: _____

ASSIGNED/REFERRED TO: _____

DATE ASSIGNED/REFERRED: _____

DIVISION SECRETARY RECEIVING COMPLAINT: _____

CASE TYPE: AC AV SWS GC HC LC NA NR
OL RN RO RW SI TR UH SR PAVE

DESCRIPTION OF PROBLEM:

August 14, 2023

(Fig. 4b)

Florida Chapter 162 Anonymous Complaint Law and Criteria

162.06 Enforcement procedure.—

(1)(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.

(b) A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

162.21 Enforcement of county or municipal codes or ordinances; penalties.—

(3)(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(b) A code enforcement officer may not initiate an investigation of a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(Fig. 4c)

Recommendation

- There is nothing in the Florida Statutes specifically in Chapter 162 that would prohibit the City of Delray Beach to add the complaint information in a Notice in addition to a public records request from the public. Each City is different, and this decision would need a discussion with the City Attorney. Currently the sharing of a complainant and their information would fall under the Public Records Law contained in Florida Statute 119.

5. *MITIGATION OF FINES - RELIEF PROCESS

Observation

- The City of Delray Beach follows Florida Statute 162, specifically F.S.162.09, for lien and accrued fine reduction requests. The process for requesting fine mitigation or relief is in the “Operating Guidelines Manual” and City Ordinance Chapter 37 (see figure 5a). The Code Enforcement Division currently utilizes a lien and accrued fine requests form as shown in figure 5b.

I. Lien and Accrued Fine Reduction Requests / Requests for an Extension of Time

Pursuant to Section 162.09 Florida Statutes a Board has the discretion to reduce liens and or accrued fines. During any lien or fine reduction proceeding the Board or Magistrate must look at a totality of the circumstances when determining any requests. No requests shall be granted unless the violation is either in compliance or has been closed due to a change of ownership. Upon receipt of the request the applicant shall be placed on the next available Code Enforcement Board / Magistrate Hearing Agenda. The request will not be presented to the Board/ Magistrate if the requesting party does not appear before the Board / Magistrate and the lien(s) and accrued fines stand as they were. No requests can be approved if submitted within (7) days of a Board/ Magistrate hearing.

A party may request an Extension of Time for cases that have already been heard before the Code Enforcement Board / Magistrate. If the extension is granted the Board has the discretion to freeze fines for a determined amount of time. No requests can be approved if submitted within (7) days of a Board/ Magistrate hearing.

The necessary form for such requests is attached below. The file will be provided by and processed by the Code Enforcement Board Clerk.

E. Reduction of Fines.

Pursuant to Section 162.09(2) (c), the Code Board/Special Magistrate may reduce a fine imposed by this section. Applications to the City for a fine reduction hearing shall be accepted only after the violation has been corrected, compliance with the City Code has been achieved, and an Affidavit of Compliance has been issued by the City.

(fig. 5a)

<p>DATE SUBMITTED: _____ CEB CASE NO. _____</p> <p style="text-align: center;">REQUEST TO REDUCE PENALTY OR TO EXTEND COMPLIANCE DATE</p> <p>YOU ARE MAKING STATEMENTS UNDER OATH. THIS FORM MUST BE SIGNED, NOTARIZED AND COMPLETED IN ITS ENTIRETY TO BE PROCESSED.</p> <p>INSTRUCTIONS: Complete both sides of this form, being specific when writing your statement on the reverse side and return the form to the Clerk of the Code Enforcement Board at the above address. We will inform you when this request will be considered by the Code Enforcement Board. Please call the Clerk of the Code Enforcement Board at 243-7213 if you have any questions.</p> <p>1. Property Owner's Name: _____</p> <p>2. Property Owner's Mailing Address: _____</p> <p>3. Property Address or Legal Description where violation exists or existed: _____</p> <p>4. Daytime Phone Number: _____</p> <p>5. I am requesting: _____ A Penalty Reduction _____ Proposal of Settlement Offer \$ _____ - OR - _____ A Time Extension</p> <p>6. I am requesting an extension for compliance until: _____</p> <p>7. If this form is completed by other than the property owner, the name, address, and relationship of the person who is authorized to act for the property owner must be listed below:</p> <p>NAME: _____ RELATIONSHIP: _____</p> <p>ADDRESS: _____</p> <p>I, _____, am submitting this (PRINT NAME)</p> <p>request to reduce the penalty imposed on, propose settlement offer or to extend the compliance date for the property described on the reverse side under item</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>PROPERTY OWNER/AGENT SIGNATURE</p> <p>STATE OF FLORIDA COUNTY OF PALM BEACH</p> <p>The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who (NAME) is personally known to me or who has produced _____ as Identification and who did take an oath. (TYPE OF ID)</p> <p>_____</p> <p>Signature</p> <p>_____</p> <p>Type, Print or Stamp Name</p> <p>_____</p> <p>Title</p>
--	--

(fig. 5b)

Recommendation

- The form in (fig.5b)t may need revisions to allow the property owner to provide additional or relevant information describing circumstances the Code Enforcement Board or Special Magistrate should consider fine mitigation or relief.
 - For example, the City of Deerfield Beach allows property owners to request mitigation or relief for hardships or other circumstances as shown in Appendix A, the Deerfield Beach mitigation application.
 - In addition, the city may consider a mitigation application fee similar to the City of Coral Springs as shown in Appendix B.

6. *STIPULATED SETTLEMENT AGREEMENTS:

Observation

- Violators can enter a Stipulated Agreement and waive their right to a Hearing by submitting a completed Stipulation or Waiver of Hearing form. Figure 6a is from the Operating Guidelines Manual for Code Enforcement and appears to be clear process when a violator requests to enter into a Stipulated Agreement.

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

(6a)

Recommendation

- 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 document where a property owner, cited for a code violation, 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 acts as a contract between the property owner and the City's Code Enforcement department to resolve the violation. The stipulated agreement helps the Code Enforcement Division, and the violator achieve a quick resolution.

7. *TIERED VIOLATIONS: CIVIL CITATIONS

Observation

- 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. A snapshot of the current Delray Beach fine schedule for Civil Citations is provided in figure 7a.


Code		Civil Penalty	
Code Section	Description of Violation	Noncontested	Contested
CITY CODE OF ORDINANCES			
GARBAGE AND TRASH			
51.02	Dumping on private property is prohibited	200.00	275.00
51.03	Garbage shall be placed in containers	150.00	225.00
51.20 (A) and (B)	(A) Removal of building materials—Contractor's responsibility. (B) Removal of building material from minor home repairs—If meets requirements for trash collection must be bundled.	100.00	175.00
51.22	Vegetative waste collection	100.00	175.00
51.23	Bulk trash collection	100.00	175.00
51.35—51.40	Required and approved trash containers, roll-offs, maintenance, placement	100.00	175.00
51.41—51.44	Garbage preparation; containers shall be covered; use of containers	50.00	125.00
51.45	Construction and demolition sites and collection of construction and demolition debris	150.00	225.00
51.55—51.59	Ashes; Contagious disease refuse and hypodermic needles; Out-of-town refuse; Offensive deposits; recycling	100.00	175.00
	All other violations of Section 51	100.00	175.00
UTILITIES			
52.83 (A)	Unpermitted installation, removal or bypass of backflow preventer	150.00	250.00
52.83 (B)	Failure to perform required annual certified inspection and operational test of backflow	100.00	175.00

(fig. 7a)

Recommendation

- 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. Below in Figure 7b is a snapshot of Palmetto Bay's fine citation schedule.



Categories	Courtesy Notice	First Offense	Second Offense	Third Offense	Additional Offense
Class I					
False alarm—Fee schedule in section 14-27 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	500.00
Golf cart ordinance	No	150.00	150.00	250.00	500.00
Class II					
Overgrown lots	Yes	\$150.00	\$250.00	\$400.00	\$500.00
Landscaping/right-tree-right place/tree protection/utility line clearing - daily running fines	Yes	100.00	250.00	500.00	500.00
Illegal signs—Residential	Yes	150.00	250.00	400.00	500.00
Illegal vehicles business advertising	Yes	150.00	250.00	400.00	500.00
Illegal display of vehicles for sale	Yes	150.00	250.00	400.00	500.00
Other violations of equivalent gravity	Yes	150.00	250.00	400.00	500.00
Class III					
Occupational license	Yes	\$150.00	\$250.00	\$500.00	\$500.00

(fig. 7b)

8. *PROCESSES FOR REPEAT OFFENDER CASES

Observation

- There is a current process to address ‘Repeat Offender’ code cases as outlined in Florida Statute 162 and the current Code Enforcement Manual. Below is the current policy and procedure related to Notices of Repeat Violation / Notice of Hearing code enforcement division and code inspectors use in figure 8a.

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.

(8a)

Recommendation

- Determining a property owner to be a repeat violator is a useful tool in code enforcement. It allows the code officer to ask the Code Enforcement Board or Special Magistrate to issue a Final Order/Finding of Fact adjudicating the violation of the property owner who continues to violate municipal codes on a regular basis but complies prior to the Code Enforcement Board or Special Magistrate Hearings once that Order has been issued, the property owner is considered a Repeat Offender and is subject to receive immediate and elevated fines for five years upon a code enforcement officers observation of the same Notice of Violation on any of the properties that property owner has ownership in. So, it is the same property and same violation.

9. SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD PROCEDURES

Observation

- The city's ordinance detailing the Code Enforcement Board Rules of Procedure is well written and conveys all pertinent procedures. 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" in figure 9a.

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 37.15](#) through [37.24](#), shall include a special magistrate if the context permits.

(fig.9a)

Recommendation

- 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. Recommending the City to explore the potential of using an alternative currently used with a Special Magistrate when the local government finds that its volunteer board is not meeting the needs of the community.

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.

- 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.
- 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.

10. *INCENTIVE FOR COMPLIANCE

Observation

- 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. The City Programs below depicted in Figure 9a is an example of resources code enforcement officers have as tools for to achieve compliance if a resident needs assistance. There are other possibilities through available funds where the city may have resources to help with compliance.

Recommendation

- 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.



CITY PROGRAMS AVAILABLE TO HOMEOWNERS

The **Housing Rehabilitation Assistance Program** provides funding for residents needing repairs to their homes for code violations, safety, and accessibility. **Home Repair Loans** are available for qualified homeowners to assist with removing health and safety risks and/or correcting code violations. Assistance is also available to identify and mitigate lead-based paint hazards. The **Accessibility Assistance Program** provides financial assistance to eligible homeowners or renters who are physically, visually, or hearing impaired. Funds can be used to construct and install ramp, grab bars, chair lifts, and other supporting fixtures to make a home accessible for persons with disabilities. Applicant income is limited to 120% Area Median Income (AMI). For additional information regarding this program, contact the **Housing and Community Development Department** at 727-893-7247.

The **Residential Façade Improvement Grant Program** provides funding to income-eligible owner-occupants of single-family homes to upgrade and refresh the exterior of their properties. Loan applicant income is limited to

80% Area Median Income (AMI). ***South St. Petersburg CRA only***: For additional information, contact Tim Hart, **Housing Development Assistant**, at Timothy.Hart@stpete.org or 727-551-3217.

The **Neighborhood Team (N-Team)** is staffed by City employees who, along with volunteers, assist people in need to help improve the community. Free home improvement services are available to St. Petersburg homeowners who are elderly, disabled, or low-income. The homeowner(s) must live in their home to be eligible. **No income limitations; however, program restrictions apply.** For additional information, contact the **Codes Compliance Assistance Department** at Codes@stpete.org or 727-893-7373.

The **Solar Energy and Loan Fund (SELF)** provides loans, project management, and a list of approved contractors for home improvement projects to improve energy efficiency, water conservation, and storm preparedness in residential homes. Low-interest loans are available for all Florida homeowner applicants. For additional information, contact Rob Perry, **SELF Representative**, at RobP@SolarEnergyLoanFund.org or 727-315-3223.

FISCAL YEAR 2024 INCOME LIMITS Effective April 1, 2024

AMI = Area Median Income

Household Size	30% AMI	50% AMI	80% AMI	100% AMI	120% AMI	140% AMI
1	\$20,100	\$33,450	\$53,500	\$66,900	\$80,280	\$93,660
2	\$22,950	\$38,200	\$61,150	\$76,400	\$91,680	\$106,960
3	\$25,820	\$43,000	\$68,800	\$86,000	\$103,200	\$120,400
4	\$31,200	\$47,750	\$76,400	\$95,500	\$114,600	\$133,700
5	\$36,580	\$51,600	\$82,550	\$103,200	\$123,840	\$144,480
6	\$41,960	\$55,400	\$88,650	\$110,800	\$132,960	\$155,120
7	\$47,340	\$59,250	\$94,750	\$118,500	\$142,200	\$165,900
8	\$52,720	\$63,050	\$100,850	\$126,100	\$151,320	\$176,540

FOR MORE INFORMATION VISIT STPETE.ORG • ST. PETERSBURG, FL 33701

CITY LOAN PROGRAMS

The City offers home repair loans to qualified applicants who own and occupy single family residences in the city of St. Pete. Applicants must meet minimum credit underwriting standards and maximum gross household incomes, as defined by HUD's median family income (MFI). For information on loan programs visit the Grants and Loans page.

FLORIDA 2-1-1

Florida 2-1-1 is a free, confidential service that connects Floridians with local community-based organizations across the state offering thousands of different programs and services. Dial 2-1-1 from any cell phone and most landlines to be connected or visit the [2-1-1 website housing and utilities page](#) for more information.

HHW CENTER & SWAP SHOP

The [Household Hazardous Waste Center & Swap Shop](#) provides hazardous household waste and chemical disposal services and offers used household products like paint, cleaners, and automotive fluids free of charge to the public for reuse. Visit their website for additional information.

NEIGHBORHOOD TEAM (N-TEAM)

The Neighborhood Team, or N-Team, is staffed by City employees who, along with volunteers, assist people in need and improve the community. While code enforcement is necessary to protect the values of aging properties, some homeowners cannot afford to repair their homes. N-Team workers help relieve that burden by providing the following services: exterior painting, carpentry, handicap access ramps, minor roof repairs and patching, roof tarps, minor plumbing, junk/trash and debris removal, overgrowth removal, and code violation repairs. Free home improvement services are available to St. Pete homeowners who are elderly, disabled, or low-income.

To apply for assistance from the N-Team, complete the Neighborhood Team Assistance Application found [here](#).

PINELLAS COUNTY EXTENSION

Visit the [Pinellas County Extension](#) for information on landscaping, planting, mulch & finished compost.

(fig. 10a)

11. ROLLING FINES

Observation

- The Special Magistrate and Code Enforcement Board issue Orders and Impositions that have fines and penalties determined by the Special Magistrate and Code Enforcement Board based on the severity of violarion and how it impacts the community. The fines are currently structured in the format of daily fines, cost for prosecution fees and the fines continue to run till compliance is achieved of all violations by the respondent/violator.

Recommendation

- Workshops with the Special Magistrate, Code Enforcement Boards , Code Enforcement Division and City Attorney's Office 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 parties purpose.

In Conclusion, no malfeasance has been identified in the Code Enforcement Division. The findings observed and recommendations made are contained in this comprehensive report after reviewing all core processes. The review identified several opportunities for improvement in processes, training and consistency improvements involving legal requirements applicable through Florida Statutes and local code ordinances. The City of Delray Beach currently employs various methods to enforce alleged offenses of the city's Land Development Regulation and Municipal Code of Ordinances. Process improvement should become an ongoing review in the code and any organization.

The Code Enforcement Division of Delray Beach Florida is currently embarking on a journey of continuous improvement to enhance service delivery, efficiency, and community confidence and engagement. Recognizing the vital role code enforcement plays in maintaining the quality of life for residents and businesses, the division is in the beginning stages of implementing initiatives including technology integration, streamline current standardized procedures, training and cross-training in various code areas to allowing for greater flexibility and responsiveness to diverse violations in the community. Commitment to ongoing process improvement moving forward will facilitate future initiatives supporting a more responsive, efficient, and community-focused approach to code enforcement, contributing to a thriving, growing and well-maintained municipality.

APPENDIX A

CITY OF DEERFIELD BEACH



Code Compliance Special Master
City of Deerfield Beach
Code Compliance Department
150 NE 2nd Avenue
Deerfield Beach, FL 33441
(954) 480-4241 (phone)
(954) 422-5812 (fax)

Application for Relief Instructions

Case Number: You must give us the case number of the violation you were cited for.

Name of Attorney (if applicable): If you hire an attorney, give us his/her name.

Address of Attorney: Your attorney's address

Phone Number: Your attorney's phone number

Note – it is not necessary to hire an attorney to ask for relief or fine reduction, you may wish to do so, but your application will still be considered if you represent yourself.

Address of Property Cited: the address where the violation occurred.

Folio Number: The folio number is on your notices; it looks like 1234-12-12-1234.

Brief Legal Description: The legal description is on your notices.

Nature of Violation: What is the code violation shown on your notice?

Date of Violation Order (attach copy): What is the date of the Violation Order?

Has the Violation Been Complied? Did you fix the problem? (yes or no)

Relief Sought (use space on page 2 if necessary): What do you want the Magistrate to do for you?

Why Relief Should Be Granted (Outline your efforts to comply with the Order, and attach any supporting documentation and evidence. (use space on page 2 if necessary).

State why the Magistrate should do what you ask. What have you done so far? How much have you spent fixing the problem? Have you asked for other help? If you have receipts or other evidence attach COPIES and bring the original document to the hearing.

Sign date where indicated where indicated on bottom of page 1.

Send completed form with attached copied documents (if needed) to address on top of form.



City of Deerfield Beach
 Code Compliance Department
 150 NE 2nd Avenue, Deerfield Beach, FL 33441
 (954) 480-4241 (Office)
 (954) 422-5816 (Fax)

APPLICATION FOR RELIEF FORM

CASE NUMBER: _____

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

PHONE NUMBER: _____

NAME OF ATTORNEY (IF APPLICABLE): _____

PHONE NUMBER OF ATTORNEY: _____

ADDRESS OF ATTORNEY: _____

ADDRESS OF PROPERTY CITED: _____

FOLIO #: _____

BRIEF LEGAL DESCRIPTION: _____

NATURE OF VIOLATION: _____

ALL APPLICATIONS FOR RELIEF MUST HAVE THE FOLLOWING DOCUMENTATION PROVIDED AS PART OF THE APPLICATION TO BE REVIEWED IF THE RELIEF REQUESTED IS BASED UPON A FORECLOSURE OF THE SUBJECT PROPERTY AND ITS EFFECT ON THE CITY'S CODE LIENS.

1. A COPY OF THE NOTICE OF LIS PENDENS RECORDED WITH BROWARD COUNTY RECORDS WITH THE DATE, BOOK AND PAGE OR INSTRUMENT NUMBER SHOWN.
2. A COPY OF THE FORECLOSURE COMPLAINT.
3. A COPY OF THE FINAL SUMMARY JUDGEMENT OF FORECLOSURE, WITH THE RECORDING DATE, BOOK AND PAGE SHOWN OR INSTRUMENT NUMBER.
4. A COPY OF THE NEW CERTIFICATE OF TITLE, WITH THE RECORDING DATE, BOOK AND PAGE SHOWN OR INSTRUMENT NUMBER.

5. A COPY OF THE CITY'S ORDER OF IMPOSITION OF FINE AND CLAIM OF LIEN WITH THE RECORDING DATE, BOOK AND PAGE SHOWN OR INSTRUMENT NUMBER.

****PLEASE PROVIDE A COPY OF THESE REQUIREMENTS WITH ALL REQUESTED APPLICATIONS FOR RELIEF****

DATE OF VIOLATION ORDER (ATTACH COPY):

HAS THE VIOLATION BEEN COMPILED?

RELIEF SOUGHT (USE FOLLOWING PAGE FOR ADDITIONAL INFO):

WHY SHOULD RELIEF BE GRANTED? (OUTLINE YOUR EFFORTS TO COMPLY WITH THE ORDER AND ATTACH ANY SUPPORTING DOCUMENTATION AND EVIDENCE. USE FOLLOWING PAGE FOR ADDITIONAL INFO):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

BY MY SIGNATURE, I ATTEST THE ABOVE INFORMATION IS CORRECT AND COMPLETE:

STORY NAME _____

SIGNATURE OF APPLICANT

DATE:

APPENDIX B



Hover form fields for instructions.

Request for Reduction of Fine, Barred Lien Review, or Escrow Release of Lien

Instructions

Please submit one completed application per case along with a non-refundable application fee of \$300 per case. Only completed applications will be accepted.

Barred or Foreclosed Lien Review

To qualify for a Barred/Foreclosed Lien release, the applicant must provide the documents listed on the following page demonstrating the City of Coral Springs lien(s) are not enforceable. The City will determine if the property qualifies for the release, and administrative costs associated with the cases must be paid before the liens are released. The City may perform an inspection on the property. If new violations are discovered at this inspection, the owner/applicant will be notified in writing.

Request for Reduction of Fine

To qualify for a Reduction of Fine, the property in question must be in compliance with all City Codes and Ordinances. The City may perform an initial inspection on the property. If new violations are discovered at this inspection, the owner/applicant will be notified in writing.

The Code Compliance and/or Fire Inspections division will submit a written recommendation of the reduced fine amount to the owner/authorized representative. The owner/authorized representative has the option to accept the reduction of fine offer or request a Special Magistrate Hearing. All applicable accounts with the City, e.g. water bill, required registrations (Landlord, Abandoned Property), fees, building permits, etc., must be up to date.

If a request for a hearing is received, the applicant will be notified of the hearing date. The owner or an authorized representative must attend the hearing. The appropriate authorization must accompany the application.

Request for Escrow Release of Lien

If the property in question has a pending transfer and is not in compliance with all City Codes and Ordinances by way of outstanding liens, you may qualify for an Escrow Release of Lien. The City will perform an initial inspection on the property and determine if the property qualifies. This may result in new violations.

The appropriate authorization must accompany the application and all applicable accounts with the City, e.g. water bill, required registrations (Landlord, Abandoned Property), fees, building permits, etc., should be up to date. If they are not, the amount owed or open issue will be added as part of the agreement with the proposed buyer.

Both the buyer and seller must authorize the application and terms of the Escrow Release of Lien, if approved. The Escrow Release of Lien may include a reduction of fine, if appropriate, and time frames for correction of current violations. The Director of Development Services will review the application and determine the terms of the Escrow Release of Lien.

Additional Information

Please attach the following documents, if applicable.

- Timeline detailing the existing liens and foreclosure proceedings (see example below)
- Any evidence, such as receipts or color photos, that supports your request
- Pending sales contract and addendum or closing
- Certificate of Title (CET), Lis Pendens, and/or Final Summary Judgment of Mortgage Foreclosure
- Writ of Possession

For Escrow Release of Lien applications ONLY, submit the above documents in addition to the following.

- Engineering report for building violations (if applicable)
- Proposed reduced fine amount from the current owner or potential buyer
- Letter of intent from the potential buyer with scope of work and requested time frame for correcting the violations on the property

Note: The City may request additional documents on a case-by-case basis.

Sample timeline

Event	Date recorded	Name
Purchase	2/2/2002	Doe, John and Jane
Mortgage	2/2/2002	8th National Bank
Lis Pendens	3/6/2010	8th NB vs. Doe, John and Jane
Lien case 10-XXXX	8/7/2010	City of Coral Springs
CET	2/17/2014	8th National Bank

Request for Reduction of Fine, Barred Lien Review, or Escrow Release of Lien**Property Information**Date _____ Folio number _____ Request type Barred/Foreclosed Lien Release**Address** Street _____City _____ State Florida ZIP Code _____

Current property owner _____ Original respondent (if different) _____

Contact Information for Attorney (or person completing this request)

If different from current owner or respondent, authorization from current owner must be attached.

Name _____ Phone _____ FAX _____ Email _____

Mailing address Street _____ City _____ State _____ ZIP Code _____

For Reduction of Fine or Escrow Release of Lien OnlyI am requesting that the fine amount be reduced to the following amount for the case number below.
(Example: Case No. 11-2222 Reduce to \$25,000.00)

(Note: Administrative costs, any cost incurred by the City to abate violations, and lien preparation, recording and release fees (all of which cannot be waived/reduced), will be added to any reduced fine amount)

Case number _____ Reduce to _____

Is this property the subject of a foreclosure? ☐ Yes ☐ No **If yes, attach Lis Pendens, FJ, and CET.**Does this property have a contract for sale pending? ☐ Yes ☐ No **If yes, attach the approved contract.**Is the pending sale a short sale? ☐ Yes ☐ No **If yes, attach bank approval.**

Anticipated closing date _____

For Request for Escrow Release of Lien Only**Potential property owner information**

Name _____ Phone _____ Email _____

Mailing address Street _____ City _____ State _____ ZIP Code _____

For Escrow Release of Lien Only (cont'd)**Title company information**

Company name	<input type="text"/>			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Representative name	Phone	FAX	Email	
Mailing address	<input type="text"/>		<input type="text"/>	<input type="text"/>
Street	City		State	ZIP Code

Petition Information

I, the above-named property owner, respondent, or attorney do hereby submit this Petition in request for a barred or foreclosed lien release, escrow release of lien, or reduction of fine, and offer the following statement to support this request.

You may attach additional documents you believe are necessary. Please sign in the appropriate place and have notarized.

Signature of Property Owner**If individual**

Printed name

Property owner signature/date

State Florida County

The foregoing instrument was acknowledged before me on

by means of ☐ physical presence ☐ online notarization

☐ personally known ☒ produced identification ID type

Notary signature/date

My commission expires

Notary seal

If corporation

Printed name

Title

Property owner signature/date

State Florida County

The foregoing instrument was acknowledged before me on

by means of ☐ physical presence ☐ online notarization

☐ personally known ☐ produced identification ID type

Notary signature/date

My commission expires

Notary seal

Signature of Prospective Purchaser (Request for Escrow Release of Lien only)**If individual**

Printed name

Prospective purchaser signature/date

State Florida County

The foregoing instrument was acknowledged before me on

by means of ☐ physical presence ☐ online notarization

☐ personally known ☐ produced identification ID type

Notary signature/date

My commission expires

Notary seal

If corporation

Printed name

Title

Prospective purchaser signature/date

State Florida County

The foregoing instrument was acknowledged before me on

by means of ☐ physical presence ☐ online notarization

☐ personally known ☐ produced identification ID type

Notary signature/date

My commission expires

Notary seal

Print Form