

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

**CITY OF KEY COLONY BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

v.

MICHAEL D. SMITH and RITA E. SMITH,

Respondents.

FINAL ORDER

IN RE: 300 3rd Street, Key Colony Beach, Florida 33051
MAILING ADDRESS: 11417 Potomac Road, Lorton, Virginia 22079
ACCOUNT # AND PROPERTY ID: 8750960
VIOLATION: Property Maintenance Concerning Spalling, Crackling, and Structural Fallaway
under Section 6-6, Code of Ordinances of the City of Key Colony Beach, Florida

The Code Enforcement Special Magistrate for Key Colony Beach, Florida, having before it the above-referenced Code Violation, Property Spalling, Crackling and Fallaway in Multiple Part of the Dwelling (*Maintenance, Chapter 6-56*), and having heard the supplemental argument and testimony under oath at the public Violation Hearing held on July 12, 2023, and based upon this evidence, the Special Magistrate now issues the following **FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER.**

FINDINGS OF FACT

Respondents are the title owners of real property located at 300 3rd Street, Key Colony Beach, Florida 33051 (the "Property"). On or around January 10, 2023, the City's Code Enforcement Officer personally observed significant spalling failure, crackling, and fallaway in multiple areas in and around Respondents' dwelling. Additionally, the Code Officer

observed numerous sub-standard aesthetic and maintenance issues at the Property.

The City commenced formal code enforcement proceedings against the Respondents at a public code violation hearing held on July 12, 2023. Code Enforcement Officer, Barry Goldman testified that at the time of the hearing, Respondents failed to address the City's maintenance-related concerns, and more importantly, failed to bring the Property into compliance with Section 6-56 of the Code of Ordinances of the City of Key Colony Beach, Florida. As a result, the Special Magistrate now finds that a violation has occurred.

CONCLUSIONS OF LAW

The findings of fact above result in a violation of Section 6-56, Code of Ordinances of the City of Key Colony Beach, Florida.

Pursuant to Section 162.09(2)(a), *Florida Statutes*, Section 1-10, Code of Ordinances of the City of Key Colony Beach, a violation of Section 6-56, Code of Ordinances of the City of Key Colony Beach, Florida, for failing to maintain their Property shall result in the imposition of a statutory daily fine not to exceed \$250.00 per day, including the City's cost of prosecution, through and until the Property has been determined to be in compliance with the applicable Code of Ordinances of the City of Key Colony Beach, Florida.

ORDER

1. Based on the foregoing Findings of Fact and Conclusions of Law, the Special Magistrate now finds that Respondent has violated Section 6-56, Code of Ordinances of the City of Key Colony Beach, Florida.

2. Respondents are hereby ordered to submit to the City's Building Department within thirty (30) days, a Professional Engineer's report documenting the Engineers' findings and opinions concerning the structural integrity of both the exterior and the interior of the

dwelling located on the Property.

3. Respondents must also obtain the necessary permit(s) from the City' Building Department as well as file a Notice of Commencement within thirty (30) days of the entry of this Final Order.

4. Respondents' failure to abide by the terms and conditions of this Final Order shall result in the imposition of a statutory daily fine of \$250.00 per day from July 12, 2023 until the Property has been determined to have been brought into compliance with the Code of Ordinances of the City of Key Colony Beach, Florida. The City shall also recover the cost of its compliance prosecution should the Respondents fail to satisfy the terms and conditions of this Final Order.

5. The Special Magistrate hereby authorizes the City's Code Enforcement Officer and Building Official to inspect both the exterior and interior of the dwelling located on the Property in order to further determine whether the dwelling is a dangerous building/structure, unfit for human habitation in accordance with Chapter 6 of the Code of Ordinances of City of Key Colony Beach, Florida and the relevant provisions of the Florida Building Code.

6. If Respondents fail to bring the Property back into compliance with the Code of Ordinances of the City of Key Colony Beach, Florida, the City shall be authorized to undertake efforts to repair, remediate, and/or clean up the Property such that it may become compliant. The City shall be further authorized to seek reimbursement for its cost to repair, remediation and/or clean up Respondents' Property. Such cost of repair, remediation, and/or clean up may result in a lien being placed against the Property in accordance with Chapter 162, *Florida Statutes*.

CERTIFICATE OF SERVICE

*Copies furnished **FIRST-CLASS MAIL/EMAIL** to

Michael D. Smith and Rita E. Smith
11417 Potomac Road
Lorton, Virginia 22079
Respondents "Pro se"

Date: 12-15-2023



**CITY OF KEY COLONY BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

v.

MICHAEL D. SMITH and RITA E. SMITH,

Respondents.

STATE OF FLORIDA
COUNTY OF MONROE

This copy is a True Copy of the
Original on File in this Office. Witness
My hand and Official Seal
And that same is in full force and effect

This 18 day of Dec

A.D., 20 23
KEVIN MADOK, CPA
Clerk Circuit Court

FINAL ORDER

By: 
Deputy Clerk

IN RE: 300 3rd Street, Key Colony Beach, Florida 33051
MAILING ADDRESS: 11417 Potomac Road, Lorton, Virginia 22079
ACCOUNT # AND PROPERTY ID: 8750960
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under Section 6-6, Code of Ordinances of the City of Key Colony Beach, Florida

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CONCLUSIONS OF LAW

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ORDER

1. Based on the foregoing Findings of Fact and Conclusions of Law, the Special Magistrate now finds that Respondent has violated Section 6-56, Code of Ordinances of the City of Key Colony Beach, Florida.

2. Respondents are hereby ordered to submit to the City's Building Department within thirty (30) days, a Professional Engineer's report documenting the Engineers' findings and opinions concerning the structural integrity of both the exterior and the interior of the

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A certified copy of this Order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the Respondents and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. A certified copy of an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents. Any such recording and subsequent lien will be satisfied by the subsequent filing of a Compliance Order.

PURSUANT TO SECTION 162.011, FLORIDA STATUTES, AN APPEAL OF THIS FINAL ORDER MAY BE FILED IN THE CIRCUIT COURT IN MONROE COUNTY, FLORIDA, WITHIN THIRTY DAYS OF ITS EXECUTION.

DONE and ORDERED this 14th day of December, 2023.


John G. Van Lanningham, Special Magistrate

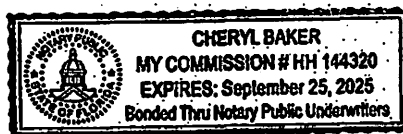
ATTEST:


City Clerk
City of Key Colony Beach

STATE OF FLORIDA)
) ss.
COUNTY OF)

I hereby certify that on this day, before me an officer duly qualified to take acknowledgements, personally appeared Silvia Grace City Clerk, of the City of Key Colony Beach, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 12/15/23.


Notary Public, State of Florida



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