

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008

Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Cynthia L. Hall

AGENDA ITEM WORDING:

Authorization to institute collection proceedings and/or enter settlement negotiations with UZ Enterprises, Inc. c/o Jose Uz, Registered Agent in Code Enforcement Case CE06040171.

ITEM BACKGROUND:

On May 16, 2006, UZ Enterprises, Inc. was cited for violation of Monroe County Code Section 12.1-1, an occupational tax license is required to rent out your property for 28 days or more; Monroe County Code Section 19-95, all vehicles on private property must be operative and licensed; Monroe County Code Section 19-96, all vessels on private property must be operative and licensed; Monroe County Code Section 8-17(a), property must be kept clean; and Monroe county Code Section 8-17(b), property must be kept mowed. There are multiple buildings on the property, rented out to tenants. The violations appear to be attributable to one of the buildings on the property. The case was brought before the Special Magistrate on January 25, 2007, at which time UZ Enterprises, Inc. was still not in compliance with Monroe County Code Sections 8-17(a) and (b). The Special Magistrate set compliance for February 15, 2007, after which a fine would begin to run in the amount of \$100.00 per count per day. The fines as of December 27, 2007, amount to \$63,018.50.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes __ No __

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes __ No __ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty *CH* OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

SPECIAL MAGISTRATE

MONROE COUNTY, FLORIDA

AFFIDAVIT OF COMPLIANCE / NON-COMPLIANCE

MONROE COUNTY FLORIDA
PETITIONER,

CASE NO. CE06040171

VS.

UZ ENTERPRISES INC
RESPONDENT,

PARCEL ID: .
00113250000000
21 66 29 LITTLE TORCH KEY PT LOT 3

STATE OF FLORIDA }
COUNTY OF MONROE }

BEFORE ME, the undersigned authority personally appeared, WINDSOR, KATHLEEN, Code Inspector for the County of Monroe, who, after being duly sworn, deposes and says:

1. That on _____, the Special Magistrate held a public hearing and the Special Magistrate heard and issued its order in the above-styled matter.

2. That, pursuant to said Order, and/or subsequent Orders(s), Respondent(s) was/were to have taken certain corrective action by or before the date of 01/18/2007.

3. That an investigation of the case on 11/26/07 revealed that the following codes are/are not in compliance:

Compliance -----	Non-Compliance -----	
---	---	12.1-1
---	---	19-95
---	/	19-96
---	/	8-17 (a)
---	/	8-17 (b)
---	---	9.5-534(a)

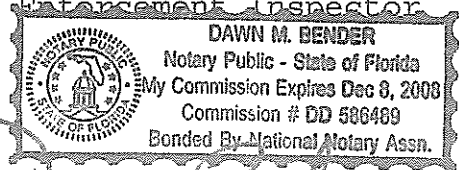
FURTHER AFFIANT SAYETH NOT.

DATED this 29 day of November, 2007.

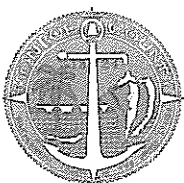
[Signature]
WINDSOR, KATHLEEN
Code Enforcement Inspector

SWORN TO and subscribed before me

this 29 day of Nov, 2007:



[Signature]



BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
LARRY J. SARTIN
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA,
Petitioner.

CASE NO. CE06040171

vs.

UZ ENTERPRISES, INC
Respondent(s).

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE having come before the Code Enforcement Special Magistrate for a public hearing on January 25th 2007 and the Special Magistrate, having reviewed the evidence, heard testimony under oath and argument of counsel (if any), and being otherwise fully apprised of the premises, makes the following findings of fact, conclusions of law and order as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW


1. That the Respondent(s) is/are the owners of record of property located at LITTLE TORCH KEY, PT LOT 3, PARCELS A & B, MONROE COUNTY, FLORIDA (RE#00113250-000000).
2. That the Respondent(s) was/were duly noticed of this hearing; and
3. That the above-named property is in violation of the Monroe County Code as more particularly described in Exhibit "A", which is attached hereto and incorporated herein.

Therefore it is

ORDERED AND ADJUDGED that:

- A. Respondent(s) is/are in violation of the Monroe County Code(s) and is/are ordered to comply with the provisions of said codes by February 15th 2007. A compliance / review hearing will be held on February 22nd 2007.
- B. Upon complying, Respondent(s) shall notify the Code Inspector in this case who shall re-inspect the property and notify the Code Enforcement Department of compliance.
- C. Noncompliance by the above date may result in the imposition of a fine, per day, for each day thereafter that Respondent(s) is/are in violation.
- D. Pursuant to Florida Statutes Section 162.07, a fine has been levied for the administrative recovery for prosecution and investigation in the amount of \$100.00 (ONE HUNDRED DOLLARS).
- E. In the event of nonpayment of fines/liens imposed, a certified copy of an order imposing a fine may be recorded in the public records and shall thereafter constitute a lien against the land on which the violation or violations exist and upon any other real or personal property owned by the violator(s).
- F. You have the right to appeal this order to the Circuit Court of Monroe County. If you wish to appeal, you must do so no later than thirty (30) days from the date of this Order. Failure to timely file a written Notice of Appeal will waive your right to appeal.
- G. The charges of §12.1-1 and §9.5-534(a) are dismissed as compliant.

DONE AND ORDERED at the Division of Administrative Hearings, Tallahassee, Leon County, Florida, this 31ST day of January, 2007.


 Larry J. Sartin
 Code Enforcement Special Magistrate

STATE OF FLORIDA
 COUNTY OF LEON

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LARRY J. SARTIN, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31ST day of January, 2007.

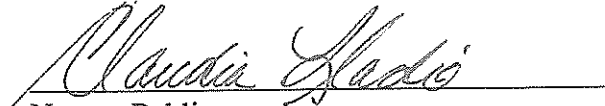

 Notary Public



EXHIBIT "A"

VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §19-95 - Abandoned vehicles. Within all land use districts, except I districts, all vehicles which are inoperative and/or unlicensed for a period of ten (10) days shall be prohibited on any public right-of-way or on private property except within a completely enclosed garage.

COUNT 2. Pursuant to Monroe County Code §19-96 - Abandoned watercraft. Within all land use districts except I districts, all watercraft which are inoperative and/or unlicensed for a period of thirty (30) days and appear to be in a state of decay and/or abandonment, as determined by the code enforcement administrator, shall be prohibited on any waterway, shore, private or public property unless contained in a completely enclosed building

COUNT 3. Pursuant to Monroe County Code §8-17(a) - Premises to be cleaned and mowed. (a) For the purposes of promoting the health, safety and general welfare of the residents of the county, all lands inside and outside of subdivisions, including vacant lands, and improved property within the unincorporated area of the county, shall be kept cleared of debris, garbage, litter, yard trash, refuse, special solid waste, solid waste, trash, industrial waste and/or which tend to be a breeding place or haven for snakes, rodents, insects, and vermin of all kinds and character, and/or which tend to create a fire hazard, endanger the lives and property of the residents of the county, create a traffic hazard, create a nuisance or unsanitary condition and/or which render the soil or air impure, unwholesome, or unhealthful.

COUNT 4. Pursuant to Monroe County Code §8-17(b) - Premises to be cleaned and mowed. (b) For the purposes of health, safety and general welfare of the residents of the county, all commercial and residential lots, vacant or occupied, shall be kept mowed except that for subdivisions located within public acquisition areas, publicly owned vacant lots acquired for conservation and resource protection purposes and private vacant lots subject to a county approved management plan.

CORRECTION(S):

COUNT 1. Either remove the abandoned vehicle, or place it in a completely enclosed garage. Vehicles are required to be registered and operable.

COUNT 2. Either remove the abandoned vessel, or place it in a completely enclosed garage. Vessels are required to be registered and operable.

COUNT 3. Remove all debris, garbage, litter and/or items specified by the Code Enforcement inspector. Removal of said materials does not authorize the cutting or removal of native or other vegetation without a permit if required.

COUNT 4. Lot is required to be mowed

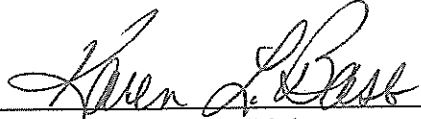
CONTACT YOUR CODE INSPECTOR UPON COMPLIANCE

Upper Keys (305)852-7135

Middle Keys (305)289-2556

Lower Keys (305)292-4495

I HEREBY CERTIFY that a true and correct copy of the above has been furnished to the Respondent(s) by mail Attn: Jose Uz at 8758 SW 8th St., Miami, FL 33174, this 2nd day of February 2007.


Code Enforcement Liaison
Karen L. Bass

Please make check or money order payable to Monroe County Code Enforcement and mail to 2798 Overseas Highway, Marathon, FL 33050.

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
LARRY J. SARTIN
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE06040171

UZ ENTERPRISES, INC.

Respondent(s).

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on January 25th 2007, at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, after due notice to the Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §19-95, §19-96, §8-17(a), §8-17(b).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by February 15th 2007, and further, that failure to correct the violation(s) by the compliance date may result in a fine \$100.00(ONE HUNDRED DOLLARS) per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on February 22nd 2007, Inspector Windsor testified that the following violation(s) had not yet been corrected: §8-17(a) and §§8-17(b).

ACCORDINGLY, the Special Magistrate finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS), per count, per day, beginning February 16th 2007, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

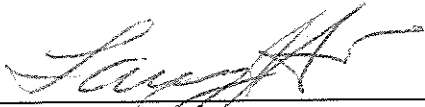
THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY:
LITTLE TORCH KEY, PT LOT 3, PARCELS A & B, MONROE COUNTY,
FLORIDA (RE#00113250-000000)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of
the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this
case, who shall reinspect the property and notify the Special Magistrate of compliance.

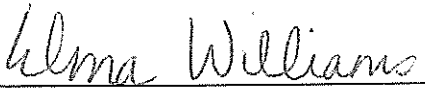
DONE AND ORDERED this 6th day of March, 2007, at the Division of
Administrative Hearings, Tallahassee, Florida.

BY 
Larry J. Sartin
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON

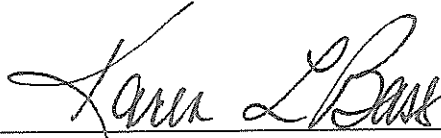
I HEREBY CERTIFY that on this day, before me, on officer duly authorized in
the State aforesaid and in the County aforesaid, to take acknowledgments, personally
appeared Larry J. Sartin, personally known to me, who executed the foregoing and
acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6th
day of March, 2007.


Notary Public



I HEREBY CERTIFY that a true and correct copy of the above and foregoing
Order Imposing Penalty/Lien has been furnished by U.S. Mail to the Respondent(s)
Attn: Jose Uz, 8758 SW 8th Street, Miami, FL 33174, this 7th day of March,
2007.


Karen L. Bass,
Code Enforcement Liaison