ORDINANCE NO. 2026-13

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, UPDATING AND AMENDING ARTICLE III ENTITLED "CODE ENFORCEMENT" IN CHAPTER 2 OF THE CODE OF ORDINANCES; PROVIDING FOR A DEFINITIION OF "IRREPARABLE AND IRREVERSIBLE" VIOLATIONS; PROVIDING FOR CLARIFIYING LANGUAGE REGARDING MEMBERSHIP, QUALIFICATIONS, EX PARTE DISCLOSURES AND CONFLICTS OF INTEREST OF CODE ENFORCEMENT BOARD MEMBERS, QUALIFICATIONS OF A SPECIAL MAGISTRATE, ENFORCEMENT AND HEARING PROCEDURES, LEGAL COUNCIL TO THE CODE ENFORCEMENT BOARD, AUTHORIZATION FOR ADMINISTRATIVE FEES, CRITERIA FOR REDUCTION AND ELIMINATION OF FINES, EACH PARTY TO PAY FOR THEIR OWN COSTS AND ATTORNEY FEES IN AN ACTION TO FORECLOSE A LIEN; CORRECTING SCRIVENOR ERRORS AND AMBIGUOUS AND OUTDATED LANGUAGE THROUGHOUT THE ARTICLE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2024, Hurricanes Helene and Milton caused damage to residences and businesses throughout the City of Treasure Island; and

WHEREAS, in view of the increase in code enforcement complaints and resulting cases, the City Commission recognized the need to update and amend its existing code enforcement procedures in order to more efficiently address uncorrected violations endangering the health, safety and welfare of its residents.

WHEREAS, the City Commission has reviewed the proposed changes and based on input from the public and City staff has determined that adoption is in the best interest of the City and its residents.

NOW, THEREFORE, THE CITY OF TREASURE ISLAND, FLORIDA DOES ORDAIN:

SECTION 1. That the above "WHEREAS" clauses are incorporated herein by reference as legislative findings and that Article III – Code Enforcement is amended to read as follows:

DIVISION 1. – GENERALLY

Sec. 2-106. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code enforcement board means the City of Treasure Island Municipal Code Enforcement Board.

Code *officer, or Code inspector* means any employee or authorized agent of the city whose assigned responsibilities include inspecting for or enforcing, or both, violations of this Code, including but not limited to occupational license, fire, building, land development and sign codes of the city.

~~*Irreparable and Irreversible shall* mean violations that constitute a threat to the public health, safety, and welfare or cause or threaten irreparable harm to the public or to protected resources, including but not limited to alteration, or neglect of a designated historic resource, the unauthorized removal of protected or mature canopy trees, destruction or alteration of wetlands, native habitat, or environmentally sensitive lands, because such harm cannot be adequately compensated through monetary damages.~~

"Irreparable or Irreversible" shall mean a violation that causes harm, damage, or injury that cannot be repaired, remedied, corrected, or fixed, including but not limited to alteration or neglect of a designated historic resource, unauthorized removal of protected or mature canopy trees, or destruction or alteration of wetlands, native habitat, dunes and dune vegetation or environmentally sensitive lands. A finding that a violation is 'irreparable or irreversible' must be supported by competent substantial evidence and specific written findings.

Repeat violation means a violation of a provision of this Code by a person who has previously been found to have violated the same provision within five years prior to the violation.

Sec. 2-107. - Intent.

The intent of this article is to create a local government code enforcement board in order to promote, protect and improve the health, safety and welfare of the citizens of the city by providing for an equitable, expeditious, effective and inexpensive method of enforcing the codes, including but not limited to occupational licenses, fire, building, land development and sign codes in force in the city.

Sec. 2-108. - Optional enforcement.

The provisions of this article shall in no way be construed to limit the power of the city to proceed in any other civil or criminal proceeding or in any other forum to obtain enforcement of its code provisions. The city may, by ordinance, adopt an alternate code enforcement system which gives special masters designated by the city

commission the authority to hold hearings and assess fines against violations in addition to or in lieu of the code enforcement board.

Sec. 2-109. - Conflict of interest and Ex Parte Communications.

(a) No person who is or may become a party or a witness to a hearing before the code enforcement board shall communicate with any member of the code enforcement board concerning that violation except at the hearings provided for in this article. This restriction shall extend to any person appearing or interceding on behalf of a party, whether or not such person may have a direct, personal or financial interest in the property that is the subject of the alleged violation.

(b) No member of the code enforcement board shall communicate with any party, witness, representative of a party, or interceding person concerning any alleged violation except at the hearings provided for in this article.

(c) Any member of the code enforcement board that has a prohibited conflict of interest in the matter before the board shall make that disclosure at the beginning of the hearing, refrain from participation in that case, and file a Form 8b pursuant to Florida Statutes 112.3143, as may be amended, but must vote unless the board member is found by the majority of the board to be prejudiced and biased upon presentation of a motion to disqualify the member for prejudice or bias.

(d) Failure on the part of a member of the code enforcement board to comply with the provisions of this section shall constitute grounds for removal of such member from the code enforcement board by the City Commission.

Sec. 2-110. - Public records searches relating to code enforcement board liens.

(a) The city manager or ~~his~~ designee is authorized to pay for and obtain a public records search for the purpose of determining whether to request authorization to institute a lien foreclosure proceeding without the necessity of any action by the city commission whenever the unpaid amount of a lien assessed by the code enforcement board exceeds $100.00.

(b) No public records search for the purpose of determining whether to request authorization to institute a lien foreclosure proceeding shall be obtained where the unpaid amount of the lien is less than $100.00.

DIVISION 2. - CODE ENFORCEMENT BOARD; SPECIAL MAGISTRATES

Sec. 2-131. - Membership.

(a) The code enforcement board shall consist of seven members, each to be appointed by a majority of the city commission by resolution for a term of three years.

(b) Any code enforcement board member may be reappointed upon approval by a majority of the city commission, except that no appointed member shall serve longer than six consecutive years, unless, upon the sixth year of expiration there is no available and qualified candidate to replace said expiring member, in which case, the appointment may be renewed beyond six consecutive years for an additional term. Partial terms shall not be counted toward the six-year term limitation.

(c) Appointments to fill vacancies shall be for the unexpired term of office.

(d) Members of the code enforcement board shall be residents of the city at the time of their appointment and throughout the term of office. Any member who is no longer a resident of the city shall be automatically removed, and that vacancy filled as provided in this section. Residency shall be determined by the City Commission at the time of appointment or removal.

(e) The city commission may appoint up to two alternate members to the code enforcement board to serve on the board in the absence of board members.

Sec. 2-132. - Removal of members.

(a) If any member of the code enforcement board fails to attend two of three successive hearings, without cause and without prior approval of the chair~~man~~

of the code enforcement board, the board shall declare the member's office vacant, and the vacancy shall be filled as provided in section 2-131.

(b) Board members may be removed with or without ~~for~~ cause by the city commission after discussion at a public meeting ~~hearing~~. Vacancies by such removal shall be filled as provided in section 2-131.

Sec. 2-133. - Categories of members.

Appointments to the code enforcement board shall be made, consistent with the Charter, on the basis of demonstrated experience or interest in the subject matter jurisdiction of the board in the sole discretion of the city commission. The membership of the board shall, whenever possible, consist of an architect, business person, engineer, general contractor, subcontractor and a realtor.

Sec. 2-134. - Oath of office.

Upon appointment, each member of the code enforcement board shall, before entering upon discharge of his duties of office, take an oath of office.

Sec. 2-135. - Organization.

(a) The members of the code enforcement board shall elect a chair~~man~~ from among its members, who shall be a voting member.

(b) The presence of four or more members shall constitute a quorum. A simple majority vote of members present and voting is required for official action by the code enforcement board.

(c) Board members shall serve without compensation but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission or as otherwise provided by law.

Sec. 2-136. - Powers.

The code enforcement board shall have the power to:

(1) Adopt rules for the conduct of its affairs ~~hearings~~.

(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department or by other individuals authorized to serve process.

(3) Subpoena evidence to a hearing.

(4) Take testimony under oath.

(5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance as provided in this Article.

(6) Authorize the abatement of first time violations or repeat violations as provided herein.

Sec. 2-137. - Special magistrate.

In addition to the code enforcement board established hereunder, ~~all~~ code enforcement violations, at the option of the city manager or designee ~~attorney~~, may be prosecuted before a special magistrate, appointed by the city commission. The special magistrate shall be a licensed Florida attorney in good standing ~~serve in addition to the code enforcement board,~~ or individuals who have sufficient knowledge, training, experience or education to perform the duties and responsibilities as provided herein, and upon appointment shall be vested with all of the duties, authorities and obligations imposed upon the code enforcement board herein or as otherwise provided in the Code of Ordinances.

DIVISION 3. - ENFORCEMENT PROCEDURE

Sec. 2-161. - Hearings.

(a) The code enforcement board shall adopt rules for governing the conduct of its hearings ~~affairs~~ not inconsistent with the provisions of this section.

(b) The chair~~man~~ may call hearings of the code enforcement board. ~~Hearings may also be called by written notice signed by at least three members of the code enforcement board.~~ The code enforcement board may, at any properly noticed hearing, set a future hearing date.

(c) Minutes shall be kept of all hearings, specifically including the vote of each member upon each question, by the code enforcement board. All hearings and proceedings shall be open to the public. All testimony shall be under oath and mechanically recorded.

(d) The city shall provide a hearing room and such clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.

(e) Each case before the code enforcement board shall be presented by one or more code inspectors who are charged with the responsibility for inspection and/or enforcement of the specific code section alleged to have been violated.

(f) The code enforcement board shall proceed to hear the cases on the agenda for that day; however, the code enforcement board may, in its discretion, continue any case until the next agenda upon a showing of good cause at the time of or prior to the scheduled hearing. The code enforcement board shall take the testimony from the code inspector, the alleged violator, and any other witnesses. Both sides shall have a right to give testimony, present witnesses and to cross-examine adverse witnesses, in person or through their attorney. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(g) After conclusion of the hearing, the code enforcement board shall issue findings of fact based upon the evidence or record, and conclusions of law. A finding that a violation is 'irreparable or irreversible' must be supported by competent substantial evidence and specific written findings. A specific finding that the violation presents an imminent threat of substantial injury to persons or property is required before the owner loses the opportunity to correct the violation and should otherwise be given a reasonable opportunity to cure a violation. Immediate enforcement without a cure period should be reserved for truly dangerous circumstances such as structural collapse, hazardous conditions, or other emergencies where delay would endanger people or property. The board shall issue an order affording the proper relief consistent with the powers granted in this division. The finding shall be by motion approved by a majority of those present and voting, except that at least four of those members of the code enforcement board must vote for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and administrative fee may be imposed, under the conditions specified in section 2-164, the cost of repairs may be included along with the fine, if the order is not complied with by that date. The Order shall advise any aggrieved party, including the city, of the right to appeal an order of the

special magistrate or code enforcement board to the circuit court within 30 days of execution of the order to be appealed pursuant to Florida Statutes 162.11 and the Florida Rules of Civil Procedure, as may be amended. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property; and the findings in the order shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required for the issuance of an order acknowledging compliance.

(h) All hearings and deliberations before the code enforcement board shall be open to the public.

(i) If the owner of property which is subject to a code enforcement proceeding transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

a. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

b. Deliver to the prospective transferee a copy of the notices and other materials relating to the code enforcement proceeding received by the transferor.

c.Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

d. File a notice with the special magistrate administrative division of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures described in subsections a., b. and c. before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the hearing shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

Sec. 2-162. - Legal counsel to the code enforcement board.

The City ~~attorney~~ shall provide legal counsel to the code enforcement board as needed. ~~The city manager is authorized to retain legal counsel to~~ The city attorney shall assist code officers in their preparation of cases and serve as prosecutor for those cases deemed appropriate.

Sec. 2-163. - Enforcement procedure.

(a) It shall be the duty of the code inspectors to initiate enforcement proceedings of the city's Code of Ordinances. No member of the code enforcement board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsections (c), (d) and (e) ~~and (d)~~ of this section, if a violation of the Code of Ordinances is found, except in the case of a repeat violation, the code inspector shall provide a Notice of Violation to ~~notify~~ the violator and give ~~him~~ a reasonable time to correct the violation.

(c) Should the violation continue beyond the time specified for correction in the Notice of Violation, the code inspector shall ~~notify the code enforcement board and request~~ schedule a hearing before the code enforcement board or special magistrate. The code enforcement board, through its clerical staff, shall provide public notice of the ~~schedule~~ a hearing, and ~~written~~ notice of such hearing shall be ~~hand delivered or mailed~~ as provided in accordance with section 2-161 to the violator by the code enforcement officer. ~~At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 2-161.~~ If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector in the Notice of Violation, the case may be presented to the code enforcement board even if the violation has been corrected prior to the hearing; and the notice shall so state. The notice shall also state that if the alleged violator fails to appear, that the hearing will still take place. ~~in his absence.~~

(d) If an alleged repeat violation is found, the code inspector shall notify the violator of same, but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the code enforcement board and ~~request~~ schedule a hearing. The code enforcement board, through its clerical staff, shall ~~schedule a~~ notice the public hearing and the code enforcement officer shall provide notice pursuant to section 2-161. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the alleged violator has been properly noticed and fails to appear before the code enforcement board, the code enforcement board may proceed with the hearing.

(e) If the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, the code inspector shall notify the violator of same, but is not required to give a violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a violation that presents a serious threat to the public health, safety, or welfare, or a violation that is irreparable or irreversible, shall notify the code enforcement board and schedule a hearing. The code enforcement board, through its clerical staff, shall notice the public hearing and the code inspector shall provide notice pursuant to section 2-161. The case may be presented to the code enforcement board even if the violation(s) has (have) been corrected prior to the board hearing, and the notice shall so state. If the alleged violator has been properly noticed and fails to appear before the code enforcement board, the code enforcement board may proceed with the hearing. If the Code Board determines that a violation that was noticed

as irreparable or irreversible is a violation but not an "irreparable or irreversible" violation then the Code Enforcement Board shall make a finding of violation and provide a reasonable time to bring the property into compliance.

~~(e) If the code inspector has reason to believe that a violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the alleged violator of the violation and of the hearing and may immediately schedule a hearing with notice to notify the code enforcement board and request a hearing. The code enforcement board shall conduct a hearing to determine if a violation exists and may enter appropriate orders.~~

Sec. 2-164. - Administrative fines; costs of repair; liens.

(a) If the code enforcement board or special magistrate finds that a violator has failed to comply with an order of the code enforcement board, the code enforcement board may order the violator to pay a fine for each day the violation continues past the date of compliance established by the code enforcement board or special magistrate. Such a fine shall not exceed $250 per day.

(b) If the code enforcement board or special magistrate finds that a violator has committed a repeat violation, the code enforcement board may order the violator to pay a fine for each day the repeat violation exists. Such a fine shall not exceed $500 per day.

(c) Notwithstanding the provisions of subsections (a) and (b), if the violation is irreparable or irreversible, the fine shall not exceed $5000 per violation.

(d) If the violation presents a serious threat to the public health, safety, or welfare, or is an appeal of a nuisance as provided in Section 18-38, the code enforcement board or special magistrate shall notify the city commission, which shall be authorized to authorize the city staff or city contractors to take the minimum corrective action necessary to abate and eliminate the immediate danger, and has the authority to protect residents during emergencies to take the minimum actions necessary to prevent unnecessary intrusion onto private property and ensures government action remains narrowly tailored to the specific danger being addressed. These minimum actions are intended to bring the property into compliance and make it safe for the occupant and the public. Upon request by the City, the code enforcement board or special magistrate may charge the violator with the costs incurred by the city in addition to the fine described in subsections (a), (b), and (c) and the administrative fee described in subsection (e).

(e) The City may establish an administrative fee to defray the costs of investigation and prosecution of code enforcement cases before the code enforcement board or special magistrate. Upon request by the City, the code enforcement board or special magistrate may charge the violator the administrative fee established by the city in addition to the fine described in subsections (a), (b), and (c) and the costs described in subsection (d). The administrative fees and costs can be established as an estimated flat fee of $350 per violation or for more complex cases by the actual administrative costs and fees and

included in the Order setting penalties, adminstrative costs and fees with include the estimated time and costs that were incurred by the city in investigating, prosecuting, and abating the violation, including but not limited to:

a. staff time associated with investigating and noticing a violation, including but not limited to site visits, office time, meetings with the violator, complainants, witnesses, and others, phone calls, and preparation of all notices.

b. staff time associated with preparing a case to be presented before the code enforcement board, including but not limited to office time, meetings with violators, witnesses and others, phone calls, and preparation of all notices.

c. staff time associated with presenting a case before the special magistrate, including but not limited to office time, meetings with violators, witnesses, and others, phone calls, and preparation of all notices.

d. staff time associated with filing lien foreclosure or other litigation, including but not limited to office time, meetings with property owners and others, phone calls, and preparation of all notices.

e. the amount of time spent by the code board or special magistrate to review and hear the violation and prepare orders.

f. Costs of postage for required mailings, including but not limited to certified mailings.

g. Costs of recording.

h. All costs of abatement.

i. the amount of attorney hours and fees for legal services related to all of the above-listed activities, or otherwise relating to the investigation, prosecution, or abatement of the violation, the foreclosure of a lien, or other related litigation by the city attorney.

(f) Any order imposing fines, costs, or administrative fees under this Section shall include a statement that the fines, costs, or administrative fees may be subject to reduction or elimination as provided in Section 2-166.

~~(a) The code enforcement board and special magistrate, upon notification by the code inspector that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to (1) pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board or special magistrate for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by~~

~~the code inspector; and (2) an administrative fee to be established by the City Commission to defray the costs of prosecution before the code enforcement board or special magistrate. Any order imposing a fine or administrative fee shall include notice to the violator that the fine or administrative fee may be reduced or eliminated in accordance with Section 2-166.~~

~~In addition, if the violation is a violation described in section 2-163(d)(e) or appeal of a nuisance as provided in Section 18-38, the code enforcement board or special magistrate shall notify the city commission, which shall be authorized to may abate the violation by making make all reasonable repairs or actions required to mitigate bring the property into compliance or safe for the public and charge the violator with the reasonable cost of the repairs along with the fine and administrative fee imposed pursuant to this Section. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall be necessary for issuance of the order imposing the fine and administrative fee. If after due notice and hearing the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine and administrative fee as specified in this section. subsection (b) of this section.~~

~~(b) A fine imposed pursuant to this section shall not exceed $250.00 per day for a first violation and shall not exceed $500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) and administrative fees. However, if If the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed $5,000.00 per violation.~~

Sec. 2-165. - Factors determining amount of fine.

In determining the amount of fine authorized by section 2-164, if any, the code enforcement board shall consider the following factors:

(1) The gravity of the violation;

(2) Any actions taken by the violator to correct the violation; and

(3) Any previous violations committed by the violator at the subject property or any other property in the city.

Sec. 2-166. - Reduction, elimination of fine, administrative costs and fees or lien.

(a) The ~~code enforcement board~~ City Commission may reduce or eliminate a fine and administrative costs and fees or liens imposed by it pursuant to section 2-164.based on the factors set forth in subsection (b). The request to reduce or eliminate a fine, administrative costs and fees or lien shall only be made after ~~within 60 days of~~ correcting the violation for which the fine, administrative costs and fees or lien was assessed and the property is brought into full compliance with the code. ~~If the violator fails to appear before the code enforcement board because of a lack of he did not receive actual notice of the hearing of the on his violation, and so long as the lack of actual notice was not the~~

~~result of the violator's own act or omission, the code enforcement board may consider a request to reduce or eliminate a fine or administrative fee notwithstanding the request is untimely made.~~ A purchaser of the property from the violator may request a reduction or elimination of the fine from the City Commission after acquiring title to the property encumbered by the lien only after the violation for which the fine administrative costs and fees or lien was assessed is corrected and the property is brought into full compliance with the code.

(b) Factors for consideration for reduction or elimination of a fine, administrative costs and fees or lien shall include following:

(1) The gravity of the violation.

(2) Any actions taken by the violator to correct the violation, including the responsiveness and cooperation of the violator.

(3) Any previous violations committed by the violator, or any legal entity directly or indirectly under the control of the violator.

(4) The time incurred by the city in investigating, prosecuting, and abating the violation, including but not limited to:

a. staff time associated with investigating and noticing a violation, including but not limited to site visits, office time, meetings with the violator, complainants, witnesses, and others, phone calls, and preparation of all notices.

b. staff time associated with preparing a case to be presented before the code enforcement board, including but not limited to office time, meetings with violators, witnesses and others, phone calls, and preparation of all notices.

c. staff time associated with presenting a case before the special magistrate, including but not limited to office time, meetings with violators, witnesses, and others, phone calls, and preparation of all notices.

d. staff time associated with filing lien foreclosure or other litigation, including but not limited to office time, meetings with property owners and others, phone calls, and preparation of all notices.

e. the amount of time spent by the code board or special magistrate to review and hear the violation and prepare orders.

f. Costs of postage for required mailings, including but not limited to certified mailings.

g. Costs of recording.

h. All costs of abatement.

i. the amount of attorney hours and fees for legal services related to all of the above-listed activities, or otherwise relating to the investigation, prosecution, or abatement of the violation, the foreclosure of a lien, or other related litigation by the city attorney.

Sec. 2-167. - Fine constitutes lien.

A certified copy of an order imposing a fine and administrative costs and fees shall be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property; but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this division shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this division, whichever first occurs. A lien arising from a fine imposed pursuant to this division runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section. Upon filing and recording of such a lien, the lien shall ~~be and constitute a lien superior in dignity to all other liens and encumbrances of whatever kind and character save and except ad valorem taxes levied and assessed by the city, county or state, and shall~~ remain a lien against ~~each such~~ any real or personal property owned by the violator until paid.

After three months from the filing of any such lien remaining unpaid, the code enforcement board or special magistrate may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is homestead under Fla. Const., art. X, § 4.

Sec. 2-168. - Duration of lien.

No lien provided under section 2-167 shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, each party shall pay for their own costs or attorney fees incurred in the litigation. In the event of mediation, the parties shall divide the cost of a mediation. ~~the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure.~~ The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. ~~The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice unless a notice of lis pendens is recorded.~~

Sec. 2-169. - Appeal.

An aggrieved party, including the city commission, may appeal a final administrative order of the code enforcement board to the circuit court pursuant to Florida Statutes section 162.11 as may be amended and the Florida Rules of Appellate Procedure as may be amended. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Sec. 2-170. - Notices.

(a) All notices required pursuant to this article shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by a law enforcement officer or code inspector; or by leaving the notice at the alleged violator's usual place of residence with any person residing there who is above 15 years of age and informing such person of the contents of the notice.

(b) In addition to providing notices as set forth in subsection (a) of this section, ~~at the option of the code enforcement board~~, notice may also be served by publication as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication as described in subsection (b)(1) of this subsection, such notice may be posted for at least ten days 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 at city hall. 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 of publication may run concurrently with or may follow an attempt or attempts to provide notice by hand delivery or by mail. Evidence that an attempt has been made to hand deliver or mail notice in compliance with this section, together with proof of publication as required in this subsection, shall be sufficient to show that notice requirements of this division have been met without regard to whether or not the alleged violator actually received such notice.

SECTION 3. Conflict. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

FIRST READING AND PUBLIC HEARING on 19 **day of** May **2026.**

SECOND READING AND PUBLIC HEARING on 8 **day of** June **2026.**

PUBLISHED in the Tampa Bay Times on 27 **day of** May **2026.**

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the 8 day of June, 2026 by Commissioner Vasquez who moved its adoption; was seconded by Commissioner Clark and upon roll call, the vote was:

YEAS: Vasquez, Clark, Czyszczon, Doctor

NAYS: —

ABSENT OR ABSTAINING: Dickey

John Doctor, Mayor

ATTEST:

Lisa Marie V. Kennedy, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

Vose Law Firm, City Attorney
RALF BROOKES ESQ.