



## Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers  
2731 Oak Street  
Fort Myers Beach, FL 33931  
Tuesday, January 14, 2025

Agenda

9:00 AM

### ORDER OF BUSINESS

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

A. Special Magistrate Hearings - December 4, 2024

**III. CONTINUED CASES**

**IV. PARKING ENFORCEMENT**

**V. NEW CASES TO BE HEARD**

A. 32 Fairview Blvd, Celhart Properties LLC

**Case Number: 20240680**

**Subject: For the maintaining and/or of structures on property in need of repair and/or demolition, i.e. but not limited to shuttered windows indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc,**

**Code Section: Sec. 110.1**

**Code Officer: D. Batt**

**VI. ADMINISTRATIVE AGENDA**

**NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.**

**IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE SPECIAL MAGISTRATE IN ANY MATTER CONSIDERED AT THIS HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.**



**For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202**

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



## Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers  
2731 Oak Street  
Fort Myers Beach, FL 33931  
Wednesday, December 4, 2024

Minutes

9:00 AM

### ORDER OF BUSINESS

#### DRAFT

##### I. CALL TO ORDER

Special Magistrate Monica Schmucker and Town Clerk Amy Baker were present.

##### II. APPROVAL OF MINUTES

A. Special Magistrate Hearings - October 3, 2024

Special Magistrate Schmucker approved the minutes.

##### III. SWEARING IN OF THOSE PROVIDING TESTIMONY

Special Magistrate Schmucker swore in those providing testimony.

##### IV. PARKING ENFORCEMENT

No cases.

##### V. NEW CASES TO BE HEARD

No cases.

##### VI. CONTINUED CASES

A. 4501 Estero Blvd, Oceanic Blue Retreats, LLC

**4501 Estero Blvd., Oceanic Blue Retreats, LLC**

**Case Number: 20240524**

**Violation: Green water and debris in pool**

**Code Section: LDC Sec. 6-1 - Adoption of IPMC**

**Section 303.1 Swimming pools**

**Code Officer: D. Batt**

Officer Batt requested that all documents be entered into the record. Special Magistrate Schmucker did so. On May 29, 2024, Code Officer Randy Sobel observed green water and debris in the pool. Photos provided accurately

represented the violation. Officer Batt received an email from the respondent's attorney on November 14, 2024, noting the property was in compliance. Code Officer T. White inspected the property on November 14, 2024, and found the property to be in compliance. Officer Batt reviewed Exhibit G and asked that it be added to the record. The town requested that an order be issued, finding a violation and that an administrative fee of \$250.00 be imposed.

Special Magistrate Schmucker found that a violation existed and imposed an administrative fee of \$250.00 to be paid within 30 days.

Minutes approved with / without changes, January 14, 2025, by Special Magistrate Schmucker.

Signature: \_\_\_\_\_

**Property Address and Owner:**

**Hearing Date:** January 14, 2025

**Case Number:** 20240680

**Subject:** For the maintaining and/or of structures on property in need of repair and/or demolition, i.e. but not limited to shuttered windows Indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc,

**Code Section:** Sec. 110.1

**Code Officer:** D. Batt

**Subject:**

For the maintaining and/or of structures on property in need of repair and/or demolition, I.e. but not limited to shuttered windows Indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc,

**Code Section:**

**Sec. 110.1** The code official shall order the owner of any premises upon which is located any structure, which In the code official's judgment after review Is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that It Is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction In accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

**Reference Number:**

Case No: 20240680

**Strap Number:**

344624W4006000010

**Officer:**

D. Batt

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**Narrative:**

C

**Attachments:**

1. Exhibit A - Establishment of Ownership
2. Exhibit B - Photos of Initial Site Inspection
3. Exhibit C - Notice of Violation and Service
4. Exhibit D - Affidavit of Non Compliance
5. Exhibit E - Referenced Town of Fort Myers Beach Code of Ordinances
6. Exhibit F - Notice of Hearing

**Town Recommendations:**

The Town of Fort Myers Beach requests that an order be issued finding a violation of Sec. 110.1,

including an order to correct the above listed violation(s) and/or the imposition of an administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

**Town Approvals:**

\_\_\_\_\_  
Thomas Yozzo, Compliance & Securities Manager

Date: January 02, 2025

\_\_\_\_\_  
nancy stuparich, Town Attorney

Date: January 05, 2025

# EXHIBIT

A

*Instrument Prepared by:*  
*Record and Return To:*  
Jacqueline E. Cannavan, Esq.  
Jacqueline E. Cannavan, P.A.  
2699 Stirling Road, C 303  
Ft. Lauderdale, Florida 33312

Property Folio No.: 10231247

**WARRANTY DEED**

***This Indenture, made this 14<sup>th</sup> day of April 2024, between DARLENE HARRIS and JOHN ARTHUR HARRIS, wife and husband, whose post office address is 5861 SW 13<sup>th</sup> Place, Plantation, FL 33317 ("Grantors"), and CELHART PROPERTIES, LLC, a Florida limited liability, whose post office address is 7901 4<sup>th</sup> Street N, Suite 300, St. Petersburg, FL 33702 ("Grantee").***

***Witnesseth that said Grantors, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations to said Grantors in hand paid by said Grantee, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, State of Florida, to wit:***

**Lot 1, Unit 5, Fairview Isles, according to the map or plat thereof, as recorded in Plat Book 10, Page(s) 125, of the Public Records of Lee County, Florida.**

***Subject to taxes for the year 2024 and subsequent years, and all state and local laws and ordinances, and all matters of record.***

***and said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.***

***In Witness Whereof***, Grantors have hereunto set Grantor's hand and seal the day and year first above written.

*Signed, sealed and delivered  
in our presence:*

Elaine Gennaro  
Name: Elaine Gennaro

Address 2699 Stirling Rd. #C303  
Ft. Lauderdale, FL 33312

Christine Urbano  
Name: Christine Urbano

Address 2699 Stirling Rd. #C303  
Ft. Lauderdale, FL 33312

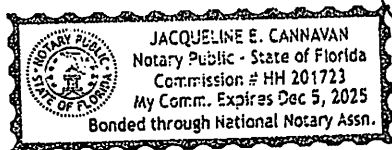
Darlene Harris  
DARLENE HARRIS

John Arthur Harris  
JOHN ARTHUR HARRIS

State of Florida  
County of Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ( ) online notarization, this 24 day of April, 2024, by **DARLENE HARRIS** and **JOHN ARTHUR HARRIS**, who are known to me ( ☒ ) or have produced DL -  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
(SEAL)  
\_\_\_\_\_  
(printed name)  
\_\_\_\_\_  
(title or rank)  
\_\_\_\_\_  
(serial number)





# Lee County Tax Collector

Noelle Branning

Ad Valorem Taxes and Non-Ad Valorem Assessments for Lee County, Florida

## 2024 Real Estate Tax Notice

Account Number:  
34-46-24-W4-00600.0010  
Alternate Key:  
2100608138  
Millage Code:  
032

Site Address/Legal Description:  
32 FAIRVIEW BLVD  
  
FAIRVIEW ISLES UNIT 5 PB 10 PG 125 LOT 1



SCAN  
THIS CODE  
to pay online  
or visit  
LeeTC.com/pay-online

| Exemptions/Values |         |
|-------------------|---------|
| Market Value      | 643,158 |
| Assessed Value    | 643,158 |
| Taxable Value     | 439,467 |

★ See message below.

CELHART PROPERTIES LLC  
7901 4TH ST N #300  
SAINT PETERSBURG, FL 33702



1 - 874

| Ad Valorem Taxes Levying Authority     | Telephone    | Mill Rate | Assessed | Exemption | Taxable | Amount   |
|----------------------------------------|--------------|-----------|----------|-----------|---------|----------|
| LEE COUNTY GENERAL REVENUE             | 239-533-2221 | 3.7623    | 439,467  | 0         | 439,467 | 1,653.41 |
| PUBLIC SCHOOL - BY LOCAL BOARD         | 239-337-8215 | 2.2480    | 643,158  | 0         | 643,158 | 1,445.82 |
| PUBLIC SCHOOL - BY STATE LAW           | 239-337-8215 | 3.0380    | 643,158  | 0         | 643,158 | 1,953.91 |
| TOWN OF FORT MYERS BEACH               | 239-765-0202 | 0.9900    | 439,467  | 0         | 439,467 | 435.07   |
| SFL WATER MGMT-DISTRICT LEVY           | 561-686-8800 | 0.0948    | 439,467  | 0         | 439,467 | 41.66    |
| SFL WATER MGMT-EVERGLADE CONST         | 561-686-8800 | 0.0327    | 439,467  | 0         | 439,467 | 14.37    |
| SFL WATER MGMT-OKEECHOBEE LEVY         | 561-686-8800 | 0.1026    | 439,467  | 0         | 439,467 | 45.09    |
| FORT MYERS BEACH FIRE CONTROL DISTRICT | 239-590-4200 | 2.8000    | 439,467  | 0         | 439,467 | 1,230.51 |
| FORT MYERS BEACH MOSQUITO              | 239-247-1205 | 0.1123    | 439,467  | 0         | 439,467 | 49.35    |
| FORT MYERS BEACH LIBRARY               | 239-463-9691 | 0.1612    | 439,467  | 0         | 439,467 | 70.84    |
| LEE COUNTY HYACINTH CONTROL            | 239-694-2174 | 0.0200    | 439,467  | 0         | 439,467 | 8.79     |
| WEST COAST INLAND NAVIGATION DISTRICT  | 941-485-9402 | 0.0394    | 439,467  | 0         | 439,467 | 17.31    |

Non-Ad Valorem Assessments Levying Authority  
LEE COUNTY SOLID WASTE ASSESSMENT

| Telephone    | Rate | Basis     | Amount |
|--------------|------|-----------|--------|
| 239-533-8000 |      | ACTL LEVY | 320.38 |

2024 Combined Total Ad Valorem and Non-Ad Valorem:

\$7,286.51

## 2024 Real Estate Tax Notice

### PAY ONLY ONE AMOUNT

#### If Received By:

|                                       |            |
|---------------------------------------|------------|
| <input type="checkbox"/> Nov 30, 2024 | \$6,995.05 |
| <input type="checkbox"/> Dec 31, 2024 | \$7,067.91 |
| <input type="checkbox"/> Jan 31, 2025 | \$7,140.78 |
| <input type="checkbox"/> Feb 28, 2025 | \$7,213.64 |
| <input type="checkbox"/> Mar 31, 2025 | \$7,286.51 |

Phone/Email Contact: \_\_\_\_\_

For payment options and instructions, refer to the back of this notice.

Account: 34-46-24-W4-00600.0010

Site Address: 32 FAIRVIEW BLVD

FORT MYERS BEACH 33931

Alternate Key: 2100608138

★ If the address below is not correct, visit [LeePA.org](http://LeePA.org) to update your address.

CELHART PROPERTIES LLC

7901 4TH ST N #300

SAINT PETERSBURG, FL 33702

Make check payable to:  
LEE COUNTY TAX COLLECTOR  
PO BOX 1609  
FORT MYERS FL 33902-1609



1 344624W4006000010 2024 9



## IMPORTANT INSTRUCTIONS AND INFORMATION - PLEASE READ

**Ad Valorem Taxes** cover the period January 1 through December 31 of the tax year indicated on the front of this notice. Tax notices are mailed on or about November 1 and become delinquent April 1. Failure to receive a tax notice does not extend discounts or excuse taxpayers' responsibilities to pay taxes and applicable penalties for late payments. Installment tax notices are mailed in June, September, December and March. Installment payment discounts are: June (6%), September (4.5%) and December (3%).

### Governmental Office Responsibilities



#### Lee County Tax Collector

The Tax Collector prints, mails, and collects payments based on the tax rolls certified by the Property Appraiser and Levying Authorities.

##### Contact the Tax Collector to:

- Pay your current or delinquent property taxes
- Learn about Partial Payment, Installment Payment, and Homestead Tax Deferral plans
- Print your tax bills and receipts

Phone: 239-533-6000 • Website: [LeeTC.com](http://LeeTC.com)



#### Lee County Property Appraiser

The Property Appraiser values properties and prepares and certifies the tax roll which includes assessed values, exemptions, legal description, assessed owner(s) name and mailing address.

##### Contact the Property Appraiser to:

- Ask questions about the assessed value or exemption of your property
- Change your mailing address
- File or check on Homestead and other exemptions

Phone: 239-533-6100 • Website: [LeePA.org](http://LeePA.org)



#### Lee County Levying Authorities

Lee County Levying Authorities establish millage rates and assessments based on revenue needed for operating expenses.

Call your Levying Authority with direct questions regarding services provided or rates charged.

A list of Levying Authorities and phone numbers may appear on the front of this notice or can be found on your property tax bill. Visit [LeeTC.com/property-taxes](http://LeeTC.com/property-taxes) for instructions on viewing your bill.

### Discounts

The amounts indicated on the front of this notice represent the total taxes and assessments due (if applicable) less discounts allowed for early payment. When the discount period ends on a weekend or holiday, the discount is extended to the next business day. Taxes are due by March 31 of each year.

**4%** if paid in **NOVEMBER**

**3%** if paid in **DECEMBER**

**2%** if paid in **JANUARY**

**1%** if paid in **FEBRUARY**

### Delinquent Taxes

Payment of delinquent taxes must be made in certified U.S. funds drawn on a U.S. bank. The amount due is determined by the date payment is received. Failure to pay delinquent taxes could result in the loss of your property. On April 1 the following charges are imposed by Florida Law:

**Real Estate:** 3% minimum interest and advertising costs. A tax certificate sale is held on or before June 1 resulting in additional charges.

**Tangible Personal Property:** 18% interest annually, cost of advertising, and fees. Tax warrants will be issued on all unpaid personal property taxes on or about June 1.

**Property Sold:** forward this notice to the new owner(s).

### Payment Options

 **PAY ONLINE**



Visit [LeeTC.com](http://LeeTC.com)

#### Other ways to pay:



**Mail:** Check or money order.



**Phone:** 239.533.6000.



**In Person:** Cash, check, money order, debit card (PIN required), and all major credit cards.

**Note:** A convenience fee is charged when using a credit or debit card and is subject to service provider rates which may vary. No portion of this fee is retained by the Tax Collector's office.

**Note:** If using your bank's online bill pay, make sure you allow for processing time so payment arrives by the received date listed on the front of this notice.

### Confirm Payment

Confirm receipt of your payment online at our official website [LeeTC.com](http://LeeTC.com). Your taxes are not considered paid until your payment clears our bank and is applied to your tax account.

### Have you met Edison?

Edison is our automated chatbot that can answer many of your questions relating to property taxes and much more. Available 24/7, you can find Edison at the bottom of our website, [LeeTC.com](http://LeeTC.com).



**NOTICE:** Pursuant to Florida Statute 590.125(5), be advised that the Florida Forest Service may be performing prescribed burning and/or other treatments in a project area that includes your property in Lee County, Florida. These efforts are to reduce fuel loads and threat of wildfires. These projects are planned to occur from the date of this notice until the same date the following year. This service is provided at no cost to the affected landowner(s). Contact the Florida Forest Service if you have questions regarding this service at: 10941 Palm Beach Blvd., Fort Myers, FL 33905, or 239.690.8001.

**Our Mission:** Deliver 5-Star service quickly and efficiently through an organizational culture that values customers, team, and community.

## Property Data

STRAP: 34-46-24-W4-00600.0010 Folio ID: 10231247

[Hurricanes Helene/Milton Tax Roll Value Letter](#) [Hurricane Ian Tax Roll Value Letter](#)

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### Owner Of Record - Sole Owner [\[Change Mailing Address\]](#)

CELHART PROPERTIES LLC  
7901 4TH ST N #300  
SAINT PETERSBURG FL 33702

### Site Address

Site Address maintained by [E911 Program Addressing](#)

32 FAIRVIEW BLVD  
FORT MYERS BEACH FL 33931

### Property Description

Do not use for legal documents!

FAIRVIEW ISLES UNIT 5 PB 10 PG 125 LOT 1

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 10 and 125 for the book and page numbers.

### Attributes and Location Details

|                               |         |
|-------------------------------|---------|
| Total Bedrooms / Bathrooms    | 2 / 2.0 |
| Gross Living Area             | 1,090   |
| 1st Year Building on Tax Roll | 1970    |
| Historic Designation          | No      |

|                          |                 |                  |              |            |
|--------------------------|-----------------|------------------|--------------|------------|
| <b>Township</b>          | <b>Range</b>    | <b>Section</b>   | <b>Block</b> | <b>Lot</b> |
| 46                       | 24E             | 34               | 00600        | 0010       |
| <b>Municipality</b>      | <b>Latitude</b> | <b>Longitude</b> |              |            |
| Town of Fort Myers Beach | 26.41888        | -81.89798        |              |            |

[View Parcel on Google Maps](#)

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

### Image of Structure



◀ Photo Date January of 2022 ▶ ☐ View other photos

Last Inspection Date: 01/28/2022

## Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

| TRIM Notices                           | Tax Year           | Just    | Land    | Market Assessed | Capped Assessed | Exemptions | Classified Use | Taxable |
|----------------------------------------|--------------------|---------|---------|-----------------|-----------------|------------|----------------|---------|
| <a href="#">2024 / Additional Info</a> | 2024 (Final Value) | 643,158 | 643,148 | 643,158         | 439,467         | 0          | 0              | 439,467 |
| <a href="#">2023 / Additional Info</a> | 2023 (Final Value) | 399,515 | 399,505 | 399,515         | 399,515         | 0          | 0              | 399,515 |
| <a href="#">2022 / Additional Info</a> | 2022 (Final Value) | 480,387 | 264,000 | 480,387         | 480,387         | 0          | 0              | 480,387 |
| <a href="#">2021 / Additional Info</a> | 2021 (Final Value) | 314,745 | 192,400 | 314,745         | 218,526         | 50,000     | 0              | 168,526 |
| <a href="#">2020 / Additional Info</a> | 2020 (Final Value) | 289,091 | 192,400 | 289,091         | 215,509         | 50,000     | 0              | 165,509 |
| <a href="#">2019 / Additional Info</a> | 2019 (Final Value) | 281,823 | 160,300 | 281,823         | 210,664         | 50,000     | 0              | 160,664 |
| <a href="#">2018 / Additional Info</a> | 2018 (Final Value) | 264,052 | 160,300 | 264,052         | 206,736         | 50,000     | 0              | 156,736 |
| <a href="#">2017 / Additional Info</a> | 2017 (Final Value) | 260,820 | 128,250 | 260,820         | 202,484         | 50,000     | 0              | 152,484 |
| <a href="#">2016</a>                   | 2016 (Final Value) | 243,942 | 128,250 | 243,942         | 198,319         | 50,000     | 0              | 148,319 |
| <a href="#">2015</a>                   | 2015 (Final Value) | 257,506 | 128,250 | 257,506         | 196,940         | 50,000     | 0              | 146,940 |
| <a href="#">2014</a>                   | 2014 (Final Value) | 232,903 | 128,520 | 232,903         | 195,377         | 50,000     | 0              | 145,377 |

|                      |                    |         |         |         |         |        |   |         |
|----------------------|--------------------|---------|---------|---------|---------|--------|---|---------|
| <a href="#">2013</a> | 2013 (Final Value) | 229,109 | 91,300  | 229,109 | 192,490 | 50,000 | 0 | 142,490 |
| <a href="#">2012</a> | 2012 (Final Value) | 189,272 | 140,000 | 189,272 | 189,272 | 50,000 | 0 | 139,272 |
| <a href="#">2011</a> | 2011 (Final Value) | 259,962 | 190,000 | 259,962 | 224,413 | 50,000 | 0 | 174,413 |
| <a href="#">2010</a> | 2010 (Final Value) | 250,057 | 190,000 | 250,057 | 117,694 | 50,000 | 0 | 67,694  |
|                      | 2009 (Final Value) | 267,560 | 210,000 | 267,560 | 114,600 | 50,000 | 0 | 64,600  |
|                      | 2008 (Final Value) | 327,630 | 260,000 | 327,630 | 114,490 | 50,000 | 0 | 64,490  |
|                      | 2007 (Final Value) | 363,740 | 295,000 | 0       | 111,160 | 25,000 | 0 | 86,160  |
|                      | 2006 (Final Value) | 369,350 | 325,000 | 0       | 108,440 | 25,000 | 0 | 83,440  |
|                      | 2005 (Final Value) | 267,800 | 197,750 | 0       | 98,460  | 25,000 | 0 | 73,460  |
|                      | 2004 (Final Value) | 246,830 | 197,750 | 0       | 95,590  | 25,000 | 0 | 70,590  |
|                      | 2003 (Final Value) | 213,040 | 110,000 | 0       | 93,810  | 25,000 | 0 | 68,810  |
|                      | 2002 (Final Value) | 147,910 | 55,000  | 0       | 91,610  | 25,000 | 0 | 66,610  |
|                      | 2001 (Final Value) | 138,670 | 55,000  | 0       | 90,170  | 25,000 | 0 | 65,170  |
|                      | 2000 (Final Value) | 106,570 | 55,000  | 0       | 87,540  | 25,000 | 0 | 62,540  |
|                      | 1999 (Final Value) | 107,300 | 55,000  | 0       | 85,240  | 25,000 | 0 | 60,240  |
|                      | 1998 (Final Value) | 108,020 | 55,000  | 0       | 83,900  | 25,000 | 0 | 58,900  |
|                      | 1997 (Final Value) | 111,650 | 55,000  | 0       | 82,500  | 25,000 | 0 | 57,500  |
|                      | 1996 (Final Value) | 91,100  | 50,000  | 0       | 80,100  | 25,000 | 0 | 55,100  |
|                      | 1995 (Final Value) | 84,340  | 45,000  | 0       | 78,150  | 25,000 | 0 | 53,150  |
|                      | 1994 (Final Value) | 76,100  | 38,250  | 0       | 76,100  | 25,000 | 0 | 51,100  |
|                      | 1993 (Final Value) | 74,030  | 38,250  | 0       | 74,030  | 25,000 | 0 | 49,030  |
|                      | 1992 (Final Value) | 89,210  | 34,000  | 0       | 89,210  | 25,000 | 0 | 64,210  |

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\) \(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.  
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.  
(i.e. Taxable = Capped Assessed - Exemptions)

## Property Details (Current as of 12/16/2024)

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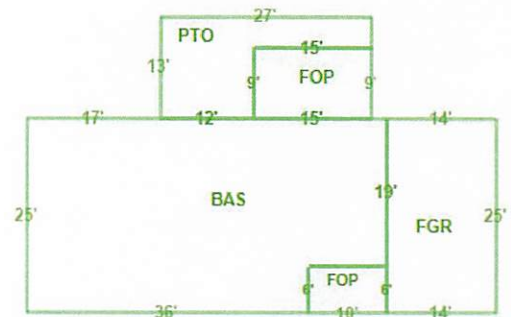
| Land Tracts                 |                               |                    |                      |
|-----------------------------|-------------------------------|--------------------|----------------------|
| Use Code                    | Use Code Description          | Number of Units    | Unit of Measure      |
| 100                         | Single Family Residential     | 1.00               | Lot                  |
| Land Features               |                               |                    |                      |
| Description                 |                               | Year Added         | Units                |
| FENCE - ALUM/VINYL - 6 FEET |                               | 2005               | 156                  |
| IRRIGATION SYSTEM LAWN      |                               | 2010               | 1                    |
| Buildings                   |                               |                    |                      |
| Building 1 of 1             |                               |                    |                      |
| Building Characteristics    |                               |                    |                      |
| Improvement Type            | Model Type                    | Stories            | Living Units         |
| 99 - Florida Ranch          | 1 - SINGLE FAMILY RESIDENTIAL | 1.0                | 1                    |
| Bedrooms                    | Bathrooms                     | Year Built         | Effective Year Built |
| 2                           | 2.0                           | 1970               | 1988                 |
| Building Subareas           |                               |                    |                      |
| Description                 |                               | Heated / Under Air | Area (Sq Ft)         |
| BAS - BASE                  |                               | Y                  | 1,090                |
| FGR - FINISHED GARAGE       |                               | N                  | 350                  |
| FOP - FINISHED OPEN PORCH   |                               | N                  | 195                  |
| PTO - PATIO                 |                               | N                  | 216                  |
| Building Features           |                               |                    |                      |
| Description                 |                               | Year Added         | Units                |
| SHED VINYL W/FLOOR          |                               | 2011               | 35                   |

Building Front Photo



Photo Date: January of 2022

Building Footprint



## Property Details (2024 Tax Roll)



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| Land                        |                           |                 |                 |
|-----------------------------|---------------------------|-----------------|-----------------|
| Land Tracts                 |                           |                 |                 |
| Use Code                    | Use Code Description      | Number of Units | Unit of Measure |
| 100                         | Single Family Residential | 1.00            | Lot             |
| Land Features               |                           |                 |                 |
| Description                 |                           | Year Added      | Units           |
| FENCE - ALUM/VINYL - 6 FEET |                           | 2005            | 156             |
| IRRIGATION SYSTEM LAWN      |                           | 2010            | 1               |
| Buildings                   |                           |                 |                 |

# Building 1 of 1

## Building Characteristics

| Improvement Type   | Model Type                    | Stories    | Living Units         |
|--------------------|-------------------------------|------------|----------------------|
| 99 - Florida Ranch | 1 - SINGLE FAMILY RESIDENTIAL | 1.0        | 1                    |
| Bedrooms           | Bathrooms                     | Year Built | Effective Year Built |
| 2                  | 2.0                           | 1970       | 1988                 |

## Building Subareas

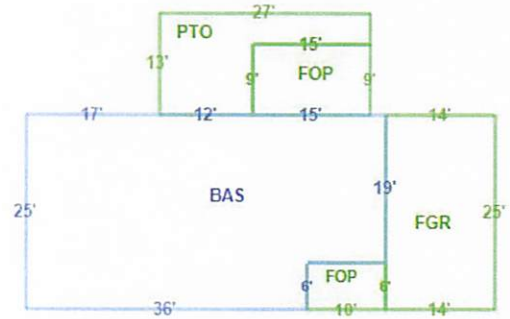
| Description               | Heated / Under Air | Area (Sq Ft) |
|---------------------------|--------------------|--------------|
| BAS - BASE                | Y                  | 1,090        |
| FGR - FINISHED GARAGE     | N                  | 350          |
| FOP - FINISHED OPEN PORCH | N                  | 195          |
| PTO - PATIO               | N                  | 216          |

Building Front Photo



Photo Date: January of 2022

Building Footprint



## Taxing Authorities

Generated on 12/17/2024 1:46 PM

### TOWN OF FT MYERS BEACH / 032

| Name / Code                                | Category             | Mailing Address                                                                       |
|--------------------------------------------|----------------------|---------------------------------------------------------------------------------------|
| LEE CO GENERAL REVENUE / 044               | County               | LEE COUNTY OFFICE OF MGMT & BUDGET<br>PO BOX 398<br>FORT MYERS FL 33902-0398          |
| FORT MYERS BEACH FIRE CONTROL DIST / 032   | Independent District | FORT MYERS BEACH FIRE CONTROL DIST<br>100 VOORHIS ST<br>FORT MYERS BEACH FL 33931     |
| FORT MYERS BEACH MOSQUITO CONTROL / 035    | Independent District | FORT MYERS BEACH MOSQUITO CONTROL<br>PO BOX 2837<br>FORT MYERS BEACH FL 33932-2837    |
| FORT MYERS BEACH PUBLIC LIBRARY DIST / 033 | Independent District | FORT MYERS BEACH PUBLIC LIBRARY DIST<br>2755 ESTERO BLVD<br>FORT MYERS BEACH FL 33931 |
| LEE CO HYACINTH CONTROL DIST / 051         | Independent District | LEE CO HYACINTH CONTROL DIST<br>15191 HOMESTEAD RD<br>LEHIGH ACRES FL 33971           |
| WEST COAST INLAND NAVIGATION DIST / 098    | Independent District | WEST COAST INLAND NAVIGATION DIST<br>200 MIAMI AVE E<br>VENICE FL 34285-2408          |

|                                             |                  |                                                                                           |
|---------------------------------------------|------------------|-------------------------------------------------------------------------------------------|
| TOWN OF FORT MYERS BEACH FLORIDA / 118      | Municipal        | TOWN OF FORT MYERS BEACH<br>2523 ESTERO BLVD<br>FORT MYERS BEACH FL 33931                 |
| PUBLIC SCHOOL - BY LOCAL BOARD / 012        | Public Schools   | LEE COUNTY SCHOOL BOARD<br>BUDGET DEPARTMENT<br>2855 COLONIAL BLVD<br>FORT MYERS FL 33966 |
| PUBLIC SCHOOL - BY STATE LAW / 013          | Public Schools   | LEE COUNTY SCHOOL BOARD<br>BUDGET DEPARTMENT<br>2855 COLONIAL BLVD<br>FORT MYERS FL 33966 |
| GREEN CORRIDOR PACE / 363                   | Special District |                                                                                           |
| SFWMD-DISTRICT-WIDE / 110                   | Water District   | SFWMD<br>3301 GUN CLUB RD<br>WEST PALM BEACH FL 33406                                     |
| SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084 | Water District   | SFWMD<br>3301 GUN CLUB RD<br>WEST PALM BEACH FL 33406                                     |
| SFWMD-OKEECHOBEE BASIN / 308                | Water District   | SFWMD<br>3301 GUN CLUB RD<br>WEST PALM BEACH FL 33406                                     |

### Sales / Transactions

Generated on 12/17/2024 1:46 PM

| Sale Price | Date       | Clerk<br>File Number                                                          | Type               | Notes | Vacant/<br>Improved |
|------------|------------|-------------------------------------------------------------------------------|--------------------|-------|---------------------|
| 460,000.00 | 04/24/2024 | <a href="#">2024000129253</a><br><a href="#">Complete Sales Questionnaire</a> | <a href="#">01</a> |       | I                   |
| 672,500.00 | 12/16/2021 | <a href="#">2021000413920</a>                                                 | <a href="#">01</a> |       | I                   |
| 10.00      | 04/24/2017 | <a href="#">2017000088249</a>                                                 | <a href="#">11</a> |       | I                   |
| 230,000.00 | 06/01/2010 | <a href="#">2010000137745</a>                                                 | <a href="#">01</a> |       | I                   |
| 100.00     | 02/26/2007 | <a href="#">2007000065507</a>                                                 | <a href="#">03</a> |       | I                   |
| 100.00     | 01/10/2002 | <a href="#">3571/4615</a>                                                     | <a href="#">01</a> |       | I                   |
| 100.00     | 07/01/1989 | <a href="#">2086/1958</a>                                                     | <a href="#">01</a> |       | I                   |
| 64,000.00  | 04/01/1984 | <a href="#">1723/3462</a>                                                     | <a href="#">06</a> |       | I                   |

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **10** and **125** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

### Building / Construction Permit Data

Generated on 12/17/2024 1:46 PM

| Permit Number              | Permit Type                        | Date       |
|----------------------------|------------------------------------|------------|
| <a href="#">241922</a>     | Roof                               | 09/16/2024 |
| <a href="#">221024</a>     | Residential                        | 07/20/2022 |
| <a href="#">MEC16-0341</a> | AC New / Change out                | 10/12/2016 |
| <a href="#">BLD13-0026</a> | Building Window / Door Replacement | 02/19/2013 |

[FNC2005-00792](#)

Fence

04/14/2005

[ROF2004-03782](#)

Roof

08/23/2004

**IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.**

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

**Parcel Numbering History** ⓘ

Generated on 12/17/2024 1:46 PM

| Prior STRAP            | Prior Folio ID      | Renumber Reason            | Renumber Date |
|------------------------|---------------------|----------------------------|---------------|
| 34-46-24-06-00000.0010 | <a href="#">N/A</a> | Reserved for Renumber ONLY | 01/12/1995    |

**Solid Waste (Garbage) Roll Data**

Generated on 12/17/2024 1:46 PM

| Solid Waste District | Roll Type                | Category | Unit / Area | Tax Amount   |
|----------------------|--------------------------|----------|-------------|--------------|
| 001 - Service Area 1 | R - Residential Category |          | 1           | 320.38       |
|                      | Collection Days          |          |             |              |
| Garbage              | Recycling                |          |             | Horticulture |
| Thursday             | Thursday                 |          |             | Thursday     |

**Flood and Storm Information**

Generated on 12/17/2024 1:46 PM

| Community | Flood Insurance | Find my flood zone | Panel | Version | Date       | Evacuation Zone |
|-----------|-----------------|--------------------|-------|---------|------------|-----------------|
| 071C      |                 |                    | 0567  | G       | 11/17/2022 | A               |

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[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
CELHART PROPERTIES LLC

### Filing Information

|                 |              |
|-----------------|--------------|
| Document Number | L24000126091 |
| FEI/EIN Number  | NONE         |
| Date Filed      | 03/13/2024   |
| State           | FL           |
| Status          | ACTIVE       |

### Principal Address

7901 4TH STREET N SUITE 300  
ST. PETERSBURG, FL 33702

### Mailing Address

7901 4TH STREET N SUITE 300  
ST. PETERSBURG, FL 33702

### Registered Agent Name & Address

REGISTERED AGENTS INC  
7901 4TH STREET N SUITE 300  
ST. PETERSBURG, FL 33702

### Authorized Person(s) Detail

#### **Name & Address**

Title AMBR

JLM HOLDING GROUP LLC  
30 N GOULD STREET SUITE R  
SHERIDAN, WY 82801

Title AMBR

MT LEGACY HOLDINGS GROUP LLC  
30 N GOULD STREET SUITE R  
SHERIDAN, WY 82801

### Annual Reports

No Annual Reports Filed

## **Document Images**

[03/13/2024 -- Florida Limited Liability](#)

[View image in PDF format](#)

Florida Department of State, Division of Corporations

# EXHIBIT

B



Jul 23, 2024 at 12:45:01 PM  
Town of Fort Myers Beach



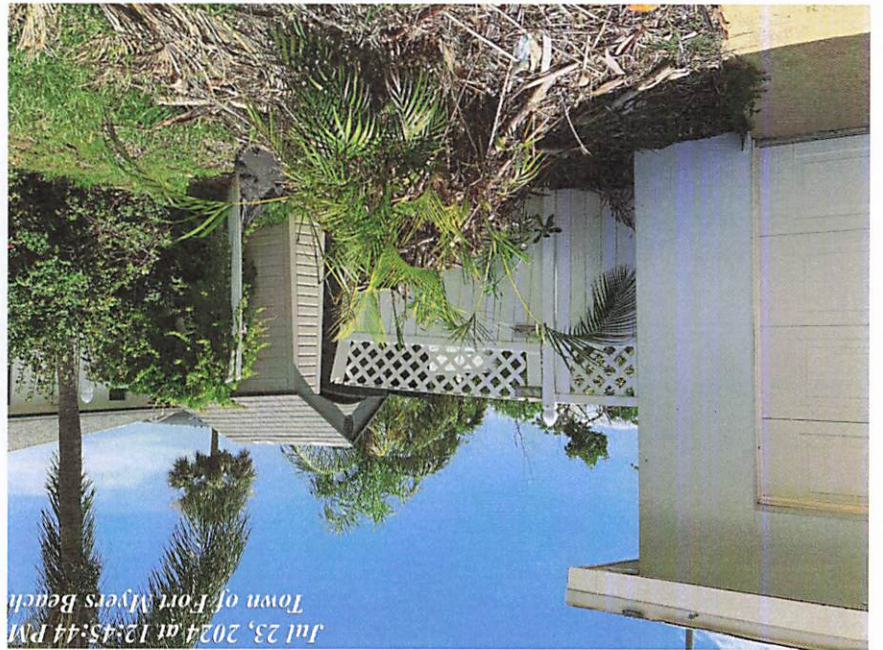
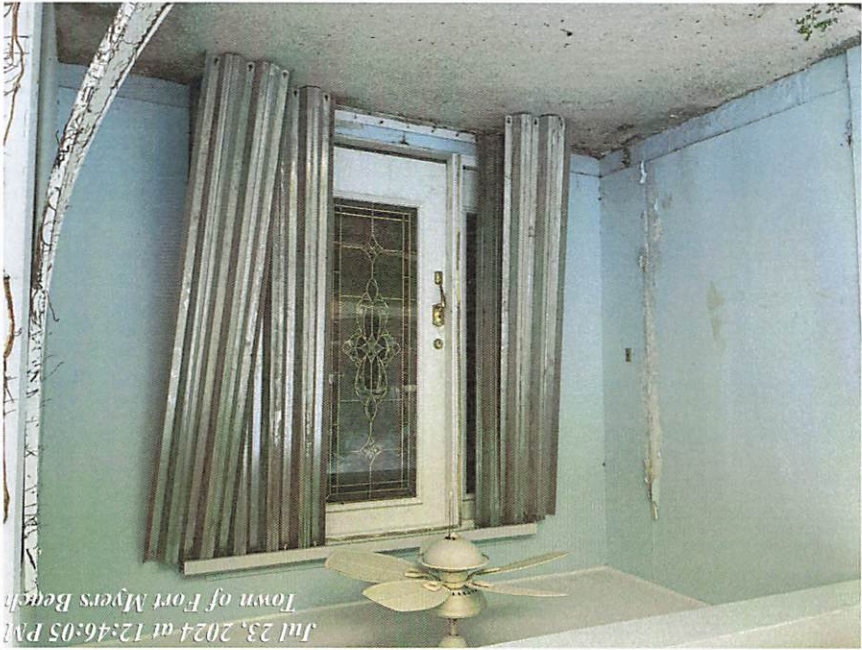
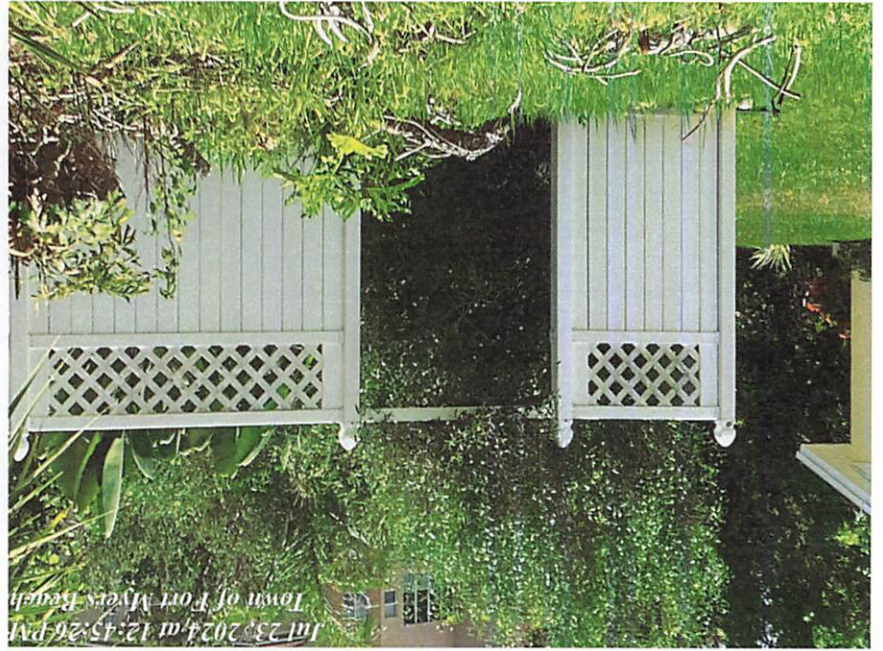
Jul 23, 2024 at 12:45:22 PM  
Town of Fort Myers Beach



Jul 23, 2024 at 12:44:50 PM  
Town of Fort Myers Beach



Jul 23, 2024 at 12:45:21 PM  
Town of Fort Myers Beach





# EXHIBIT

C



## Town of Fort Myers Beach

### CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931  
Phone: (239) 765-0202 Fax: (239) 765-0909

07/24/2024

|                 |                        |
|-----------------|------------------------|
| CASE NUMBER:    | 20240680               |
| CERTIFIED MAIL: | 9589071052700636647089 |
| REGULAR MAIL:   |                        |

**CELHART PROPERTIES LLC**  
7901 4TH ST N #300  
SAINT PETERSBURG, FL 33702

SITE ADDRESS: 32 FAIRVIEW BLVD  
PARCEL STRAP NO: 344624W4006000010

### NOTICE OF VIOLATION

**YOU ARE HEREBY NOTIFIED** that an inspection of the above-referenced property on **07/23/2024** by Town of Fort Myers Beach Code Enforcement Officer **D. Batt** indicates that the following items are in violation:

For the maintaining and/or of structures on property in need of repair and/or demolition. I.e. but not limited to shuttered windows indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc.

These items are a violation of the following Town Codes:

*Sec. 110.1 The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.*

### COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Repair all areas of the dwelling and structures on property in disrepair and/or demolish . .

You are hereby directed to bring these violations into compliance within 30-days.

**ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.**

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-922-4049 or [code@fmbgov.com](mailto:code@fmbgov.com) If you have any questions concerning this Notice of Violation.

Respectfully,

**D. Batt**  
Code Enforcement Officer  
Town of Fort Myers Beach



## Town of Fort Myers Beach

### CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931  
Phone: (239) 765-0202 Fax: (239) 765-0909

07/24/2024

|                 |                        |
|-----------------|------------------------|
| CASE NUMBER:    | 20240680               |
| CERTIFIED MAIL: | 9589071052700636647072 |
| REGULAR MAIL:   |                        |

Registered Agent:  
Registered Agents Inc.  
7901 4th Street N Suite 300  
St. Petersburg, FL 33702

SITE ADDRESS: 32 FAIRVIEW BLVD  
PARCEL STRAP NO: 344624W4006000010

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Please contact the Town of Fort Myers Beach Code Enforcement Division at or [code@fmbgov.com](mailto:code@fmbgov.com) if you have any questions concerning this Notice of Violation.

Respectfully,

**D. Batt**  
Code Enforcement Officer  
Town of Fort Myers Beach

9589 0710 5270 0636 6470 89

| U.S. Postal Service™<br>CERTIFIED MAIL® RECEIPT<br>Domestic Mail Only                            |                               |
|--------------------------------------------------------------------------------------------------|-------------------------------|
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |                               |
| OFFICIAL USE                                                                                     |                               |
| Certified Mail Fee                                                                               | \$                            |
| Extra Services & Fees (check box, add fee as appropriate)                                        |                               |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$                            |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$                            |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$                            |
| <input type="checkbox"/> Adult Signature Required                                                | \$                            |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$                            |
| Postage                                                                                          | \$                            |
| Total Postage and Fees                                                                           | \$                            |
| Sent by:                                                                                         | 20240680<br>32 Fairviews Blvd |
| Sent to:<br>Cellhart Properties LLC<br>7901 4th Street N Suite 300<br>St. Petersburg, FL 33702   |                               |
| PS Form 3800, January 2023 PSN 7530-02-000-9947 See Reverse for Instructions                     |                               |

9589 0710 5270 0636 6470 72

| U.S. Postal Service™<br>CERTIFIED MAIL® RECEIPT<br>Domestic Mail Only                            |                               |
|--------------------------------------------------------------------------------------------------|-------------------------------|
| For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. |                               |
| OFFICIAL USE                                                                                     |                               |
| Certified Mail Fee                                                                               | \$                            |
| Extra Services & Fees (check box, add fee as appropriate)                                        |                               |
| <input type="checkbox"/> Return Receipt (hardcopy)                                               | \$                            |
| <input type="checkbox"/> Return Receipt (electronic)                                             | \$                            |
| <input type="checkbox"/> Certified Mail Restricted Delivery                                      | \$                            |
| <input type="checkbox"/> Adult Signature Required                                                | \$                            |
| <input type="checkbox"/> Adult Signature Restricted Delivery                                     | \$                            |
| Postage                                                                                          | \$                            |
| Total Postage and Fees                                                                           | \$                            |
| Sent by:                                                                                         | 20240680<br>32 Fairviews Blvd |
| Sent to:<br>Registered Agents Inc.<br>7901 4th St N Suite 300<br>St. Petersburg, FL 33702        |                               |
| PS Form 3800, January 2023 PSN 7530-02-000-9947 See Reverse for Instructions                     |                               |

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                                                                                   |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                      |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>                                                                                                                                                       |  | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>MS</i> <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p>                                                                                                                                                          |  |
| <p>1. Article Addressed to:</p> <p><b>Celhart Properties LLC</b><br/> <b>7901 4TH Street N Suite 300</b><br/> <b>St. Petersburg, FL 33703</b></p>                                                                                                                                                                                                                               |  | <p>B. Received by (Printed Name) <i>Miranda W.</i> C. Date of Delivery <i>7/19/24</i></p>                                                                                                                                                                                                              |  |
| <p>2. Article Number (Transfer from service label)</p> <p><b>9589 0710 5270 0636 6470 84</b></p>                                                                                                                                                                                                                                                                                |  | <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes<br/>         If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>20340680 32 Fairview Blvd</i></p>                                                                                               |  |
| <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature<br/> <input type="checkbox"/> Adult Signature Restricted Delivery<br/> <input type="checkbox"/> Certified Mail®<br/> <input type="checkbox"/> Certified Mail Restricted Delivery<br/> <input type="checkbox"/> Collect on Delivery<br/> <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> |  | <p><input type="checkbox"/> Priority Mail Express®<br/> <input type="checkbox"/> Registered Mail™<br/> <input type="checkbox"/> Registered Mail Restricted Delivery<br/> <input type="checkbox"/> Signature Confirmation™<br/> <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> |  |
| <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>                                                                                                                                                                                                                                                                                                                             |  | <p>Domestic Return Receipt</p>                                                                                                                                                                                                                                                                         |  |

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                                                                                   |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                      |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>                                                                                                                                                       |  | <p>A. Signature<br/> <input checked="" type="checkbox"/> Agent<br/> <input checked="" type="checkbox"/> Addressee</p>                                                                                                                                                                                  |  |
| <p>1. Article Addressed to:</p> <p>Registered Agents Inc.<br/> 7901 4th Street N Suite 300<br/> St. Petersburg, FL 33702</p>                                                                                                                                                                                                                                                    |  | <p>B. Received by (Printed Name)<br/> Miranda W.</p>                                                                                                                                                                                                                                                   |  |
| <p>2. Article Number (Transfer from service label)<br/> 9590 9402 7722 2152 7828 05</p>                                                                                                                                                                                                                                                                                         |  | <p>C. Date of Delivery<br/> 7/29/24</p>                                                                                                                                                                                                                                                                |  |
| <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature<br/> <input type="checkbox"/> Adult Signature Restricted Delivery<br/> <input type="checkbox"/> Certified Mail®<br/> <input type="checkbox"/> Certified Mail Restricted Delivery<br/> <input type="checkbox"/> Collect on Delivery<br/> <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> |  | <p><input type="checkbox"/> Priority Mail Express®<br/> <input type="checkbox"/> Registered Mail™<br/> <input type="checkbox"/> Registered Mail Restricted Delivery<br/> <input type="checkbox"/> Signature Confirmation™<br/> <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> |  |
| <p>4. Article Number (Transfer from service label)<br/> 9589 0710 5270 0636 6470 72</p>                                                                                                                                                                                                                                                                                         |  | <p>5. Delivery Address (If different from item 1)<br/> 20240680 32 Fairview Blvd</p>                                                                                                                                                                                                                   |  |
| <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>                                                                                                                                                                                                                                                                                                                             |  | <p>Domestic Return Receipt</p>                                                                                                                                                                                                                                                                         |  |

7/24/24, 2:07 PM

iworq.net/iworq/0\_Pages/popupEditLetterPrint.php?sid=CPL3X1DXYKF9YYW9WBXFKQKS4B400&id=5361602&k=6198&letterlink...



**Town of Fort Myers Beach  
CODE COMPLIANCE**

2731 Oak Street Fort Myers Beach, FL 33931  
Phone: (239) 765-0202 Fax: (239) 765-0909

07/24/2024

|                 |                        |
|-----------------|------------------------|
| CASE NUMBER:    | 20240680               |
| CERTIFIED MAIL: | 9589071052700636647089 |
| REGULAR MAIL:   |                        |

**CELHART PROPERTIES LLC**  
7901 4TH ST N #300  
SAINT PETERSBURG, FL 33702

SITE ADDRESS: 32 FAIRVIEW BLVD  
PARCEL STRAP NO: 344624W4006000010

**NOTICE OF VIOLATION**

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The following action is needed to bring the violation(s) into compliance. Repair all areas of the dwelling and structures on property in disrepair and/or demolish . .

You are hereby directed to bring these violations into compliance within 30-days.

**ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.**

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

Staples

Jul 24, 2024 at 2:29:49 PM  
Town of Fort Myers Beach



- (a) All notices required by this article will be provided to the alleged violator by: (i) certified mail, return receipt requested, subject to the provisions of subsection (b) below; or (ii) by hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the director; or (iii) by 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 (iv) in the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) If notice is sent via certified mail, return receipt requested, to the owner of the property in question at the address listed in the Lee County Tax Collector's Office for tax notices, and at any other address provided to the town by such owner, and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (c)(1) and (2) below, and by first class mail directed to the addresses furnished to the town, with a properly executed proof of mailing or affidavit confirming the first class mailing.
- (c) In addition to provision of notice as set forth in subsection (a), notice may also be served by publication or posting, as follows:
  - (1) Such notice will be published once during each week for four consecutive weeks (four publications being sufficient) in a Lee County newspaper of general circulation. The newspaper must meet the requirements prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication must be made in accordance with F.S. §§ 50.041 and 50.051.
  - (2) In lieu of publication as described in subsection (c)(1) above, such notice may be posted for at least ten 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 must be the property upon which the violation is alleged to exist and the other must be at Town Hall for the Town of Fort Myers Beach. Proof of posting must be by affidavit of the person posting the notice. The affidavit must include a copy of the notice posted and the date and places of its posting.
  - (3) 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 (a) above.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsections (a) and (b), together with proof of publication or posting as provided in subsection (c), will be sufficient to show the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

# EXHIBIT

D



12/17/2024

**TOWN OF FORT MYERS BEACH,**

**Petitioner,**

**vs.**

**CELHART PROPERTIES LLC**

**Respondent.**

Site Address: **32 FAIRVIEW BLVD**  
Parcel Strap No.: **344624W4006000010**

|                 |                               |
|-----------------|-------------------------------|
| Case Number:    | <b>20240680</b>               |
| Certified Mail: | <b>9589071052700636642237</b> |
| Regular Mail:   |                               |

**AFFIDAVIT OF NON-COMPLIANCE**

**STATE OF FLORIDA )**

**COUNTY OF LEE )**

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 07/23/2024, CELHART PROPERTIES LLC (property owner) was observed in violation of Chapter 6-2, Sec. 110.1 of the Town of Fort Myers Beach Code of Ordinances, For the maintaining and/or of structures on property in need of repair and/or demolition. I.e. but not limited to shuttered windows indicating broken and/or improperly installed, missing and/or falling sections of fence, diminished tarp on roof indicating damaged and/or improperly installed, etc., at the property located at 32 FAIRVIEW BLVD, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 07/24/2024, and sent certified mail to the address of record, 7901 4TH ST N #300, SAINT PETERSBURG, FL 33702, posted to the violation property located at 32 FAIRVIEW BLVD, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. CELHART PROPERTIES LLC was/were given 30-days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/24/2024.

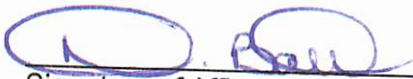
5. I performed an inspection of the Subject Property on 12/17/2024, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 32 FAIRVIEW BLVD, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 12/17/2024. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

**FURTHER AFFIANT SAYETH NAUGHT.**



Signature of Affiant

**STATE OF FLORIDA  
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of X physical presence  
OR online notarization, this 17<sup>th</sup> day of December, 2024, by  
Danielle Bati, who is personally known to me OR \_\_\_ who has produced  
\_\_\_ as identification.



ASHLEY SHEPARD  
Commission # HH 253125  
Expires April 14, 2026

(SEAL)



Notary Public Signature

My Commission Expires: April 14, 2026



# EXHIBIT

E

Sec. 6-2. - Amendments.

The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "code official" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "department" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) Section 101.1 Title, is amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:

The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:

The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.
- (f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.
- (g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.
- (h) Section 106.3 Prosecution of Violation, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law, or as provided in the codes and ordinances of the Town of Fort Myers.

- (i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.

- (j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.

- (k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.

- (l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to a code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) 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.
- (4) File a notice with the code official 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 5 days after the date of the transfer.
- (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding 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.

- (m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (n) *Section 108.7 Record*, is hereby amended to read as follows:

The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

- (o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

- (q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove

such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

- (r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

- (t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

- (u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

- (v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

*Section 302.3. Sidewalks, driveways and rights-of-way.* All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

(w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

*Section 302.8 Motor Vehicles and Boats.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

*Exception:* A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(y) A new *Section 302.10* is hereby added as follows:

*Section 302.10 Exterior Storage.*

1. No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.
2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

*Section 303.3 Disposal of swimming pool water.* Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be

supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

*308.4 Additional Regulations for Rubbish and Garbage Containers.*

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

*Section 602.7 Screening of Mechanical Equipment.* Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013; Ord. No. 21-01, § 2(Exh. A), 3-15-2021)

# EXHIBIT F



*Town of Fort Myers Beach*  
**NOTICE OF CODE ENFORCEMENT HEARING**  
2731 Oak Street Fort Myers Beach, FL 33931  
Phone: (239) 765-0202 Fax: (239) 765-0909

12/17/2024

**TOWN OF FORT MYERS BEACH,**  
**Petitioner,**

**vs.**

**CELHART PROPERTIES LLC**  
**7901 4TH ST N #300**  
**SAINT PETERSBURG, FL 33702,**  
**Respondent.**

|                 |                        |
|-----------------|------------------------|
| Case Number:    | 20240680               |
| Certified Mail: | 9589071052700636642237 |
| Regular Mail    |                        |

SITE ADDRESS: 32 FAIRVIEW BLVD  
PARCEL STRAP NO: 344624W4006000010

**NOTICE OF CODE ENFORCEMENT HEARING**

**YOU ARE HEREBY NOTIFIED** that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **at 9:00 A.M. on 01/14/2025** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

**NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU.** If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

*D. Batt*

Code Enforcement Officer  
Town of Fort Myers Beach

**NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD. FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.