



Fort Myers Beach Special Magistrate Hearing

**Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931**

Agenda

Friday, May 16, 2025

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. APPROVAL OF MINUTES

A. Special Magistrate Hearings - April 1, 2025

III. COMPLIANCE CASES (STATUS UPDATE)

IV. VIOLATION CASES

A. 1698 Estero Boulevard (The Goodz)

FMB Case No. 20240927

Property Owner: Nautical Marketing LLC,

Property Address: 1698 Estero Blvd.

Status: Compliance

V. CERTIFICATION OF LIEN(S) / NON-COMPLIANCE

A. 1035 Estero Boulevard / KLC Surf LLC (La Ola)

FMB Case No. 20240915

Property Owner: KLC Surf LLC / La Ola

Property Address: 1035 Estero Blvd

Status Update: Non-compliant (Appeal pending in Circuit Court)

VI. COMPLIANCE CASES (STATUS UPDATE)

A. 131/133 Estero Boulevard (Island Shores Club)

FMB Case Number: 20250056

Property Owner: Kaminskiy at 131 Estero LLC (Island Shores Club)

Property Address: 131/133 Estero Blvd

Violation: Property Maintenance

VII. LIEN FORECLOSURE CASES

VIII. BUILDING OFFICIAL APPEALS

- A. 131/133 Estero Boulevard. (Island Shores Club)
FMB Building Official Appeal Case No. 2025-01 (Unsafe Building)
Appellant/Property Owner: Kaminsky at 131 Estero LLC (Island Shores Club)
Property Address: 131/133 Estero Blvd.

IX. ADJOURNMENT

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

Minutes

Tuesday, April 1, 2025

9:00 AM

DRAFT

ORDER OF BUSINESS

I. CALL TO ORDER

Town Clerk Amy Baker, Town Clerk Administrative Coordinator Lizzette Roman, Town Attorney Nancy Stuparich, and Operations & Compliance Manager Thomas Yozzo were present.

II. APPROVAL OF MINUTES

- A. DOAH Special Magistrate Hearings - March 4, 2025
Special Magistrate John Van Laningham approved the minutes.

III. COMPLIANCE CASES (STATUS UPDATE)

Attorney Amy Thibaut from Roetzel & Andress represented Thomas Houghton. Mr. Houghton said he hired an architect to draft plans and will present them to the town council in 30 days.

IV. CODE VIOLATION CASES

- A. 1249 Estero Blvd (aka The Whale), 1249 Estero Adventure LLC

DOAH Case No.: [24-004842](#)

FMB Case No.: 20240919

Property Owner: 1249 Estero Adventures LLC

Property Address: 1249 Estero Blvd

Violation: Non-Compliant Structure (Storage Container)

Special Magistrate Van Laningham swore in Manager Yozzo. Manager Yozzo reported that the respondent had come into compliance and the structure was removed. Town Attorney Stuparich requested a finding of violation and a \$250.00 administrative fee. Special Magistrate Van Laningham found that a violation existed and compliance was achieved. He ordered the respondent to pay a \$250.00 administrative fee.

B. 131/133 Estero Blvd., Island Shores Club**FMB Case Number: 20250056****Property Owner: Kaminskiy at 131 Estero LLC (Island Shores Club)****Property Address: 131/133 Estero Blvd****Violation: Property Maintenance**

Attorney Noel Davies represented Mr. Kaminsky and noted they have been working with the town staff. Town Clerk Baker provided a copy of a draft stipulation. The issues not agreed upon relate to the timing of the demolition and the imposition of a fine. Attorney Davies reviewed the discussions and noted they could not agree on some items. He indicated that his client is committed to demolishing the structure quickly and has executed a contract with a demolition firm, which was forwarded to the Special Magistrate. The proposed schedule is to obtain a demolition permit within 15 days from today and complete the demolition within 30 days after the permit is issued. If the respondent fails to comply, the town will demolish the structure, charge the respondent, foreclose the property and initiate a lien. Since there has not been a finding of violation, any fines payable today would be premature. The Special Magistrate could find a violation today and provide a timeframe for curing the violation. Attorney Davies provided a proposed timeframe for the fines to be owed in the event of noncompliance. He noted that they disagreed with an escrow mechanism because the town would have legal recourse if the respondent did not comply. The building will be demolished, which would cure any violation and resolve both pending matters before the Special Magistrate today.

Town Attorney Stuparich stated that this matter has been an issue since Hurricane Ian and that the town needed to have the building demolished. The demolition permit would be expedited. Special Magistrate Van Laningham swore in Bill Waichulis, President of the neighboring Pink Shell Resort. Mr. Waichulis read the certified letter he sent to the owner two years ago regarding concerns about the condition of the unsafe building. The owner installed a fence on three sides, but it was ineffective in keeping people out. He described the steps he had to take to try to keep the bees from invading his property. He stated the bees were a public hazard to his guests and the resort was losing money. He added that brides would not book at their resort because they would have to look at the derelict structure.

Town Attorney Stuparich disagreed with extending the demolition timeline because the respondent had not yet applied for a demolition permit. She was not optimistic they would apply for a permit soon because attempts to resolve the problem over the years were unsuccessful. She reviewed the history of actions to resolve the most hazardous areas on the property. They have had ample opportunities to cure and felt a fine of \$14,000.00 should be imposed for the 56 days they have been noncompliant. The town asked that \$15,000.00 be placed in the trust account to be held to pay for the demolition so the town did not have to pay. The town also requested \$250.00 in administrative fees.

Special Magistrate Van Laningham summarized the town's request and asked whether they had a compliance date for the permit. Town Attorney Stuparich proposed that the respondent apply for the demolition permit within seven days. Special Magistrate Van Laningham stated that the town would start a running fine if the respondent did not comply with the timeline. Town Attorney Stuparich responded that the town was not confident that it would occur promptly based on past delays. She added that the derelict boat on their property was not theirs and nothing had been done to remove it. A rezoning application was applied for in the past, but information was always missing, which prevented the application from moving forward. She did not think the daily fine would be a deterrent to demolishing the structure. The photos clearly showed that the property was a public hazard. The town stipulated that they would use their contractor to demolish the building if the respondent did not do so within a particular timeframe.

Attorney Davies responded that the intent was to apply for a permit as soon as possible and demolish the building as quickly as possible. He did not believe the town provided a legal basis for a retroactive fine because the town was protected if the respondent did not follow the schedule. He did not believe an escrow was necessary and asked the Special Magistrate to follow his typical standards. As mentioned earlier, he did not agree with section 6 of the stipulation document, or anything related to section 6.

Special Magistrate Van Laningham stated that he needed to look at the documents provided and research the standards that applied to unsafe buildings. Town Attorney Stuparich reiterated that a \$14,000.00 fine was a drop in the bucket. Special Magistrate Van Laningham agreed, but noted that he had to have a basis to impose the fine. As far as the escrow request, he had to research the standards. Town Attorney Stuparich asked that the court incorporate the agenda materials regarding unsafe buildings in the property management case. The Special Magistrate agreed to incorporate the materials into the evidentiary record. Town Attorney Stuparich requested separate orders for the property maintenance and the appeal. The Special Magistrate replied that he would be happy to dismiss the appeal if it was part of the stipulation. Attorney Davies did not object, and he will file a memo regarding the irreparable and irreversible nature of the harm issue by Friday. After studying the materials, Special Magistrate Van Laningham will get the order out quickly.

V. CERTIFICATION OF LIEN(S) (NON-COMPLIANCE)

No liens.

VI. COMPLIANCE CASES (STATUS UPDATE)

No cases.

VII. LIEN FORECLOSURE CASES

No cases.

VIII. BUILDING OFFICIAL APPEALS

- A. 131/133 Estero Blvd. Island Shores Club
FMB Building Official Appeal Case No. 2025-01 (Unsafe Building)
Appellant/Property Owner: Kaminsky at 131 Estero LLC (Island Shores Club)
Property Address: 131/133 Estero Blvd., Fort Myers Beach
Addressed in B. under IV.

IX. ADJOURNMENT

Special Magistrate Van Laningham adjourned the hearing at 10:03 AM.

Property Address and Owner:

Hearing Date: May 16, 2025

FMB Case No. 20240927
Property Owner: Nautical Marketing LLC,
Property Address: 1698 Estero Blvd.
Status: Compliance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

The Owner has stipulated to the violation and corrected the violation after the Notice of Violation, but before the hearing. The Town is requesting an Order of Compliance and a \$250 administrative fee.

Attachments:

1. 20240927_ Notice of Hearing
2. 20240927_ HEARING EXHIBIT_ A_ Notice of Hearing and Affidavit of Posting
3. 20240927_ HEARING EXHIBIT_ B_ FEMA and Related Ordinances thru April 2025
4. FEMA Letter dated 04.28.2025
5. 20240927_ HEARING EXHIBIT_ C_ Notice of Violation
6. 20240927_ HEARING EXHIBIT_ D_ Status of Compliance
7. 20240927_ HEARING EXHIBIT_ E_ Violated Regulations
8. 20240927_ JOINT STIPULATION of Violation
9. 20240927_ Affidavit of Compliance

Town Recommendations:

Town Approvals:

_____ Thomas Yozzo, Emergency Services Director	Date: April 29, 2025
_____ Traci Kohler, Assistant to the Town manager	Date: April 29, 2025
_____ Frankie Kropacek, Community Development Director	Date: April 29, 2025
_____ nancy stuparich, Town Attorney	Date: May 09, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: May 09, 2025
_____ Amy Baker, Town Clerk	Date: May 09, 2025



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,
Petitioner,

DOAH Case No. _____

FMB Case No. 20240927

vs.

Nautical Marketing LLC,
Respondent,

Notice of 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 hereby gives notice that a Special Magistrate hearing is scheduled at **9:00 A.M. Friday, May 16th, 2025**, before the Honorable John G. Van Laningham at Fort Myers Beach Town Hall Council Chambers located at 2731 Oak Street, Fort Myers Beach, FL 33931. The violation is as described on Notice of Violation issued on the 14th day of November 2024 by the undersigned Code Enforcement Officer.

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:

<https://www.fortmyersbeachfl.gov/1294/Public-Notices>

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 carried out to determine compliance. Telephone Number (239)765-0202

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISIONS OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH AT 2731 OAK STREET, FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE AND TIME.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH AS 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.

For Petitioner:

Nancy Stuparich

Florida Bar No. 646342

Vose Law Firm, LLP

324 W. Morse Blvd.

Winter Park, FL 32789-4294

Chloe Berryman

Florida Bar No. 1032129

Vose Law Firm, LLP

324 W. Morse Blvd.

Winter Park, FL 32789-4294

Thomas Yozzo

Emergency Services Director

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

Amy Baker

Town Clerk

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

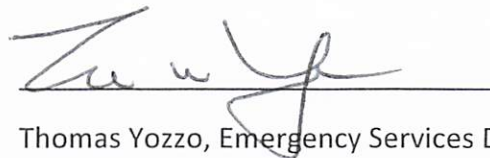
For Respondent:

Nautical Marketing LLC

189 Sabal Dr

Fort Myers Beach, FL 33931

Signed this 28th day of April, 2025



Thomas Yozzo, Emergency Services Director

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,
Petitioner,

DOAH Case No. _____

FMB Case No. 20240927

vs.

Nautical Marketing LLC,
Respondent,

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Florida Bar No. 646342

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324 W. Morse Blvd.

Winter Park, FL 32789-4294

Chloe Berryman

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Winter Park, FL 32789-4294

Thomas Yozzo

Emergency Services Director

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

Amy Baker

Town Clerk

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

For Respondent:

Nautical Marketing LLC

189 Sabal Dr

Fort Myers Beach, FL 33931

Signed this 28th day of April, 2025

Thomas Yozzo, Emergency Services Director

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Nautical Marketing LLC
189 Sabal Dr.
Fort Myers Beach, FL 33931

Respondent,

FMB Case Number:	20240927
Certified Mail:	
Regular Mail:	
DOAH Case Number:	

Site Address: 1698 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No.194624W40070B001A

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, who is the Emergency Services Director for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240927 For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet) at the property of 1698 Estero Blvd, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified and regular mail copies of the Notice of Hearing scheduled 05/16/2025 to the following:
 - a. Nautical Marketing LLC
189 Sabal Dr.
Fort Myers Beach, FL 33931
Certified Mail No. 70222410000084700962
(Property Owner)
 - b. Liszak, Jacquelyn
189 Sabal Dr.
Fort Myers Beach, FL 33931
Certified Mail No. 70222410000084701297
(Registered Agent)

Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 1698 Estero Blvd, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 28th day of April 2025. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 28th day of April 2025 are attached.
4. In addition, I posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 28th day of April, 2025. A copy of the posted webpage is attached as Evidence



Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

x *[Signature]*
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 28th day of April, 2025, by Thomas Yozzo. ~~She~~ ☒ is personally known to me or ☐ has produced _____ as identification.

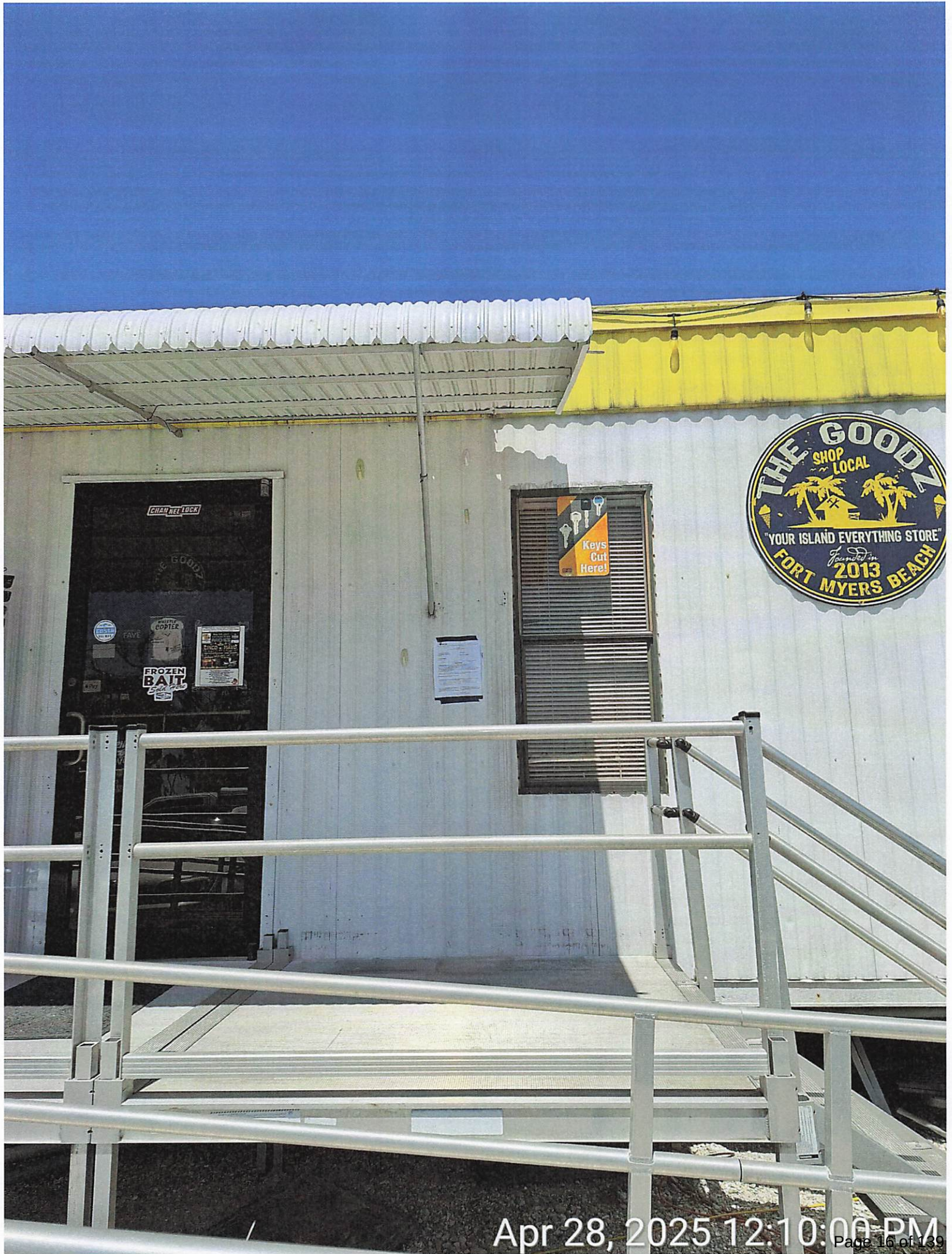


[Notary Seal]

[Signature]
Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



[illegible]

Apr 28, 2025 12:55:19 PM



FMBgov.com

Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
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FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931

Page 1 of 2

Staples.



STATE OF FLORIDA
ADMINISTRATIVE HEARINGS

DOAH Case No. 24-004407
FMB Case No. 20240915

NOTICE OF HEARING

notice that the Honorable Judge John G. Van Laningham
Hearing in the above referenced case(s) at the Fort Myers
located at 2731 Oak Street, Fort Myers Beach, FL 33931 at
125

Signed this 24th day of April 2025.

Thomas Yozzo
Thomas Yozzo,
Emergency Services Director



FMBgov.com

Dick Allen, Mayor | Jim Altomare, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
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FORT MYERS BEACH ESTERO ISLAND
P. 239-765-8202 | 2731 Oak Street, Fort Myers Beach, FL 33931
Page 1 of 2

Municipal Elections

Bids and Proposals

Careers

[DRAFT] Citizens Academy

Fact or Fiction

Holidays

[DRAFT] Monthly Departmental Reports

Public Information

[DRAFT] Town Hall Bulletin

Public Notices

[DRAFT] Public Information

Add Page

NOTICE OF VIOLATION

NOTICE OF HEARING

NOTICE TO VACATE AND DEMOLITION NOTICE

OTHER NOTICES

FMB PERMITS

CDBG-DR

- 201 Delmar Ave case #20240647 01/02/2025 (CANCELED)
- 1 Fairview Blvd case #20240850 01/02/2025 (CANCELED)
- 32 Fairview Blvd case #20240680 01/02/2025
- 3127 Estero Blvd case #20240784 01/02/2025 (CANCELED)
- 104 Washington Ave case #20240522 01/02/2025 (CANCELED)
- 80 Avenue E case #CE140394 01/10/2025
- 7864 Buccaneer Dr. case #20240786 01/27/2025
- 190 Bayview Ave case #20240743 01/27/2025
- 32 Fairview Blvd case #20240680 01/27/2025
- 8285 Estero Blvd case #20241106 01/31/2025
- 406 Estero Blvd case #20240921 Amended 02/03/2025
- 4900 Estero Blvd case #20240960 Amended 02/03/2025
- 1249 Estero Blvd case #20240919 Amended 02/03/2025
- 2450 Estero Blvd case #20240946 Amended 02/03/2025
- 8285 Estero Blvd case #20241106 Amended 02/03/2025
- 131/133 Estero Blvd case #20240653 02/10/2025
- 131/133 Estero Blvd case #20250056 02/10/2025
- 207 Driftwood Ln case #20241151 02/19/2025
- 131/133 Estero Blvd case #20240653 (amended) 02/19/2025
- 131/133 Estero Blvd case #20250056 (amended) 02/19/2025
- 131/133 Estero Blvd case #20240653 (amended) 02/25/2025
- 131/133 Estero Blvd case #20250056 (amended) 02/25/2025
- 1249 Estero Blvd case #20240919 (amended) 02/27/2025
- 2815 Estero Blvd case #20240944 03/11/2025
- 1035 Estero Blvd case #20240915 03/11/2025
- 121 Strandview Ave case #20240721 04/24/2025
- 1035 Estero Blvd case #20240915 04/28/2025
- 1698 Estero Blvd case #202409274 04/28/2025



Property Data

STRAP: 19-46-24-W4-0070B.001A Folio ID: 10228174

Hurricanes Helene/Milton Tax Roll Value Letter **Hurricane Ian Tax Roll Value Letter**

Generated on 4/24/2025 2:24 PM

Owner Of Record - Sole Owner

[\[Change Mailing Address\]](#)



NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH FL 33931

Site Address

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

1698 ESTERO BLVD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



CRESCENT BEACH BLK B PB 4 PG 45 E 1/2 OF LT 1 + N 1/2 OF E 1/2 OF LT 4

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 4 and 45 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
1st Year Building on Tax Roll N/A
Historic Designation No

Township	Range	Section	Block	Lot
46	24E	19	0070B	001A
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.45079	-81.94931		

[View Parcel on Google Maps](#)

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



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

Image of Structure



◀ Photo Date February of 2024 ▶ ☐ View other photos

Last Inspection Date: 01/23/2025

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
2024 / Additional Info	2024 (Final Value)	351,038	351,038	351,038	351,038	0	0	351,038
2023 / Additional Info	2023 (Final Value)	351,038	351,038	351,038	351,038	0	0	351,038
2022 / Additional Info	2022 (Final Value)	524,130	300,949	524,130	486,160	0	0	486,160
2021 / Additional Info	2021 (Final Value)	459,757	277,500	459,757	441,964	0	0	441,964
2020 / Additional Info	2020 (Final Value)	455,243	277,500	455,243	401,785	0	0	401,785
2019 / Additional Info	2019 (Final Value)	365,259	185,000	365,259	365,259	0	0	365,259
2018 / Additional Info	2018 (Final Value)	361,608	185,000	361,608	361,608	0	0	361,608

2017 / Additional Info	2017 (Final Value)	361,666	185,000	361,666	361,666	0	0	361,666
2016	2016 (Final Value)	364,439	185,000	364,439	335,871	0	0	335,871
2015	2015 (Final Value)	305,337	135,000	305,337	305,337	0	0	305,337
2014	2014 (Final Value)	305,458	135,000	305,458	305,458	0	0	305,458
2013	2013 (Final Value)	288,248	135,000	288,248	288,248	0	0	288,248
2012	2012 (Final Value)	290,288	135,000	290,288	290,288	0	0	290,288
2011	2011 (Final Value)	304,042	135,000	304,042	304,042	0	0	304,042
2010	2010 (Final Value)	392,377	225,000	392,377	392,377	0	0	392,377
	2009 (Final Value)	430,300	247,500	430,300	430,300	0	0	430,300
	2008 (Final Value)	477,650	297,660	477,650	477,650	0	0	477,650
	2007 (Final Value)	422,960	293,700	0	422,960	0	0	422,960
	2006 (Final Value)	535,500	293,700	0	535,500	0	0	535,500
	2005 (Final Value)	381,080	270,490	0	381,080	0	0	381,080
	2004 (Final Value)	291,890	180,490	0	291,890	0	0	291,890
	2003 (Final Value)	289,750	180,490	0	289,750	0	0	289,750
	2002 (Final Value)	213,250	103,990	0	213,250	0	0	213,250
	2001 (Final Value)	168,980	103,990	0	168,980	0	0	168,980
	2000 (Final Value)	109,940	52,240	0	109,940	0	0	109,940
	1999 (Final Value)	107,700	49,990	0	107,700	0	0	107,700
	1998 (Final Value)	101,810	47,740	0	101,810	0	0	101,810
	1997 (Final Value)	101,440	47,250	0	101,440	0	0	101,440
	1996 (Final Value)	101,450	47,250	0	101,450	0	0	101,450
	1995 (Final Value)	101,370	47,250	0	101,370	0	0	101,370
	1994 (Final Value)	90,120	36,000	0	90,120	0	0	90,120
	1993 (Final Value)	90,130	36,000	0	90,130	0	0	90,130
	1992 (Final Value)	88,260	36,000	0	88,260	0	0	88,260

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 4/23/2025) ?

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Land			
Land Tracts			
Use Code	Use Code Description	Number of Units	Unit of Measure
1000	Commercial, Vacant	4625.00	Square Feet



Property Details (2024 Tax Roll)



Generated on 4/24/2025 2:24 PM

Land			
Land Tracts			
Use Code	Use Code Description	Number of Units	Unit of Measure
1000	Commercial, Vacant	4625.00	Square Feet

Taxing Authorities

Generated on 4/24/2025 2:24 PM

TOWN OF FM BCH / FM BCH DOWNTOWN REDEV / 277

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions ⓘ

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Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
607,500.00	11/02/2012	2012000244161	40		I
1,100,000.00	07/10/2007	2007000227622	08		I
900,000.00	02/20/2004	4208/3228	98		I
100.00	06/01/1996	2724/3300	01		I
154,000.00	12/01/1993	2449/2427	01		I

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

Use the above link to do a search on the Lee County Clerk of Courts website, using **4** and **45** 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

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Permit Number	Permit Type	Date
235852	Mobile Home	11/02/2023
231149	Mobile Home	04/26/2023
231170	Electric	02/02/2023
FNC13-0016	Fence	08/23/2018
PRK13-0002	Site Development - Driveway / Sidewalks	03/07/2013
COM08-0062	Commercial	10/09/2008
FNC2005-02237	Fence	11/22/2005
COM1999-00271	Building New Construction	02/01/2000

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 ⓘ

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Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
19-46-24-07-0000B.001A	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

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Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	C - Commercial Category	C	0	0.00
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

Flood and Storm Information

Generated on 4/24/2025 2:24 PM

Community	Flood Insurance	Find my flood zone	Panel	Version	Date	Evacuation Zone
071C			0554	G	11/17/2022	A

Generated on 4/24/2025 2:24 PM

Prepared by and Return Recorded Original to:

Charles R. Meador, Jr., Attorney at Law
2085 Estero Boulevard
Fort Myers Beach, FL 33931
Telephone: (941) 463-6619
Facsimile: (941) 463-6454

Property Appraiser Parcel I.D. No.
19-46-24-W4-0070B.001A
Grantee Taxpayer I.D. No. _____
Documentary Stamp Tax on Transfer: \$4252.5

Reserved For Recorder

(STATUTORY FORM - Section 689.02, F.S.)

WARRANTY DEED

THIS WARRANTY DEED, made this 1^{2nd} day of November, A.D. 2012, between W.A. GREENE, LLC, a Florida limited liability company, whose post office address is 818 Cal Cove Drive, Fort Myers, FL 33919, hereinafter called Grantor, and NAUTICAL MARKETING LLC, a Florida limited liability company, whose post office address is 106 Hibiscus Drive, Fort Myers Beach, FL 33931, hereinafter called Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100's (\$10.00), and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt 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, Florida, to-wit:

The Easterly one-half of Lot Numbered One (1) and the Northerly one-half of the Easterly one-half of Lot Numbered Four (4) in Block Lettered "B", CRESCENT BEACH SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 4, Page 45, Public Records of Lee County, Florida.

SUBJECT TO easements, restrictions and reservations of record and taxes for the year 2013 and subsequent years.

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

*"Grantor" and "Grantee" are used for singular and plural, as context requires.

Reserved For Recorder

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed in the presence of:

W.A. GREENE, LLC, a Florida limited liability company

x William J. Yost
#1 Witness Name - print or type

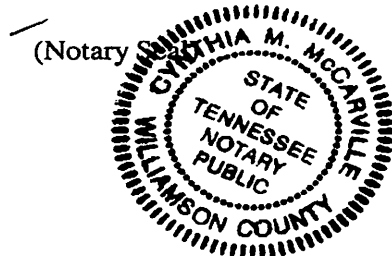
x Paul Grassmann
#2 Witness Name - print or type

By: x Joseph C. Greene, Chief Manager and Sole Member
(Company Seal)

STATE OF Tennessee
COUNTY OF Williamson

EXECUTION OF the foregoing instrument was acknowledged before me this 2nd day of November, 2012, by Joseph C. Greene, Chief Manager and Sole Member of W.A. GREENE, LLC, a Florida limited liability company, who is (CHECK ONE OF THE FOLLOWING AS APPLICABLE) [☒] personally known to me, or [] who has produced (✓) as identification.

Cynthia M. McCarville
NOTARY PUBLIC - SIGNATURE ABOVE
NOTARY NAME - Cynthia M. McCarville
COMMISSION NO. - ✓
COMMISSION EXP. DATE - 6-30-13
(Notary Name/Commission No./Exp. Date - typed or printed)





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

Detail by Entity Name

Florida Limited Liability Company
NAUTICAL MARKETING LLC

Filing Information

Document Number	L07000059221
FEI/EIN Number	26-0457902
Date Filed	06/05/2007
Effective Date	06/06/2007
State	FL
Status	ACTIVE

Principal Address

1698 Estero Blvd.
FORT MYERS BEACH, FL 33931

Changed: 01/24/2025

Mailing Address

189 Sabal Drive
FORT MYERS BEACH, FL 33931

Changed: 04/03/2020

Registered Agent Name & Address

LISZAK, JACQUELYN
189 Sabal Drive
FORT MYERS BEACH, FL 33931

Address Changed: 04/03/2020

Authorized Person(s) Detail

Name & Address

Title MGR

LISZAK, JACQUELYN
189 Sabal Drive
FORT MYERS BEACH, FL 33931

Annual Reports

Report Year	Filed Date
--------------------	-------------------

2023	04/12/2023
2024	01/25/2024
2025	01/24/2025

Document Images

01/24/2025 -- ANNUAL REPORT	View image in PDF format
01/25/2024 -- ANNUAL REPORT	View image in PDF format
04/12/2023 -- ANNUAL REPORT	View image in PDF format
01/23/2022 -- ANNUAL REPORT	View image in PDF format
01/28/2021 -- ANNUAL REPORT	View image in PDF format
04/03/2020 -- ANNUAL REPORT	View image in PDF format
02/17/2019 -- ANNUAL REPORT	View image in PDF format
04/14/2018 -- ANNUAL REPORT	View image in PDF format
04/02/2017 -- ANNUAL REPORT	View image in PDF format
05/23/2016 -- ANNUAL REPORT	View image in PDF format
04/22/2015 -- ANNUAL REPORT	View image in PDF format
04/13/2014 -- ANNUAL REPORT	View image in PDF format
04/23/2013 -- ANNUAL REPORT	View image in PDF format
04/30/2012 -- ANNUAL REPORT	View image in PDF format
04/27/2011 -- ANNUAL REPORT	View image in PDF format
07/12/2010 -- ANNUAL REPORT	View image in PDF format
05/20/2009 -- ANNUAL REPORT	View image in PDF format
01/27/2008 -- ANNUAL REPORT	View image in PDF format
06/05/2007 -- Florida Limited Liability	View image in PDF format

HEARING

EXHIBIT

B

- FEMA and Related Ordinances



FEMA

July 19, 2024

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Andy Hyatt
Town Manager, Fort Myers Beach
2525 Estero Blvd
Fort Myers Beach, FL 33931

Re: National Flood Insurance Program Participation

Dear Mr. Hyatt:

I'd like to thank you and your staff for the long hours and hard work during the last two months to help correct the Town of Fort Myers Beach's compliance issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure Fort Myers Beach and their residents are more resilient and prepared for future storms.

Our team has completed its review of the town's compliance with the minimum floodplain management standards and everything that has been done to correct any deficiencies and violations.

We acknowledge the work invested by your community has resulted in some improvements to meet minimum floodplain management standards. However, as the Town of Fort Myers Beach continues to recover from Hurricane Ian, FEMA finds that outstanding compliance issues remain. FEMA will not retrograde the town's class rating at this time.

Although FEMA will not retrograde the Town of Fort Myers Beach's class rating at this time, if the violations are not corrected or remedied by Nov. 18, FEMA's regulations (Title 44 Code of Federal Regulations 59.24(b) Suspension of Community Eligibility) require us to place the town on probation. This letter starts the official notification process. In addition, the town would no longer be eligible for Community Rating System participation and would be retrograded to Class 10 effective on April 1, 2025.

This letter and its attachments include FEMA's findings and our proposed next steps for the Town of Fort Myers Beach to remedy outstanding deficiencies and violations. These deficiencies and violations are described in the attached documents, specifically refer to the Status Report. To avoid probation in 121 days, the Town of Fort Myers Beach must correct deficiencies and remedy all identified violations to the maximum extent possible by Nov. 18.

You have my commitment of support as you work through these issues with your team.

A careful review of the data you provided since April shows that the implementation of the floodplain management program has several deficiencies that remain out of compliance. During the 60-day review period, the Town of Fort Myers Beach submitted additional permitting information for 105 structures in the floodplain.

Here is a summary of some of the items that the Town of Fort Myers Beach needs to remedy:

- Lack of permits for development in the Special Flood Hazard Area.
- Lack of maintaining permit records for development, new construction, or substantial improvements.
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations.

FEMA staff reviewed each of the submitted permit packages and learned:

- 31% of the permit packages were complete.
- 20% need additional information.
- 2% needed a Community Assistance Visit follow up.
- 15% were ongoing in a Code Enforcement Case.
- 32% will be followed up on during a Future Compliance Engagement.

FEMA also found:

- 51 out of the 105 permit packages submitted did not include permits for structures that sustained documented damage.
- 76 of the 105 were missing itemized/detailed cost information for repair performed.
- 62 of the 105 had individual permits issued without total repair costs.

To avoid probation, the Town of Fort Myers Beach must complete the following items by close of business on Nov. 18. We encourage regular communication to share updates on your progress.

The town must remedy the following identified deficiencies:

1. Within 60 days of the date of this correspondence, September 16, 2024, develop and submit a plan that includes timelines and actions to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations:
 - a. From FEMA's April 8, 2024 letter:
 - i. Provide a status update for structures deemed Substantially Damaged on the list provided by the Town of Fort Myers Beach in accordance with the April 11, 2024, letter sent to the FEMA Region 4 Administrator.
 - ii. Provide evidence to support compliance action taken for the structures identified as having damage and FEMA identified as Future Compliance Engagement, Community Assistance Visit follow up, and additional information needed.

- b. In addition to the above, provide an assessment of all floodplain development impacts from Hurricane Ian to structures in the Special Flood Hazard Area and provide a plan for remedying any identified violations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant. When a violation is confirmed, remedy to maximum extent possible. This includes:
 - a. In Item 2 above, structures identified during the evaluation as a Code Enforcement Case
 - b. Structures identified when assessing the Special Flood Hazard Area for all Hurricane Ian impacts to structures.
4. Put a process in place to ensure substantial damage compliance for future events.

You have my commitment to continue to support you and your team as you take the necessary compliance measures to avoid probation and possible suspension from the National Flood Insurance Program.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

Attachments:

- Community Status Report
- Criteria for Avoiding Probation

cc: Kristin Schumacher, Floodplain Administrator
Jason Hunter, Region Floodplain Management & Insurance Branch Chief
Jillian Kraynak, Florida NFIP State Coordinator
Office of Sen. Marco Rubio
Office of Sen. Rick Scott
Office of Rep. Byron Donalds
Office of Rep. Greg Steube



FEMA

Town of Fort Myers Beach Post-Disaster Compliance Status Update Report

FEMA remains committed to helping communities take appropriate remediation actions to remain in good standing with the National Flood Insurance Program (NFIP) and participate in the Community Rating System (CRS).

The Town of Fort Myers Beach was granted 60 days (June 10, 2024), to submit to FEMA any new information related to the deficiencies and substantive violations detailed in FEMA's April 8, 2024 Findings Report. The April 8, 2024 Findings Report supported an initial decision by FEMA to retrograde the Town of Fort Myers Beach to a CRS class 10 community. In the Findings Report, FEMA also found program deficiencies and violations within the Town of Fort Myers Beach, which will serve as a basis for the current enforcement action and needed remediation.

During the 60-day review period, the Town of Fort Myers Beach provided FEMA permit documentation for 105 sites. FEMA reviewed the submitted documentation, for the 105 sites as well as the Town of Fort Myers Beach's Narrative and supporting documentation.

After careful review of Town of Fort Myers Beach's submittal, FEMA finds that program deficiencies and substantive violations remain. Unfortunately, due to the deficiencies, the Town of Fort Myers Beach is being notified that they have until November 18, 2024 to address these deficiencies, or the Town will be placed on probation from the NFIP:

LIST OF PROGRAM DEFICIENCIES

Program Deficiencies are a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of floodplain management regulations of the standards in 44 CFR 60.3; 60.4; 60.6; and NFIP Community Compliance Program Guidance, P-1022 (July 2016) in section 3.2.

- Failure of the community's "commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program;" 44 CFR 59.22(8) and LDC CH 6, Art IV, Div 1, Sec 6-403(8).
- Failure to require permits for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); FBC R101.2.1; FBC EB701.3; FBC 105.1; LDC CH 6, Art IV, Div 3, Sec 6-427; and LDC CH 6, Art IV, Div 6, Sec 6-461.
- Failure to maintain permit records for development, new construction, or substantial improvements in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); and 44 CFR 60.3(e)(2)(ii).
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations and calculations for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); LDC CH 6, Art IV, Div 3, Sec 6.428(1); and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in section 5.2.

- Failure to maintain SI/SD determination records for all proposed construction and development in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); 44 CFR 60.3(e)(2)(ii); and SI/SD Desk Reference in sections 4.2 and 7.7.
- Failure to keep records of permits, certifications, and variance actions. 44 CFR 59.22(a)(9)(iii).
- Failure to establish SI/SD procedures for administering and documenting determinations of SI/SD. LDC CH6, Art IV, Div 3, Sec 6.428(1) and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in sections 4.1, 4.3, & 7.1.
- Failure in permitting system, which allowed the use of "temporary" non-compliant structures (Including shipping container and trailers/food trucks). LDC CH 6, Art IV, Div, 4, Sec 6.443 (3)&(4), LDC CH 6, Art IV, Div 6, and LDC CH 6, Art IV, Div 6, Sec 6-462, Sec 6.463, and LDC CH 6, Art IV Div 10, Sec 6-501.

➤

➤

1. Program deficiencies

Serious program deficiencies in a community's administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. The following deficiencies represent gaps in the Town's administrative process that restrict the ability to meet the minimum standards for participation.

Permitting of non-compliant structures/shipping containers/

Inconsistent Market Value	Missing Repair Permits (Known Damage (IA/Insurance)	Missing Detailed Cost Info	Low & Inadequate Labor Costs	Permits Issued Without Total Repair Costs	Failed To Capture Complete Scope of Work	After the Fact Permits	After the Fact Notice of Violation
1	51	76	8	62	65	16	25

2. List of properties determined to be substantially damaged:

The Town of Fort Myers Beach has submitted to FEMA a list of properties that Town of Fort Myers Beach deemed substantially damaged since the disaster; there were 356 structures listed. What actions has the Town taken or plan to take to follow-up on those structures? Please provide FEMA with a status of each structure to indicate how substantial damage is being addressed.

3. Non-compliant development

- a. Non-compliant structures (containers) and temporary structures have been placed in the Coastal High Hazard Area (VE zone and coastal A zone). Please provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance; and confirmation that the town has stopped issuing permits for this type of non-compliant development.

b.



4. Data Dictionary (revised) – “Status” Column Meanings:

Additional Information Needed – Permit package needs additional information to be considered complete.

CAV Follow-Up – Not a Hurricane Ian issue but found a need for additional information during the next compliance follow-up with the community.

Code Enforcement Case – Community is currently processing as a code enforcement case and FEMA will accept and review case updates, follow-up permit information, and/or enforcement actions occurring prior to June 10, 2024. Actions occurring beyond that time will require future compliance engagement.

Complete – FEMA needs no further information regarding the specific address.

Future Compliance Engagement – Ian related activity. FEMA will follow-up on this site during the next compliance follow-up with the community.

5. Documentation on the Finding Report and Site list:

Attached to this document is a list of structures within the SFHA with violations, including the type of violation, status, and needed documentation.

Final Status (as of June 28, 2024)	Count
Additional Information Needed	21
CAV Follow-Up	2
Code Enforcement Case	16
Complete	32
Future Compliance Engagement	34
Grand Total	105



FEMA

National Flood Insurance Program

Privacy Act Notice

RE: Town of Fort Myers Beach, FL, National Flood Insurance Program Data from the Federal Emergency Management Agency (FEMA)

The Town of Fort Myers Beach, FL is receiving data from the Federal Emergency Management Agency's that is maintained in support of the National Flood Insurance Program (NFIP). Specifically, the Town of Fort Myers Beach, FL is receiving property addresses identified by FEMA as possible violations to the local floodplain management laws and regulations. The community shall use the data to verify, monitor, and resolve the possible violation. As an NFIP participating community, this information will assist the community to ensure compliance with the NFIP and maintain the availability of flood insurance. FEMA will send the information to you securely via email on a password-protected spreadsheet or pdf.

FEMA discloses this to you pursuant to the "routine use" provision of the Privacy Act of 1974, 5 U.S.C. § 552a(b)(3), specifically under Routine Uses G, I, M, N, O, R and T of the System of Records Notice (SORN), DHS/FEMA-003 - National Flood Insurance Program Files 79 FR 28747 (May 19, 2014). The SORN may be electronically viewed at <https://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11386.htm>.

The Town of Fort Myers Beach, FL does not have permission to release the provided information to third parties, including third party contractors and will only use the data for the stated purpose. Unauthorized disclosure of FEMA data will result in an immediate denial of access to the FEMA data. Pursuant to the Privacy Act, 5 U.S.C. § 552a(e)(10), please destroy or return said personally identifiable information (PII) to FEMA once you no longer have use for it. PII is information that can be used to identify, by itself, or in combination, individuals by direct or indirect means.

In the event of a privacy incident resulting from this sharing of FEMA PII, Town of Fort Myers Beach, FL shall immediately, but in no event later than twenty-four (24) hours from suspicion, discovery or notification of the suspected or confirmed privacy incident, notify the FEMA Privacy Officer at (202) 212-5100 or FEMA-Privacy@fema.dhs.gov. FEMA will investigate the incident pursuant to DHS standard procedures and will consult the Town of Fort Myers Beach, FL to diagnose, mitigate and manage the privacy incident. The Town of Fort Myers Beach, FL will be responsible for carrying out all necessary measures to remedy the effects of the privacy incident.

By accepting the FEMA data, the Town of Fort Myers Beach, FL agrees that it shall bear all costs, losses and damages to the extent resulting from the City's breach of FEMA data. The Town of Fort Myers Beach, FL further agrees to release, defend, indemnify, and hold FEMA harmless for claims, losses, penalties and damages, and reasonable attorneys' fees and costs to the extent arising out of the Town of Fort Myers Beach, FL or its contractor's, negligence, unauthorized use or disclosure of FEMA PII and/or the Town of Fort Myers Beach, FL, or its contractor's, breach of its obligations under this sharing.

By accepting, receiving, downloading, or otherwise obtaining the routine use information or data discussed in this document, Town of Fort Myers Beach, FL understands, agrees, and accepts the terms of the use of the data as outlined in this document.



VIA CERTIFIED U.S. MAIL AND ELECTRONIC MAIL

November 1, 2024

Federal Emergency Management Agency (FEMA)
U.S Department of Homeland Security
Region 4
3005 Chamblee Tucker Road
Atlanta, Georgia 30341

Attn: Robert D. Samaan
Regional Administrator
FEMA Region IV

**RE: Removal of Shipping Containers and Temporary Structures
Town of Fort Myers Beach Post-Disaster Compliance Report**

Dear Mr. Samaan,

The Town Council of the Town of Fort Myers Beach requested that we send this letter to you regarding the non-compliant structures (containers and temporary structures) in the Coastal High Hazard Area (VE zone and coastal A zone) referenced on page 2 of the Town of Fort Myers Beach Post-Disaster Compliance Status Update Report, dated July 19, 2024 ("Compliance Report"). The Compliance Report requires that the Town "provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance" by November 18, 2024. The Town has been and continues to work diligently toward satisfying this requirement.

The most recent storms, Hurricanes Helene and Milton, have facilitated the removal of many of these containers and temporary structures. In fact, the recent removal of shipping containers and temporary structures as the impacts of these hurricanes threatened the Town, provided information regarding the ability to quickly disassemble

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | F. 239-765-0909 | 2731 Oak Street, Fort Myers Beach, FL 33931

and move shipping containers and temporary structures that was previously not available. For this reason, the Town Council gave direction to provide this information to you by letter.



https://drive.google.com/file/d/1vCB1lenwpTdKNBtX877OiR1nmTin2M8k9/view?usp=sharing_eil&ts=67237f46

 businesses that temporarily operate out of shipping containers or other temporary structure, are important to the Fort Myers Beach community's recovery efforts immediately after these storms and since Hurricane Ian by providing a means to fulfill a basic human need: food.

Moreover, as you are aware, the economy of a beach community such as Fort Myers Beach, is highly dependent on tourists, who visit the beach and support local businesses providing food service. In 2023-2024, the Town was awarded over \$1.5 million in tourist development dollars from the Lee County Tourist Development Board. These tourist dollars significantly assisted the Town with its recovery efforts post-Hurricane Ian and the delivery of municipal services to its residents.

In addition to tourists, the Town's economy is also highly dependent on its seasonal residents, who visit the Town from the fall through the end of spring each calendar year. Food service and other local businesses rely on the Town's seasonal residents as well as tourists to maintain operation during the winter season.

In view of the significant hardship on the operations of these businesses and the overall adverse economic impact on the Town, the Town is requesting your consideration to allow shipping containers and temporary structures, which are able to demonstrate that they can disassemble in a short period of time as evidenced in the La Ola Surfside Restaurant's video, to remain in place until June 1, 2025. An extension to June 1, 2025, would allow these local businesses to operate without interruption until the beginning of the next hurricane season.

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We appreciate your consideration of this request and look forward to discussing a limited extension of the November 18, 2024 deadline only for the removal of shipping containers and temporary structures, which can demonstrate the ability to quickly evacuate when a Hurricane Watch or Warning is issued to June 1, 2025. While this request is considered, the Town intends to continue its efforts achieve compliance with the November 18, 2024 deadline and removal of non-compliant shipping containers and temporary structures, such as La Ola Surfside Restaurant. Please do not hesitate to contact Frankie Kropacek, Operations & Compliance Director by phone at 239-955-3612 or by e-mail at fkropacek@fmbgov.com with any questions you may have. The Town looks forward to receiving a response to you regarding this request.

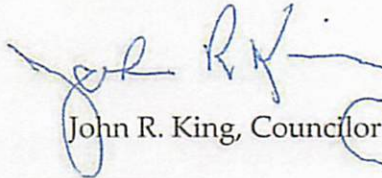
Sincerely,



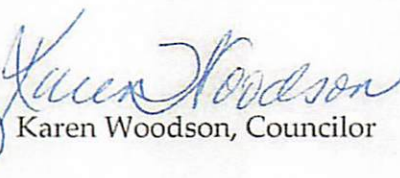
Dan Allers, Mayor



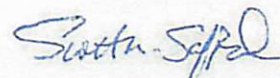
Jim Atterholt, Vice Mayor



John R. King, Councilor



Karen Woodson, Councilor



Scott Safford, Councilor

Cc: Andrew Hyatt, Town Manager
Becky Vose, Town Attorney
Nancy Stuparich, Town Attorney
Amy Baker, Town Clerk
Frankie Kropacek, Operations & Compliance Director

U. S. Department of Homeland Security
Region 4
3005 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

November 12, 2024

The Honorable Dan Allers
Mayor, Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: Removal of Shipping Containers and Temporary Structures Town of Fort Myers Beach Post
Disaster Compliance Report

Dear Mayor Allers:

I received the letter from the Fort Myers Beach Town Council requesting an extension for the removal of non-compliant shipping containers and temporary structures located in the Special Flood Hazard Area and Coastal High Hazard Area.

While I understand and appreciate the importance of these structures to the Town's economy and recovery, the Code of Federal Regulations that governs the National Flood Insurance Program defines the development in question as structures – not recreational vehicles. Because of this, the fact that the structures can be removed pre-event is not relevant as those conditions apply to recreational vehicles only. There are no regulations for temporary structures and occupancy which means all development in the Special Flood Hazard Area must meet the NFIP minimum standards and local floodplain management regulations. **FEMA is not able to issue exemptions to the NFIP minimum standards nor extend the existence of non-compliant development.**

The purpose of these regulations is to protect lives and property in the Special Flood Hazard Area. These non-compliant structures are in the most 'at risk' flood area, VE zone, also known as the Coastal High Hazard Area, which received a 14-foot storm surge during Hurricane Ian. Allowing these structures to remain in place presents a hazard to residents and businesses in the event of another storm as demonstrated by Hurricanes Helene and Milton. For these reasons I am unable to grant the Town's request to allow the structures in question to remain in place beyond the current deadline.

You have my commitment to continue to support you and your team as you manage Hurricane Ian recovery and as you work to take the necessary compliance measures to avoid probation and possible suspension from the NFIP. If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jason Hunter, Floodplain Management and Insurance Branch chief, at Jason.hunter@fema.dhs.gov or 770-220-5471.

Sincerely,

Jacky S. Bell
Mitigation Division Director

cc: Kevin Guthrie, Executive Director, Florida Division of Emergency Management



FEMA

November 21, 2024

Andy Hyatt, Manager
Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: National Flood Insurance Program Participation

Dear Mr. Hyatt:

Once again, I'd like to thank you and your staff for the long hours and hard work during the last several months to correct the Town of Fort Myers Beach's issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure the city and their residents are more resilient and prepared for future storms.

On July 19, 2024, the Town received a letter from this office indicating the potential of being placed in probationary status with the NFIP if certain conditions were not met. These conditions consisted of five action items to be completed by November 18, 2024.

These action items were:

1. Develop and submit a plan that includes actions and timelines to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant.
4. Put a process in place to ensure substantial damage compliance for future events.
5. Remove noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area.

We appreciate that the Town of Fort Myers Beach accomplished the first and fourth action items by submitting a plan to address deficiencies and establishing a process to ensure substantial damage compliance for future events.

However, our teams have identified additional work that needs to occur for items 2, 3 and 5.

The crosswalk assessment tool created has not been completed by town officials which prevents both items 2 and 3 from being completed. For the 5th item, the town also did not remove non-compliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area.

We acknowledge the work invested by you and your team has resulted in some improvements to meet minimum floodplain management standards. However, because of the outstanding compliance issues remaining, **the Town will be placed on probation with the National Flood Insurance Program effective November 18, 2024.**

During this probationary period, flood insurance coverage will remain available within the Town of Fort Myers Beach; however, a \$50 surcharge will be added to the premium of each new and renewed flood insurance policy sold within the community. Probation will remain in effect until all remaining program deficiencies and violations have been corrected to the maximum extent possible. Effective April 1, 2025, the town will be retrograded to a Class 10 in the Community Ratings System and policy premium discounts will not be applied to new or renewing policies. The Town is not eligible to reapply to the Community Rating System for a higher-class rating until the Town's probationary period is concluded, the Town is in full compliance with the minimum requirements of the National Flood Insurance Program, and at least two years has passed since the Town was placed in probationary status.

I am committed and I've instructed my staff that we will continue to provide technical assistance to Fort Myers Beach to meet the required program standards and potentially end probation as soon as practicable.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

cc:

Jason Hunter, Region Floodplain Management & Insurance Branch Chief
Jillian Kraynak, Florida NFIP State Coordinator

RESOLUTION NUMBER 24-182

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, DIRECTING THE TOWN MANAGER TO IMPLEMENT ALL REQUIREMENTS SET FORTH IN A LETTER DATED JULY 19, 2024, FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall north of the Town causing historical property damage and loss of life; and

WHEREAS, FEMA has been working in conjunction with the Town for the last two (2) years on recovery efforts from Hurricane Ian, and has, on July 19, 2024, sent the Town a letter outlining requirements for the Town to maintain its class rating in the National Flood Insurance Program; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town and promotes its health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing Whereas clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and made a specific part of this Resolution.

Section 2. The Town Manager is directed and authorized to take any and all actions to implement the requirements contained in the letter from FEMA dated July 19, 2024, a copy of which is attached as Exhibit “A”.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon motion by Mayor Allers and seconded by Council Member Woodson, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
Karen Woodson, Council Member	Aye
Scott Safford, Council Member	Aye
John R. King, Council Member	Aye

APPROVED AND ADOPTED this 9th day of September 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Sep 19, 2024 10:11 EDT)
Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Nancy Stuparich
Nancy Stuparich (Sep 19, 2024 17:12 EDT)
Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 11th day of September 2024.



FEMA

Town of Fort Myers Beach Post-Disaster Compliance Status Update Report

FEMA remains committed to helping communities take appropriate remediation actions to remain in good standing with the National Flood Insurance Program (NFIP) and participate in the Community Rating System (CRS).

The Town of Fort Myers Beach was granted 60 days (June 10, 2024), to submit to FEMA any new information related to the deficiencies and substantive violations detailed in FEMA's April 8, 2024 Findings Report. The April 8, 2024 Findings Report supported an initial decision by FEMA to retrograde the Town of Fort Myers Beach to a CRS class 10 community. In the Findings Report, FEMA also found program deficiencies and violations within the Town of Fort Myers Beach, which will serve as a basis for the current enforcement action and needed remediation.

During the 60-day review period, the Town of Fort Myers Beach provided FEMA permit documentation for 105 sites. FEMA reviewed the submitted documentation, for the 105 sites as well as the Town of Fort Myers Beach's Narrative and supporting documentation.

After careful review of Town of Fort Myers Beach's submittal, FEMA finds that program deficiencies and substantive violations remain. Unfortunately, due to the deficiencies, the Town of Fort Myers Beach is being notified that they have until November 18, 2024 to address these deficiencies, or the Town will be placed on probation from the NFIP:

LIST OF PROGRAM DEFICIENCIES

Program Deficiencies are a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of floodplain management regulations of the standards in 44 CFR 60.3; 60.4; 60.6; and NFIP Community Compliance Program Guidance, P-1022 (July 2016) in section 3.2.

- Failure of the community's "commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program;" 44 CFR 59.22(8) and LDC CH 6, Art IV, Div 1, Sec 6-403(8).
- Failure to require permits for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); FBC R101.2.1; FBC EB701.3; FBC 105.1; LDC CH 6, Art IV, Div 3, Sec 6-427; and LDC CH 6, Art IV, Div 6, Sec 6-461.
- Failure to maintain permit records for development, new construction, or substantial improvements in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); and 44 CFR 60.3(e)(2)(ii).
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations and calculations for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); LDC CH 6, Art IV, Div 3, Sec 6.428(1); and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in section 5.2.

- Failure to maintain SI/SD determination records for all proposed construction and development in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); 44 CFR 60.3(e)(2)(ii); and SI/SD Desk Reference in sections 4.2 and 7.7.
- Failure to keep records of permits, certifications, and variance actions. 44 CFR 59.22(a)(9)(iii).
- Failure to establish SI/SD procedures for administering and documenting determinations of SI/SD. LDC CH6, Art IV, Div 3, Sec 6.428(1) and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in sections 4.1, 4.3, & 7.1.
- Failure in permitting system, which allowed the use of "temporary" non-compliant structures (Including shipping container and trailers/food trucks). LDC CH 6, Art IV, Div, 4, Sec 6.443 (3)&(4), LDC CH 6, Art IV, Div 6, and LDC CH 6, Art IV, Div 6, Sec 6-462, Sec 6.463, and LDC CH 6, Art IV Div 10, Sec 6-501.



1. Program deficiencies

Serious program deficiencies in a community's administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. The following deficiencies represent gaps in the Town's administrative process that restrict the ability to meet the minimum standards for participation.

Permitting of non-compliant structures/shipping containers/

Inconsistent Market Value	Missing Repair Permits (Known Damage (IA/Insurance)	Missing Detailed Cost Info	Low & Inadequate Labor Costs	Permits Issued Without Total Repair Costs	Failed To Capture Complete Scope of Work	After the Fact Permits	After the Fact Notice of Violation
1	51	76	8	62	65	16	25

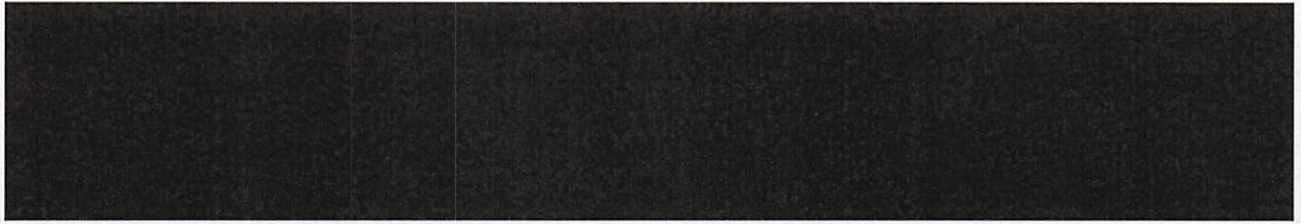
2. List of properties determined to be substantially damaged:

The Town of Fort Myers Beach has submitted to FEMA a list of properties that Town of Fort Myers Beach deemed substantially damaged since the disaster; there were 356 structures listed. What actions has the Town taken or plan to take to follow-up on those structures? Please provide FEMA with a status of each structure to indicate how substantial damage is being addressed.

3. Non-compliant development

- a. Non-compliant structures (containers) and temporary structures have been placed in the Coastal High Hazard Area (VE zone and coastal A zone). Please provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance; and confirmation that the town has stopped issuing permits for this type of non-compliant development.





4. Data Dictionary (revised) – “Status” Column Meanings:

Additional Information Needed – Permit package needs additional information to be considered complete.

CAV Follow-Up – Not a Hurricane Ian issue but found a need for additional information during the next compliance follow-up with the community.

Code Enforcement Case – Community is currently processing as a code enforcement case and FEMA will accept and review case updates, follow-up permit information, and/or enforcement actions occurring prior to June 10, 2024. Actions occurring beyond that time will require future compliance engagement.

Complete – FEMA needs no further information regarding the specific address.

Future Compliance Engagement – Ian related activity. FEMA will follow-up on this site during the next compliance follow-up with the community.

5. Documentation on the Finding Report and Site list:

Attached to this document is a list of structures within the SFHA with violations, including the type of violation, status, and needed documentation.

Final Status (as of June 28, 2024)	Count
Additional Information Needed	21
CAV Follow-Up	2
Code Enforcement Case	16
Complete	32
Future Compliance Engagement	34
Grand Total	105



National Flood Insurance Program

Privacy Act Notice

RE: Town of Fort Myers Beach, FL, National Flood Insurance Program Data from the Federal Emergency Management Agency (FEMA)

The Town of Fort Myers Beach, FL is receiving data from the Federal Emergency Management Agency's that is maintained in support of the National Flood Insurance Program (NFIP). Specifically, the Town of Fort Myers Beach, FL is receiving property addresses identified by FEMA as possible violations to the local floodplain management laws and regulations. The community shall use the data to verify, monitor, and resolve the possible violation. As an NFIP participating community, this information will assist the community to ensure compliance with the NFIP and maintain the availability of flood insurance. FEMA will send the information to you securely via email on a password-protected spreadsheet or pdf.

FEMA discloses this to you pursuant to the "routine use" provision of the Privacy Act of 1974, 5 U.S.C. § 552a(b)(3), specifically under Routine Uses G, I, M, N, O, R and T of the System of Records Notice (SORN), DHS/FEMA-003 - National Flood Insurance Program Files 79 FR 28747 (May 19, 2014). The SORN may be electronically viewed at <https://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11386.htm>.

The Town of Fort Myers Beach, FL does not have permission to release the provided information to third parties, including third party contractors and will only use the data for the stated purpose. Unauthorized disclosure of FEMA data will result in an immediate denial of access to the FEMA data. Pursuant to the Privacy Act, 5 U.S.C. § 552a(e)(10), please destroy or return said personally identifiable information (PII) to FEMA once you no longer have use for it. PII is information that can be used to identify, by itself, or in combination, individuals by direct or indirect means.

In the event of a privacy incident resulting from this sharing of FEMA PII, Town of Fort Myers Beach, FL shall immediately, but in no event later than twenty-four (24) hours from suspicion, discovery or notification of the suspected or confirmed privacy incident, notify the FEMA Privacy Officer at (202) 212-5100 or FEMA-Privacy@fema.dhs.gov. FEMA will investigate the incident pursuant to DHS standard procedures and will consult the Town of Fort Myers Beach, FL to diagnose, mitigate and manage the privacy incident. The Town of Fort Myers Beach, FL will be responsible for carrying out all necessary measures to remedy the effects of the privacy incident.

By accepting the FEMA data, the Town of Fort Myers Beach, FL agrees that it shall bear all costs, losses and damages to the extent resulting from the City's breach of FEMA data. The Town of Fort Myers Beach, FL further agrees to release, defend, indemnify, and hold FEMA harmless for claims, losses, penalties and damages, and reasonable attorneys' fees and costs to the extent arising out of the Town of Fort Myers Beach, FL or its contractor's, negligence, unauthorized use or disclosure of FEMA PII and/or the Town of Fort Myers Beach, FL, or its contractor's, breach of its obligations under this sharing.

By accepting, receiving, downloading, or otherwise obtaining the routine use information or data discussed in this document, Town of Fort Myers Beach, FL understands, agrees, and accepts the terms of the use of the data as outlined in this document.

RESOLUTION NUMBER 24-296

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING A RESOLUTION TO REVOKE AND RESCIND EMERGENCY TEMPORARY PLACEMENT PERMITS AS PROVIDED AND AUTHORIZED IN SECTION 2 OF ORDINANCE 24-4 OF THE TOWN OF FORT MYERS BEACH, WHICH CLARIFIED ORDINANCE 23-05 RELATED TO TEMPORARY PLACEMENT PERMITS, IN FURTHERANCE AND IN SATISFACTION OF DIRECTION CONTAINED IN A LETTER DATED NOVEMBER 21, 2024 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") MANDATING REMOVAL OF NONCOMPLIANT STRUCTURES THAT WERE INCORRECTLY PERMITTED IN THE SPECIAL FLOOD HAZARD AREA, IN ORDER TO COMPLY WITH MINIMUM FLOODPLAIN STANDARDS AND THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall north of the Town causing historical property damage and loss of life; and

WHEREAS, the Town Council recognized that recovery from a devastating natural disaster such as Hurricane Ian, created an immediate need for temporary housing, governmental services, and commercial uses for the Town's residents and adopted Ordinance 23-05 on May 15, 2023 to provide a temporary relief and the placement of certain structures in the Special Flood Hazard Area; and

WHEREAS, on May 6, 2024 the Town Council adopted Ordinance 24-04 amending and restating Ordinance 23-05 to clarify its intent at the time of adoption and to continue to provide temporary assistance to residents and to aid in the Town's redevelopment efforts by the emergency temporary placement of structures governmental, residential (manufactured homes, mobile homes, motor homes, recreational vehicles, or other temporary residential dwellings) or moveable commercial use; and

WHEREAS, both ordinances provided that permits issued under either Ordinance would be issued in increments of 6 months and would not exceed 18 months without demonstration of a hardship to the Town Manager; and

WHEREAS, Section 2 of Ordinance 24-04 further clarified that the Town Council intended permitted uses to be temporary in nature, and thereby subject to revocation and rescission at a future date under certain circumstances. More specifically, Paragraph 2 of Ordinance 24-04 identified several circumstances in which these temporary permitted uses required removal:

Unless otherwise provided in this Ordinance or in a Resolution that is adopted hereinafter by the town council, any governmental, residential (manufactured home, mobile home, motor home, recreational vehicle, or other temporary residential dwelling) or moveable commercial use shall be removed from the site 1) no later than 30 (days) after issuance of a certificate of occupancy or certificate of use associated with an approved permit; 2) at the time of the expiration of the ETPP as provided herein or as provided in a resolution; or 3) at the time of expiration of any local or state declaration of emergency or law, whichever is earlier. (Emphasis added).

WHEREAS, Section 2 of Ordinance 24-04(xi) also provided that the issued permit could be revoked for “noncompliance with applicable federal law/regulation, state law and town code”; and

WHEREAS, the number of outstanding temporary permits approved by the Town has decreased as a result of additional hurricanes impacting the Town subsequent to Hurricane Ian, the permitted rebuilding of destroyed properties; and the voluntary removal of the temporary permitted uses; and

WHEREAS, on July 19, 2024 and September 3, 2024, the Town was notified by the Federal Emergency Management Administration (“FEMA”) that the Town would be placed on permanent probation from participation in the National Flood Insurance Program if it allowed structures needed for these temporary uses to continue subsequent to November 18, 2024 in the Special Flood Hazard Area; and

WHEREAS, Section 6-494 of the Town of Fort Myers Beach Land Development Code defines the Special Flood Hazard Area as “[a]n area in the floodplain subject to a one- percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]”, which in effect encompasses the entirety of the Town; and

WHEREAS, despite efforts by the Town Council to extend the November 18, 2024 FEMA deadline, the Town was notified by letter on November 21, 2024, that the Town was placed on probation with the National Flood Insurance Program effective November 18, 2024 in part due to its failure to “[r]emove noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area”; and

WHEREAS, in order to comply with minimum floodplain standards and the requirements of the National Flood Insurance Program, the Town must now revoke and rescind emergency temporary placement permits which allow noncompliant structures in the Special Flood Hazard Area; and

WHEREAS, the definition of a “structure” for floodplain management purposes pursuant to 44 CFR Part 59.1 includes “any walled and roofed building, manufactured home or travel trailer without wheels,” and

WHEREAS, the definition of a “manufactured home” for floodplain management purposes pursuant to 44 CFR 59.1 is “a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town as a step towards removal of its probationary status in the National Flood Insurance Program and compliance with its floodplain regulations.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and are made a specific part of this Resolution.

Section 2. All emergency temporary placement permits for “noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area” are hereby revoked and rescinded.

Section 3. The Town Manager is directed and authorized to immediately take the following actions to implement this Resolution:

1. Provide formal Notice to holders of any emergency temporary placement permit by certified mail, posting on the property and any other known method for notification that:
 - a) the permit is revoked and rescinded as of December 16, 2024; and
 - b) the permit holder may appeal this revocation action pursuant to Section 34-86 of the Code of Ordinances as stated in Section 4 of Ordinance 24-04, or by any other lawful means; and
 - c) the contact information for a member of the Town staff, who can answer questions and provide more information.

The Notice shall also include a copy of this Resolution and FEMA's letter of November 21, 2204

2. Initiate or continue any needed code enforcement action against permit holders who fail to immediately begin removal of noncompliant structures.

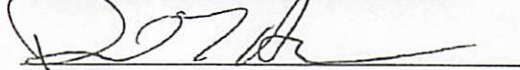
Section 4. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by Mayor Allers and seconded by Vice Mayor Atterholt, and upon being put to a vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
Karen Woodson, Council Member	Aye
John R. King, Council Member	Absent
Scott Safford, Council Member	Aye

APPROVED AND ADOPTED this 16th day of December 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

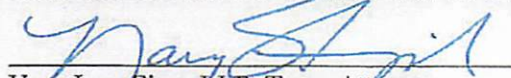
TOWN OF FORT MYERS BEACH


Dan Allers, Mayor

ATTEST:


Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**


Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 16th day of December 2024.



FEMA

April 28, 2025

Andy Hyatt, Town
Manager Town of
Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: Town of Fort Myers Beach - National Flood Insurance Program probation status

Dear Mr. Hyatt:

I am very pleased to inform you that the Town of Fort Myers Beach has met the requirements to be removed from probation under the National Flood Insurance Program (NFIP), effective November 18, 2025. This will end the \$50 surcharge that was added to all NFIP policies within the Town limits as part of the probation action on November 18, 2024.

This decision is the result of the long hours and hard work that you and your staff has dedicated to addressing the five action actions identified by letter on July 19, 2024. These action items were:

1. Develop and submit a plan that includes actions and timelines to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant.
4. Put a process in place to ensure substantial damage compliance for future events.
5. Remove noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area.

The Town accomplished the first and the fourth action items by submitting a plan to address deficiencies and establishing a process to ensure substantial damage compliance for future events by the deadline of November 18, 2024.

For action items two and three, a review of the updated information shows that the Town has completed the required reassessment of their Special Flood Hazard Area as required by action item two and is continuing to leverage their Code Enforcement process to remedy non-compliant structures. Regarding action item five, the Town is taking steps through court proceedings to address previously identified noncompliant structures.

The next step is to schedule a Community Assistance Visit (CAV) no later than August 31, 2025. The CAV ensures the Town is enforcing its floodplain management regulations and meeting the minimum standards of the NFIP. A key component of the CAV is an assessment of noncompliant structures in the Special Flood

Hazard Area. The Town must demonstrate that all noncompliant structures are brought into compliance to avoid additional NFIP sanctions and to be reconsidered for the Community Rating System (CRS). The earliest date for reinstatement to CRS is April 1, 2026.

FEMA remains committed to assisting the Town of Fort Myers Beach as it moves out of probation. Region 4 Floodplain management staff will contact you no later than May 15, 2025, to schedule the CAV and review next steps.

If you have any questions, please contact FEMA Region 4 Mitigation Division Director Jacky Bell at jacky.bell@fema.dhs.gov, 404-273-4710 or FEMA Region 4 Office, Jason Hunter, Floodplain Management and Insurance Branch Chief, at jason.hunter@fema.dhs.gov, 404-909-6125.

Sincerely,



Robert D. Samaan
Regional Administrator

cc:

Kevin Guthrie, Director, Florida Division of Emergency Management
Jillian Kraynak, Florida NFIP State Coordinator
Jacky S. Bell, Mitigation Division Director, FEMA Region 4
Jason Hunter, Floodplain Management & Insurance Branch Chief, FEMA Region 4

HEARING

EXHIBIT

C

- Notice of Violation



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

11/14/2024

Case Number:	20240927
Certified Mail:	958907100183635928
Regular Mail	

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 1698 ESTERO BLVD
PARCEL STRAP NO: 194624W40070B001A

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **09/19/2024** by Town of Fort Myers Beach Code Enforcement Officer **Thomas Yozzo** indicates that the following items are in violation:

For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet)

These items are a violation of the following Town Codes:

ASCE 24-14 A copy is available at https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 6-443, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

Sec. 6-525. - General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

(1)Be located and constructed to minimize flood damage;(2)Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;(3)Be constructed of flood damage-resistant materials; and(4)Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. 1) Remove Structure(s) and/or Shipping Containers from property. 2) Provide proof of compliance with the requirements of Chapter 6, Article IV Division Section 6-501 and 5-525 of the Land Development Code .

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 239-292-3568 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Thomas Yozzo
Code Enforcement Officer
Town of Fort Myers Beach



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Nautical Marketing LLC
189 Sabal Dr
Fort Myers Beach, FL 33931

Respondent,

FMB Case Number:	20240927
Certified Mail:	
Regular Mail:	
DOAH Case Number:	[Not Applicable]

Site Address: 1698 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No. 334624W30200000CE

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, who is the Emergency Services Director for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240927 For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances (Coastal A Zone for this property requires 13 feet) for the property 1698 Estero Blvd, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Violation on 11/14/2024 to the following:

- a. Nautical Marketing LLC
189 Sabal Dr
Fort Myers Beach, FL 33931
Certified Mail No. 9589071052700183635928
(Property Owner)

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

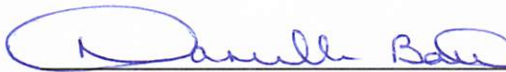
x 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 24th day of April, 2025, by Thomas Yozzo. He ☒ is personally known to me or ☐ has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Required Delivery

Postage

Total Postage and Fees

Postmark Here

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931

PS Form 3800, January 2023 PSN 7530-02-000-9000 See Reverse for Instructions

9589 0710 5270 0183 6359 28

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931



9590 9402 8344 3094 9343 24

2. Article Number (Transfer from service label)

9589 0710 5270 0183 6359 28

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

20240927 1698 E 4th Blvd

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Registered Mail Restricted Delivery (\$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**TOWN OF FORT MYERS BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

NAUTICAL MARKETING LLC
189 Sabal Drive
Fort Myers Beach, FL 33931

Respondent(s),

FMB Case Number:	[CASE NUMBER]
Certified Mail:	Not Applicable
Regular Mail:	Not Applicable
DOAH Case Number:	[Make Fillable]

Site Address: 1698 Estero Blvd.,
Fort Myers Beach, FL 33931
Parcel Strap No.: 194624W40070B001A

**JOINT STIPULATION OF VIOLATION(S)
AND SCHEDULING OF COMPLIANCE HEARING**

COMES NOW, Nautical Marketing LLC ("Respondent"), who is the owner(s) of real property in Fort Myers Beach, Florida, with an address of 1698 Estero Blvd, Fort Myers Beach, Florida, 33931, upon which a Notice of Violation was properly issued by Fort Myers Beach Code Enforcement Officer, Thomas Yozzo, on the 23rd day of September, 2024 and also on the 14th day of November, 2024. The Notices of Violations were for violation of Section(s) 6-501, 6-525, incorporating by reference ASCE 24-14 of the Fort Myers Beach Land Development Code. The parties have agreed and are presenting this Stipulation and Scheduling of Compliance Hearing requesting entry of an Order consistent with the provisions agreed to by the parties in this Joint Stipulation.

In support of this Joint Stipulation, the parties have agreed:

1. Respondent(s) is the legal owner of the real property with a property address of 1698 Estero Blvd., Fort Myers Beach, Florida 33931, and Parcel Identification number: 194624 W40070B001A, hereinafter referred to as the Subject Property.
2. Respondent was served with a copy the Notices of Violations as required by Florida law and Fort Myers Beach Code of Ordinances on the ~~23rd of September 2024~~ and the 14th day of November 2024 and understands the nature of the violations cited in the Notice of Violation.
3. Respondent voluntarily waives its right to an evidentiary hearing before the Fort Myers Beach Special Magistrate to determine whether violations have occurred and does not dispute that the Subject Property was and continues to be in violation of Section(s) 6-501, 6-525, of the Fort Myers Beach Code of Ordinances, incorporating by reference ASCE 24-14.
4. Respondent has agreed to bring the Subject Property into compliance by taking the following action: removal of the non-compliant structure within 30 days or no later than May 1, 2025, ("Compliance Date"). If the violation(s) continues beyond the Compliance Date, Respondent agrees to pay a fine of \$~~250~~.00 per day, per violation and an administrative fee in the amount of \$~~250~~.00.
5. All fines must be paid by cashier's check or electronic transfer to the Town of Fort Myers Beach Finance Department. The cashier's check can be delivered to the Town of Fort Myers Beach, 2731 Oak Street, Fort Myers Beach, Florida. Please call the Finance Department for additional information regarding an electronic transfer.
6. Any unpaid fines and administrative costs shall constitute a lien upon the Subject Property and any and all real and personal property owned by the Respondent.

Town of Fort Myers Beach

MAR 28 2025

Received by: _____

7. Respondent understands that Respondent must notify Fort Myers Beach Code Enforcement Officer when the violation has been remedied for a re-inspection of the Subject Property prior to the Compliance Date.

8. A Fort Myers Beach Code Enforcement Officer shall re-inspect the Subject Property after the Compliance Date or upon request by the Respondent and complete an Affidavit of Compliance or an Affidavit of Non-Compliance based on the Fort Myers Beach Code Enforcement Officer's observations of the condition of the Subject Property.

9. If the Subject Property is not in compliance by the Compliance Date, Respondent(s) agree to notify the Fort Myers Beach Code Enforcement Department as soon as compliance is achieved for a re-inspection and completion of the applicable affidavit.

10. If the Respondent fails to contact the Code Enforcement Department and 30 days have lapsed since the Compliance Date, the Town or its contractor is authorized to enter the property to abate the violation. Respondent agrees to pay any costs incurred by the Town in abating the violation. If payment is not received, the Town may seek certification of the amount owed by the Special Magistrate and record a lien in the amount certified, which may be collected as provided by Florida law.

11. This Joint Stipulation shall be presented the Fort Myers Beach Special Magistrate at a Code Violation Hearing to be held on the 1st day of April, 2025.

12. Respondent waives the right to any further notice of a Compliance Hearing. The Fort Myers Beach Code Enforcement Department shall post notice of the Compliance Hearing on the Subject Property prior to the hearing date.

13. Both parties have had the opportunity to review this Stipulation with legal counsel and thereafter voluntarily sign this Stipulation with an understanding of its legal effect and consequences.

Witness:

Dayla Rumpf
PRINT NAME
Dayla Rumpf

[Signature]
Nautical Marketing, LLC
By: JACKI DISAK
Title: MANAGER

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3/27, 2025, by JACKI DISAK, who is personally known to me or who has produced _____ as identification.

[Notary Seal]

[Signature]
Notary Public

Hannah C. Null-Malinguaggio
Name typed, printed or stamped
My Commission Expires: 7/12/25



Witness:

Yozzo, Thomas
PRINT NAME

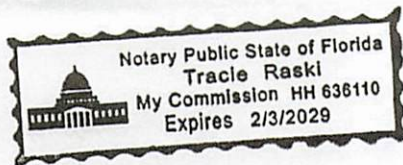
[Signature]
FORT MYERS BEACH CODE
ENFORCEMENT OFFICER
BADGE NO. 001

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st April, 2025, by Thomas Yozzo, who is personally known to me or who has produced FL DL as identification.

[Notary Seal]

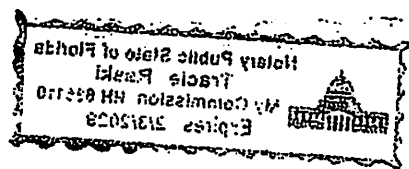
Tracie Raski
Notary Public



Tracie Raski
Name typed, printed or stamped
My Commission Expires: 2.3.2029

[Faint handwritten text]

[Faint handwritten text]



HEARING

EXHIBIT

D

- Status of Compliance



04/24/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

NAUTICAL MARKETING LLC
Respondent.

Case Number:	20240927
Certified Mail:	
DOAH Case:	OPEN 2025

Site Address: 1698 ESTERO BLVD
Parcel Strap No.: 194624W40070B001A

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer Thomas Yozzo, Emergency Services Director for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Thomas Yozzo, 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. The NAUTICAL MARKETING LLC (property owner) was observed in violation of

ASCE 24-14 A copy is available at https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf

For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet)

Sec. 6-501. – Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 6-443, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

Sec. 6-525. – General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code,

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



must:

(1)Be located and constructed to minimize flood damage;(2)Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;(3)Be constructed of flood damage-resistant materials; and(4)Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

At the property located at 1698 Estero Blvd, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 11/14/2024, and sent certified mail to the addresses of record to the property owner Nautical Marketing LLC at 189 Sabal Dr, Fort Myers Beach, FL 33931 and the registered agent Jacquelyn Liszak at 189 Sabal Dr , Fort Myers Beach, FL 33931, posted to the violation property located at 1698 Estero Blvd and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931 both inside (Case Enforcement Case Log Book & Town of Fort Myers Beach website) and outside on the N/W wall at the entrance to Town Hall.

4. Nautical Marketing LLC was/were given 30 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 12/14/2025.

5. I performed an inspection of the Subject Property on 04/24/2025, 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 1698 Estero Blvd, Fort Myers Beach, FL 33931.

6. Photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 04/24/2025. These photographs are a true and accurate representation of my observations on this date.

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 on Friday, May 16th, 2025 and that an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) through a Stipulation 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.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



FURTHER AFFIANT SAYETH NAUGHT.

Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

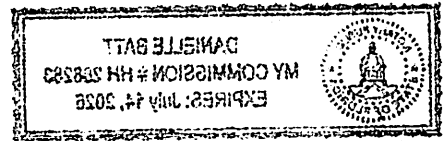
The foregoing instrument was certified and subscribed before me by means of X physical presence OR _____ online notarization, this 24th day of April, 2025, by Thomas Yozzo, X who is personally known to me OR _____ who has produced _____ as identification.

(SEAL)



Notary Public Signature:

My Commission Expires: July 14 2026





Apr 24, 2025 3:45 PM
Town of Fort Myers
Beach



Apr 24, 2025 3:45 PM
Town of Fort Myers
Beach



Apr 24, 2025 3:46 PM
Town of Fort Myers
Beach



Apr 24, 2025 3:46 PM
Town of Fort Myers
Beach

HEARING

EXHIBIT

E

- Violated Regulations

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to ~~section 6-443~~, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, must be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of division 10, subdivision VII.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-525. - General requirements for other development.

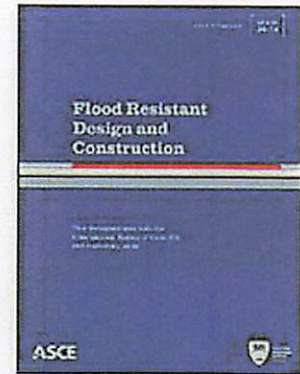
All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

- (1) Be located and constructed to minimize flood damage;
- (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (3) Be constructed of flood damage-resistant materials; and
- (4) Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 16-02, § 2, 8-8-2016)

HIGHLIGHTS OF ASCE 24-14 *Flood Resistant Design and Construction*

Published by the American Society of Civil Engineers (ASCE), *Flood Resistant Design and Construction*, ASCE 24, is a referenced standard in the *International Codes*[®] (I-Codes[®]). ASCE 24 states the minimum requirements and expected performance for the siting and design and construction of buildings and structures in flood hazard areas that are subject to building code requirements. Types of buildings and structures are described in ASCE 24-14, Table 1-1 (see page 5 of these Highlights), and include commercial, residential, industrial, educational, healthcare, critical facilities, and other occupancy types. Buildings and structures designed according to ASCE 24 are better able to resist flood loads and flood damage.



FEMA deems ASCE 24 to meet or exceed the minimum National Flood Insurance Program (NFIP) requirements for buildings and structures. ASCE 24 includes additional specificity, some additional requirements, and some limitations that are not in NFIP regulations.

Buildings and structures within the scope of the IBC and proposed to be located in any flood hazard area must be designed in accordance with ASCE 24. The 2015 I-Codes reference ASCE 24-14, while the 2006 through 2012 I-Codes reference ASCE 24-05. The *International Residential Code*[®] requires dwellings in floodways to be designed in accordance with ASCE 24, and the 2015 edition of the IRC allows use of ASCE 24 for dwellings in any flood hazard area (the 2012 and 2009 editions allow use of ASCE 24 in Coastal High Hazard Areas).

Highlights of ASCE 24-14 that complement the NFIP minimum requirements are described below.

A summary of significant technical revisions from ASCE 24-05 to ASCE 24-14 is reproduced on page 6 of these Highlights.

Building Performance

- Flood loads and other loads and load combinations are specified in ASCE 7-10, *Minimum Design Loads for Buildings and Other Structures*. Performance of foundations exposed to flooding is specified in ASCE 24. Soil characteristics and underlying strata, including soil consolidation, expansion or movement, erosion and scour, liquefaction and subsidence must be considered, as applicable.
- Flood Design Classes replace Occupancy/Risk Categories for the purpose of establishing elevations of lowest floors, flood-resistant materials, equipment and floodproofing. The 2015 *International Building Code* requires designers to identify the Flood Design Class assigned in accordance with ASCE 24-14.
- Elevation and Freeboard (additional height above the NFIP's base flood elevation) are specified as a function of the Flood Design Class and the nature of the flood hazard areas (see table on page 4 of these Highlights). Essential facilities (Flood Design Class 4) must be elevated or protected to the BFE + 2 ft or 500-year flood elevation, whichever is higher.
- Elevation requirements in Zone V and Coastal A Zones are independent of orientation of the lowest horizontal structural member (relative to direction of wave approach) as a factor in determining the required freeboard (ASCE 24-05 made elevation a function of orientation of the lowest horizontal structural member relative to the direction of wave approach).

ASCE 24 uses 'design flood' and 'design flood elevation' to acknowledge that some communities adopt flood hazard maps that depict flood hazard areas in addition to Special Flood Hazard Areas shown on FEMA's Flood Insurance Rate Maps (FIRM).

The design flood elevation (DFE) equals the base flood elevation (BFE) in communities that regulate based on FIRMs. The DFE is always equal to or higher than the BFE.

- Fill is required to be stable under conditions of flooding, including rapid rise and rapid drawdown, prolonged inundation, and erosion and scour. Compaction of structural fill is specified unless otherwise required by the building code or in a geotechnical or engineering report. Fill side slopes must be no steeper than 1:1.5.
- Two methods are specified to meet the requirements for flood openings in walls of enclosures below elevated buildings, to allow for the automatic entry and exit of floodwater: nonengineered openings that do not require certification (1 sq in per sq ft of enclosed area) and engineered openings that must be certified by a registered design professional. The performance of engineered openings must account for the presence of louvers, blades, screens, grilles, faceplates, or other covers and devices and must ensure that the difference between the exterior and interior floodwater levels does not exceed 1 foot. Installation of all flood openings must be in at least two walls and must be no more than 1 foot above the higher of the interior grade or floor and the finished exterior grade immediately under each opening.
- All breakaway walls in all flood hazard areas must have flood openings (ASCE 24-05 did not require flood openings in Zone V breakaway walls).
- Provisions are included for attached and detached decks and porches, and for garages, carports, and accessory storage structures.
- Provisions are listed for concrete slabs-on-grade, depending on the purpose and location of the slabs.
- Stairways and ramps must be designed and constructed to resist flood loads and to minimize transfer of flood loads to foundations, or to break away without causing damage to the main structure, or to be retractable/able to be raised.
- Where stairways are located inside areas enclosed with breakaway walls, exterior doors are required at the main building entry at the top of the stairs, to minimize entry of wind-driven rain and wave splash after breakaway walls have failed.
- In Coastal High Hazard Areas (Zone V) and Coastal A Zones:
 - Coastal A Zones are treated like Coastal High Hazard Areas if FEMA has delineated a Limit of Moderate Wave Action, or if the community has designated a Coastal A Zone.
 - Buildings must be supported on piles, drilled shafts, caissons, or other deep foundations (including columns, and shear walls) and foundation depth must take into account erosion and local scour.
 - Stem walls supporting floors and backfilled with soil or gravel are allowed in Coastal A Zones if designs provide for the effects of local scour and erosion.
 - Requirements are included for shallow foundations in circumstances where soil conditions prevent deep foundations.
 - Provisions are provided for pile foundations, attachment to piles, and different types of piles (wood, steel H, concrete-filled steel pipe, prestressed concrete, precast concrete, cast-in-place concrete).
 - Provisions are provided for pile design (capacity, capacity of supporting soils, minimum penetration, spacing, connections, splicing, and mixed and multiple types of piles).
 - Provisions are provided for footings, mats, rafts, slabs-on-grade, pile caps, grade beams, bracing, and shear walls.
 - Walls designed to break away must not produce debris that is capable of damaging structures.
 - Erosion control structures (bulkheads, seawalls, revetments) must not be attached to buildings or direct floodwater into or increase flood forces or erosion impacts on structures.
 - Pools must be elevated, or designed to breakaway without producing damaging debris, or designed to remain in the ground without obstructing flow that causes damage. Pools must be structurally independent of buildings and structures unless pools are located in or on elevated floors or roofs that are above the design flood elevation.

- Dry floodproofed nonresidential buildings and non-residential portions of mixed-use buildings:
 - The terms “mixed use” and “residential portions of mixed use” now are defined in Commentary.
 - Dry floodproofing measures are not permitted in Coastal High Hazard Areas, Coastal A Zones, High Risk Flood Hazard Areas, where flood velocities exceed 5 ft/sec, and where conformance with certain human intervention limits cannot be achieved.
 - At least one exit door or emergency escape/rescue opening must be provided above the elevation specified for dry floodproofing.
 - If dry floodproofing measures specified require human intervention to activate or implement, there must be a minimum warning time of 12 hours unless a community warning system provides a warning time sufficient to accomplish certain activities. If removable shields are approved as part of design, flood emergency plans must address specified elements and actions and must be posted in at least two conspicuous locations.

Flood Damage-Resistant Materials

- Flood damage-resistant materials must be used below specified elevations (see table on page 4).
- Metal connectors and fasteners exposed to salt water, salt spray or other corrosive agents must be stainless steel or equivalent corrosion resistant material, or hot-dipped galvanized after fabrication.
- Where preservative treated wood is required, treatment must be in accordance with AWP requirements.

Attendant Utilities and Equipment

- Attendant utilities and equipment must be at or above specified elevations (see table on page 4), or must be specifically designed, constructed, and installed to prevent floodwaters from entering or accumulating within components.
- Fuel supply lines must be equipped with float operated automatic shut-off valves.
- Where required to meet life safety provisions of the code, certain exterior electrical components may be installed below the design flood elevation, provided they are installed on a non-breakaway structural element on the landward or downstream side of structures.
- Tanks that are below the design flood elevation and that are attached to or beneath buildings must be installed and anchored to resist at least 1.5 times the potential buoyant and other flood forces assumed to act on empty tanks.
- Elevator cabs that descend below the design flood elevation must be equipped with controls that prevent the cab from descending into floodwaters. Elevator shafts must be designed to resist flood loads, but are not required to have flood openings or breakaway walls.

Siting Considerations

- New buildings must not be built (1) seaward of the reach of mean high tide, or (2) in areas subject to flash flooding (floodwaters rise to 3 feet or more above banks in less than 2 hours). Unless protected, new buildings must not be built (1) in erosion-prone areas (determined by analysis); or (2) in mudslide areas (determined by analysis); or (3) in certain portions of alluvial fan areas; or (4) in high velocity flow areas (faster than 10 ft/sec); or (5) in ice jam and debris areas.
- Buildings in proximity to flood protective works (dams, levees, floodwalls, diversions, channels, flood control structures) must not have adverse effects on, or conflict with, maintenance and repairs of those protective works.

Prepared by FEMA Building Science Branch. Content from ASCE 24-14 used with permission from ASCE. Purchase ASCE 24 at www.asce.org.

See next page for description of Flood Design Classes →

		Flood Design Class 1	Flood Design Class 2	Flood Design Class 3	Flood Design Class 4
Minimum Elevation* of Lowest Floor (Zone A: ASCE 24-14 Table 2-1)	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation of Bottom of Lowest Horizontal Structural Member (Zone V: ASCE 24-14 Table 4-1)	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation Below Which Flood-Damage-Resistant Materials Shall be Used (Table ASCE 24-14 5-1)	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation** of Utilities and Equipment (ASCE 24-14 Table 7-1)	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation of Dry Floodproofing of non-residential structures and non-residential portions of mixed-use buildings (ASCE 24-14 Table 6-1)	Zone A not identified as Coastal A Zone	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	Not permitted	Not permitted	Not permitted	Not permitted
Minimum Elevation of Wet Floodproofing*** (ASCE 24-14 Table 6-1)	Zone A not identified as Coastal A Zone; Coastal A Zone; Coastal High Hazard Areas (Zone V)	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
* Flood Design Class 1 structures shall be allowed below the minimum elevation if the structure meets the wet floodproofing requirements of ASCE 24-14 Section 6.3. ** Unless otherwise permitted by ASCE 24-14 Chapter 7 *** Only if permitted by ASCE 24-14 Section 6.3.1					

ASCE 24-14 Table 1-1 Flood Design Class of Buildings and Structures	
Use or Occupancy of Buildings and Structures	Flood Design Class
Buildings and structures that normally are unoccupied and pose minimal risk to the public or minimal disruption to the community should they be damaged or fail due to flooding. Flood Design Class 1 includes (1) temporary structures that are in place for less than 180 days, (2) accessory storage buildings and minor storage facilities (does not include commercial storage facilities), (3) small structures used for parking of vehicles, and (4) certain agricultural structures. [Note (a)]	1
Buildings and structures that pose a moderate risk to the public or moderate disruption to the community should they be damaged or fail due to flooding, except those listed as Flood Design Classes 1, 3, and 4. Flood Design Class 2 includes the vast majority of buildings and structures that are not specifically assigned another Flood Design Class, including most residential, commercial, and industrial buildings.	2
Buildings and structures that pose a high risk to the public or significant disruption to the community should they be damaged, be unable to perform their intended functions after flooding, or fail due to flooding. Flood Design Class 3 includes (1) buildings and structures in which a large number of persons may assemble in one place, such as theaters, lecture halls, concert halls, and religious institutions with large areas used for worship; (2) museums; (3) community centers and other recreational facilities; (4) athletic facilities with seating for spectators; (5) elementary schools, secondary schools, and buildings with college or adult education classrooms; (6) jails, correctional facilities, and detention facilities; (7) healthcare facilities not having surgery or emergency treatment capabilities; (8) care facilities where residents have limited mobility or ability, including nursing homes but not including care facilities for five or fewer persons; (9) preschool and child care facilities not located in one- and two-family dwellings; (10) buildings and structures associated with power generating stations, water and sewage treatment plants, telecommunication facilities, and other utilities which, if their operations were interrupted by a flood, would cause significant disruption in day-to-day life or significant economic losses in a community; and (11) buildings and other structures not included in Flood Design Class 4 (including but not limited to facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, hazardous waste, or explosives) containing toxic or explosive substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)]	3
Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure, disruption of function, or damage by flooding. Flood Design Class 4 includes (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response; (5) power generating stations and other public utility facilities required in emergencies; (6) critical aviation facilities such as control towers, air traffic control centers, and hangars for aircraft used in emergency response; (7) ancillary structures such as communication towers, electrical substations, fuel or water storage tanks, or other structures necessary to allow continued functioning of a Flood Design Class 4 facility during and after an emergency; and (8) buildings and other structures (including, but not limited to, facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, or hazardous waste) containing sufficient quantities of highly toxic substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)]	4
[Note (a)] Certain agricultural structures may be exempt from some of the provisions of this standard; see ASCE 24-14 Section C1.4.3. [Note (b)] Buildings and other structures containing toxic, highly toxic, or explosive substances shall be eligible for assignment to a lower Flood Design Class if it can be demonstrated to the satisfaction of the authority having jurisdiction by a hazard assessment as described in ASCE 7-10 Section 1.5.3 of <i>Minimum Design Loads for Buildings and Other Structures</i> that a release of the substances is commensurate with the risk associated with that Flood Design Class.	

Significant Technical Revisions

ASCE 24-14 lists a number of significant technical revisions from the 2005 edition:

1. Defines *Flood Design Class* rather than use Risk/Occupancy Classification assigned under ASCE 7 and requires each building or structure governed by the standard to be assigned to Flood Design Class 1, 2, 3, or 4. Uses the assigned Flood Design Class to apply elevation requirements specified in Chapters 2, 4, 5, 6 and 7. Flood Design Class 4 buildings and facilities are equivalent to Occupancy Category/Risk Category IV buildings, which ASCE 7-10 identifies as essential facilities.
2. Adds definitions for *Mixed Use* and *Residential Portions of Mixed Use* in commentary to clarify limitations on use of dry floodproofing measures.
3. Changes the Coastal A Zone determination requirement from the designer's responsibility to one depending on either: 1) delineation of a Limit of Moderate Wave Action (LiMWA) on a Flood Insurance Rate Map, or 2) designation by the Authority Having Jurisdiction.
4. Separates specifications for flood openings from the installation requirements. Requires the presence of louvers, blades, screens, faceplates, or other covers and devices to be accounted for in determining net open area for non-engineered openings and in determining the performance of engineered openings. Revises coefficient of discharge table for engineered flood openings. Adds commentary regarding selection of coefficient of discharge and for grouping or stacking of flood openings.
5. For Flood Design Class 4 buildings, requires the minimum lowest floor elevation (or floodproofing level of protection) to be the higher of: the Base Flood Elevation plus freeboard specified in Chapters 2, 4 and 6, the Design Flood Elevation, or the 500-year flood elevation. The 500-year flood elevation requirement is new.
6. Clarifies text pertaining to alluvial fan high risk flood hazard areas.
7. In coastal high hazard areas (V Zone) and Coastal A Zones (if delineated):
 - a. Makes explicit that designs must account for local scour and erosion
 - b. Provides for shallow foundations in Coastal A Zones under certain circumstances
 - c. Requires flood openings in breakaway walls
 - d. Eliminates orientation of the lowest horizontal structural member as a factor to determine elevation for lowest floors, equipment, and flood damage-resistant materials
 - e. Requires exterior doors at the top of stairways that are located inside enclosed areas with breakaway walls
 - f. Consolidates requirements for all nonstructural concrete slabs
 - g. Allows substantial improvement of existing buildings seaward of the reach of mean high tide in V zones (makes ASCE 24 consistent with NFIP) and Coastal A Zones.
8. Updates flood damage-resistant material requirements.
9. Clarifies emergency escape and rescue opening requirements for dry floodproofed buildings.
10. Clarifies requirements for garages, carports, and accessory storage structures. Adds new section for multistory parking structures.
11. Consolidates requirements for tanks and more clearly distinguishes between requirements based on flood hazard area.

**TOWN OF FORT MYERS BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE**

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

**NAUTICAL MARKETING LLC
189 Sabal Drive
Fort Myers Beach, FL 33931**

Respondent(s),

FMB Case Number:	[CASE NUMBER]
Certified Mail:	Not Applicable
Regular Mail:	Not Applicable
DOAH Case Number:	[Make Fillable]

Site Address: 1698 Estero Blvd.,
Fort Myers Beach, FL 33931
Parcel Strap No.: 194624W40070B001A

**JOINT STIPULATION OF VIOLATION(S)
AND SCHEDULING OF COMPLIANCE HEARING**

COMES NOW, Nautical Marketing LLC ("Respondent"), who is the owner(s) of real property in Fort Myers Beach, Florida, with an address of 1698 Estero Blvd, Fort Myers Beach, Florida, 33931, upon which a Notice of Violation was properly issued by Fort Myers Beach Code Enforcement Officer, Thomas Yozzo, on the 23rd day of September, 2024 and also on the 14th day of November, 2024. The Notices of Violations were for violation of Section(s) 6-501, 6-525, incorporating by reference ASCE 24-14 of the Fort Myers Beach Land Development Code. The parties have agreed and are presenting this Stipulation and Scheduling of Compliance Hearing requesting entry of an Order consistent with the provisions agreed to by the parties in this Joint Stipulation.

In support of this Joint Stipulation, the parties have agreed:

1. Respondent(s) is the legal owner of the real property with a property address of 1698 Estero Blvd., Fort Myers Beach, Florida 33931, and Parcel Identification number: 194624 W40070B001A, hereinafter referred to as the Subject Property.
2. Respondent was served with a copy the Notices of Violations as required by Florida law and Fort Myers Beach Code of Ordinances on the ~~23rd of September 2024~~ and the 14th day of November 2024 and understands the nature of the violations cited in the Notice of Violation.
3. Respondent voluntarily waives its right to an evidentiary hearing before the Fort Myers Beach Special Magistrate to determine whether violations have occurred and does not dispute that the Subject Property was and continues to be in violation of Section(s) 6-501, 6-525, of the Fort Myers Beach Code of Ordinances, incorporating by reference ASCE 24-14.
4. Respondent has agreed to bring the Subject Property into compliance by taking the following action: removal of the non-compliant structure within 30 days or no later than May 1, 2025, ("Compliance Date"). If the violation(s) continues beyond the Compliance Date, Respondent agrees to pay a fine of \$250.00 per day, per violation and an administrative fee in the amount of \$250.00.
5. All fines must be paid by cashier's check or electronic transfer to the Town of Fort Myers Beach Finance Department. The cashier's check can be delivered to the Town of Fort Myers Beach, 2731 Oak Street, Fort Myers Beach, Florida. Please call the Finance Department for additional information regarding an electronic transfer.
6. Any unpaid fines and administrative costs shall constitute a lien upon the Subject Property and any and all real and personal property owned by the Respondent.

Town of Fort Myers Beach

MAK 28 2025

Received by: _____

7. Respondent understands that Respondent must notify Fort Myers Beach Code Enforcement Officer when the violation has been remedied for a re-inspection of the Subject Property prior to the Compliance Date.

8. A Fort Myers Beach Code Enforcement Officer shall re-inspect the Subject Property after the Compliance Date or upon request by the Respondent and complete an Affidavit of Compliance or an Affidavit of Non-Compliance based on the Fort Myers Beach Code Enforcement Officer's observations of the condition of the Subject Property.

9. If the Subject Property is not in compliance by the Compliance Date, Respondent(s) agree to notify the Fort Myers Beach Code Enforcement Department as soon as compliance is achieved for a re-inspection and completion of the applicable affidavit.

10. If the Respondent fails to contact the Code Enforcement Department and 30 days have lapsed since the Compliance Date, the Town or its contractor is authorized to enter the property to abate the violation. Respondent agrees to pay any costs incurred by the Town in abating the violation. If payment is not received, the Town may seek certification of the amount owed by the Special Magistrate and record a lien in the amount certified, which may be collected as provided by Florida law.

11. This Joint Stipulation shall be presented the Fort Myers Beach Special Magistrate at a Code Violation Hearing to be held on the 1st day of April, 2025.

12. Respondent waives the right to any further notice of a Compliance Hearing. The Fort Myers Beach Code Enforcement Department shall post notice of the Compliance Hearing on the Subject Property prior to the hearing date.

13. Both parties have had the opportunity to review this Stipulation with legal counsel and thereafter voluntarily sign this Stipulation with an understanding of its legal effect and consequences.

Witness:

Dayla Rumpf
PRINT NAME
Dayla Rumpf

[Signature]
Nautical Marketing LLC
By: JACKI CIZZAK
Title: MANAGER

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3/27, 2025, by JACKI CIZZAK, who is personally known to me or who has produced _____ as identification.

[Notary Seal]

[Signature]
Notary Public



Hannah C. Nult-Malinguaggio
Name typed, printed or stamped
My Commission Expires: 7/12/25

Witness:

Yozzo, Thomas
PRINT NAME

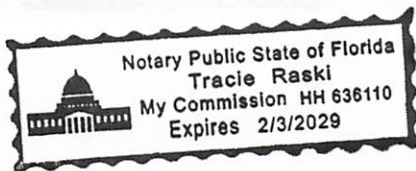
[Signature]
FORT MYERS BEACH CODE
ENFORCEMENT OFFICER
BADGE NO. 001

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st April, 2025, by Thomas Yozzo, who is personally known to me or who has produced FL DL as identification.

[Notary Seal]

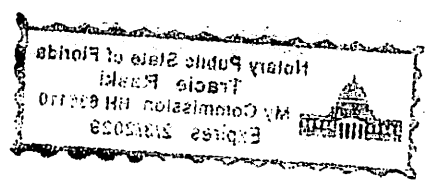
Tracie Raski
Notary Public



Tracie Raski
Name typed, printed or stamped
My Commission Expires: 2.3.2029

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04/01/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

Nautical Marketing LLC,
Respondent,

Case Number:	20240927
Certified Mail:	
Regular Mail:	

Site Address: 1698 Estero Blvd
Parcel Strap No.: 294462W30080C0190

AFFIDAVIT OF 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 09/24/2024 , Nautical Marketing LLC (property owner) was observed in violation of ASCE 24-14, 6-501, and 6-525 the Town of Fort Myers Beach Code of Ordinances, For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances (Coastal A Zone for this property requires 13 feet) at the property located at 8285 ESTERO BLVD, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 11/14/2024, and sent certified mail to the address of record, 189 Sabal Dr, Fort Myers Beach, FL 33931, posted to the violation property located at 1698 Estero Blvd, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.
4. Nautical Marketing LLC was/were given 30-days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 12/14/2024.
5. I performed an inspection of the Subject Property on 05/05/2025, and the Subject Property was observed to be compliant with the Town of Fort Myers Beach Ordinance.
6. I have attached photographs of the Subject Property, which I personally took, and which fairly represent the current condition of the Subject Property I personally observed on 05/05/2025. 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 determined the property located at 1698 Estero Blvd is in compliance with Fort Myers Beach Code of Ordinances.

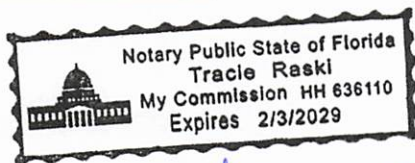
FURTHER AFFIANT SAYETH NAUGHT.

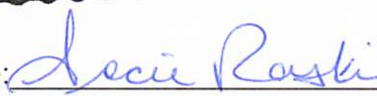
Signature of Affiant: 

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 5 day of May, 2025, by Danielle Balf, ☒ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL)



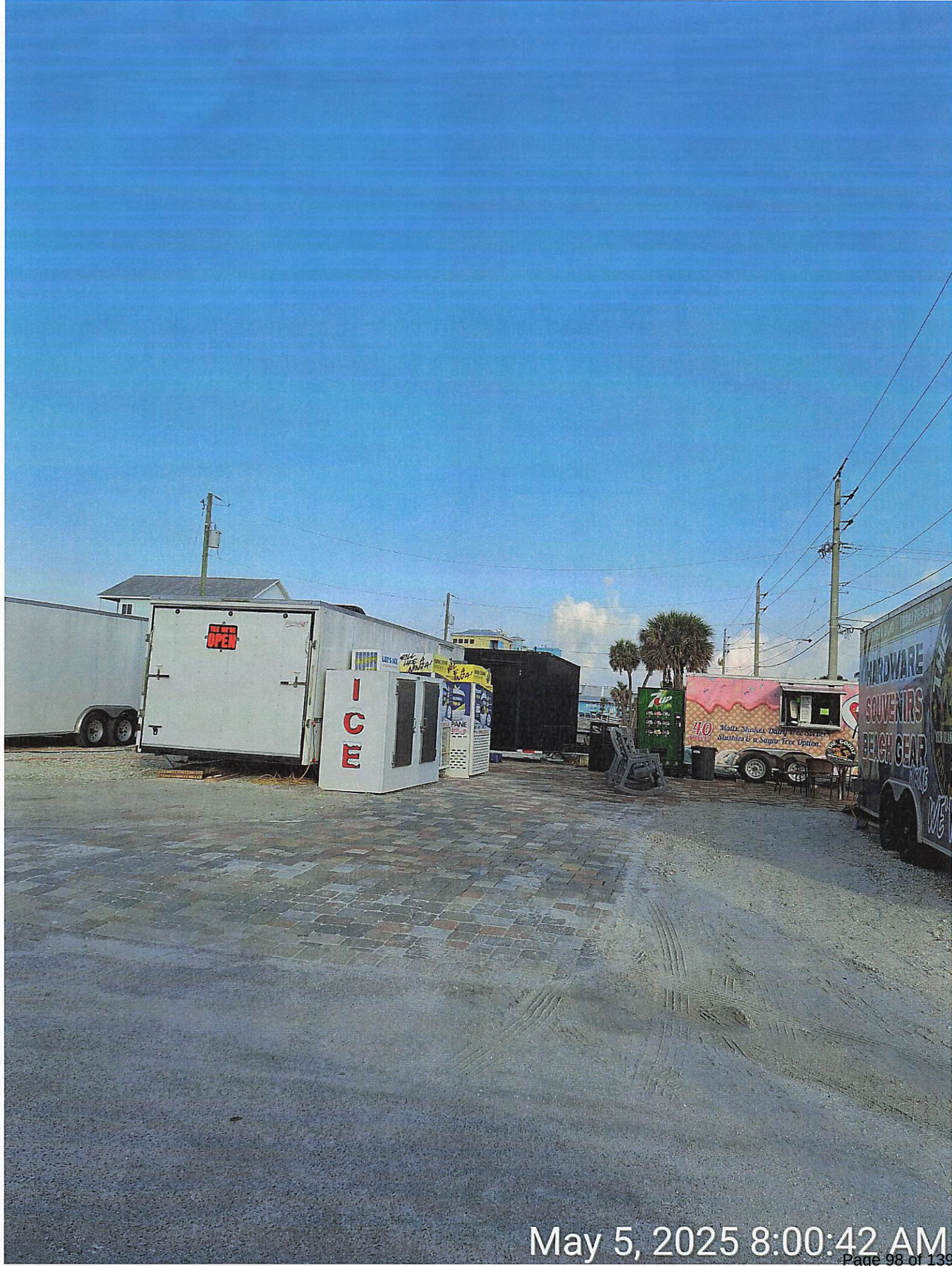
Notary Public Signature: 



May 5, 2025 8:00:29 AM



May 5, 2025 8:00:36 AM



May 5, 2025 8:00:42 AM

Property Address and Owner:

Hearing Date: May 16, 2025

FMB Case No. 20240915
Property Owner: KLC Surf LLC / La Ola
Property Address: 1035 Estero Blvd
Status Update: Non-compliant (Appeal pending in Circuit Court)

Subject:

The property remains non-compliant with Town Code.

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

Attachments:

1. 20240915_NOTICE OF HEARING
2. 20240915_AFFIDAVIT OF NOTICE AND POSTING
3. 20240915_AFFIDAVIT OF NON-COMPLIANCE & LIEN CERTIFICATION
4. 20240915_HEARING EXHIBIT_A1_Warranty Deed

Town Recommendations:

Town Approvals:

_____ Thomas Yozzo, Emergency Services Director	Date: April 29, 2025
_____ Traci Kohler, Assistant to the Town manager	Date: April 29, 2025
_____ Frankie Kropacek, Community Development Director	Date: April 29, 2025
_____ nancy stuparich, Town Attorney	Date: April 29, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: May 09, 2025
_____ Amy Baker, Town Clerk	Date: May 09, 2025

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

**TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,**

**DOAH Case No. 24-004407
FMB Case No. 20240915**

Petitioner,

vs.

KLC Surf, LLC / La Ola

Respondent,

NOTICE OF HEARING

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham will conduct a Certification of Lien Hearing in the above referenced case(s) at the Fort Myers Beach Town Council Chambers located at 2731 Oak Street, Fort Myers Beach, FL 33931 at **9:00 a.m. Friday, May 16th, 2025.**

Signed this 24th day of April 2025.



Thomas Yozzo,
Emergency Services Director



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

KLC SURF LLC
2327 Nursery RD
Clearwater, FL 33764

Respondent,

FMB Case Number:	20240915
Certified Mail:	
Regular Mail:	
DOAH Case Number:	

Site Address: 1035 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No.244623W3002080060

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, who is the Emergency Services Director for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240915 For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 14 feet) at the property of 1035 Estero Blvd, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified and regular mail copies of the Notice of Hearing scheduled 05/16/2025 to the following:
 - a. KLC SURF LLC
2327 Nursery Rd.
Clearwater, FL 33764
Certified Mail No. 70222410000084701280
(Property Owner)
 - b. Primeau, Christopher A
2327 Nursery Rd.
Clearwater, FL 33764
Certified Mail No. 70222410000084701273
(Registered Agent)

Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 1035 Estero Blvd, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 28th day of April 2025. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 28th day of April 2025 are attached.
4. In addition, I posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 28th day of April, 2025. A copy of the posted webpage is attached as Evidence



Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

x [Signature]
Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 28th day of April, 2025, by Thomas Yozzo. ~~She~~ ☒ is personally known to me or ☐ has produced _____ as identification.

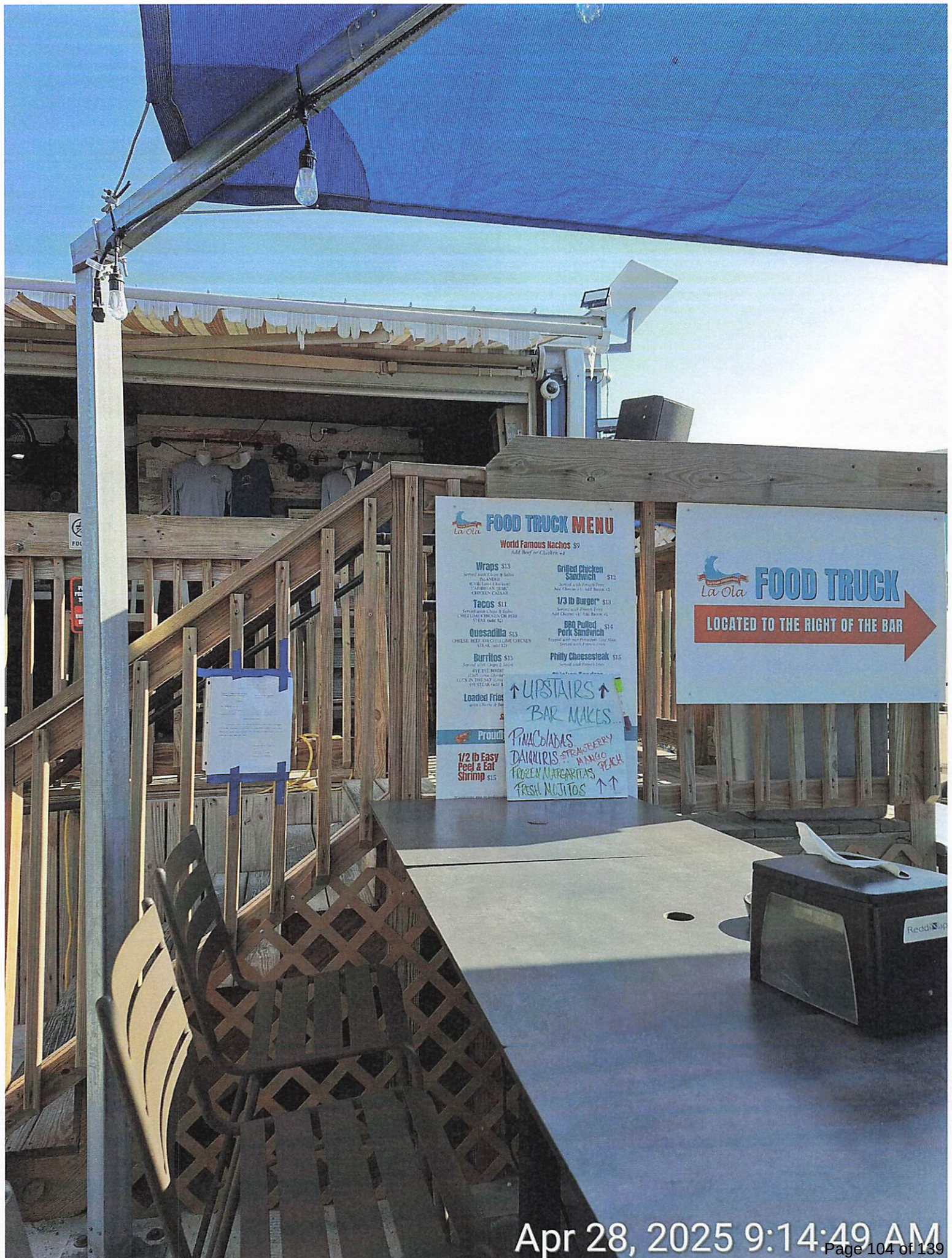


[Notary Seal]

[Signature]
Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



La Ola FOOD TRUCK MENU
World Famous Nachos \$9
Add Beef or Chicken +2

Wraps \$13 Served with Cheese & Salsa PLANKED W/ALL LIME & GARLIC 1 MEXICAN CHICKEN CHICKEN CAJITAS	Grilled Chicken Sandwich \$12 Served with all French Fries Add Cheese +1, Add Bacon +2
Tacos \$11 Served with Cheese & Salsa 1 MEXICAN CHICKEN OR PORK STEAK \$12	1/3 lb Burger \$13 Served with French Fries Add Cheese +1, Add Bacon +2
Quesadilla \$13 CHEESE, PEPPER, ONION, LIME CHICKEN \$14.95, \$15.95	BBQ Pulled Pork Sandwich \$14 Served with all French Fries
Burritos \$15 Served with Cheese & Salsa RICE, BEAN, CHICKEN LIME, PEPPER, ONION, LIME CHICKEN \$16.95, \$17.95	Philly Cheesesteak \$15 Served with French Fries
Loaded Fries with Cheese & Salsa	

Proudly
1/2 lb Easy Peel & Eat Shrimp \$15

UPSTAIRS BAR MAKES...
Pina Coladas
Daiquiris STRAWBERRY MANGO PEACH
Frozen Margaritas
Fresh Nujitos

La Ola FOOD TRUCK
LOCATED TO THE RIGHT OF THE BAR

 NO
OUTSIDE
FOOD OR DRINK

PLEASE
PREPARE

250692

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH
A Florida Municipal Corporation

DOAH Case No. 24-004407
FMB Case No. 23-04915

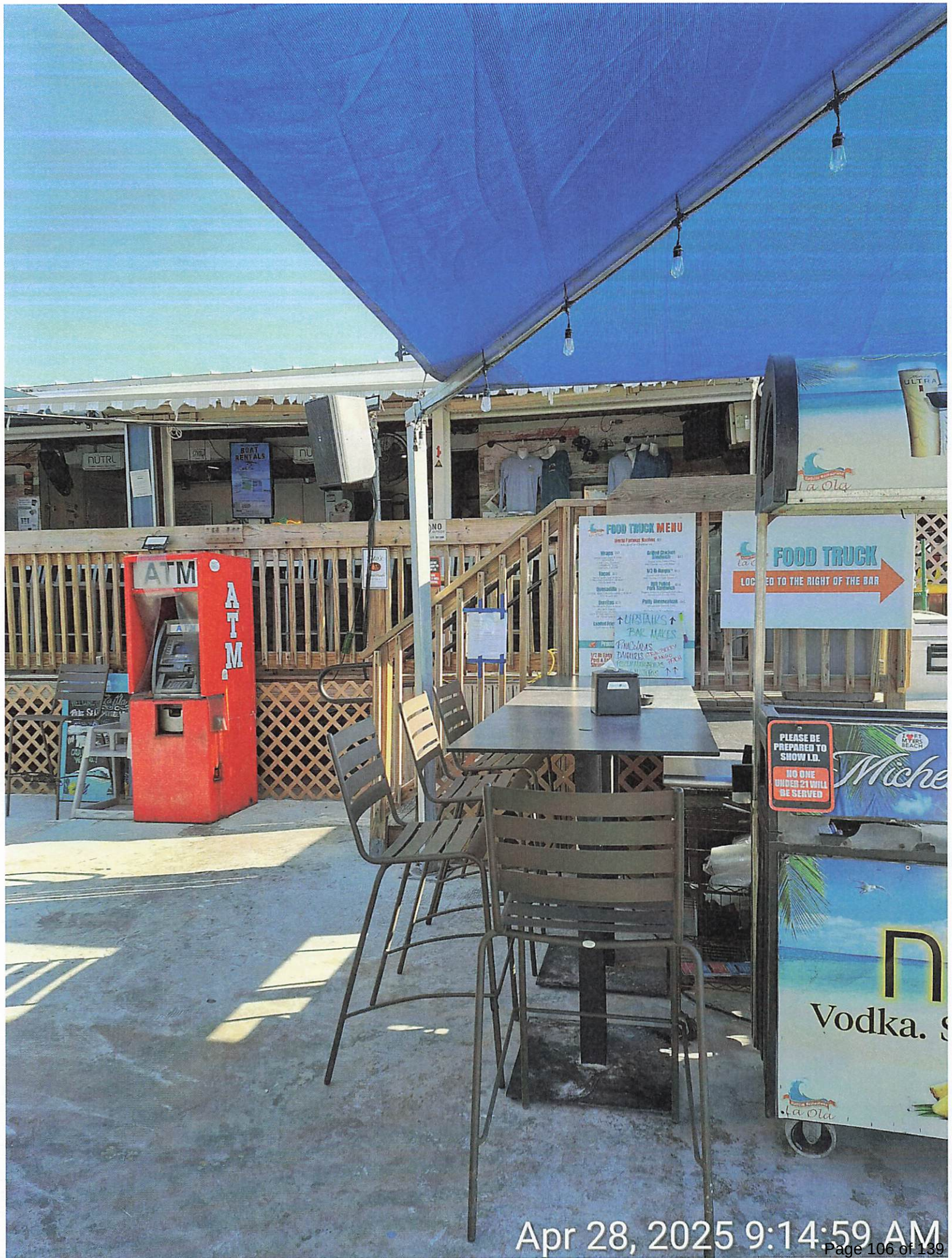
Petitioner:
vs.
KLC Surf, LLC / La Ola
Respondent:

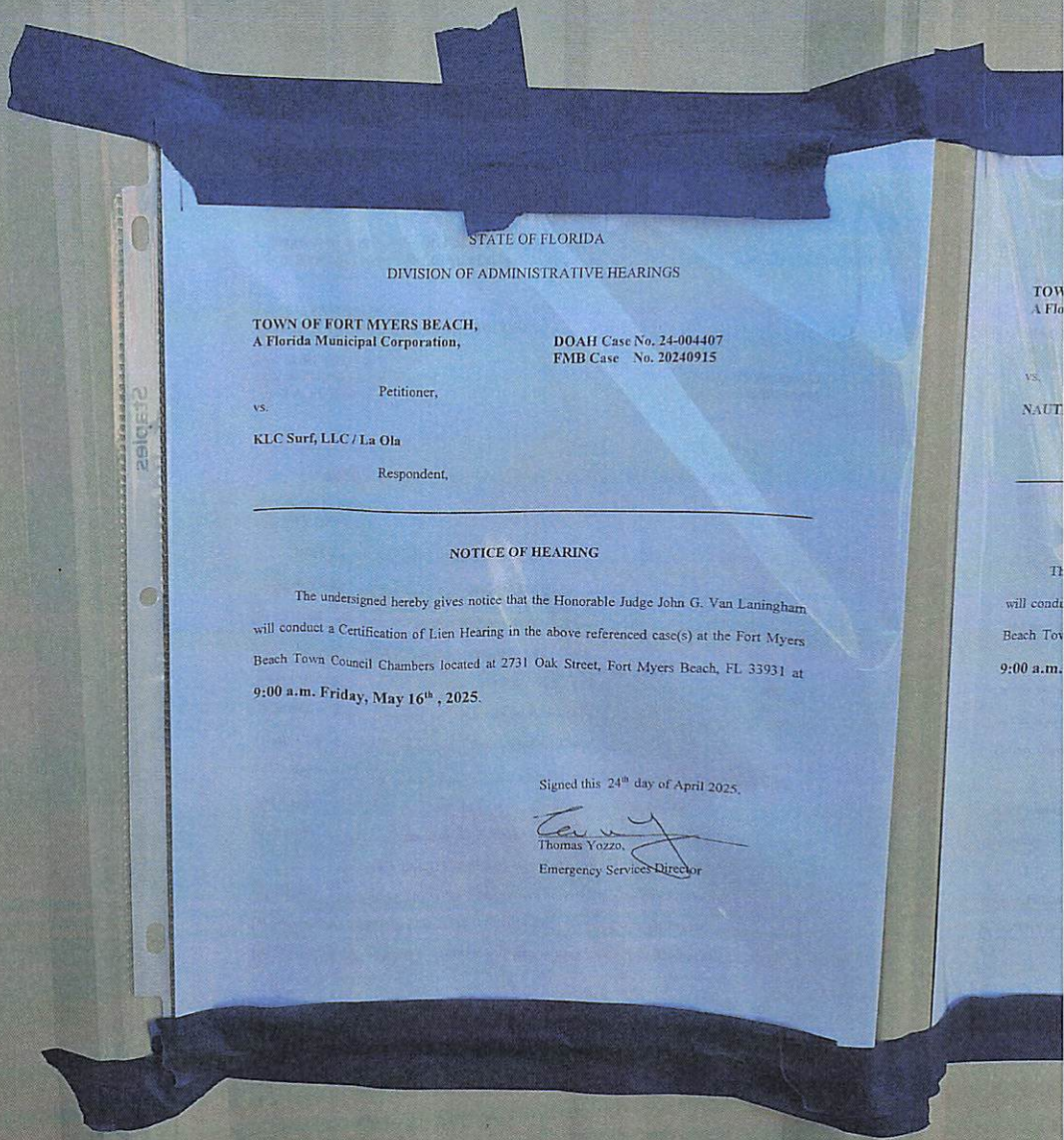
NOTICE OF HEARING

The undersigned hereby gives notice that the Honorable Judge John C. Van Lintghout
will conduct a Continuance of Law Hearing in the above referenced case at the Fort Myers
Beach Town Council Chambers located at 2701 Oak Street, Fort Myers Beach, FL 33971 at
9:00 a.m. Friday, May 16th, 2025.

Signed this 24th day of April 2025

Thomas Yarns
Emergency Services Director





STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,

DOAH Case No. 24-004407
FMB Case No. 20240915

Petitioner,

vs.

KLC Surf, LLC / La Ola

Respondent,

NOTICE OF HEARING

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham will conduct a Certification of Lien Hearing in the above referenced case(s) at the Fort Myers Beach Town Council Chambers located at 2731 Oak Street, Fort Myers Beach, FL 33931 at 9:00 a.m. Friday, May 16th, 2025.

Signed this 24th day of April 2025.

Thomas Yozzo
Thomas Yozzo,
Emergency Services Director



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
a Florida Municipal Corporation

BEACH Case No. 24-004407
TRAC Case No. 20240915

vs. Petitioner
KLC Reef Ltd. d/b/a Respondent

NOTICE OF HEARING

The undersigned hereby gives notice that the Honorable Judge John G. Van Laningham will conduct a hearing of fact relating to the above referenced case(s) at the Fort Myers Beach Town Hall Chamber located at 2701 Oak Street, Fort Myers Beach, FL 33931 at 9:00 a.m. Friday, May 16th, 2025.

Signed this 24th day of April 2025
Thomas J. Van Laningham
Emergency Hearing Officer

Municipal Elections

Bids and Proposals

Careers

[DRAFT] Citizens Academy

Fact or Fiction

Holidays

[DRAFT] Monthly Departmental Reports

Public Information

[DRAFT] Town Hall Bulletin

Public Notices

[DRAFT] Public Information

Add Page

NOTICE OF VIOLATION

NOTICE OF HEARING

NOTICE TO VACATE AND DEMOLITION NOTICE

OTHER NOTICES

FMB PERMITS

CDBG-DR

- 201 Delmar Ave case #20240647 01/02/2025 (CANCELED)
- 1 Fairview Blvd case #20240650 01/02/2025 (CANCELED)
- 37 Fairview Blvd case #20240680 01/02/2025
- 3127 Estero Blvd case #20240784 01/02/2025 (CANCELED)
- 104 Washington Ave case #20240572 01/02/2025 (CANCELED)
- 60 Avenue E case #CE140394 01/10/2025
- 7664 Buccaneer Dr. case #20240786 01/27/2025
- 190 Bayview Avn case #20240743 01/27/2025
- 37 Fairview Blvd case #20240680 01/27/2025
- 6285 Estero Blvd case #20241106 01/31/2025
- 406 Estero Blvd case #20240921 Amended 02/03/2025
- 4900 Estero Blvd case #20240960 Amended 02/03/2025
- 1249 Estero Blvd case #20240919 Amended 02/03/2025
- 2450 Estero Blvd case #20240946 Amended 02/03/2025
- 6285 Estero Blvd case #20241106 Amended 02/03/2025
- 131/133 Estero Blvd case #20240653 02/10/2025
- 131/133 Estero Blvd case #20250056 02/10/2025
- 207 Driftwood Ln case #20241151 02/19/2025
- 131/133 Estero Blvd case #20240653 (amended) 02/19/2025
- 131/133 Estero Blvd case #20250056 (amended) 02/19/2025
- 131/133 Estero Blvd case #20240653 (amended) 02/25/2025
- 131/133 Estero Blvd case #20250056 (amended) 02/25/2025
- 1249 Estero Blvd case #20240919 (amended) 02/27/2025
- 2815 Estero Blvd case #20240994 03/11/2025
- 1035 Estero Blvd case #20240915 03/11/2025
- 121 Strandview Ave case #20240721 04/24/2025
- 1035 Estero Blvd case #20240915 04/28/2025
- 1698 Estero Blvd case #20240924 04/28/2025

BEFORE THE TOWN OF FORT MYERS BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE

RE: 1035 ESTERO BLVD
PARCEL STRAP NO: 24-46-23-W3-00208.0060

KLC SURF LLC
4625 W EUCLID AVE
TAMPA, FL 33629

DOAH Case No.24-004407
CE Case No.20240915

AFFIDAVIT OF NON-COMPLIANCE & LIEN CERTIFICATION

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo,
Emergency Services Director, who is the Code Enforcement Director for the Town of Fort
Myers Beach, who being by me first duly sworn, on oath, deposes and says the following:

1. My name is Thomas Yozzo. I am over 18 years of age and am competent to
testify to the matters set forth herein. I make this Affidavit based upon my personal knowledge
of the facts of these cases, the entire investigative files and all documents recorded with the Lee
County Clerk of Court and contained in the files of the Town's official records.

2. I have been an employee of the Town of Fort Myers Beach, Florida ("Town") for
over 2 years and currently serve as a Code Enforcement Director of the Towns Code
Enforcement Department. I am aware of the facts of the cases contained herein.

3. KLC SURF LLC ("KLC") is the recorded owner of real property located in Lee
County, Florida ("Property") by virtue of that certain Special Warranty Deed ("Deed") recorded
on 7/2/2018 as Official Record Instrument No2018000210490 of the Public Records of Lee
County, Florida. The Property is located at 1035 Estero Blvd, Fort Myers Beach, Florida 33931,

and is legally described as follows:

Lots 6 and 7, Block 8, Business Center, according to the plat thereof, as recorded in Plat Book 9, page 9, of the Public Records of Lee County, Florida. LESS the Westerly 6 feet of Lot 6 and LESS that portion of Lot 7 identified as follows: Commence at the Southwest corner of said Lot 7, Block 8, Business Center subdivision in Section 24, Township 46 South, Range 23 East, according to the plat recorded in Plat Book 9, page 9, of the Public Records of Lee County, Florida.

A true and correct copy of the Warranty Deed is attached hereto in **Hearing Exhibit “A1”**.

4. On or about September 24, 2024 the Town issued a notice of violation (“Notice of Violation”) to KLC for violations of Section **6-494 (ASCE 24-14)** of the Town of Fort Myers Beach Code of Ordinances (the “Town Code”), which provides Section. 6-501, Section 6-443 & Section 6-525. A true and correct copy of the Notice of Violation is attached hereto as **Hearing Exhibit “B1”**.

5. The Notice of Violation specified that KLC was required to correct the violations by a certain date (October 23, 2024) but KLC failed or refused to do so.

6. As a result of KLC’s failure or refusal to correct the violations, the Town scheduled a code compliance hearing for January 7, 2025 and served KLC with a notice of hearing for same.

7. On January 7, 2025 the Town’s Special Magistrate (“Special Magistrate”) held a duly noticed public hearing related to the violations. KLC appeared at the hearing and had the opportunity to present testimony, evidence, and arguments in its defense.

8. As a result of the January 07, 2025 hearing, the Special Magistrate entered a code enforcement order (“Code Enforcement Order”) on **February 4, 2025** finding that proper notice of the hearing had been provided to the property owners/violators and that the Property was in violation of Section **6-494 (ASCE 24-14)** of the Town Code which provides.

9. The Code Enforcement Order ordered that the Respondent must remove or bring the non-compliant structures into compliance with Town and FEMA regulations by **March 1, 2025**. The Special Magistrate will consider compliance steps taken in deciding whether to impose or defer fines.

A fine of \$250.00 per day will be imposed for each day the violation continues beyond the Compliance Date, unless deferred at the status review hearing based upon the circumstances then existing.

If compliance is not achieved by the deadline and no satisfactory progress is reported at the hearing, the town may abate the violation by removing the non-compliant structures. Associated costs will be recoverable as a lien on the Subject Property. A true and correct copy of the Code Enforcement Order is attached hereto as **Hearing Exhibit “C1”**.

10. Despite the Special Magistrate’s Order, KLC continued to fail or refuse to bring the Property into compliance.

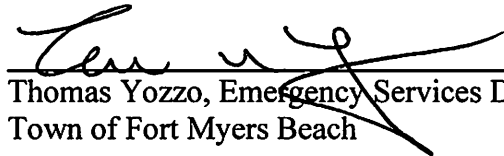
11. As of March 1, 2025, daily fines began to accrue in the amount of \$250.00 per day as specified in the Code Enforcement Order.

12. The Non-Compliant Structures have not been removed or brought into compliance as ordered. Please see **Hearing Exhibit “D1”** for true and accurate photo’s showing same.

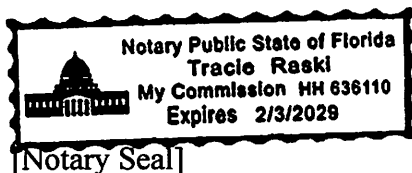
13. Due to KLC's continued failure to bring the Property into compliance since March 1, 2025 to April 22, 2025, the Subject Property has been in non compliance for 53 days.

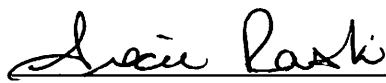
14. As of April 22, 2025 a fine in the amount of \$13,250.0 is due and owing to the Town.

SWORN AND ATTESTED BY:


Thomas Yozzo, Emergency Services Director
Town of Fort Myers Beach

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either ☒ personal presence or ☐ online notarization this 22 day of April, 2025, by Thomas Yozzo. He ☐ is personally known to me or ☒ has produced FL DL as identification.




Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

HEARING

EXHIBIT

A1

- Warranty Deed

THIS INSTRUMENT PREPARED WITHOUT
REVIEW OR OPINION OF TITLE BY:

Adam A. Bleggi, Esq.
ABN LAW, PLLC
2390 Tamiami Trail N., Suite 214
Naples, FL 34103

Property I.D. Number: 24-46-23-W3-00208.0060

CORRECTIVE WARRANTY DEED

THIS CORRECTIVE WARRANTY DEED is made as of the 2nd day of July, 2018, between CHRISTOPHER A. PRIMEAU and LISA A. LAGEMANN, as Co-Trustees of the BEVERLY A. PRIMEAU TRUST DATED OCTOBER 3, 1995, whose mailing address is 950 San Carlos Drive, Fort Myers Beach, FL 33931 (collectively, "Grantor"), and KLC SURF, LLC, a Florida limited liability company, whose mailing address is 8201 Moccasin Trail Drive, Riverview, FL 33578 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

Lots 6 and 7, Block 8, Business Center, according to the plat thereof, as recorded in Plat Book 9, page 9, of the Public Records of Lee County, Florida. LESS the Westerly 6 feet of Lot 6 and LESS that portion of Lot 7 identified as follows: Commence at the Southwest corner of said Lot 7, Block 8, Business Center subdivision in Section 24, Township 46 South, Range 23 East, according to the plat recorded in Plat Book 9, page 9, of the Public Records of Lee County, Florida; thence run South 70° 37' 09" East 84.78 feet to a Point of Beginning; thence continue South 70° 37' 09" East 20.00 feet; thence North 22° 23' 59" West 16.00 feet; thence South 57° 26' 01" West 15.15 feet to the Point of Beginning. LESS and Except that portion of Lot 7, Block 8, Business Center, according to the plat thereof, as recorded in Plat Book 9, page 9, of the Public Records of Lee County, Florida, described as follows: Commencing at the Southwest corner of said Lot 7; thence run South 70° 37' 09" East, a distance of 60.57 feet along the Northerly right of way line of Estero Boulevard to the Point of Beginning; thence run North 18° 43' 54" East a distance

NOTE: PURSUANT TO F.A.C. § 12B-4.014(3), MINIMUM DOCUMENTARY STAMP TAXES ARE BEING PAID HEREWITH AS THIS CORRECTIVE WARRANTY DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THE WARRANTY DEED DATED JULY 2, 2018, AND RECORDED ON JULY 10, 2018, IN O.R.I. NO. 2018000165667, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO SHOW THE LESSED OUT PORTION OF THE PROPERTY CONVEYED TO THE TOWN OF FORT MYERS BEACH IN THE WARRANTY DEED DATED NOVEMBER 5, 2001 AND RECORDED ON DECEMBER 13, 2001, IN O.R. BOOK 3539, PAGE 3351, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

of 9.35 feet; thence run South 69° 18' 03" East a distance of 14.04 feet; thence run North 19° 02' 04" East, a distance of 25.02 feet to a point on the Westerly right of way line of center street; thence run South 22° 24' 27" East a distance of 29.65 feet along said Westerly line; thence run South 57° 25' 57" West, a distance of 15.15 feet; thence run North 70° 37' 09" West, a distance of 24.21 feet along said Northerly right of way line of Estero Boulevard to the Point of Beginning.

Christopher A. Primeau warrants that at the time of this conveyance, the subject property is not his homestead property, his spouse, minor children, or that of anyone for whose support he is responsible, if any, within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Lisa A. Lagemann warrants that at the time of this conveyance, the subject property is not her homestead property, her spouse, minor children, or that of anyone for whose support she is responsible, if any, within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

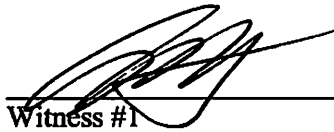
TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes for the current year and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral interests of record, if any; and restrictions, covenants, conditions, reservations, limitations and easements of record.

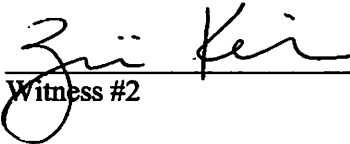
[Signatures Intentionally Appear on Following Page]

IN WITNESS WHEREOF, Grantor has hereunto set his/her hand and seal the day and year first above written.

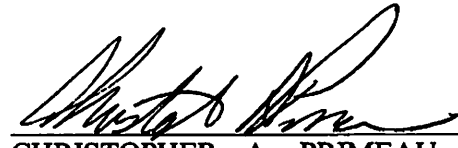
Signed, sealed and delivered in our presence:


Witness #1

Andre J. Patrone
(Printed Name of Witness)


Witness #2

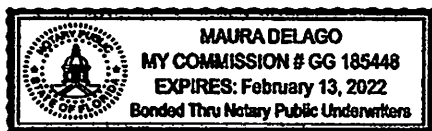
Zoë Kaiser
(Printed Name of Witness)

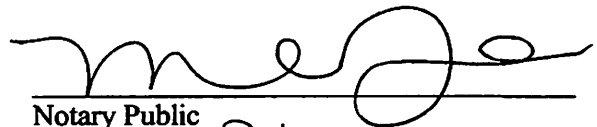

CHRISTOPHER A. PRIMEAU, as Co-Trustee of the BEVERLY A. PRIMEAU TRUST DATED OCTOBER 3, 1995

STATE OF FLORIDA
COUNTY OF LEE

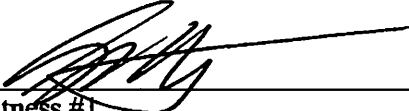
The foregoing instrument was acknowledged before me this 20th day of August, 2018, by CHRISTOPHER A. PRIMEAU, as Co-Trustee of the BEVERLY A. PRIMEAU TRUST DATED OCTOBER 3, 1995, who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)




Notary Public
Maura Delago
Printed Name of Notary Public
2/13/2022
Commission Expiration Date

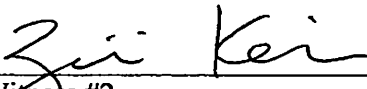
Signed, sealed and delivered in our presence:



Witness #1



(Printed Name of Witness)



Witness #2



(Printed Name of Witness)



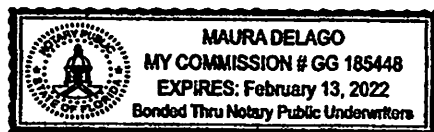
LISA A. LAGEMANN, as Co-Trustee of the
BEVERLY A. PRIMEAU TRUST DATED
OCTOBER 3, 1995

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 20th day of August, 2018, by
LISA A. LAGEMANN, as Co-Trustee of the BEVERLY A. PRIMEAU TRUST DATED
OCTOBER 3, 1995, who is personally known to me or who has produced

(type of identification) as identification.

(SEAL)





Notary Public
Maura Delago

Printed Name of Notary Public
2/13/2022

Commission Expiration Date



Previous Parcel Number Next Parcel Number Tangible Accounts Tax Estimator Tax Bills Print

**Property Data**

STRAP: 24-46-23-W3-00208.0060 Folio ID: 10127306

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

Generated on 4/23/2025 7:43 AM

Owner Of Record - Sole Owner

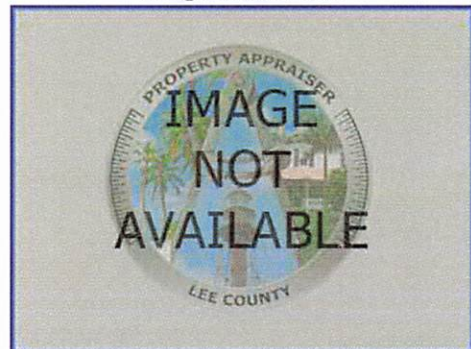
[\[Change Mailing Address\]](#)

KLC SURF LLC
c/o CHRISTOPHER
PRIMEAU
2327 NURSERY RD
CLEARWATER FL
33764

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)[\[Pictometry Aerial Viewer \]](#)**Site Address**

Site Address maintained by E911 Program Addressing

1035 ESTERO BLVD
FORT MYERS
BEACH FL 33931

Image of Structure**Property Description**

Do not use for legal documents!



BUSINESS CENTER
BLK.8 PB 9 PG 9 LT
7 + LOT 6 LESS WLY

6 FT LESS ROW

OR3539 PG3351

[View Recorded Plat at LeeClerk.org](http://LeeClerk.org) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 9 and 9 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / 0

Bathrooms

1st Year Building N/A
on Tax Roll ⓘ

Historic No
Designation

Township	Range	Section	Block	Lot
46	23E	24	002080060	

Municipality **Latitude** **Longitude**

Town of Fort Myers 26.45315-81.95547

Beach

[View Parcel on Google Maps](#)

Property Values / Exemptions / TRIM Notices

Generated on 4/23/2025 7:43 AM

Property Details (Current as of 4/22/2025)

Generated on 4/23/2025 7:43 AM

		Land Land Tracts		
Use Code	Use Code Description		Number of Units	Unit of Measure
1000	Commercial, Vacant		7574.00	Square Feet

 Property Details (2024 Tax Roll)

Generated on 4/23/2025 7:43 AM

		Land Land Tracts		
Use Code	Use Code Description		Number of Units	Unit of Measure
1000	Commercial, Vacant		7574.00	Square Feet

Taxing Authorities

Generated on 4/23/2025 7:43 AM

Sales / Transactions

Generated on 4/23/2025 7:43 AM

Building / Construction Permit Data

Generated on 4/23/2025 7:43 AM

Parcel Numbering History ⓘ

Generated on 4/23/2025 7:43 AM

Solid Waste (Garbage) Roll Data

Generated on 4/23/2025 7:43 AM

Flood and Storm Information

Generated on 4/23/2025 7:43 AM

Flood Insurance [Find my flood zone](#)

Community	Panel	Version	Date	Evacuation Zone
071C	0554	G	11/17/2022	A

Generated on 4/23/2025 7:43 AM

[Previous Parcel Number](#) [Next Parcel Number](#)

[New Query](#) [Search Results](#) [Home](#)

Property Address and Owner:

Hearing Date: May 16, 2025

FMB Case Number: 20250056
Property Owner: Kaminskiy at 131 Estero LLC (Island Shores Club)
Property Address: 131/133 Estero Blvd
Violation: Property Maintenance

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

A Code Enforcement Order was Issued by the Special Magistrate on April 7, 2025. The order required compliance within 30 days, i.e. (05/07/2025). The property owner contacted Code Enforcement, an officer inspected the property and found it to be in compliance.

An Affidavit of Compliance is attached as hearing exhibit C. The Town has received payment of \$ 250.00 in administrative fees ordered by the Special Magistrate. The property owner, through his attorney, has waived Notice of this Compliance Hearing. The Town requests an Order of Compliance regarding the violation and acknowledgment of payment of the \$250.00 administrative fees.

Attachments:

1. 20250056 Code Enforcement Violation Findings of Fact, Conclusions of Law, and Order
2. 20250056, 20240653_Affidavit of Compliance
3. 20250056,20240653_Photos
4. 20250056,20240653_Cashier's Check

Town Recommendations:

Town Approvals:

_____ Thomas Yozzo, Emergency Services Director	Date: May 09, 2025
_____ Traci Kohler, Assistant to the Town manager	Date: May 09, 2025
_____ Frankie Kropacek, Community Development Director	Date: May 09, 2025
_____ nancy stuparich, Town Attorney	Date: May 09, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: May 09, 2025
_____ Amy Baker, Town Clerk	Date: May 09, 2025

CODE COMPLIANCE SPECIAL MAGISTRATE
THE TOWN OF FORT MYERS BEACH, FLORIDA

TOWN OF FORT MYERS BEACH,
FLORIDA,

Petitioner,

vs.

CASE NOs.: AP 2025-01 (20240653)
20250056

KAMINSKIY AT 131 ESTERO, LLC,

Respondent.

CODE ENFORCEMENT VIOLATION FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE came before the undersigned Administrative Law Judge, John G. Van Laningham, serving as the Special Magistrate for the Town of Fort Myers Beach, on April 1, 2025, for a duly noticed public hearing. The Town of Fort Myers Beach (“Petitioner” or “Town”) was represented by Town Attorney Nancy Stuparich, Esquire. Kaminskiy at 131 Estero, LLC (“Respondent”) appeared through its counsel, Noel J. Davies, Esquire. The hearing addressed (1) the Town’s Notice of Violation, dated January 17, 2025 (Case No. 20250056), and (2) the Joint Stipulation of Code Violation and Notice of Demolition/Notice to Vacate, dated June 28, 2024 (Case No. 20240653), which Respondent partially contested.

After reviewing the sworn testimony, documentary evidence, and arguments of counsel, and upon consideration of subsequent filings (including the Town’s letter dated April 4, 2025), the undersigned hereby makes the following findings of fact and conclusions of law, and issues this Final Order

A. FINDINGS OF FACT

1. Respondent, Kaminskiy at 131 Estero, LLC, is the legal owner of the real property located at 131/133 Estero Blvd., Fort Myers Beach, Florida 33931 (the “Property”), identified by Parcel Identification Number 24-46-23-W10080D.0370.

2 On June 28, 2024, the Town’s Building Official, Joseph W. Specht, inspected the Property and determined that the structure thereon was unsafe under Section 6-36 of the Town’s Land Development Code. The Building Official identified six reasons for this unsafe designation, including compromised structural elements, unsecured exterior appendages that failed wind and seismic requirements, unsanitary conditions, and a likelihood of collapse caused by decay and

abandonment. A Demolition Notice and Notice to Vacate were issued, requiring vacation of the premises within 60 days and demolition thereafter.

3. Respondent appealed the Demolition Notice on August 15, 2024, but subsequently agreed, via a Joint Stipulation presented at the April 1, 2025 hearing, to demolish the structure. The Joint Stipulation acknowledged the Property's unsafe condition, but Respondent disputed certain terms proposed by the Town.

4. On January 15, 2025, Code Enforcement Officer Thomas Yozzo observed violations of the International Property Maintenance Code ("IPMC"), as adopted by Sections 6-1 and 6-2 of the Town Code. Specifically, rubbish and debris (in violation of IPMC Section 308.1), derelict motor vehicles (IPMC Section 302.8), and weeds exceeding twelve inches (IPMC Section 302.4) were documented. A Notice of Violation issued on January 17, 2025, citing these conditions.

5. Respondent waived its right to an evidentiary hearing on the January 17, 2025, violation notice, thereby admitting noncompliance with Sections 308.1, 302.8, and 302.4 of the IPMC, as well as Section 6-36 of the Town Code concerning the unsafe structure.

6. As part of the Joint Stipulation, the Town initially sought a \$14,000 retroactive fine and establishment of an escrow account. Respondent objected to these measures. On April 4, 2025, the Town withdrew its request for a retroactive fine and escrow requirement, indicating instead that it would prioritize demolition and cleanup.

7. The Special Magistrate finds that granting Respondent until May 9, 2025 (38 days from April 1, 2025), to accomplish demolition of the unsafe structure and abatement of the property maintenance violations is reasonable. This schedule reflects the time needed to secure the demolition permit, engage contractors, and complete the necessary work.

B. CONCLUSIONS OF LAW

8. Respondent violated Sections 6-1 and 6-2 of the Town's Land Development Code, incorporating IPMC Sections 308.1, 302.8, and 302.4, by maintaining rubbish, derelict vehicles, and overgrown weeds on the Property. Respondent also violated Section 6-36 by maintaining an unsafe structure, as substantiated by the Building Official's findings and photographic evidence.

9. Under Section 162.09(1), Florida Statutes, fines for code violations are prospective and attach only after a compliance deadline has been set and missed. Because Petitioner withdrew its demand for a retroactive fine, this Order need not address that issue.

10. The Town's decision to withdraw its request for an escrow mechanism also renders unnecessary any ruling as to whether an escrow requirement would have been permissible. Consequently, the sole remedy is to set a compliance deadline, coupled with prospective fines for noncompliance, which is consistent with Chapter 162, Florida Statutes.

11. Because Respondent has admitted the existence of the cited violations and consented to demolition, a final compliance deadline of May 9, 2025, is hereby established to protect public health and safety.

C. ORDER

Based on the foregoing, it is hereby ORDERED as follows:

Compliance Deadline and Review Hearing: Respondent shall demolish the unsafe structure and correct all Property maintenance violations (removal of rubbish, derelict vehicles, and weeds) by May 9, 2025. A status review hearing is scheduled for May 6, 2025, at 9:00 A.M., to assess progress. The Special Magistrate will consider the timeliness and extent of Respondent's efforts in deciding whether to impose or defer any fines.

Daily Fine: A fine of \$250 per day shall be imposed for each day the violations persist beyond the compliance date of May 9, 2025, absent a deferral or extension granted at the May 6, 2025, review hearing.

Abatement Authorization: Should Respondent fail to comply by May 9, 2025, and if the Special Magistrate determines at the May 6, 2025 hearing (or any continued hearing thereafter) that insufficient progress has been made, the Town is authorized to abate the violations by arranging demolition and removal of the unsafe structure and debris. All abatement costs may be charged as a lien on the Property, pursuant to Section 162.09(3), Florida Statutes.

Costs: Respondent is directed to remit \$250 to defray the Town's enforcement costs, payable on or before April 14, 2025, by cashier's check or electronic funds transfer to the Town of Fort Myers Beach Finance Department, 2731 Oak Street, Fort Myers Beach, Florida 33931, referencing the above-captioned cases.

This Order may be appealed by any aggrieved party to the Circuit Court of Lee County no later than 30 days from the date of this Order. Failure to timely file a written Notice of Appeal will waive the right of appeal.

DONE AND ORDERED this 7th day of April, 2025, at the Division of Administrative Hearings, Tallahassee, Florida.



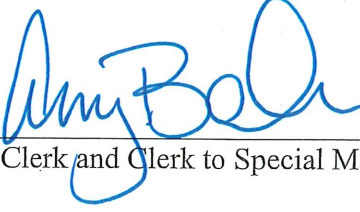
John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of this Order has been furnished to
by U.S. mail on this 7th day of April, 2025, to:

Kaminskiy at 131 Estero, LLC
12463 Rancho Bernardo Road, #237
San Diego, CA 92128

Noel J. Davies, Esq.
DAVIES DUKE, PLLC
3301 Bonita Beach Road, Suite 213
Bonita Springs, FL 34134

BY: 
Town Clerk and Clerk to Special Magistrate

Dated 4/7/2025



04/30/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

KAMINSKIY AT ESTERO LLC
Respondent.

Case Number:	20250056, 20240653
Certified Mail:	
Regular Mail:	

Site Address: 131/133 ESTERO BLVD
Parcel Strap No.: 24-46-23-W1-0080D.0370

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, Code Enforcement Director for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Thomas Yozzo, 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 January 15th 2025, **KAMINSKIY AT ESTERO LLC** (property owner) was observed in violation of LDC Sec. 6-1,308.1 Accumulation of rubbish and garbage. LDC Sec. 6-2, 302.4 Overgrowth of weeds and plants in excess of 12 inches. 6-2, 302.8 parking and storing of unregistered inoperable motor vehicles/boats of the FMB Code of Ordinances., at the property located at 131/133 ESTERO BLVD, Fort Myers Beach, FL 33931 ("Subject Property").
3. A Notice of Violation was issued on January 17th, 2025, and sent certified mail to the address of record, 12463 Rancho Bernardo Rd #237, San Diego, CA 92, posted to the violation property located at 131/133 ESTERO BLVD, Fort Myers Beach, FL

33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

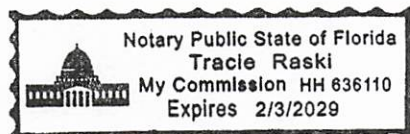
4. **KAMINSKIY AT ESTERO LLC** was/were given 30 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 02/17/2025.
5. **KAMINSKIY AT ESTERO LLC** was brought before the Florida Division of Administrative Hearings Magistrate on April 1st, 2025. The Hearing was conducted in proper order and a Magistrate Order was created on April 7th, 2025. **Hearing Exhibit A1 - Attached Magistrate Order AP 2025-01 – 20240653 – 20250056.**
6. I performed an inspection of the Subject Property on April 30th, 2025, and the Subject Property was observed to be compliant with the Town of Fort Myers Beach Ordinance.
7. I have attached photographs, of the Subject Property, which I personally took, and which fairly represent the current condition of the Subject Property I observed on April 30th, 2025. These photographs are true, unaltered and accurate. **Hearing Exhibit B1**
8. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.
9. The Town of Fort Myers Beach hereby has determined the property located at 131/133 ESTERO BLVD is in compliance with Fort Myers Beach Code of Ordinances.

FURTHER AFFIANT SAYETH NAUGHT.

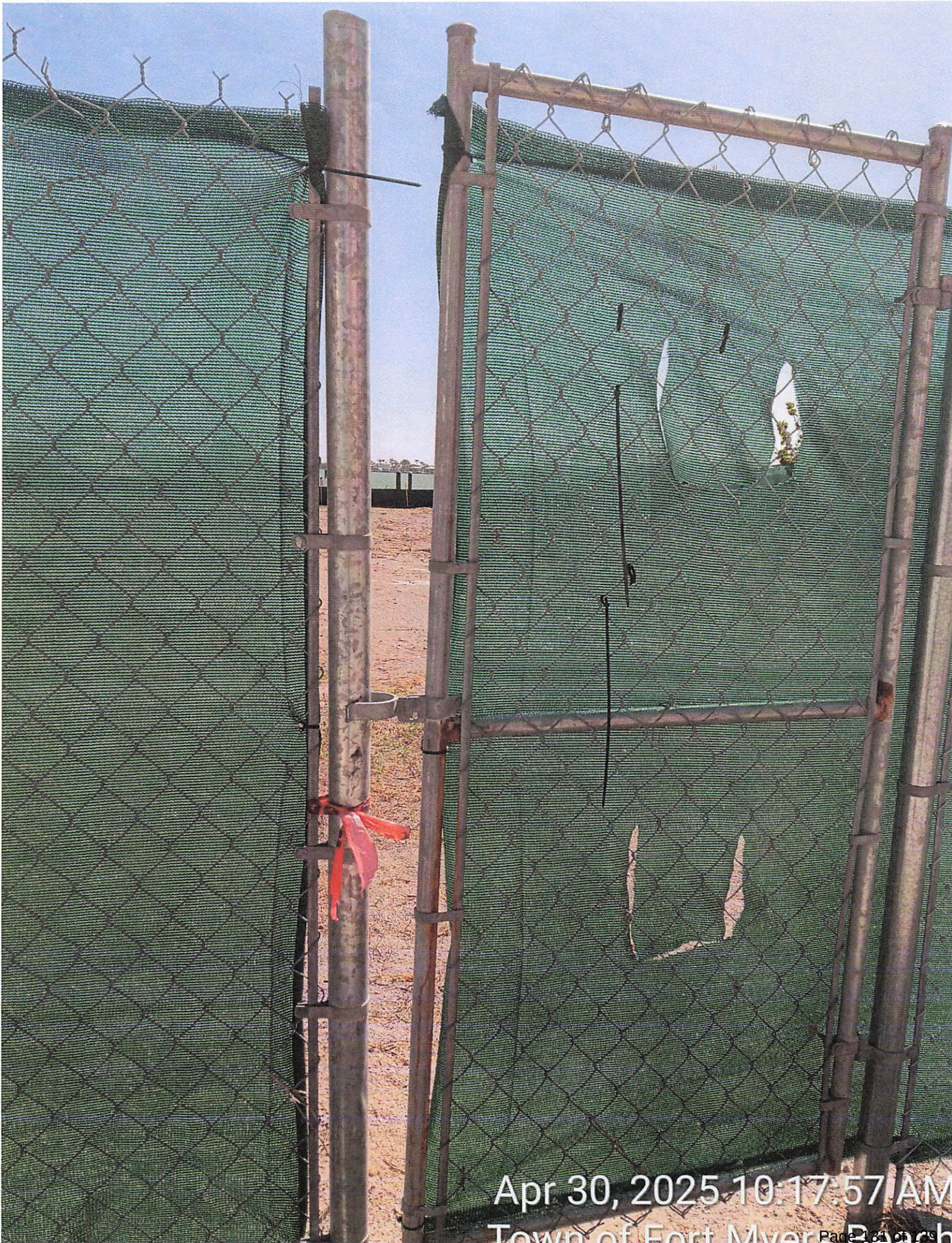

Signature of Affiant
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 1 day of May, 2025, by Thomas Yozzo, ☒ who is personally known to me OR ☐ who has produced _____ as identification.

(SEAL)



Notary Public Signature: Tracie Raski



Apr 30, 2025 10:17:57 AM
Town of Fort Myers Beach





Apr 30, 2025 10:17:47 AM
Town of Fort Myers Beach





Apr 30, 2025 10:18:08 AM
Town of Fort Myers Beach



Apr 30, 2025 10:17:43 AM
Town of Fort Myers Beach



CASHIER'S CHECK

CHASE

Date 04/08/2025

9298520750

25-3

440

Remitter: DAVIES DUKE, PLLC

Pay To The TOWN OF FORT MYERS BEACH
Order Of:

Pay: TWO HUNDRED FIFTY DOLLARS AND 00 CENTS

\$** 250.00 **

Drawer: JPMORGAN CHASE BANK, N.A.

Thomas W Horne, Chief Administrative Officer
JPMorgan Chase Bank, N.A.
Columbus, OH

Do not write outside this box

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

Property Address and Owner:

Hearing Date: May 16, 2025

FMB Building Official Appeal Case No. 2025-01 (Unsafe Building)
Appellant/Property Owner: Kaminsky at 131 Estero LLC (Island Shores Club)
Property Address: 131/133 Estero Blvd.

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

A Code Enforcement Order was issued by the Special Magistrate on April 7, 2025. The order required compliance within 30 days (05/07/2025). The property owner contacted Code Enforcement, an officer inspected the property and found it to be in compliance.

An Affidavit of Compliance is attached as hearing exhibit C. The Town has received payment of \$ 250.00 in administrative fees ordered by the Special Magistrate. The property owner, through his attorney, has waived Notice of this Compliance Hearing. The Town requests an Order of Compliance regarding the violation and acknowledgment of payment of the \$250.00 administrative fees.

Attachments:

Town Recommendations:

Town Approvals:

_____ Thomas Yozzo, Emergency Services Director	Date: May 09, 2025
_____ Traci Kohler, Assistant to the Town manager	Date: May 09, 2025
_____ Frankie Kropacek, Community Development Director	Date: May 09, 2025
_____ nancy stuparich, Town Attorney	Date: May 09, 2025
_____ Lizzette Roman, Town Clerk Administrative Coordinator	Date: May 09, 2025
_____ Amy Baker, Town Clerk	Date: May 09, 2025