



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Thursday, April 16, 2026

Agenda

9:00 AM

ORDER OF BUSINESS

- I. **CALL TO ORDER**
- II. **ADMINISTRATIVE ITEMS**
- III. **APPROVAL OF MINUTES**
 - A. February 4, 2026
- IV. **VIOLATION CASES**
- V. **APPEALS**
 - A. Citation — LDC 19-06 Performing without permit.
Robert Marmarosa
Citation — LDC 19-06 Performing without permit.
- VI. **STATUS UPDATE (FINES ASSESMENTS)**
 - A. FMB Case Number 20250298
Property Owner: SUGAR BEACH ESTATES LP
Property Address: 5276 Estero Blvd
Status: Unsafe Structure
Officer: T Hoffman
 - B. FMB Case Number 20250296
Property Owner: SUGAR BEACH ESTATES LP
Property Address: 5280 Estero Blvd
Status: Unsafe Structure
Officer: T Hoffman
 - C. FMB Case Number 20250404
Property Owner: SUGAR BEACH ESTATES LP
Property Address: 5268 Estero Blvd
Status: Unsafe Structure
Officer: T Hoffman
 - D. FMB Case Number 20250297
Property Owner: SUGAR BEACH ESTATES LP
Property Address: 5300 Estero Blvd

Status: Unsafe Structure
Officer: T Hoffman

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

VIII. 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
6231 Estero Boulevard
Fort Myers Beach, FL 33931

Minutes

Wednesday, February 4, 2026

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Present: Town Clerk Administrative Coordinator Lizzette Roman, Town Attorney Nancy Stuparich, Assistant Town Attorney Chloe Berryman and Special Magistrate Monica Schmucker.

II. APPROVAL OF MINUTES

No minutes approved.

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

No liens.

IV. LIEN FORECLOSURE CASES

A. White Sand Properties of Fort Myers Beach, LLC

AUTHORIZATION TO FORECLOSE A LIEN (INSTRUMENT NO. 2019000067137) ENCUMBERING REAL PROPERTY LOCATED AT 80 AVENUE E, FORT MYERS BEACH, FLORIDA
FMB Case No.: CE14-0394

Property Owner: White Sand Properties of Fort Myers Beach, LLC
Property Address: 80 Avenue E., Fort Myers Beach, Florida 33931

Assistant Town Attorney Chloe Berryman introduced the case and noted that the lien amount totaled \$594,650 and requested authorization to foreclose.

She explained that the violation began in 2014 when the respondent's predecessor in title failed to bring the property to compliance and a daily fine of \$250 accrued and a lien for the fine was recorded against the subject property. In 2019, Mr. Orlandini, became the new property owner, as well as the respondent's predecessor in interest. Because the violation continued on the property, the Special Magistrate entered a code enforcement order certifying that \$257,150 had accrued and the fines continued to accrue daily \$250 for each day out of compliance. On March 27, 2019, a lien was recorded on the subject property as the Instrument No. ending in 7137.

Assistant Town Attorney Berryman noted that under Florida Statute Section 162.09(3), the Town Attorney may obtain the authorization to foreclose after three months from the filing of any lien that remains unpaid. An order imposing a lien was originally entered on March 30, 2016, during the ownership of one of the respondent's predecessors and interest and the order imposed a fine of \$250 per day beginning on March 25, 2016. The order was recorded April 12, 2016, as Instrument No. 2016000076125 and a subsequent order certifying the lien was entered on March 22, 2019, as the owner of the property had not complied with the previous order and no fines were paid. The order vacated the previous order imposing lien and certified that a \$257,150 fine had accrued and continued to accrue \$250 per day. The order was recorded March 27, 2019, as the Instrument No. ending in 7137. The property remained out of compliance and an affidavit of compliance was issued in this case finding that the property has coming into compliance on September 28, 2022 due to Hurricane Ian and the subject property being demolished. She read the affidavit of compliance that was attested by the code enforcement manager, Thomas Yazzo, at the time for the Town. The days from January 17, 2019 to September 28, 2022, amounted to 1,350 days at \$250 per day totaling \$337,500. The lien was recorded more than three months ago according to the clerk stamp on the face of the lien and it remains unpaid confirming that a total of \$594,650 is due under the lien. The affidavit signed and attested by Thomas Yazzio states that the state fines accrued between March 25, 2016 and September 20, 2022 for the violation in the amount \$250 per day for 2,278 days, equaling a total of \$594,500 plus \$150 in administrative feeds for a total amount of \$594,650 due under the lien. She continued to state that the code enforcement case will be closed upon full payment. The last couple of years, the respondent has attempted to contest the fact that the lien remains unpaid by claiming the existence of some sort of agreement with the Town. The Town's position is that no agreement exists. She reiterated that the reason for this hearing was to request authorization to foreclose the lien that's recorded as Instrument No. 201900067137 and code enforcement case 14-0394 since it has been more than three months since the lien date of March 27, 2019. The lien remained unpaid as evidenced by the affidavit of compliance and the affidavit of the code enforcement manager.

Respondent's counsel, Alex Brockmeyer, recapped on the events prior to the meeting. He explained that the Town initially sought foreclosure on Instrument No. 201600076125 as the first order imposing lien. At a prior hearing, February 12, 2024, the Town requested authorization to foreclose on the lien and the request was granted and issued an order authorizing foreclosure. Counsel continued by stating that, during the February 2024 hearing, the Town did not introduce any evidence related to the lien that is the subject of the current proceeding, Instrument No. 2019000067137. He emphasized that the record and order from February 2024 was about the 2016 instrument, which was vacated. He noted that the order stated there

had been no introduction of the 2019. Counsel argued that, in the present matter, the Town had already elected its remedy by seeking to foreclose on the 2016 lien, despite that lien later being vacated. He contended that under binding precedent, the Town is now bound by that election, even if the remedy chosen was ultimately invalid. He noted that the Town cannot now pursue foreclosure on the 2019 lien after having already obtained an order authorizing foreclosure on the earlier, vacated instrument. According to counsel, the decision to proceed on the 2016 lien constituted a final and irrevocable election of remedy. The Town's foreclosure request on the 2019 lien should therefore be denied. Counsel further emphasized that the foreclosure authorization order issued by the Special Magistrate in February 2024 is a final order, and the Town is now bound by it. He introduced a affidavit from Mr. Schmidt into evidence. He noted that the contents of the affidavit were consistent with Mr. Schimdt's testimony given at a prior hearing. He stated that the affidavit supported the respondent's position that the lien had been resolved through an agreement involving Mr. Orlandini, Mr. Schmidt and the then Town Manager, Roger Hernstadt. Mr. Brockmeyer stated that a partial release has been issued in code enforcement case 14-0394, which reflected payment made toward the outstanding liens.

Counsel argued that this payment must be accounted for in any foreclosure calculation. He stated that if the lien total were reduced by the \$50,000 already paid and released, the adjusted lien balance would be \$544,650. He further referenced a letter from Carl Bengay, which was included in both the respondent's affidavit and the Town's exhibits. The letter, dated November 18, 2020, stated that there were no active code enforcement cases against White Sand Properties in relation to the property at 80 Avenue E. Counsel argued that this letter was significant because, regardless of whether the Special Magistrate agreed with the respondent's claim of a settlement agreement, the letter showed that the property was in compliance as of that date. He suggested that this effectively stopped the accrual of daily fines as of November 18, 2020. He then offered a calculation based on the Town's accrual rate of \$250 per day, running from March 25, 2016, through November 18, 2020, which he calculated to be 1,699 days. At the stated daily rate, this would amount to \$424,750 in fines. Counsel concluded by stating that, once the \$50,000 partial payment was applied, the total adjusted lien would amount to \$374,750.

Assistant Town Attorney Berryman responded to the respondent's legal argument, stating that the respondent's argument fails for several reasons, the simple being that the prior foreclosure order concerned a completely different instrument than the one being currently presented. She noted that the case previously cited, North Bay, deals with a different factual scenario. It doesn't deal with lien foreclosure or quasi-judicial code enforcement proceedings. The Town is requesting authorization to foreclose this particular instrument and the lien presented today was not at the 2024 hearing. She stated that the lien the Town is seeking to foreclose reflects a distinct legal

basis in foreclosure separate from the vacated 2016 lien and is not barred from prior authorization. It was not in the notice for the 2024 hearing and it wasn't included or introduced to that hearing. She explains that under Florida law, res judicata, does not prevent a new foreclosure action when they arise from different operative facts. Florida supreme court held that the doctrine of res judicata does not necessarily bar successive foreclosure suits. The cases she mentioned were Bartam v. U.S. Bank, a Florida Supreme Court case for the proposition that if subsequent foreclosure actions were barred, the mortgager would have no incentive to make future timely payments and clearly justice would not be served. She presented cases Espar Venture LLC v. Garcia, Hayes v. Reverse Mortgage Solutions, Inc. and Thompson v. Department of Environmental Regulation for the proposition that principles of res judicata do not always neatly fit within the scope of administrative proceedings and that res judicata is applied with great caution in administrative cases. She argues that the current foreclosure is based on a new operative lien from 2019, not from 2016 and applying res judicata to block the case would wrongly prioritize a clerical error over the real purpose of Chapter 162. The 2019 lien represented a new cause of action because it's based on a subsequent order certifying accrued fines and replacing the earlier lien. The Town asks that the foreclosure request is not barred and for the Special Magistrate to hear the Town's request to foreclose this instrument on its merits.

Assistant Town Attorney Berryman addressed the claims by the respondent regarding a December 9, 2029, Town Council Meeting, where he went to Town Council to request to pay to settle a number of liens on the property. However, the official Town Meeting minutes contradict that version and show that Jesse Schidmt was buying a house with lien issues and pledged to pay \$50,000 toward the liens. In the meeting, Joe Orlandini, seller, mentioned the property and the broader umbrella lien situation. The Town Manager said the agreement could be crafted specifically for that property, and the council agreed to proceed with that limited action- not a broad lien settlement. She reads that on paragraph five of the respondent's affidavit, White Sand and Mr. Orlandini approached the Town of Fort Myers Beach to resolve code enforcement cases CE-0167, CE-0394, and CE-17-0065, which involved multiple properties tied to violations at 80 Avenue E. The affidavit claims they offered \$65,000 in exchange for releasing the liens on those properties, and that the town authorized its manager to settle the liens. She clarified that the property that Mr. Schmidt sought to release from under the umbrella of liens and the subject property were both owned by Orlandini at the times of the liens. Mr. Orlandini sought to release a separate piece of property to sell. Pursuant to the agreement, Mr. Schmidt delivered a \$50,000 check to the Town to release 1560 I St. from the liens recorded against 80 Avenue E. Mr. Orlandini was trying to sell a separate piece of property. The check was for an amount of \$50,000, the memo stated for a partial release for 1560 I St. and the amount they committed towards the liens on 80 Avenue E not in

satisfaction of those liens. In accordance to the decision by Town Council on December 19, 2019 was to release only the 1560 I St. property and that all other properties attached to Instrument No. 2019000067137 remain. On February 3, 2020, Joe Orlandini asked to mitigate liens on 80 Avenue E and other properties. Town Council approved a motion to waive the rules regarding lean mitigation and allow the Town Manager to work out these issues with Mr. Orlandini. This shows that as of February 3, 2020 there was no agreement in place to settle the liens. She read the emails of communication with the Town Manager and Mr. Schmidt that explains that there were two code cases that are not in compliance and as of April 1, 2020, the liens were still on the property, fines were still accruing and Mr. Schmidt was aware of that. She summarized paragraphs 16 through 18 of the respondent's Affidavit, which states that on March 31, 2020, Beachfront Escapes LLC issued a check to the Town in the amount of \$111,628.04. The affidavit claims this payment covered both the remaining \$15,000 owed by Orlandini under a purported agreement and fines related to another matter.

The subject property for the release was for 1710 to 1740 Estero Boulevard and the mutual release of claims does not have anything to do with 80 Avenue E. Exhibit 33A from November 2020 was discussed, explaining that a realtor, Ms. Kiker, emailed Town staff for a meeting regarding Jesse Schmidt's permits and fines at 80 Avenue. This still showed discussions regarding the property were still ongoing at the time. She presented Daphne Bercher's response to Ms. Kiker's email that stated in accordance to the compliant agreement sent to Mr. Schmidt on May 1, 2020, a one-time fine of \$61,628.04 was due immediately in order to release the lien. Ms. Kiker had acknowledged the email and that she was going to work with Mr. Schmidt to get everything back on track. The email communication as of November 2020 shows Mr. Schmidt knowledge that permits were needed to bring the property into compliance before the lien could be removed. A zoning verification letter was obtained that would determine what could be built back and if he chose to correct the violations by demolishing the property. A lien search request form was requested on behalf of White Sands Properties of Fort Myers Beach.

Assistant Town Attorney Berryman presented Exhibit 39A, a copy of the email of a lien list and their status as of December 9, 2021 that was requested by a council member. Exhibit 39B is a copy of the attachment to the email that showed the amount due including the accruing \$250 per day. Exhibit 40 was the set of minutes from the January 13, 2021 Management and Planning meeting where Town Manager Hernstadt reported the cases and the lien violations were discussed. Exhibit 41A was the set of minutes from January 24, 2022, where the former Town Attorney provided a list of 14 code enforcement liens and the options to foreclose or injunction. Exhibit 41B was the list presented to Town Council during that meeting. Exhibit 43A are the minutes from April 22, 2022 where Town Council unanimously approved a motion to authorize the town attorney to enforce the code enforcement violations and liens through court actions including foreclosure. Exhibit 43B

was the agenda item summary and the 43C was the memo that was referred to in the minutes. The email exchange that is Exhibit 44A was read and that as of May 16, 2022, the Town's position was that there still was no agreement. Exhibit 52 was a couple of affidavits that offered to show that no agreement exists. Exhibit 53 is an affidavit that is being offered to show that the email and attachments presented are public records of the Town. Exhibit 56 is the Town of Fort Myers Beach driveway application. Assistant Town Attorney Berryman reiterated that the hearing today was to request authorization to foreclose the lien recorded in the code enforcement case number 14-0394 and the statutory prerequisites have been met on the code enforcement lien recorded as Instrument No. ending in 7137.

Special Magistrate Schmucker stated that her job today was to review what the elements are and if they have been met. She noted this was not a homesteaded property. The notice, service, violations on the property, fines were assessed and a lien was recorded have all been met. She questioned about the partial release for the \$50,000 that was on the 1560 I St. property, but the lien ending in 1737 encumbers all the properties of that owner. She asked that if any part of the \$50,000 could be applied to the lien.

Assistant Town Attorney Berryman stated that the lien ending in 7137 had five properties at the time and did not include Mr. Orlandini's businesses.

Respondent's counsel, Alex Brockmeyer, stated that 1560 I St. did not have any code enforcement liens and it was only encumbered by the virtue of the liens on 80 Avenue E.

Assistant Town Attorney Berryman stated that there were three releases recorded and two releases were from the same code enforcement cases and were filed.

Special Magistrate Schmucker expressed her disagreement with the respondent's argument that res judicata would apply because the Town sought to foreclose on a completely different instrument and therefore it does not bar the Town from seeking foreclosure.

Assistant Town Attorney Berryman stated her agreement with Mr. Schmidt paying the \$50,000 toward the liens on the property and in the foreclosure suit that the \$50,000 be credited to the total lien amount owed.

Special Magistrate Schmucker made clear that the lien amount on Instrument No. 7137 was \$257,150 plus \$250 per day thereafter until September 28, 2022 and the vacated lien was Instrument No. 6125.

Recessed at 11:15 a.m. - Resumed at 11:25 a.m.

Assistant Town Attorney Berryman stated that she did not know what the respondent's exhibits of partial releases were from but she was certain they had nothing to do with the Town Council meeting that occurred in December 2019.

Respondent's counsel, Alex Brockmeyer stated that there was \$15,000 that was part of the payment of all the liens that would release the properties from being encumbered from the liens on 80 Avenue E and it did not include the code enforcement liens that may have existed on those properties. The \$15,000 would apply to the same properties as the payment of \$50,000.

Assistant Town Attorney Berryman noted that the release agreement provided concerning the Mojo's property, was in agreement between the Town and a business entity.

Special Magistrate Schmucker stated that she will review all the information and she would accept any proposed order by either party no later than a week from today.

V. ADJOURNMENT

Special Magistrate Schmucker adjourned the meeting at 11:38 AM.

Property Address and Owner:

Hearing Date: April 16, 2026

Robert Marmarosa
Citation — LDC 19-06 Performing without permit.

Subject:

Code Section:

Reference Number:

Strap Number:

Officer:

Narrative:

On February 15, 2026 at approximately 1445 hours, Officer Tucci observed Marmarosa operating as a street performer without a license. Officer Tucci asked Marmarosa how much it was to get a photo. He stated \$20 for adult and \$10 for a child. Officer Tucci then identified herself and issued a verbal warning was issued.

Ranger Roxanne Tucci was working a shift with the Town of Fort Myers Beach on 2/25/2026 at 1430 hours. She observed a male individual acting in the capacity of a Street Performer for a second time without a license and using animals. A civil citation was issued to Robert Frank Marmarosa JR for violation of Ordinance LDC 19-06. Performing without a permit. Citation #1000 was issued with civil penalty of \$250.00 to be paid within 30 days.

The Town of Fort Myers beach is requesting that the citation and fine be upheld at \$250.00 payable within 30 days from the date of this hearing.

Attachments:

1. 02-26-26_Exhibit A_INCIDENT REPORT FORM
2. 02-26-26_Exhibit B_Signed Citation
3. 02-26-26_Exhibit C_Code Section

Town Recommendations:

Town Approvals:

Michael Hauserman, Code Compliance Manager

Date: April 08, 2026

Thomas Yozzo, Emergency Services Director

Date: April 08, 2026



Traci Kohler, Deputy Town Manager

Date: April 08, 2026

Date: April 09, 2026

nancy stuparich, Town Attorney

Date: April 10, 2026

Lizzette Roman, Town Clerk Administrative Coordinator

Date: April 10, 2026

Amy Baker, Town Clerk

SPECIAL MAGISTRATE HEARING

EXHIBIT A

- Incident Report Form



INCIDENT REPORT FORM

Use this form to report accidents, injuries, medical situations, criminal activities, traffic incidents, or other incidents. A report should be completed within 24 hours of the occurrence. This report is the property of the Town of Fort Myers Beach.

Date/Time of Report: 2/25/20 - 15:14 hrs. Date/Time of Incident: 2/25/20 - 14:30 hrs.

Location of Incident: Near 80 Old San Carlos/Time Square

Incident Type: Street Performer w/o Permit

PERSON INVOLVED #1 (Complainant)

Full Name: Town of Fort Myers Beach Address: 6231 Estero Blvd

Identification: Driver's License No. Passport No. Other:

Phone: (239) 463 5888 E-Mail:

PERSON INVOLVED #2 (Victim)

Full Name: Address:

Identification: Driver's License No. Passport No. Other:

Phone: () - E-Mail:

PERSON INVOLVED #3 (Responsible party)

Full Name: Robert Frank Marmarosa JR Address: 3165 Andorra CT, Naples, FL 34109

Identification: Driver's License No. Passport No. Other:

Phone: () - E-Mail:



INJURIES

Was anyone injured? Yes No

Person's Name/Contact Info: _____

If yes, describe the injuries: _____

Person's Name/Contact Info: _____

If yes, describe the injuries: _____

WITNESSES

Were there witnesses to the incident? Yes No (Email and Phone #)

Name and contact info: Roxanne Tucci-FMB Ranger

Name and contact info: _____

FMB EMPLOYEES AT INCIDENT SCENE

Name: Roxanne Tucci Title: Ranger

Name: _____ Title: _____

Name: _____ Title: _____

POLICE / MEDICAL SERVICES

Police Notified? Yes No If yes, was a report filed? Yes No

Responding Agency: LCSO Unit/Name Deputy Knapp (3rd Precint) Report #: _____




Was medical treatment provided? Yes No Refused

Responding Agency: _____ Unit/Name: _____

If yes, where was medical treatment provided? On site Hospital Other: _____

If transported, to which facility? _____

PERSON FILING REPORT

Signature:  Date: 02/25/2026
Print Name: Roxanne Tucci Title: Ranger

DETAILS (Who-What-When-Where & Why)

On February 25, 2026 at approximately 1430 hours, I was working a 10am to 8pm shift as a Beach Ranger within my jurisdiction when I observed a male individual placing one of his two parrots, which he describes as his support animals, onto a child's arm to which pictures were taken. I observed the adult female accompanied with the child, hand over paper money to this male subject, who was later identified as ROBERT FRANK MARMAROSA JR. from 3165 Andorra CT, Naples, FL 34109. MARMAROSA does not have a permit from the Town of Fort Myers Beach to perform or conduct business within Time Square or any property owned by the town. MARMAROSA was verbally warned on least two occasions by myself not to perform or conduct business within the town without a permit. I also explained how and where he can obtain a permit.

Lee County Sheriff's Office was contacted in order to have MARMAROSA provide identification for a Violation of Ordinance LDC 19-06 Performing without a permit. Citation #1000 was issued with a civil penalty of \$250 imposed to be paid within 30 days. LCSO Deputy Knapp from 3rd Precinct was the Deputy who requested his identification.

Of note, on February 15, 2026 at approximately 1445 hours, I was in civilian clothes when I observed MARMAROSA placing his Parrots onto individuals and having pictures taken. I approached MARMAROSA and asked how much were pictures with the parrots. He responded "Ten dollars for a child and \$20 for an adult". I then identified myself to him as a Beach Ranger for TFMB and informed him he needs to have a permit.



OFFICE USE ONLY

Report received by: _____ Date/Time: _____ / _____

Follow-up action taken: _____

Action Taken:

SPECIAL MAGISTRATE HEARING

EXHIBIT B

- Signed Citation

[] WARNING

1000

~~X~~ CITATION



In the name of the Town of Fort Myers Beach, Florida; the undersigned certifies that (s)he has reasonable cause to believe that:

On the 25 day of February 2026 at 1430 time () AM ~~X~~ PM

At Near 80 old San Carlos TIME SQUARE area

First-Last Name / Company Name Robert F. Marmarosa JR.
3165 Andorra Ct, Naples, FL

Street City State Zip 34109

DL # FL M656-766-58-452-0

Violated the Following Town of Fort Myers Beach Ordinance:

- () LDC 10-198 Registration of Short Term Rental/Registration Number Not on All Forms of Advertising
- () LDC Ch. 14, Art II, Noise Ordinance
- () LDC 14-6, Beach Raking
- () LDC 14-5, Beach Furniture
- () LDC 27-50, Parasailing Activities
- () LDC 27-48, Personal Watercraft
- () LDC Ch. 10, Art IV, Illicit Discharge
- () LDC 34-621, Allowable Uses
- () Ord. 10-3, Sec. 35, Dog off Leash
- () LDC 14-14, Fires on Beach
- () LDC 18-25, Picnicking and Camping
- () LDC 14-7, Vehicular Traffic on the Beach
- () LDC 4-66, Open Container
- () LDC 16-23, Soliciting or Procuring

~~X~~ Hearing scheduled 4/14/2026 9 am

~~X~~ Other LDC 19-06 Performing w/o Permit

Facts constituting reasonable cause:

Charging money to Public for pictures with his two parrots. Seen on numerous occasions, warned at least two times to leave and apply for permit.

A civil penalty of \$ 250 is imposed for this violation, which must be paid within 30 days of the date of this citation. You may pay this citation in person or mail a check to Town Hall, 6231 Estero Blvd., Fort Myers Beach, FL 33931. To contest this citation, you must give notice to FMB Compliance Department at 239-463-5888 within 10 days to schedule appearance before the Special Magistrate. If you fail to pay the civil penalty or fail to appear at the hearing, you shall be deemed to have waived your right to contest the citation, and a judgement may be entered against you for the maximum fine allowable by law.

Pursuant to Chap. 162.21 (6), Florida Statutes, any person who willfully refused to sign and accept a citation issued by a Code Enforcement Officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Your signature is not an admission of guilt.

[Signature]
Recipient Signature

Robert Marmarosa
Printed

Ranger
Officer Signature & Position

Roxanne Tucci
Printed

If you choose to have a hearing, an administrative fee not to exceed \$275 per the fee schedule of the Town of Fort Myers Beach, plus a fine of up to \$250 for the first violation, or up to \$500 for a repeat violation may be imposed.

SPECIAL MAGISTRATE HEARING

EXHIBIT C

- Ordinance Number 19-06
- FMB Code of Ordinances
 - Article VII. – STREET PERFORMERS Section 10-191. – Prohibition.
 - Section 2-430. – Citation procedures; penalties.

ORDINANCE NO. 19-06

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 10 BUSINESSES, OF THE CODE OF ORDINANCES, TOWN OF FORT MYERS BEACH, FLORIDA "STREET PERFORMERS", PROVIDING FOR REVISIONS TO THE APPLICATION REQUIREMENTS, PERMIT CONDITIONS, AND OTHER CLARIFICATIONS AS NECESSARY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that the existence in the Town of street performers provides a public amenity that enhances the character of the Town; and

WHEREAS, the Town seeks to encourage such performances to the extent that they do not interfere with the reasonable expectation of residents and businesses to the enjoyment of peace and quiet in their homes or to the ability of businesses to operate; and

WHEREAS, the Town Council recognizes that street performers seek to and do draw crowds to their performances which may create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks or may impede the response time of safety personnel; and

WHEREAS, the Town is cognizant that street performers may be engaged in activities protected by the First Amendment, and, as such, the Town is limited to imposing reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public; and

WHEREAS, the Town, in permitting street performances, seeks to balance the interests of the performers, the residents and businesses in the Town; and

WHEREAS, the Town had previously adopted Ordinance 12-09 regulating street performers (as amended by Ordinance 15-09), and now seeks to further amend its regulations to provide for additional detail and clarity to those regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:¹

Section 1. The above recitals are true and correct and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Chapter 10, Article VII, Street Performers, of the Code of Ordinances of Fort Myers Beach, Florida, is hereby amended as follows:

^{1/} Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

ARTICLE VII – STREET PERFORMERS

Sec. 10-190. Definitions. The following words, when used in this Article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Perform means ~~and includes, but is not limited to, the following activities; acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, comedy, aerobatics, character impressions, creating visual art, and other similar types of public performance done for the purpose of public entertainment or amusement~~ acting, art, dancing, juggling or magic. Any other activity must be specifically stated on the permit application and approved by the Town.

Performer means an individual who performs in a public area, for the purpose of providing public entertainment, and to whom a permit has been issued for that purpose by the Town.

Public area means and includes any public sidewalk, alley, street, public park, public right of way or easement located in the Town.

Performance site area means that performers are only allowed within designated sites on a first come, first served basis.

Sec. 10-191. Prohibition.

No person may perform in any public area in the Town without a permit issued pursuant to Section 10-192 of this Article.

Sec. 10-192. Performer's Permit Application; Permit Conditions.

- (a) The Town ~~may will~~ issue a ~~limited number of up to (12) annual~~ annually eight (8) street performer permits for the town owned Times Square area on a first come, first serve basis to persons who make proper application, meet the requirements of this Article, and pay the permit fee established under the Town Fee Schedule. ~~The number of permits will be determined during the annual budget process and may be adjusted as deemed necessary.~~ Those applicants not receiving a permit due to the limit being reached will be placed on a waiting list.
- (b) Performers may submit an application to Town Council for a use permit for other public areas.
- (c) The information required on a permit application include the performer's contact information and a description of the type of performance activities the performer intends to conduct. All performances are subject to performance review and Town approval. Each applicant will also be subject to a countrywide criminal records check.

- (d) The Town reserves the right to deny a permit for any reason, including, but not limited to if the applicant has been convicted of any act that would represent a threat to public safety or security for the viewing audience. An automatic denial shall be issued in the event of open or unpaid code enforcement cases, Town parking permit violations, or other outstanding unresolved permit issues. Permit denials may be appealed to the Town Council. An application will be automatically denied if a criminal records check produces any one or more of the following offenses.
- (1) Felony convictions
 - (2) Conviction of a sexual related offense
 - (3) Alcohol or drug convictions in the past 5 years
 - (4) More than 5 misdemeanors in the past 5 years
- (e) All street performers permits will be issued based on the Town's fiscal year and will expire at midnight on September 30 of each year. Permit applications will be accepted September 1. Permit applications received after September 30th shall be charged two times the rate in the Town Fee Schedule.
- (f) Permits may be issued, upon Town manager approval, to any minor under the age of sixteen (16), provided the application for the permit is accompanied by a written consent signed by the parent, legal guardian, or custodian of any minor. Minors will not be permitted to perform during the hours school is in session. The parent or legal guardian of a minor must also complete and pay for a criminal records check. If more than one parent or guardian will accompany the minor, each must complete a criminal records check. Criminal records checks after the first will be charged at the actual cost of the criminal records check.
- (g) Street Performer permits are non-transferable.
- ~~(h) Groups will perform under one permit, however all members must complete an application and criminal records check. Criminal records checks after the first will be charged at the actual cost of the criminal records check~~ Each member of a group will require one permit.
- (i) As a condition to issuance of the street performer permit, the applicant must agree to indemnify, defend, and hold harmless the Town and its officers, employees and agents from any suit, actions or claims arising out of or in any way connected to the activities permitted pursuant to this Article, except for any claims or liability arising solely from the negligence or misconduct of the Town, its officers, employees or agents.

- (j) Performers must obtain insurance. Certificates of insurance shall list the Town as the certificate holder and as an additional insured. Insurance shall be maintained during the entire term of the contract/permit, shall be of the following for and limits:
- (1) Workers Compensation Coverage for all employees to performers that comply with Statutory Limits in compliance with the applicable statutory limits of State Florida and Federal laws;
 - (2) Commercial General Liability Insurance with minimum limits of \$1,000,000 each per occurrence combined property and bodily injury single limit or \$1,000,000 each occurrence/\$2,000,000 general aggregate; (3) and Crime Coverage with a minimum limits of \$200,000.
 - (3) The establishment of minimum limits of insurance by Town does not reduce or limit the liability or responsibilities of Performer Service Provider.

Sec. 10-193. Display of Permit.

Permits must be ~~displayed and must visibly display their permit~~ visibly displayed at all times while performing on Town property. Permits will contain the name, photograph and permit number of the applicant and the year for which the permit is valid.

Sec. 10-194. Permitted Performances; Restrictions.

- (a) Street performances are limited to ~~these~~ performance site areas as depicted on the Street Performer Performance Map, hereafter known as Exhibit A. Performances will only be allowed on a daily, first come, first served basis. No permit holder will make efforts to reserve a location, and each permit holder will abandon a location at the end of his or her working day, including the removal of all personal property. There will be no permanent physical alteration of the public space.
- (b) Two or more street performers may combine their performances into one integrated performance. A map of the allowable performance areas will be provided upon issuance of a permit.
- (c) Street performers will abide by all requirements of the Town's noise ordinance
- (d) Street performers will not create any undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a Lee County Sheriff's Deputy or a Town employee may disperse the crowd that is creating the obstruction. The Deputy or Town employee may also ask the performer to temporarily suspend a performance or to move his or her location when such action is

necessary to protect the public safety, or public order, or restore unobstructed passage of the public through a public area.

- (e) Performances including a fire must be ~~reviewed~~ authorized by the Fort Myers Beach Fire Department prior to permit issuance.
- (f) ~~Performers will not engage in the~~ The application of permanent, semi-permanent (henna) tattoos or body piercing ~~is prohibited not a performance that is allowed.~~
- (g) Animals may not be registered as performers and may not be part of any performance.
- (h) Performances involving dangerous weapons are not permitted.
- (i) Performances will not include any obscene material.
- (j) Performers will not harass or coerce any member of the public.
- (k) Performers will not block access to the entrance of any building, bicycle rack, or trash receptacle.
- (l) Performers will not connect to any electrical outlets or power sources owned by the Town or any private business, or utilize any electric extension cords.
- (m) Performers will not perform in a ~~street unless such street has been closed to vehicular traffic~~ public area or undesignated area not shown as a performance site on the map attached to their permit.
- (n) Permitted Special Events, including the Sunset Celebration, take precedence over street performances. Street Performers will not perform within fifty feet (50') of any area that has been permitted for a Special Event pursuant to Chapter 22, Town of Fort Myers Beach Code of Ordinances; unless such street performance will not interfere with the permitted special event. No performances are authorized on July 4th or December 31st after 7 pm.
- (o) Performances, including preparation, may take place in any designated performance site area, as depicted in Exhibit A, but only between the hours of 10:00 A.M. and 9:00 p.m. ~~on Sundays through Thursdays, and between the hours of 10:00 a.m. and 11:00 P.M. on Fridays and Saturdays.~~
- (p) No street performer ~~may~~ shall sell goods or services.

- (q) Performers who are minors must have a parent or legal guardian with them at all times while performing any street performance permitted under this Article.

Sec. 10-195. Acceptance of Contributions.

- (a) A performer may accept voluntary contributions of money or property at a performance.
- (b) Contributions may be received in any receptacle of reasonable size. The use of such open receptacle evidencing intent to receive money is prohibited unless a street performance is in preparation, underway, or the performance has recently concluded.
- (c) The receptacle may have a sign which invites contributions, provided such sign is no larger than 12 inches by 18 inches and does not suggest a contribution amount.

Sec. 10-196. Permit Suspension and Revocation; Appeal.

- (a) The Town Manager may suspend or revoke a permit for one or both of the following reasons:
 - (1) A performer who is found to have obtained a permit through fraud or through material misrepresentation on the permit application.
 - (2) A performer who violates any of the provisions of this Article.
- (b) Any revocation of a permit under this section will be for the duration of the current permitting period and for the next subsequent permitting period.
- (c) The decision of the Town Manager to suspend or revoke a permit may be appealed to the Town Council. The appeal must be filed within five (5) business days of permit revocation. Such appeal must be requested in writing and will be heard by the Town Council at the next available Town Council meeting. The performer may not perform during the appeal process.
- (d) Revocation or suspension of a permit will result in the performer's permit becoming available to the Street Performer's permit waiting list, following the expiration of the appeal request time period or the denial of the appeal.

Sec. 10-197. Violation—Penalty.

Engaging in a street performance without a permit will result in the violator being subject to such penalties and remedies as provided by Code, including but not limited to, being issued a Trespass Warrant from Town property.

Section 3. The Town Council intends that this Ordinance be made part of the Code of Ordinances, Town of Fort Myers Beach, Florida; and that sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the Town Manager without the need for a public hearing.

Section 4. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Section 5. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

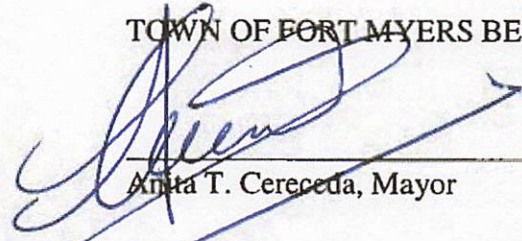
Section 7. This ordinance will take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Councilmember Joanne Shamp and seconded by Councilmember Rexann Hosafros and upon being put to a roll call vote, the result was as follows:

Anita Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros, Councilmember	aye
Bruce Butcher, Councilmember	aye


ADOPTED this 19th day of August, 2019 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



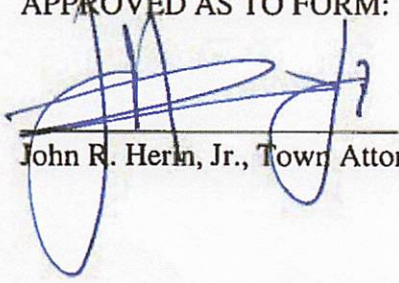
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM:



John R. Herrn, Jr., Town Attorney



Attachment: Exhibit A TS STREET PERFORMERS SPACES (2019-117 : Second Reading and Final Public



Town of Fort Myers Beach, Florida
 DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 786-0202

Time Square Road Map

Date:	Drawn By:	Sheet:	Scale:
6/11/2015	PW GIS	1	1" = 75'



-  Roads
-  Time Square Right-of-Way





Exhibit 4 - Proposed Business Operation Permits at Time Covered

ARTICLE VII. - STREET PERFORMERS

Sec. 10-190. - Definitions.

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

Perform means acting, art, dancing, juggling or magic. Any other activity must be specifically stated on the permit application and approved by the town.

Performance site area means that performers are only allowed within designated sites on a first come, first served basis.

Performer means an individual who performs in a public area, for the purpose of providing public entertainment, and to whom a permit has been issued for that purpose by the town.

Public area means and includes any public sidewalk, alley, street, public park, public right-of-way or easement located in the town.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015; Ord. No. 19-06, § 2, 8-19-2019)

Sec. 10-191. - Prohibition.

No person may perform in any public area in the town without a permit issued pursuant to section 10-192 of this article.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015)

Sec. 10-192. - Performer's permit application; permit conditions.

- (a) The town may issue up to 12 annual street performer permits for the town owned Times Square area on a first come, first serve basis to persons who make proper application, meet the requirements of this article, and pay the permit fee established under the town fee schedule. Those applicants not receiving a permit due to the limit being reached will be placed on a waiting list.
- (b) Performers may submit an application to town council for a use permit for other public areas.
- (c) The information required on a permit application include the performer's contact information and a description of the type of performance activities the performer intends to conduct. All performances are subject to performance review and town approval. Each applicant will also be subject to a countrywide criminal records check.
- (d)

The town reserves the right to deny a permit for any reason, including, but not limited to if the applicant has been convicted of any act that would represent a threat to public safety or security for the viewing audience. An automatic denial shall be issued in the event of open or unpaid code enforcement cases, town parking permit violations, or other outstanding unresolved permit issues. Permit denials may be appealed to the town council. An application will be automatically denied if a criminal records check produces any one or more of the following offenses.

- (1) Felony convictions.
 - (2) Conviction of a sexual related offense.
 - (3) Alcohol or drug convictions in the past five years.
 - (4) More than five misdemeanors in the past five years.
- (e) All street performers permits will be issued based on the town's fiscal year and will expire at midnight on September 30th of each year. Permit applications will be accepted September 1. Permit applications received after September 30th shall be charged two times the rate in the town fee schedule.
- (f) Permits may be issued, upon town manager approval, to any minor under the age of 16, provided the application for the permit is accompanied by a written consent signed by the parent, legal guardian, or custodian of any minor. Minors will not be permitted to perform during the hours school is in session. The parent or legal guardian of a minor must also complete and pay for a criminal records check. If more than one parent or guardian will accompany the minor, each must complete a criminal records check. Criminal records checks after the first will be charged at the actual cost of the criminal records check.
- (g) Street performer permits are non-transferable.
- (h) Each member of a group will require one permit.
- (i) As a condition to issuance of the street performer permit, the applicant must agree to indemnify, defend, and hold harmless the town and its officers, employees and agents from any suit, actions or claims arising out of or in any way connected to the activities permitted pursuant to this article, except for any claims or liability arising solely from the negligence or misconduct of the town, its officers, employees or agents.
- (j) Performers must obtain insurance. Certificates of insurance shall list the town as the certificate holder and as an additional insured. Insurance shall be maintained during the entire term of the contract/permit, shall be of the following for and limits:
- (1) Workers compensation coverage for all employees to performers that comply with statutory limits in compliance with the applicable statutory limits of State Florida and federal laws;
 - (2) Commercial general liability insurance with minimum limits of \$1,000,000.00 each per occurrence combined property and bodily injury single limit or \$1,000,000.00 each occurrence/\$2,000,000.00 general aggregate; and crime coverage with a minimum limits of

\$200,000.00;

- (3) The establishment of minimum limits of insurance by town does not reduce or limit the liability or responsibilities of performer service provider.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015; Ord. No. 19-06, § 2, 8-19-2019)

Sec. 10-193. - Display of permit.

Permits must be visibly displayed at all times while performing on town property. Permits will contain the name, photograph and permit number of the applicant and the year for which the permit is valid.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015; Ord. No. 19-06, § 2, 8-19-2019)

Sec. 10-194. - Permitted performances; restrictions.

- (a) Street performances are limited to performance site areas as depicted on the street performer performance map, hereafter known as Exhibit A [attached to ordinance and kept on file]. Performances will only be allowed on a daily, first come, first serve basis. No permit holder will make efforts to reserve a location, and each permit holder will abandon a location at the end of his or her working day, including the removal of all personal property. There will be no permanent physical alteration of the public space.
- (b) Two or more street performers may combine their performances into one integrated performance. A map of the allowable performance areas will be provided upon issuance of a permit.
- (c) Street performers will abide by all requirements of the town's noise ordinance.
- (d) Street performers will not create any undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a Lee County Sheriff's Deputy or a town employee may disperse the crowd that is creating the obstruction. The deputy or town employee may also ask the performer to temporarily suspend a performance or to move his or her location when such action is necessary to protect the public safety, or public order, or restore unobstructed passage of the public through a public area.
- (e) Performances including fire must be authorized by the Fort Myers Beach Fire Department prior to permit issuance.
- (f) The application of permanent, semi-permanent (henna) tattoos or body piercing is prohibited.
- (g) Animals may not be registered as performers and may not be part of any performance.
- (h) Performances involving dangerous weapons are not permitted.
- (i) Performances will not include any obscene material.
- (j) Performers will not harass or coerce any member of the public.

- (k) Performers will not block access to the entrance of any building, bicycle rack, or trash receptacle.
- (l) Performers will not connect to any electrical outlets or power sources owned by the town or any private business, or utilize any electric extension cords.
- (m) Performers will not perform in a public area or undesignated area not shown as a performance site on the map attached to their permit.
- (n) Permitted special events, including the Sunset Celebration, take precedence over street performances. Street performers will not perform within 50 feet of any area that has been permitted for a special event pursuant to chapter 22, Town of Fort Myers Beach Code of Ordinances; unless such street performance will not interfere with the permitted special event. No performances are authorized on July 4th or December 31st after 7:00 p.m.
- (o) Performances, including preparation, may take place in any designated performance site area, as depicted in Exhibit A, but only between the hours of 10:00 a.m. and 11:00 p.m.
- (p) No street performer shall sell goods or services.
- (q) Performers who are minors must have a parent or legal guardian with them at all times while performing any street performance permitted under this article.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015; Ord. No. 19-06, § 2, 8-19-2019)



Town of Fort Myers Beach, Florida
 DEPARTMENT OF PUBLIC WORKS
 2523 ESTERO BOULEVARD, FORT MYERS BEACH, FLORIDA 33931
 (239) 785-0202

Exhibit A - Street Performer Location Map

Date:	Drawn By:	Sheet:	Scale:
9/29/2015	PWGIS	1	1" = 100'

- Bayside Park Area
- Old San Carlos ROW Area
- Time Square ROW Area



S:\GIS-SRV\GIS_Data\MapDocs\MapDocs\Report\MB-Cover\Dev\StreetPerformerLocationMap_201505.mxd

- (a) A performer may accept voluntary contributions of money or property at a performance.
- (b) Contributions may be received in any receptacle of reasonable size. The use of such open receptacle evidencing intent to receive money is prohibited unless a street performance is in preparation, underway, or the performance has recently concluded.
- (c) The receptacle may have a sign which invites contributions, provided such sign is no larger than 12 inches by 18 inches and does not suggest a contribution amount.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015)

Sec. 10-196. - Permit suspension and revocation; appeal.

- (a) The town manager may suspend or revoke a permit for one or both of the following reasons:
 - (1) A performer who is found to have obtained a permit through fraud or through material misrepresentation on the permit application.
 - (2) A performer who violates any of the provisions of this article.
- (b) Any revocation of a permit under this section will be for the duration of the current permitting period and for the next subsequent permitting period.
- (c) The decision of the town manager to suspend or revoke a permit may be appealed to the town council. The appeal must be filed within five business days of permit revocation. Such appeal must be requested in writing and will be heard by the town council at the next available town council meeting. The performer may not perform during the appeal process.
- (d) Revocation or suspension of a permit will result in the performer's permit becoming available to the street performer's permit waiting list, following the expiration of the appeal request time period or the denial of the appeal.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015)

Sec. 10-197. - Violation—Penalty.

Engaging in a street performance without a permit will result in the violator being subject to such penalties and remedies as provided by Code, including but not limited to, being issued a trespass warrant from town property.

(Ord. No. 12-09, § 2, 11-19-2012; Ord. No. 15-09, § 2, 9-21-2015)

Sec. 2-430. - Citation procedures; penalties.

- (a) *Citation training.* The director may designate certain employees or agents as code enforcement officers. The training and qualifications necessary to be a code enforcement officer will be determined by the director or his/her designee. Employees or agents who may be designated as code enforcement officers include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085 through 943.255.
- (b) *Citation issuance.*
- (1) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court or special magistrate, as applicable, will hear the charge.
 - (2) Prior to issuing a citation, a code enforcement officer must provide notice to the person that a violation of a town code or ordinance has been committed and provide a reasonable time within which the violator may correct the violations. Such time period can be no more than 30 days. If upon personal investigation the code enforcement officer finds that the person has not corrected the violation within the time period, a citation may be issued to the violator. If the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible, or if a repeat violation is found, the code enforcement officer is not required to provide a reasonable time in which to correct the violation and may immediately issue a citation to the person who committed the violation.
 - (3) A citation issued by a code enforcement officer must be in a form prescribed by the town and contain the following:
 - a. The date and time of issuance.
 - b. The name and address of the person to whom the citation is issued.
 - c. The date and time the civil infraction was committed.
 - d. The facts constituting reasonable cause.
 - e. The number or section of the code or ordinance violated.
 - f. The name and authority of the code enforcement officer.
 - g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
 - h. The applicable civil penalty if the person elects to contest the citation.
 - i. The applicable civil penalty if the person elects not to contest the citation.

- j. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he will be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (c) *Deposit of original citation.* After issuing a citation to an alleged violator, the code enforcement officer must deposit the original citation and one copy of the citation with the county court or special magistrate if the alleged violator should so choose.
- (d) *Enforcement by citation.* Any code or ordinance of the Town of Fort Myers Beach may be enforced using the citation procedure. When the citation procedure is used to enforce town codes and ordinances, the following will apply:
 - (1) A violation of the code or ordinance is deemed a civil infraction.
 - (2) A maximum civil penalty not to exceed \$500.00 may be imposed.
 - (3) A civil penalty of less than the maximum civil penalty may be imposed if the person who has committed the civil infraction does not contest the citation.
 - (4) A citation may be issued by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or ordinance.
 - (5) A citation may be contested in county court.
 - (6) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this division.
- (e) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer will be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.
- (f) The provisions of this section are an additional and supplemental means of enforcing town codes and ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Nothing in this section prohibits the town from enforcing its codes or ordinances by any other means.

HEARING EXHIBIT A

- Code Enforcement Order dated 3/24/2026

PARCEL #: 33-46-24-W1-00206.0330
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250298

SUGAR BEACH ESTATES LP,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on March 19, 2026, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent did not appear, but a witness, Goran Denadija, appeared and testified in support of Respondent. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5276 Estero Boulevard, Fort Myers Beach, Florida, 33931 (“Property”).
2. On or about January 27, 2026, a Code Enforcement Officer for the Town of Fort Myers Beach observed that the structure on the Property was unsecured, neglected, and in disrepair. The officer found that the structure is unsafe, causing a serious threat to public safety due to the current condition and continued declining conditions of the structure of the Property. The officer also found an accumulation of rubbish or garbage throughout the Property.

3. The Code Enforcement Officer found these conditions to be in violation of International Property Maintenance Code (IPMC) Sections 301.3 and 308.1, as adopted by Fort Myers Beach Land Development Code (FMBLDC) Section 6-1.
4. On January 28, 2026, Petitioner issued a Notice of Violation stating that the following immediate corrective action was required to bring the Property into compliance:
 - (1) Secure pilons and remaining parts of the structure on property as to not allow access to the property by the General Public.
 - (2) Remove or demo pilons and remaining parts of structure on property to correct the serious safety concern to the General Public.
 - (3) Remove all rubbish and garbage from the property and maintain property per Town Code Requirements.
 - (4) Contact FMB Permitting at 239-492-1415 (Shanette Thomas – Permitting Coordinator) to obtain any required permits.
 - (5) Provide any and all documentation required for the permit.
 - (6) Apply for said permits and follow process through to issuance.
5. The Officer found these violations to present a serious threat to the public health, safety, and welfare, and therefore brought the matter for hearing on March 19, 2026, without a specific compliance date.
6. At hearing, Petitioner testified and presented photo evidence showing that the structure on this Property is significantly deteriorated and in structural disrepair. It is also located directly on the beach and very accessible to the public, making it a serious threat to public safety.
7. Evidence also established that there was debris and garbage scattered throughout the Property.
8. Respondent has taken no steps to correct the violations. Respondent has not applied for any permitting to secure or remove the structure on the Property.
9. The structure on this Property constitutes a serious danger to the general public if it were to remain unsecured and accessible to the passing public.
10. Evidence established that the Town has incurred \$361.12 in administrative costs to bring this matter before the Special Magistrate.
11. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.

12. Respondent had sufficient Notice of the violation and of the need to correct these conditions before this hearing but failed to take any steps towards corrective action.

B. CONCLUSION OF LAW

1. Respondent is in violation of IPMC Section 301.3, adopted by FMBLDC Section 6-1, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
2. Respondent is in violation of IPMC Section 308.1, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. The conditions on this Property constitute a serious threat to the public safety.

C. ORDER

It is HEREBY ORDERED:

1. Respondent is hereby found to be in violation of the aforementioned Code Sections.
2. Respondent shall remove all debris and garbage from the Property.
3. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately.
4. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Respondent must submit the necessary paperwork to obtain the permits to come into compliance by **no later than April 2, 2026**.
6. Respondent must contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. **Respondent will not be deemed to be in compliance until it contacts the Town and such compliance is verified.**
7. **Respondent shall pay \$361.12 in administrative costs and fees to cover the Town's costs for bringing this matter before the Special Magistrate. Such payment shall be made to the Town of Fort Myers Beach within thirty (30) days of the execution of this Order.**

8. If Respondent has not come into compliance with this Order by submitting the paperwork necessary for the permitting required to secure or remove the structures on the Property by April 2, 2026, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. Said fine will be imposed even if compliance is achieved before the next hearing date. Respondent may also be assessed additional administrative costs and fees to cover the Town's costs for any additional enforcement proceedings.
9. If Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by the April 2, 2026, deadline, the Town is hereby authorized to **take such corrective action as it deems necessary to abate the unsafe conditions on this Property and protect the public**, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.
10. A Status of Compliance Hearing will be held to determine whether Respondent achieved compliance by the above-referenced deadline, and to determine the imposition of a fine. **Both parties shall appear at this hearing, which is currently scheduled for:**

**April 16, 2026, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

ORDERED the 24th day of March, 2026.



Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09(3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that a true and correct copy of the Order was sent by U.S. Mail on the 25th day of March 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Thomas Yozzo: tyozzo@fmbgov.com
Michael Hauserman: Michael.hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Mar 25, 2026, 10:31:19 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 25, 2026

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “**Town of Fort Myers Beach,**” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT B

- Post Hearing Affidavit of Non-compliance
 - Evidence Photographs
 - Building Permit Search Affidavit
 - Printout of Building Permit Search



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

SUGAR BEACH ESTATES LP
3410 S Service Rd #201
Burlington, ON L7N 3T2, Canada

Respondent.

Table with 2 columns: Mail Type, Status. Certified Mail: N/A, Regular Mail: N/A, Case #: 20250298

Site Address: 5276 Estero Blvd, Fort Myers Beach, FL, 33931
Parcel Strap No. 33-46-24-W1-00206.0330

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared T. Hoffman who is the Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case #20250298.

- 1. That on March 24th, 2026, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before April 2nd, 2026.
3. That an inspection was performed of the records and property on April 2nd, 2026. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

- I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
- The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

X _____
Signature of Affiant

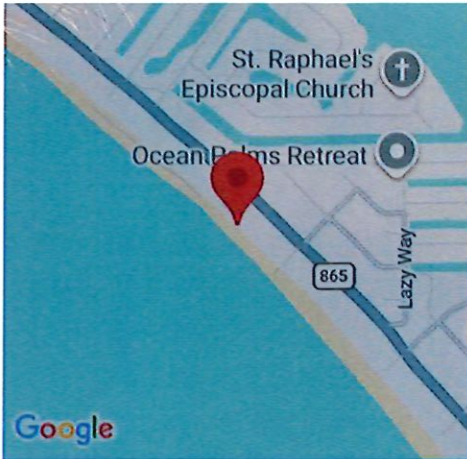
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either personal presence or online notarization this 2 day of April, 2026, by T. Hoffman. He is personally known to me or has produced _____ as identification.

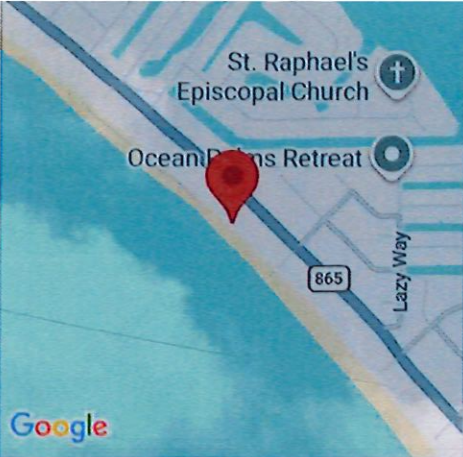


Tracie Raski
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

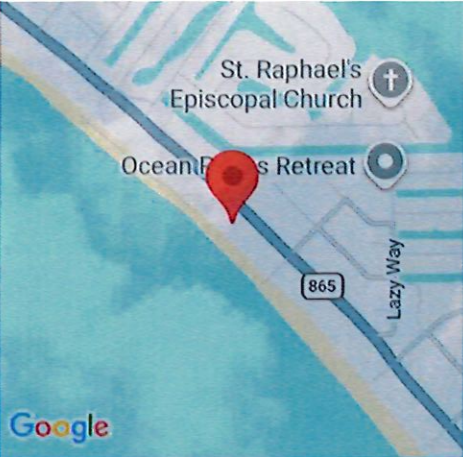
Apr 2, 2026 11:04:43 AM
Fort Myers Beach



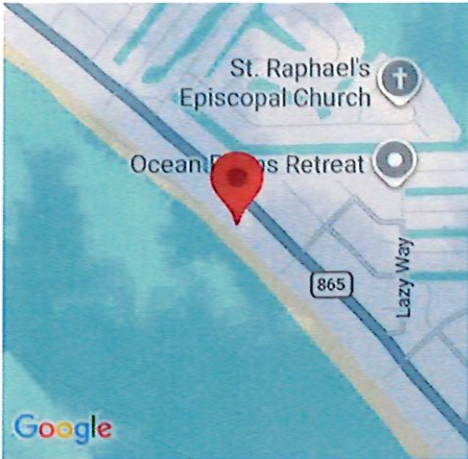
Apr 2, 2026 11:03:21 AM
Fort Myers Beach



Apr 2, 2026 11:03:55 AM
Fort Myers Beach



Apr 2, 2026 11:03:39 AM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20250298

vs.

SUGAR BEACH ESTATES LP

Respondent.

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Tracie Raski** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Tracie Raski** . 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.
2. I am employed by the Town of Fort Myers Beach (“Town”) Building Department as **Magistrate Coordinator**. In that capacity, I have access to and am familiar with the Town’s records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town’s regularly conducted activity as a local government in the State of Florida.
4. On **April 8, 2026**, I personally conducted a search of the Building Department’s permit records for:

[Last Rev. 10/23/25 CB]

- a. Property address: **5276 Estero Blvd, Fort Myers Beach, FL 33931**
- b. Relevant date range: **January 1, 2026**, through present

5. Based on that search, I did not locate any permits covering 5276 Estero Blvd in the Building Department's records for demolish, remodel, or general repair that would cover the violations cited at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **April 8, 2026**.

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.

SWORN AND ATTESTED BY:

Tracie Raski
 Signature of Affiant
 Printed Name: Tracie Raski
 Title: Magistrate Coordinator

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence / online notarization, this 8th day of April, 2026, by Tracie Raski who is personally known to me or has produced _____ as identification.

R. Rose Baker
 Notary Public, State of Florida
 Printed Name: Rileigh R Baker
 My Commission No.: HH 637224
 My Commission Expires: 2/5/2029

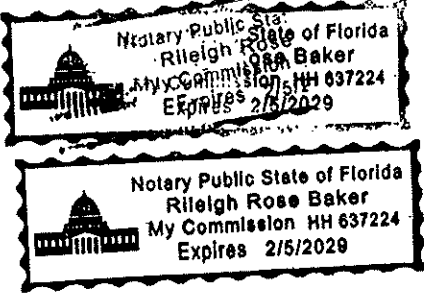


Exhibit A

PERMIT GRAPHS
 ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Property Address	Owner	Permit Type	Sub Type	Contact Name	Scope of Work	Issued Date	Expiration Date	Status	Edit/View
<input type="checkbox"/>	200935	07/27/2020	5276 ESTERO BLVD	SUGAR BEACH ESTATES LLLP	Residential	Accessory Structure		Seminole tiki hut installed. 10' x 12' chickee/tiki hut	11/16/2020		FINALED	
<input type="checkbox"/>	192392	12/20/2019	5276 ESTERO BLVD	SUGAR BEACH ESTATES LLLP	Vendor	Beach Raking	Bill Perry + Will Perry	Beach Raking	01/22/2020	09/30/2020	CLOSED	
<input type="checkbox"/>	182220	12/05/2018	5276 ESTERO BLVD	O'BRIEN DAVID M + SANDRA J	zOTC Plumbing			SET TOILET	12/05/2018	06/05/2020	ABANDONED	

Records 1 to 3 (of 3)

1

PARCEL #: 33-46-24-W1-00206.0330
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250298

SUGAR BEACH ESTATES LP,

Respondent.

**CODE ENFORCEMENT ORDER
FOR IMPOSITION OF FINE AND LIEN CERTIFICATION**

THIS CAUSE came before the undersigned Special Magistrate for the Town of Fort Myers Beach on April 16, 2026, for a Status Compliance Hearing to determine whether Respondent has complied with the Code Enforcement Order executed on March 24, 2026. The Respondent did / did not appear at this hearing. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. The Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5276 Estero Boulevard, Fort Myers Beach, FL, 33931 (“Property”), legally described as:

**LOT 33, BLOCK 6, GULF HEIGHTS SUBDIVISION, ACCORDING TO
THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6,
PAGE(S) 39, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

2. On January 28, 2026, Petitioner's Code Enforcement Officer issued a Notice of Violation, and served it on the Respondent, for a violation of Town of Fort Myers Beach Development Code Section(s) International Property Maintenance Code (IPMC) Section 301.3, adopted by FMBLDC Section 6-1 for not maintaining a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code and Section 308.1 of the IPMC, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. A hearing was held on March 19, 2026, where the undersigned Special Magistrate found the Respondent to be in violation of the IPMC Section(s) 301.3 and 308.1.
4. The undersigned Special Magistrate entered an Order executed on March 24, 2026, ordering the Respondent to correct the violations by April 2, 2026. The Order specifically stated:

Respondent shall remove all debris and garbage from the Property. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Upon achieving compliance, the Respondent was to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance.
6. The Order provided for a \$250.00 daily fine if the Respondent failed to comply by the given deadline, and it ordered the parties to appear at this April 16, 2026 Status Compliance Hearing.
7. At the April 16, 2026, Status Compliance Hearing, the evidence established that the Respondent failed to comply with the March 24, 2026 Order, as Respondent failed to remedy the violations of the IPMC Section(s) 301.3 and 308.1 and did not notify the Town of any attempt to bring the Property into compliance. The Respondent failed to appear at this hearing or present any evidence that any steps towards compliance have been taken.

B. CONCLUSION OF LAW:

1. Respondent is and remains in violation of IPMC Section(s) 301.3 and 308.1.
2. Respondent failed to comply with the March 24, 2026 Code Enforcement Order.
3. The conditions on this Property related to the above violations continue to remain a serious threat to the public safety.

C. ORDER:

It is HEREBY ORDERED:

1. **Respondent shall pay a fine of \$250.00 per day** to the Town of Fort Myers Beach, beginning April 2, 2026 and accruing each day until the Respondent comes into compliance with the above-referenced Code Section(s) and as ordered in the March 24, 2026 Code Enforcement Order in this matter.
2. **Respondent shall pay prosecution/administrative costs**, ordered at the March 24, 2026 hearing, in the amount of \$361.12 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time given. Payment must be made within Thirty (30) days of the execution of this Order.
3. **Respondent shall further pay additional prosecution/administrative costs** in the amount of \$250.00 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate at this hearing. Payment must be made within thirty (30) days of the execution of this Order.
4. **Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to verify compliance.** Respondent will not be deemed to be in compliance until Respondent contacts the Town and such compliance is verified.
5. The Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by April 2, 2026, deadline. By copy of this Order, the Town is hereby authorized to take such corrective action as it deems necessary to abate the unsafe conditions on t his Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

6. Pursuant to Section 2-427 (c) of the Fort Myers Beach Land Development Code and Chapter 162 of the Florida Statutes, upon recording in the public records, this Order, with respect to fines and fees imposed, shall constitute a lien against the land on which the violation exists and upon any real or person property owned by the violation.

ORDERED this ___ day of _____, 2026, and executed this ___ day of _____, 2026.

Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the ___ day of April 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: _____
Town Clerk and Clerk to the Special Magistrate

Dated: _____

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “Town of Fort Myers Beach,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT A

- Code Enforcement Order dated 3/24/2026

PARCEL #: 33-46-24-W1-00206.0110
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250296

SUGAR BEACH ESTATES LP,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on March 19, 2026, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent did not appear, but a witness, Goran Denadija, appeared and testified in support of Respondent. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject Property located at 5280 Estero Boulevard, Fort Myers Beach, Florida, 33931 (“Property”).
2. On or about January 27, 2026, a Code Enforcement Officer for the Town of Fort Myers Beach observed that the structure on the Property was unsecured, neglected, and in disrepair. The officer found that the structure is unsafe, causing a serious threat to public safety due to the current condition and continued declining conditions of the structure of the Property. The officer also found the pool containing stagnant water and not being properly secured with approved fencing, causing a safety concern to the general public. The officer also found an overgrowth

of grass and/or weeds exceeding 12 inches in height and an accumulation of rubbish or garbage throughout the Property.

3. The Code Enforcement Officer found these conditions to be in violation of International Property Maintenance Code (IPMC) Sections 301.3, 308.1, and 303.1 as adopted by Fort Myers Beach Land Development Code (FMBLDC) Section 6-1, and in violation of FMBLDC Sections 6-2(w) and 34-1176(c)(1).
4. On January 28, 2026, Petitioner issued a Notice of Violation stating that the following immediate corrective action was required to bring the Property into compliance:
 - (1) Secure structure on property as to not allow access to the property by the General Public.
 - (2) Repair or demo structure on property to correct the serious safety concern to the General Public.
 - (3) Mow and or trim all grass and or weeds to under 12 inch[es] in height and maintain property per Town Code Requirements.
 - (4) Remove all rubbish and garbage from the property and maintain property per Town Code Requirements.
 - (5) Remove or treat stagnant water in pool and maintain pool water per Town Code Requirements.
 - (6) Secure pool on property with approved fencing in order to correct the safety concern to the General Public
 - (7) Contact FMB Permitting at 239-492-1415 (Shanette Thomas – Permitting Coordinator) to obtain any required permits
 - (8) Provide any and all documentation required for the permit.
 - (9) Apply for said permits and follow process through to issuance.
5. The Officer found these violations to present a serious threat to the public health, safety, and welfare, and therefore brought the matter for hearing on March 19, 2026, without a specific compliance date.
6. At hearing, Petitioner testified and presented photo evidence showing that the structure on this Property is significantly deteriorated and in structural disrepair. Also, the pool contains dark, untreated water with debris and is not secured by proper fencing. The Property is located directly on the beach and very accessible to the public, making these conditions a serious threat to public safety.
7. Evidence also established that there was debris and garbage scattered throughout the Property.
8. Respondent has mowed and removed the overgrowth of grass.
9. Respondent has taken no steps to correct the remaining violations. Respondent has not applied for any permitting to secure or remove the structure or the pool on the Property.

10. The structure and the pool on this Property both constitute a serious danger to the general public if they were to remain unsecured and accessible to the passing public.
11. Evidence established that the Town has incurred \$361.12 in administrative costs to bring this matter before the Special Magistrate.
12. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.
13. Respondent had sufficient Notice of the violations and of the need to correct these conditions before this hearing but failed to take any steps towards corrective action of all violations other than the violation of FMBLDC Section 6-2(w).

B. CONCLUSION OF LAW

1. Respondent is not in violation of FMBLDC Section 6-2(w). To the extent there may have been any overgrowth of grass and/or weeds, such condition did not constitute a serious threat to the public, and Respondent was not provided a compliance date with respect to this condition. Any corrective action required would have been completed immediately, thereby abating the condition prior to the hearing date.
2. Respondent is in violation of IPMC Section 301.3, adopted by FMBLDC Section 6-1, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
3. Respondent is in violation of IPMC Section 303.1, adopted by FMBLDC Section 6-1, which requires that swimming pools be maintained in a clean and sanitary condition, and in good repair.
4. Respondent is in violation of FMBLDC Section 34-1176(c)(1), which requires that in-ground swimming pools be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed so as to prevent unauthorized access to the pool by persons not residing on the property.
5. The conditions on this Property related to the above violations constitute a serious threat to the public safety.
6. Respondent is in violation of IPMC Section 308.1, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.

C. ORDER

It is **HEREBY ORDERED**:

1. Respondent is hereby found to be in violation of IPMC Sections 301.3, 308.1, and 303.1 as adopted by FMBLDC Section 6-1, and in violation of FMBLDC Section 34-1176(c)(1).
2. Respondent shall remove all debris and garbage from the Property.
3. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately.
4. Respondent shall either properly secure the pool on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the pool can be removed, or otherwise demolish and remove the pool on this Property immediately.
5. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
6. Respondent must submit the necessary paperwork to obtain the permits to come into compliance by **no later than April 2, 2026**.
7. Respondent must contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. **Respondent will not be deemed in compliance until it contacts the Town and such compliance is verified.**
8. **Respondent shall pay \$361.12 in administrative costs and fees to cover the Town's costs for bringing this matter before the Special Magistrate. Such payment shall be made to the Town of Fort Myers Beach within thirty (30) days of the execution of this Order.**
9. If Respondent has not come into compliance with this Order by submitting the paperwork necessary for the permitting required to secure or remove the structures and pool on the Property by April 2, 2026, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. Said fine will be imposed even if compliance is achieved before the next hearing date. Respondent may also be assessed additional administrative costs and fees to cover the Town's costs for any additional enforcement proceedings.
10. If Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures and pool on the Property by the April 2, 2026, deadline, the Town is hereby authorized to **take such corrective action as it deems necessary to abate**

the unsafe conditions on this Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s) and pool. All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

11. A Status of Compliance Hearing will be held to determine whether Respondent achieved compliance by the above-referenced deadline, and to determine the imposition of a fine. **Both parties shall appear at this hearing, which is currently scheduled for:**

**April 16, 2026, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

ORDERED the 24th day of March, 2026.



Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09(3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Order was sent by U.S. Mail on the 25th day of March 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Thomas Yozzo: tyozzo@fmbgov.com
Michael Hauserman: Michael.hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Mar 25, 2026, 10:26:31 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 25, 2026

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “**Town of Fort Myers Beach**,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT B

- Post Hearing Affidavit of Non-compliance
 - Evidence Photographs
 - Building Permit Search Affidavit
 - Printout of Building Permit Search



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
 Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

SUGAR BEACH ESTATES LP
 3410 Service Rd #G5
 Burlington, ON L7N 3T2, Canada

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20250296

Site Address: **5280 Estero Blvd**, Fort Myers Beach, FL, 33931
 Parcel Strap No. 33-46-24-W1-00206.0110

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **T. Hoffman** who is the Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20250296**.

1. That on **March 24th, 2026**, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action on or before **April 2nd, 2026**.
3. That an inspection was performed of the records and property on **April 2nd, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

- 5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
- 6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

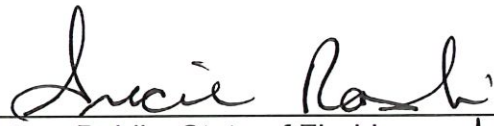
Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge.

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 2 day of April, 2026, by T. Hoffman. He [] is personally known to me or [] has produced _____ as identification.

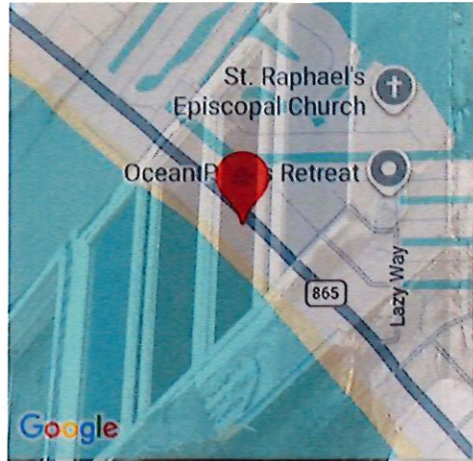



Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

Apr 2, 2026 11:04:43 AM
Fort Myers Beach



Apr 2, 2026 11:01:07 AM
Fort Myers Beach



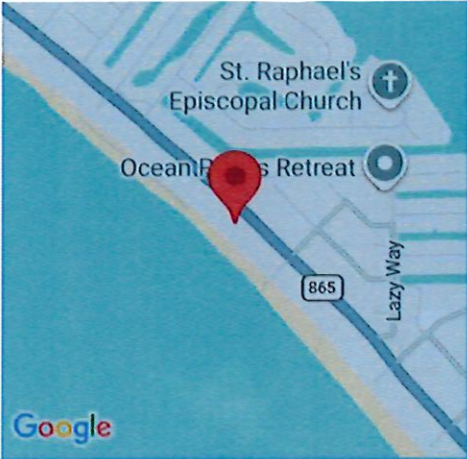
Apr 2, 2026 11:00:30 AM
Fort Myers Beach



Apr 2, 2026 11:02:19 AM
Fort Myers Beach



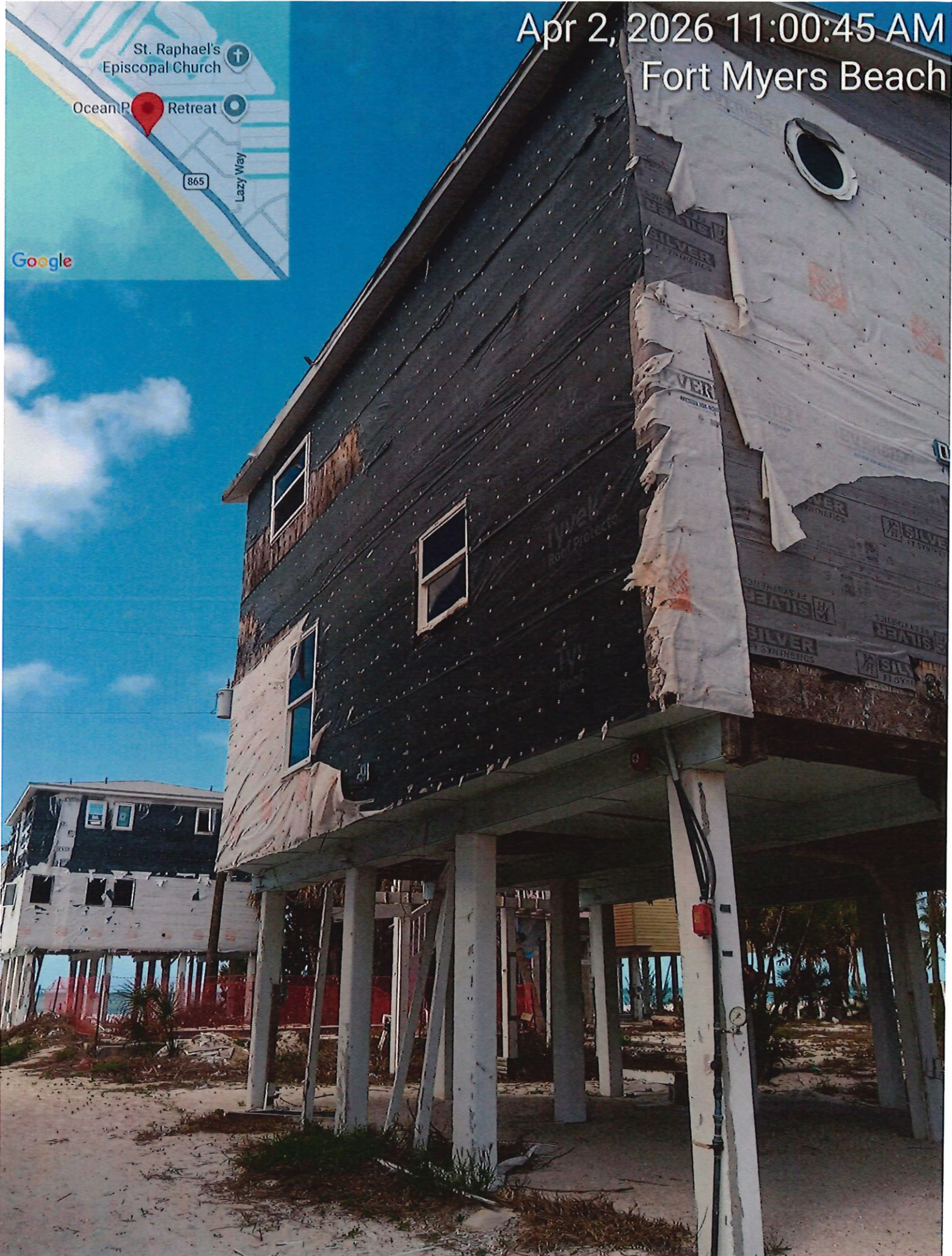
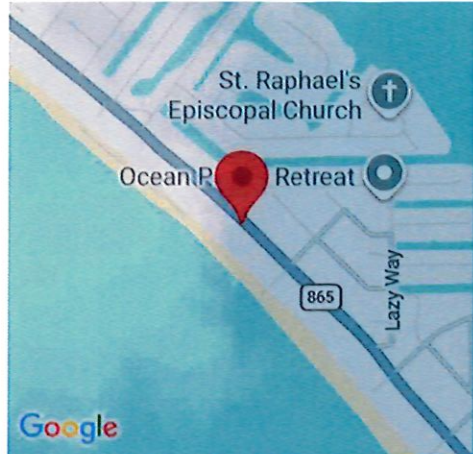
Apr 2, 2026 11:01:28 AM
Fort Myers Beach



Apr 2, 2026 11:01:49 AM
Fort Myers Beach



Apr 2, 2026 11:00:45 AM
Fort Myers Beach



Apr 2, 2026 11:01:37 AM
Fort Myers Beach



Apr 2, 2026 11:02:06 AM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20250296

vs.

**SUGAR BEACH ESTATES LP
Respondent.**

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Tracie Raski** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Tracie Raski** . 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.
2. I am employed by the Town of Fort Myers Beach (“Town”) Building Department as **Magistrate Coordinator**. In that capacity, I have access to and am familiar with the Town’s records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town’s regularly conducted activity as a local government in the State of Florida.
4. On **April 8, 2026**, I personally conducted a search of the Building Department’s permit records for:

[Last Rev. 10/23/25 CB]

a. Property address: **5280 Estero Blvd, Fort Myers Beach, FL 33931**

b. Relevant date range: **January 1, 2026**, through present

5. Based on that search, I did not locate any permits covering **5280 Estero Blvd** in the Building Department's records for demolish, remodel, or general repair that would cover the violations cited at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **April 8, 2026**.

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.

SWORN AND ATTESTED BY:




Signature of Affiant

Printed Name: Tracie Raski

Title: Magistrate Coordinator

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence / online notarization, this 8th day of April, 2026, by Tracie Raski who is personally known to me or has produced _____ as identification.


Notary Public, State of Florida
Printed Name: Raleigh R Baker
My Commission No.: HH 637224
My Commission Expires: 2/5/2029

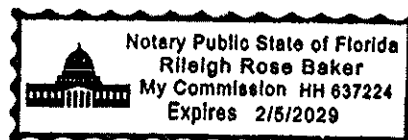


Exhibit A

PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Property Address	Owner	Permit Type	Sub Type	Contact Name	Scope of Work	Issued Date	Expiration Date	Status	Edit/View
<input type="checkbox"/>	240896	03/27/2024	5280 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	Demolition	Clint Green	Demo	03/27/2024	09/24/2024	ABANDONED	
<input type="checkbox"/>	240833	03/20/2024	5280 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Justin Hilliard	New 200 amp meter/main disconnect combo	03/25/2024	09/25/2024	ISSUED	
<input type="checkbox"/>	234607	07/05/2023	5280 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Other Miscellaneous	Clint Green	Hardie Board Siding	07/10/2023	01/10/2024	ABANDONED	
<input type="checkbox"/>	232807	03/30/2023	5280 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Clint Green	Temp Power	03/30/2023	09/30/2023	CLOSED	
<input type="checkbox"/>	223445	11/14/2022	5280 ESTERO BLVD	SUGAR BEACH ESTATES LP	Structural / Electrical	Insp. Letter		Hurricane lan		05/13/2023	FINALED	
<input type="checkbox"/>	182291	12/11/2018	5280 ESTERO BLVD	OBRIEN DAVID M + SANDRA J	zFence / Wall		JOE ORLANDINI	4 FOOT FENCE	07/30/2019	01/26/2020	ABANDONED	
<input type="checkbox"/>	182218	12/05/2018	5280 ESTERO BLVD	OBRIEN DAVID M + SANDRA J	ZOTC Plumbing			SET TOILET	12/05/2018	06/03/2019	ABANDONED	

Records 1 to 7 (of 7)

1

1

PARCEL #: 33-46-24-W1-00206.0110
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250296

SUGAR BEACH ESTATES LP,

Respondent.

**CODE ENFORCEMENT ORDER
FOR IMPOSITION OF FINE AND LIEN CERTIFICATION**

THIS CAUSE came before the undersigned Special Magistrate for the Town of Fort Myers Beach on April 16, 2026, for a Status Compliance Hearing to determine whether Respondent has complied with the Code Enforcement Order executed on March 24, 2026. The Respondent did / did not appear at this hearing. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. The Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5280 Estero Boulevard, Fort Myers Beach, FL, 33931 (“Property”), legally described as:

**LOT 11, BLOCK 6, GULF HEIGHTS SUBDIVISION, ACCORDING TO
THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6,
PAGE(S) 39, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

2. On January 28, 2026, Petitioner's Code Enforcement Officer issued a Notice of Violation, and served it on the Respondent, for a violation of Town of Fort Myers Beach Development Code Section(s) International Property Maintenance Code (IPMC) Section 301.3, adopted by FMBLDC Section 6-1 for not maintaining a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code and Section 308.1 of the IPMC, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. A hearing was held on March 19, 2026, where the undersigned Special Magistrate found the Respondent to be in violation of the IPMC Section(s) 301.3 and 308.1.
4. The undersigned Special Magistrate entered an Order executed on March 24, 2026, ordering the Respondent to correct the violations by April 2, 2026. The Order specifically stated:

Respondent shall remove all debris and garbage from the Property. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Upon achieving compliance, the Respondent was to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance.
6. The Order provided for a \$250.00 daily fine if the Respondent failed to comply by the given deadline, and it ordered the parties to appear at this April 16, 2026 Status Compliance Hearing.
7. At the April 16, 2026, Status Compliance Hearing, the evidence established that the Respondent failed to comply with the March 24, 2026 Order, as Respondent failed to remedy the violations of the IPMC Section(s) 301.3 and 308.1 and did not notify the Town of any attempt to bring the Property into compliance. The Respondent failed to appear at this hearing or present any evidence that any steps towards compliance have been taken.

B. CONCLUSION OF LAW:

1. Respondent is and remains in violation of IPMC Section(s) 301.3 and 308.1.
2. Respondent failed to comply with the March 24, 2026 Code Enforcement Order.
3. The conditions on this Property related to the above violations continue to remain a serious threat to the public safety.

C. ORDER:

It is HEREBY ORDERED:

1. **Respondent shall pay a fine of \$250.00 per day** to the Town of Fort Myers Beach, beginning April 2, 2026 and accruing each day until the Respondent comes into compliance with the above-referenced Code Section(s) and as ordered in the March 24, 2026 Code Enforcement Order in this matter.
2. **Respondent shall pay prosecution/administrative costs**, ordered at the March 24, 2026 hearing, in the amount of \$361.12 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time given. Payment must be made within Thirty (30) days of the execution of this Order.
3. **Respondent shall further pay additional prosecution/administrative costs** in the amount of \$250.00 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate at this hearing. Payment must be made within thirty (30) days of the execution of this Order.
4. **Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to verify compliance.** Respondent will not be deemed to be in compliance until Respondent contacts the Town and such compliance is verified.
5. The Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by April 2, 2026, deadline. By copy of this Order, the Town is hereby authorized to take such corrective action as it deems necessary to abate the unsafe conditions on t his Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

6. Pursuant to Section 2-427 (c) of the Fort Myers Beach Land Development Code and Chapter 162 of the Florida Statutes, upon recording in the public records, this Order, with respect to fines and fees imposed, shall constitute a lien against the land on which the violation exists and upon any real or person property owned by the violation.

ORDERED this ___ day of _____, 2026, and executed this ___ day of _____, 2026.

Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the ___ day of April 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: _____
Town Clerk and Clerk to the Special Magistrate

Dated: _____

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “Town of Fort Myers Beach,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT A

- Code Enforcement Order dated 3/24/2026

PARCEL #: 33-46-24-W1-00206.0320
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250404

SUGAR BEACH ESTATES LP,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on March 19, 2026, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent did not appear, but a witness, Goran Denadija, appeared and testified in support of Respondent. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5268 Estero Boulevard, Fort Myers Beach, Florida, 33931 (“Property”).
2. On or about January 27, 2026, a Code Enforcement Officer for the Town of Fort Myers Beach observed that the structure on the Property was unsecured, neglected, and in disrepair. The officer found that the structure is unsafe, causing a serious threat to public safety due to the current condition and continued declining conditions of the structure of the Property. The officer also found an accumulation of rubbish or garbage throughout the Property.

3. The Code Enforcement Officer found these conditions to be in violation of International Property Maintenance Code (IPMC) Sections 301.3 and 308.1, as adopted by Fort Myers Beach Land Development Code (FMBLDC) Section 6-1.
4. On January 28, 2026, Petitioner issued a Notice of Violation requiring the following immediate corrective action to bring the Property into compliance:
 - (1) Secure structure on property as to not allow access to the property by the General Public.
 - (2) Repair or demo structure on property to correct the serious safety concern to the General Public.
 - (3) Remove all rubbish and garbage from the property and maintain property per Town Code Requirements.
 - (4) Contact FMB Permitting at 239-492-1415 (Shanette Thomas – Permitting Coordinator) to obtain any required permits.
 - (5) Provide any and all documentation required for the permit.
 - (6) Apply for said permits and follow process through to issuance.
5. The Officer found these violations to present a serious threat to the public health, safety, and welfare, and therefore brought the matter for hearing on March 19, 2026, without a specific compliance date.
6. At hearing, Petitioner testified and presented photo evidence showing that the structure on this Property is significantly deteriorated and in structural disrepair. It is also located directly on the beach and very accessible to the public, making it a serious threat to public safety.
7. Evidence also established that there was debris and garbage scattered throughout the Property.
8. Respondent has taken no steps to correct the violations. Respondent has not applied for any permitting to secure or remove the structure on the Property.
9. The structure on this Property constitutes a serious danger to the general public if it were to remain unsecured and accessible to the passing public.
10. Evidence established that the Town has incurred \$361.12 in administrative costs to bring this matter before the Special Magistrate.
11. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.
12. Respondent had sufficient Notice of the violation and of the need to correct these conditions before this hearing but failed to take any steps towards corrective action.

B. CONCLUSION OF LAW

1. Respondent is in violation of IPMC Section 301.3, adopted by FMBLDC Section 6-1, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
2. Respondent is in violation of IPMC Section 308.1, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. The conditions on this Property constitute a serious threat to the public safety.

C. ORDER

It is HEREBY ORDERED:

1. Respondent is hereby found to be in violation of the aforementioned Code Sections.
2. Respondent shall remove all debris and garbage from the Property.
3. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately.
4. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Respondent must submit the necessary paperwork to obtain the permits to come into compliance by **no later than April 2, 2026.**
6. Respondent must contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. **Respondent will not be deemed to be in compliance until it contacts the Town and such compliance is verified.**
7. **Respondent shall pay \$361.12 in administrative costs and fees to cover the Town's costs for bringing this matter before the Special Magistrate. Such payment shall be made to the Town of Fort Myers Beach within thirty (30) days of the execution of this Order.**
8. If Respondent has not come into compliance with this Order by submitting the paperwork necessary for the permitting required to secure or remove the structures on the Property by April 2, 2026, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. Said fine will be

imposed even if compliance is achieved before the next hearing date. Respondent may also be assessed additional administrative costs and fees to cover the Town's costs for any additional enforcement proceedings.

9. If Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by the April 2, 2026, deadline, the Town is hereby authorized to **take such corrective action as it deems necessary to abate the unsafe conditions on this Property and protect the public**, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

10. A Status of Compliance Hearing will be held to determine whether Respondent achieved compliance by the above-referenced deadline, and to determine the imposition of a fine. **Both parties shall appear at this hearing, which is currently scheduled for:**

**April 16, 2026, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

ORDERED the 24th day of March, 2026.



Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09(3), Florida Statutes, a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that a true and correct copy of the Order was sent by U.S. Mail on the 25th day of March 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Thomas Yozzo: tyozzo@fmbgov.com
Michael Hauserman: Michael.hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Mar 25, 2026, 10:25:15 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 25, 2026

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “**Town of Fort Myers Beach,**” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT B

- Post Hearing Affidavit of Non-compliance
 - Evidence Photographs
 - Building Permit Search Affidavit
 - Printout of Building Permit Search



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING
6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

SUGAR BEACH ESTATES LP
3410 S Service Rd #201
Burlington, ON L7N 3T2, Canada

Respondent.

Table with 2 columns: Mail Type, Status. Certified Mail: N/A, Regular Mail: N/A, Case #: 20250404

Site Address: 5268 Estero Blvd, Fort Myers Beach, FL, 33931
Parcel Strap No. 33-46-24-W1-00206.0320

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared T. Hoffman who is the Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case #20250404.

- 1. That on March 24th, 2026, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before April 2nd, 2026.
3. That an inspection was performed of the records and property on April 2nd, 2026. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

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 2 day of April, 2026, by T. Hoffman. He is personally known to me or has produced _____ as identification.



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

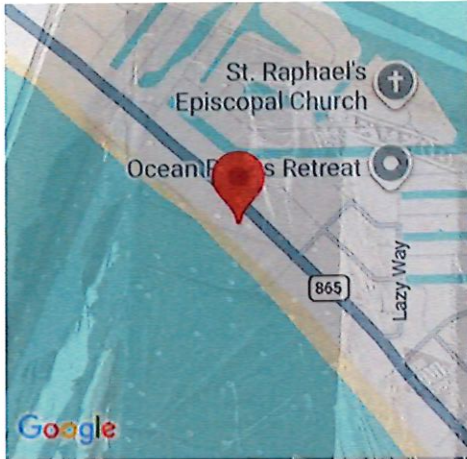
Apr 2, 2026 11:04:43 AM
Fort Myers Beach



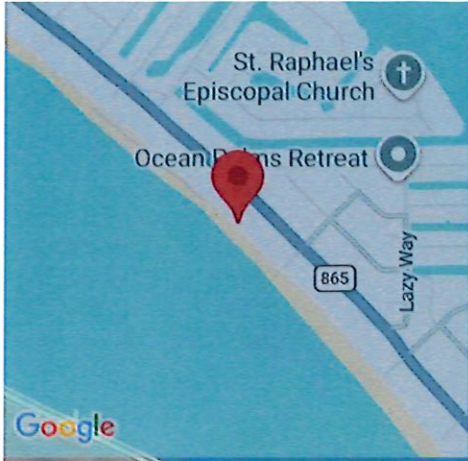
Apr 2, 2026 11:02:44 AM
Fort Myers Beach



Apr 2, 2026 11:02:34 AM
Fort Myers Beach



Apr 2, 2026 11:03:11 AM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20250404

vs.

**SUGAR BEACH ESTATES LP
Respondent.**

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Tracie Raski** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Tracie Raski**. 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.
2. I am employed by the Town of Fort Myers Beach (“Town”) Building Department as **Magistrate Coordinator**. In that capacity, I have access to and am familiar with the Town’s records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town’s regularly conducted activity as a local government in the State of Florida.
4. On **April 8, 2026**, I personally conducted a search of the Building Department’s permit records for:

[Last Rev. 10/23/25 CB]

a. Property address: **5268 Estero Blvd, Fort Myers Beach, FL 33931**


b. Relevant date range: **January 1, 2026**, through present

5. Based on that search, I did not locate any permits covering **5268 Estero Blvd** in the Building Department's records for demolish, remodel, or general repair that would cover the violations cited at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **April 8, 2026**.

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.

SWORN AND ATTESTED BY:

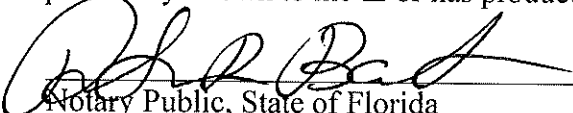


Signature of Affiant

Printed Name: Tracie Raski

Title: Magistrate Coordinator

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence / online notarization, this **8th** day of **April, 2026**, by **Tracie Raski** who is personally known to me or has produced _____ as identification.



Notary Public, State of Florida
Printed Name: Rileigh R Baker
My Commission No.: HH 437224
My Commission Expires: 2/5/2029



Exh: 6 of A

PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Property Address	Owner	Permit Type	Sub Type	Contact Name	Scope of Work	Issued Date	Expiration Date	Status	Edit/View
<input type="checkbox"/>	240895	03/27/2024	5268 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	Demolition	Clint Green	Demo	03/27/2024	09/25/2024	ISSUED	
<input type="checkbox"/>	240789	03/15/2024	5268 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Clint Green	New 200 amp meter/main disconnect combo	03/19/2024	09/19/2024	ABANDONED	
<input type="checkbox"/>	234606	07/05/2023	5268 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Other Miscellaneous	Clint Green	Hardie Board siding on home	07/13/2023	01/13/2024	ABANDONED	
<input type="checkbox"/>	232782	03/29/2023	5268 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Titan Electric	Temp power	03/29/2023	09/29/2023	CLOSED	
<input type="checkbox"/>	223609	11/15/2022	5268 ESTERO BLVD	SUGAR BEACH ESTATES LP	Structural/Electrical	Insp. Letter		Hurricane Ian		05/14/2023	FINALED	
<input type="checkbox"/>	200934	07/27/2020	5268 ESTERO BLVD	SUGAR BEACH ESTATES LLLP	Residential	Accessory Structure		Seminole tiki hut installed. 10' x 12' chickee/tiki hut	11/16/2020		FINALED	
<input type="checkbox"/>	192391	12/20/2019	5268 ESTERO BLVD	SUGAR BEACH ESTATES LLLP	Vendor	Beach Raking	Bill Perry + Will Perry	Beach Raking	01/22/2020	09/30/2020	CLOSED	

Records 1 to 8 (of 8)

Selected	Permit Number	Permit Date	Property Address	Owner	Permit Type	Sub Type	Contact Name	Scope of Work	Issued Date	Expiration Date	Status	Edit/View
----------	---------------	-------------	------------------	-------	-------------	----------	--------------	---------------	-------------	-----------------	--------	-----------

<input type="checkbox"/>	182219	12/05/2018	5268 ESTERO BLVD	OBRIEN DAVID + SANDRA J	zOTC Plumbing			SET TOILET	12/05/2018		FINALED	
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1 Records 1 to 8 (of 8) 1

PARCEL #: 33-46-24-W1-00206.0320
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250404

SUGAR BEACH ESTATES LP,

Respondent.

**CODE ENFORCEMENT ORDER
FOR IMPOSITION OF FINE AND LIEN CERTIFICATION**

THIS CAUSE came before the undersigned Special Magistrate for the Town of Fort Myers Beach on April 16, 2026, for a Status Compliance Hearing to determine whether Respondent has complied with the Code Enforcement Order executed on March 24, 2026. The Respondent did / did not appear at this hearing. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. The Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5268 Estero Boulevard, Fort Myers Beach, FL, 33931 (“Property”), legally described as:

**LOT 32 AND THE EAST 1.7 FEET OF LOT 31, BLOCK 6, GULF HEIGHTS
SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS
RECORDED IN PLAT BOOK 6, PAGE(S) 39, OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA**

2. On January 28, 2026, Petitioner's Code Enforcement Officer issued a Notice of Violation, and served it on the Respondent, for a violation of Town of Fort Myers Beach Development Code Section(s) International Property Maintenance Code (IPMC) Section 301.3, adopted by FMBLDC Section 6-1 for not maintaining a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code and Section 308.1 of the IPMC, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. A hearing was held on March 19, 2026, where the undersigned Special Magistrate found the Respondent to be in violation of the IPMC Section(s) 301.3 and 308.1.
4. The undersigned Special Magistrate entered an Order executed on March 24, 2026, ordering the Respondent to correct the violations by April 2, 2026. The Order specifically stated:

Respondent shall remove all debris and garbage from the Property. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Upon achieving compliance, the Respondent was to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance.
6. The Order provided for a \$250.00 daily fine if the Respondent failed to comply by the given deadline, and it ordered the parties to appear at this April 16, 2026 Status Compliance Hearing.
7. At the April 16, 2026, Status Compliance Hearing, the evidence established that the Respondent failed to comply with the March 24, 2026 Order, as Respondent failed to remedy the violations of the IPMC Section(s) 301.3 and 308.1 and did not notify the Town of any attempt to bring the Property into compliance. The Respondent failed to appear at this hearing or present any evidence that any steps towards compliance have been taken.

B. CONCLUSION OF LAW:

1. Respondent is and remains in violation of IPMC Section(s) 301.3 and 308.1.
2. Respondent failed to comply with the March 24, 2026 Code Enforcement Order.
3. The conditions on this Property related to the above violations continue to remain a serious threat to the public safety.

C. ORDER:

It is HEREBY ORDERED:

1. **Respondent shall pay a fine of \$250.00 per day** to the Town of Fort Myers Beach, beginning April 2, 2026 and accruing each day until the Respondent comes into compliance with the above-referenced Code Section(s) and as ordered in the March 24, 2026 Code Enforcement Order in this matter.
2. **Respondent shall pay prosecution/administrative costs**, ordered at the March 24, 2026 hearing, in the amount of \$361.12 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time given. Payment must be made within Thirty (30) days of the execution of this Order.
3. **Respondent shall further pay additional prosecution/administrative costs** in the amount of \$250.00 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate at this hearing. Payment must be made within thirty (30) days of the execution of this Order.
4. **Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to verify compliance.** Respondent will not be deemed to be in compliance until Respondent contacts the Town and such compliance is verified.
5. The Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by April 2, 2026, deadline. By copy of this Order, the Town is hereby authorized to take such corrective action as it deems necessary to abate the unsafe conditions on t his Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

6. Pursuant to Section 2-427 (c) of the Fort Myers Beach Land Development Code and Chapter 162 of the Florida Statutes, upon recording in the public records, this Order, with respect to fines and fees imposed, shall constitute a lien against the land on which the violation exists and upon any real or person property owned by the violation.

ORDERED this ___ day of _____, 2026, and executed this ___ day of _____, 2026.

Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the ___ day of April 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: _____
Town Clerk and Clerk to the Special Magistrate

Dated: _____

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “Town of Fort Myers Beach,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT A

- Code Enforcement Order dated 3/24/2026

PARCEL #: 33-46-24-W1-00206.0100
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
6231 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250297

SUGAR BEACH ESTATES LP,

Respondent.

CODE ENFORCEMENT ORDER

THIS CAUSE came on for public hearing on March 19, 2026, before the undersigned Special Magistrate for the Town of Fort Myers Beach. Respondent did not appear, but a witness, Goran Denadija, appeared and testified in support of Respondent. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject Property located at 5300 Estero Boulevard, Fort Myers Beach, Florida, 33931 (“Property”).
2. On or about January 27, 2026, a Code Enforcement Officer for the Town of Fort Myers Beach observed that the structure on the Property was unsecured, neglected, and in disrepair. The officer found that the structure is unsafe, causing a serious threat to public safety due to the current condition and continued declining conditions of the structure of the Property. The officer also found an overgrowth of grass and/or weeds exceeding 12 inches in height and an accumulation of rubbish or garbage throughout the Property.

3. The Code Enforcement Officer found these conditions to be in violation of International Property Maintenance Code (IPMC) Sections 301.3 and 308.1, as adopted by Fort Myers Beach Land Development Code (FMBLDC) Section 6-1, and in violation of FMBLDC Section 6-2(w).
4. On January 28, 2026, Petitioner issued a Notice of Violation stating that the following immediate corrective action was required to bring the Property into compliance:
 - (1) Secure structure on property as to not allow access to the property by the General Public.
 - (2) Repair or demo structure on property to correct the serious safety concern to the General Public.
 - (3) Mow and or trim all grass and or weeds to under 12 inch[es] in height and maintain property per Town Code Requirements.
 - (4) Remove all rubbish and garbage from the property and maintain property per Town Code Requirements.
 - (5) Contact FMB Permitting at 239-492-1415 (Shanette Thomas – Permitting Coordinator) to obtain any required permits
 - (6) Provide any and all documentation required for the permit.
 - (7) Apply for said permits and follow process through to issuance.
5. The Officer found these violations to present a serious threat to the public health, safety, and welfare, and therefore brought the matter for hearing on March 19, 2026, without a specific compliance date.
6. At hearing, Petitioner testified and presented photo evidence showing that the structure on this Property is significantly deteriorated and in structural disrepair. The Property is located directly on the beach and very accessible to the public, making these conditions a serious threat to public safety.
7. Evidence also established that there was debris and garbage scattered throughout the Property.
8. Respondent has mowed and removed the overgrowth of grass.
9. Respondent has taken no steps to correct the remaining violations. Respondent has not applied for any permitting to secure or remove the structure on the Property.
10. The structure on this Property constitutes a serious danger to the general public if it were to remain unsecured and accessible to the passing public.
11. Evidence established that the Town has incurred \$361.12 in administrative costs to bring this matter before the Special Magistrate.

12. Respondent was properly served with a Notice of Hearing, and this case was properly brought before the Special Magistrate.
13. Respondent had sufficient Notice of the violations and of the need to correct these conditions before this hearing but failed to take any steps towards corrective action of all violations other than the violation of Section 6-2(w).

B. CONCLUSION OF LAW

1. Respondent is not in violation of FMBLDC Section 6-2(w). To the extent there may have been any overgrowth of grass and/or weeds, such condition did not constitute a serious threat to the public, and Respondent was not provided a compliance date with respect to this condition. Any corrective action required would have been completed immediately, thereby abating the condition prior to the hearing date.
2. Respondent is in violation of IPMC Section 301.3, adopted by FMBLDC Section 6-1, which requires that a property owner maintain a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code.
3. The conditions on this Property related to the above violation constitute a serious threat to the public safety.
4. Respondent is in violation of IPMC Section 308.1, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.

C. ORDER

It is HEREBY ORDERED:

1. Respondent is hereby found to be in violation of IPMC Sections 301.3 and 308.1, as adopted by FMBLDC Section 6-1.
2. Respondent shall remove all debris and garbage from the Property.
3. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately.
4. Respondent must submit the necessary paperwork to obtain the permits to come into compliance by **no later than April 2, 2026**.
5. Respondent must contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance. **Respondent will not**

be deemed in compliance until it contacts the Town and such compliance is verified.

6. **Respondent shall pay \$361.12 in administrative costs and fees to cover the Town's costs for bringing this matter before the Special Magistrate. Such payment shall be made to the Town of Fort Myers Beach within thirty (30) days of the execution of this Order.**
7. **If Respondent has not come into compliance with this Order by submitting the paperwork necessary for the permitting required to secure or remove the structures on the Property by April 2, 2026, a daily fine of \$250.00 per day will be imposed for each day thereafter that the Property remains in violation. Said fine will be imposed even if compliance is achieved before the next hearing date. Respondent may also be assessed additional administrative costs and fees to cover the Town's costs for any additional enforcement proceedings.**
8. **If Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by the April 2, 2026, deadline, the Town is hereby authorized to take such corrective action as it deems necessary to abate the unsafe conditions on this Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.**
9. **A Status of Compliance Hearing will be held to determine whether Respondent achieved compliance by the above-referenced deadline, and to determine the imposition of a fine. Both parties shall appear at this hearing, which is currently scheduled for:**

**April 16, 2026, at 9:00 a.m.
at Town Hall, 6231 Estero Blvd., Fort Myers Beach, Florida.**

ORDERED the 24th day of March, 2026.



Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that a true and correct copy of the Order was sent by U.S. Mail on the 25th day of March 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Thomas Yozzo: tyozzo@fmbgov.com
Michael Hauserman: Michael.hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: 
Amy Baker (Mar 25, 2026 10:29:55 EDT)
Town Clerk and Clerk to the Special Magistrate

Dated: Mar 25, 2026

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “**Town of Fort Myers Beach,**” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931

HEARING EXHIBIT B

- Post Hearing Affidavit of Non-compliance
 - Evidence Photographs
 - Building Permit Search Affidavit
 - Printout of Building Permit Search



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931

Phone : (239) 765-0202

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

SUGAR BEACH ESTATES LP
3410 S Service Rd #G5
Burlington, ON L7N 3T2, Canada

Respondent.

Certified Mail: N/A
Regular Mail: N/A
Case # 20250297

Site Address: **5300 Estero Blvd**, Fort Myers Beach, FL, 33931
Parcel Strap No. 33-46-24-W1-00206.0100

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority personally appeared **T. Hoffman** who is the Code Enforcement Officer for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding Code Enforcement Case **#20250297**.

1. That on **March 24th, 2026**, A Code Enforcement Violation Finding of Fact, Conclusion of Law, and Order was issued in the above styled manner.
2. That, pursuant to said notice, the Respondent was to have taken certain corrective action or on or before **April 2nd, 2026**.
3. That an inspection was performed of the records and property on **April 2nd, 2026**. That the inspection revealed that the corrective action specified in the notice has not been taken as of this date.
4. I have attached photographs of the subject property, which I personally took, and which fairly represent the condition of the property at the time of my inspection. These photographs have not been altered in any way.



Town of Fort Myers Beach
NOTICE OF VIOLATION AND NOTICE OF CODE
ENFORCEMENT HEARING

6231 Estero Blvd, Fort Myers Beach, FL 33931
Phone : (239) 765-0202

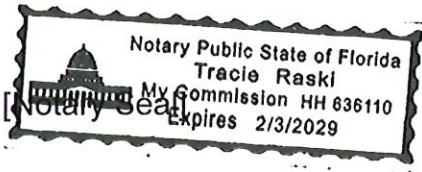
- 5. I have attached permit affidavits related to the subject property, which fairly represent the permit status of the property at the time of the affidavit(s).
6. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate and that an order be issued affording the appropriate relief, including an order to access any and all fines, and administrative fees imposed by the Special Magistrate

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.

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 [X] personal presence or [] online notarization this 2 day of April, 2026, by T. Hoffman. He [X] is personally known to me or [] has produced as identification.

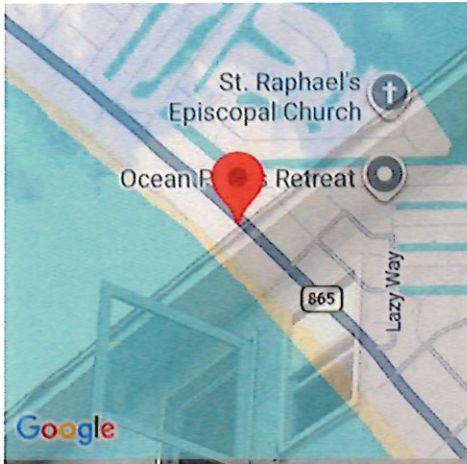


[Signature]
Notary Public, State of Florida
Print Name: Tracie Raski
My Commission Expires: 2/3/2029

Apr 2, 2026 11:04:43 AM
Fort Myers Beach



Apr 2, 2026 10:58:44 AM
Fort Myers Beach



Apr 2, 2026 10:58:30 AM
Fort Myers Beach

St. Raphael's
Episcopal Church

Ocean Park Retreat

865

Lazy Way

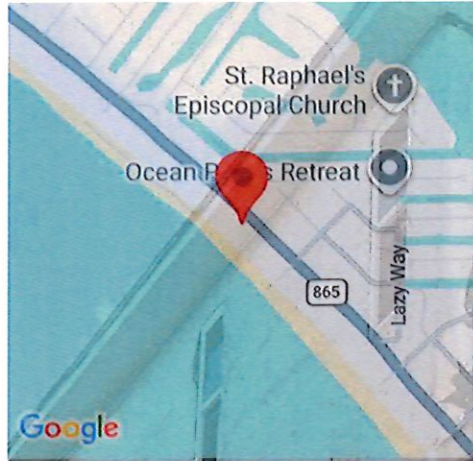
Google



Apr 2, 2026 10:59:39 AM
Fort Myers Beach



Apr 2, 2026 10:59:13 AM
Fort Myers Beach





Town of Fort Myers Beach

6231 Estero Blvd, Florida 33931
Phone: 239-765-0202 Fax: 239-765-0909

**TOWN OF FORT MYERS BEACH,
FLORIDA,**

Petitioner,

CASE NO.: 20250297

vs.

**SUGAR BEACH ESTATES LP
Respondent.**

_____ /

AFFIDAVIT OF PERMIT SEARCH

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared **Tracie Raski** who being duly sworn by me, on oath, deposes and says the following:

1. My name is **Tracie Raski** . 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.
2. I am employed by the Town of Fort Myers Beach (“Town”) Building Department as **Magistrate Coordinator**. In that capacity, I have access to and am familiar with the Town’s records relating to building, mechanical, electrical, plumbing, roofing, and other permitting and inspection activities within the Town.
3. The Town of Fort Myers Beach Building Department maintains permit records (including applications, approvals/denials, inspections, and related documents) in the regular course of the Town’s regularly conducted activity as a local government in the State of Florida.
4. On **April 8, 2026**, I personally conducted a search of the Building Department’s permit records for:

[Last Rev. 10/23/25 CB]

a. Property address: **5300 Estero Blvd, Fort Myers Beach, FL 33931**

b. Relevant date range: **January 1, 2026**, through present

5. Based on that search, I did not locate any permits covering **5300 Estero Blvd** in the Building Department's records for demolish, remodel, or general repair that would cover the violations cited at the above-described property for the date range searched.

6. Attached hereto as **Exhibit "A"** is a screenshot of the Town Building Department's records system reflecting the results of the search described above. **Exhibit "A"** is a true and correct depiction of those records as they appeared on **April 8, 2026**.

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.

SWORN AND ATTESTED BY:

Tracie Raski

Signature of Affiant

Printed Name: Tracie Raski

Title: Magistrate Coordinator

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence / online notarization, this **8th day of April, 2026**, by Tracie Raski who is personally known to me or has produced _____ as identification.

Raleigh Rose Baker
Notary Public, State of Florida

Printed Name: Raleigh R Baker

My Commission No.: HH 637224

My Commission Expires: 2/5/2029



Exhibit A

PERMIT GRAPHS

ADVANCED SEARCH RESULTS

Select View

Selected	Permit Number	Permit Date	Property Address	Owner	Permit Type	Sub Type	Contact Name	Scope of Work	Issued Date	Expiration Date	Status	Edit/View
<input type="checkbox"/>	240894	03/27/2024	5300 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	Demolition	Clint Green	Demo	03/27/2024	09/24/2024	ABANDONED	
<input type="checkbox"/>	240752	03/14/2024	5300 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Justin Hilliard	New 200 amp meter/main disconnect combo	03/15/2024	09/10/2024	ABANDONED	
<input type="checkbox"/>	234531	06/27/2023	5300 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Other	Titan	Hardie Board siding	06/30/2023	12/30/2023	ABANDONED	
<input type="checkbox"/>	232803	03/30/2023	5300 ESTERO BLVD	SUGAR BEACH ESTATES LP	Residential	OTC Electrical	Clint Green	Temp Power	03/30/2023	09/30/2023	CLOSED	
<input type="checkbox"/>	223645	11/15/2022	5300 ESTERO BLVD	SUGAR BEACH ESTATES LP	Structural / Electrical	Insp. Letter		Hurricane lan		05/14/2023	FINALED	
<input type="checkbox"/>	182221	12/05/2018	5300 ESTERO BLVD	O'BRIEN DAVID M + SANDRA J	zOTC Plumbing			SET TOILET	12/05/2018	06/03/2019	ABANDONED	

Records 1 to 6 (of 6)

1

PARCEL #: 33-46-24-W1-00206.0100
This Document Prepared By and Return To:
Town of Fort Myers Beach Code Enforcement Department
2525 Estero Blvd.
Fort Myers Beach, FL 33931

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

TOWN OF FORT MYERS BEACH, FLORIDA,

Petitioner,

vs.

CASE NO. 20250297

SUGAR BEACH ESTATES LP,

Respondent.

CODE ENFORCEMENT ORDER
FOR IMPOSITION OF FINE AND LIEN CERTIFICATION

THIS CAUSE came before the undersigned Special Magistrate for the Town of Fort Myers Beach on April 16, 2026, for a Status Compliance Hearing to determine whether Respondent has complied with the Code Enforcement Order executed on March 24, 2026. The Respondent did / did not appear at this hearing. Petitioner, Town of Fort Myers Beach, appeared at the hearing. Having considered the sworn testimony, evidence, and arguments presented, the Special Magistrate finds and orders as follows:

A. FINDINGS OF FACT:

1. The Respondent, SUGAR BEACH ESTATES LP (“Respondent”), is the owner, lessee, responsible entity or otherwise in charge of or responsible for the subject property located at 5300 Estero Boulevard, Fort Myers Beach, FL, 33931 (“Property”), legally described as:

**LOT 10, BLOCK 6, GULF HEIGHTS SUBDIVISION, ACCORDING TO
THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 6,
PAGE(S) 39, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA**

2. On January 28, 2026, Petitioner's Code Enforcement Officer issued a Notice of Violation, and served it on the Respondent, for a violation of Town of Fort Myers Beach Development Code Section(s) International Property Maintenance Code (IPMC) Section 301.3, adopted by FMBLDC Section 6-1 for not maintaining a vacant structure and premises in a clean, safe, secure, and sanitary condition as provided in the Code and Section 308.1 of the IPMC, adopted by FMBLDC Section 6-1, which requires that the exterior property and premises be free from any accumulation of rubbish or garbage.
3. A hearing was held on March 19, 2026, where the undersigned Special Magistrate found the Respondent to be in violation of the IPMC Section(s) 301.3 and 308.1.
4. The undersigned Special Magistrate entered an Order executed on March 24, 2026, ordering the Respondent to correct the violations by April 2, 2026. The Order specifically stated:

Respondent shall remove all debris and garbage from the Property. Respondent shall either properly secure the structure on this Property by erecting a fence or other type of barrier permitted by the Town's Code until the structure can be removed, or otherwise demolish and remove the structure on this Property immediately. Respondent shall work with the Town to obtain the appropriate permits for any such barrier(s) and/or demolition.
5. Upon achieving compliance, the Respondent was to contact the Town of Fort Myers Beach Code Enforcement Department to re-inspect the Property to verify compliance.
6. The Order provided for a \$250.00 daily fine if the Respondent failed to comply by the given deadline, and it ordered the parties to appear at this April 16, 2026 Status Compliance Hearing.
7. At the April 16, 2026, Status Compliance Hearing, the evidence established that the Respondent failed to comply with the March 24, 2026 Order, as Respondent failed to remedy the violations of the IPMC Section(s) 301.3 and 308.1 and did not notify the Town of any attempt to bring the Property into compliance. The Respondent failed to appear at this hearing or present any evidence that any steps towards compliance have been taken.

B. CONCLUSION OF LAW:

1. Respondent is and remains in violation of IPMC Section(s) 301.3 and 308.1.
2. Respondent failed to comply with the March 24, 2026 Code Enforcement Order.
3. The conditions on this Property related to the above violations continue to remain a serious threat to the public safety.

C. ORDER:

It is HEREBY ORDERED:

1. **Respondent shall pay a fine of \$250.00 per day** to the Town of Fort Myers Beach, beginning April 2, 2026 and accruing each day until the Respondent comes into compliance with the above-referenced Code Section(s) and as ordered in the March 24, 2026 Code Enforcement Order in this matter.
2. **Respondent shall pay prosecution/administrative costs**, ordered at the March 24, 2026 hearing, in the amount of \$361.12 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate after failure to bring the Property into compliance within the time given. Payment must be made within Thirty (30) days of the execution of this Order.
3. **Respondent shall further pay additional prosecution/administrative costs** in the amount of \$250.00 to the Town of Fort Myers Beach to cover the Town's costs for bringing this matter before the Special Magistrate at this hearing. Payment must be made within thirty (30) days of the execution of this Order.
4. **Respondent shall contact the Town of Fort Myers Beach Code Enforcement Department to verify compliance.** Respondent will not be deemed to be in compliance until Respondent contacts the Town and such compliance is verified.
5. The Respondent has not come into compliance with this Order by submitting the paperwork necessary to obtain the required permits to secure or remove the structures on the Property by April 2, 2026, deadline. By copy of this Order, the Town is hereby authorized to take such corrective action as it deems necessary to abate the unsafe conditions on t his Property and protect the public, including but not limited to securing, removing, or demolishing the structure(s). All costs incurred by the Town in taking such action shall be assessed against the Property, and a lien may be placed upon the real property to recover said costs.

6. Pursuant to Section 2-427 (c) of the Fort Myers Beach Land Development Code and Chapter 162 of the Florida Statutes, upon recording in the public records, this Order, with respect to fines and fees imposed, shall constitute a lien against the land on which the violation exists and upon any real or person property owned by the violation.

ORDERED this ___ day of _____, 2026, and executed this ___ day of _____, 2026.

Monica Schmucker, Special Magistrate

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Pursuant to Chapter 162.09 (3), Florida Statutes, A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon and other real or personal property owned by the violator.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that true and correct copy of the Order was sent by U.S. Mail on the ___ day of April 2026, to:

Sugar Beach States LP
3410 Service Rd #201
Burlington, ON L7N 3T2,
Canada

PLF Registered Agent, LLC
1833 Hendry St.
Ft. Myers, FL 33901

Nancy Stuparich: nstuparich@voselaw.com
Michael Hauserman: Michael.Hauserman@fmbgov.com
Amy Baker: amy@fmbgov.com

I certify this document to be a true and correct copy of the original on file in Town Hall, Fort Myers Beach, State of Florida, County of Lee.

BY: _____
Town Clerk and Clerk to the Special Magistrate

Dated: _____

APPEAL: An aggrieved party may appeal an Order of the Special Magistrate of the Town of Fort Myers Beach to the Lee County Circuit Court. The appeal shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

PAYMENT OF ADMINISTRATIVE COSTS, LIENS OR FINES: Checks should be made payable to “Town of Fort Myers Beach,” include the case number and mail to:

Town of Fort Myers Beach
Attention: Code Enforcement
6231 Estero Boulevard
Fort Myers Beach, FL 33931