

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

365

AGENDA ITEM SUMMARY

Meeting Date: August 22, 2023

Consent

Regular

Workshop

Public Hearing

Department: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a negotiated settlement offer in the amount of \$20,000 for the full satisfaction of a code enforcement lien entered against Robert M. Battista on December 5, 2007.

Summary: The Code Enforcement Special Magistrate (CESM) executed an order on June 6, 2007 for the property owned by Robert M. Battista, giving him until September 4, 2007 to bring his property located at 6193 Balboa Circle, Boca Raton, FL into full code compliance. The property was cited for the removal of an interior load-bearing wall without a building permit. The issue began with an anonymous complaint from condominium owners regarding their safety concerns for the building. Mr. Battista removed the interior load-bearing wall, which was not properly engineered and framed to support the existing loads.

Mr. Battista had until September 4, 2007 to bring the property into full code compliance or a fine of \$50 per day would begin to accrue. Several phone calls were exchanged between Code Enforcement and Mr. Battista's daughter/representative to discuss the path to compliance. However, on September 5, 2007, a site inspection revealed that the property remained in violation. Compliance with the CESM's order was not achieved, and the CESM executed an order imposing a code lien against Robert M. Battista on December 5, 2007.

The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on January 13, 2023, which was over 15 years after the compliance date set forth in the order, and the fines stopped. Compliance was achieved once a building permit was issued to repair the violations. The total fine on May 10, 2023 was \$280,601.58, the date on which settlement discussions began. Mr. Battista's heirs have agreed to pay Palm Beach County \$20,000 (7%) for full settlement of his outstanding code enforcement lien. **District 4 (SF)**

Background and Justification: Mr. Battista's heirs are in the process of selling the property. Their legal representative, Steven D. Eisenband, Esq., contacted the Office of Financial Management and Budget on May 10, 2023 to discuss the settlement of the lien.

Settlement offers that reduce any debt amount due to Palm Beach County by more than \$2,500 require the approval of the Board, per Countywide PPM CW-F-048.

Attachments: None

Recommended by:


Department Director

7/25/2023
Date

Approved by:


County Administrator

7/27/23
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs					
External Revenues	(20,000)				
Program Income (County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(20,000)				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included In Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No.: Fund 0001 Department 600 Unit 6241 Object 5900

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lucy Mante 7/25/2023
 7/24/23 OFMB
 CB 7/25/23 *uyl*
 7/25/23

 N/A
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 N/A
 Department Director

(This summary is not to be used as a basis for payment)