

3 G-3

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 14, 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 \$40,000 for the full satisfaction of a code enforcement lien entered against Pedro E. Diaz on April 1, 2020.

Summary: The Code Enforcement Special Magistrate (CESM) entered an order on April 9, 2019 for the property owned by Pedro E. Diaz giving him until September 30, 2019 to bring his property located at 2320 Sunrise Drive, West Palm Beach, Florida into full code compliance. The property was cited for construction work without permits. Compliance with the CESM’s Order was not achieved, and a fine of \$100 per day was imposed. The CESM then entered an order imposing a code lien against Pedro E. Diaz on April 1, 2020. The Code Enforcement Division (Code Enforcement) issued an affidavit of compliance for the property on February 6, 2023. The total fine on February 7, 2023 is \$114,300, the date on which settlement discussions began. Ryan Diaz, heir of Pedro Diaz, has agreed to pay Palm Beach County \$40,000 (35%) for full settlement of his outstanding code enforcement lien. District 3 (RS).

Background and Justification: The property was cited for building a shed/storage structure, converting the garage into living space, and remodeling the house without building permits. The CESM gave Pedro E. Diaz until September 30, 2019 to bring the property into full code compliance or a \$100 daily fine would begin to accrue. A follow-up inspection by Code Enforcement on October 3, 2019 confirmed that the property was still not in compliance. Mr. Diaz was not present during the hearing and was given 180 days to comply. During this time, he met with a code officer and later hired a contractor to complete the permit process. Six months later, a site inspection revealed that the property was still not in compliance and an order imposing a code lien was entered against the owner on April 1, 2020 and recorded on January 14, 2021.

Mr. Diaz passed away last year from health complications. His son, Ryan Diaz, recently sold the property. The proceeds for the sale are currently held in escrow by the title company, awaiting approval of the settlement offer by the Board of County Commissioners. This is non-homestead property.

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

Attachments: none

Recommended by: _____  _____ 
Department Director Date

Approved by: _____  _____ _____
County Administrator 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	(40,000)				
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	(40,000)				
#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 640 Unit 6241 Object 5900

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

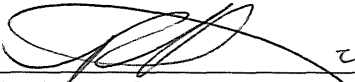
A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lera Mack 2/24/23
DC 2/24
 OFMB

N/A

 Contract Dev. and Control

B. Legal Sufficiency:

MYJ 2/23/23
EDW 2/24/23
 2/23/23
 Assistant County Attorney

C. Other Department Review:

N/A

 Department Director

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