



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Development and Environmental Services Group

I.1.

9/12/2023

### Subject:

Authorization to foreclose or, in the alternative, sue to recover a money judgment on specified code enforcement liens

### Fiscal Impact:

Filing fees, recording, service of process, other legal costs and fees estimated to be approximately \$3,500

### Dept/Office:

Planning and Development

### Requested Action:

Pursuant to Section 2-176, Brevard County Code of Ordinances, it is requested that the Board authorize the County Attorney to foreclose or, in the alternative, sue to recover a money judgment on imposed code enforcement liens, and direct staff to seek additional authorization from the Brevard County Code Enforcement Special Magistrate, as required by State law and the Brevard County Code, for the following properties:

- 297 Myrtlewood Rd., Melbourne, FL 32940 (Tax Account 2602194, District 4)
- 180 Rita Blvd., Melbourne Beach, FL 32951 (Tax Account 2850125, District 3)
- 5640 Brandon St., Cocoa, FL 32927 (Tax Account 2304767, District 1)

### Summary Explanation and Background:

Under Section 2-176(c)(2), Brevard County Code of Ordinances, the Board, in addition to the Code Enforcement Special Magistrate, may authorize the County Attorney to foreclose or seek a money judgment on a code enforcement lien once 3 months have elapsed from imposition. Due to a repeatedly demonstrated disregard for County Code resulting in severe blight within our community, such action is being requested here. This authorization will also extend to any subsequent transferee(s) with respect to non-homesteaded real property.

All the properties listed in the Requested Action section of this report are owned by one individual, Gary Taylor, according to records of the Brevard County Property Appraiser. Mr. Taylor does not appear to qualify for homestead status on any of the subject properties.

The following is a summary of the code enforcement cases resulting in the subject liens:

#### 297 Myrtlewood Rd., Melbourne, FL 32940

- Case #18CE-01131 (opened June 20, 2018)

- Violation of Brevard County Code of Ordinances Sections 22-278(b) - Building Maintenance; 22-278(e) - Building and Structure requirements; 22-278(e)(1) - Exterior Surfaces; 22-278(e)(2) - Exterior Walls; 22-278(e)(3) - Roofs and drainage; 22-278(j) - Electrical equipment; 22-278(k) - Accessory structures; 94-119 - Property Maintenance; 94-311 to 94-312 - storage requirements for junk/abandoned vehicles; (Overgrowth complied Dec. 6, 2019).
- Special Magistrate issued Findings of Fact, Conclusions of Law and Order & Lien for Costs (hereinafter "FoF") on Aug. 16, 2018. Fine assessed at \$25 per day.
- Lien was imposed on the property and recorded on Dec. 20, 2019.
- Fines have accrued to maximum (35% of assessed value at the time of imposition of the lien) and remain due.
- Fine of \$43,592, plus enforcement costs of \$550

180 Rita Blvd., Melbourne Beach, FL 32951

- Case #21CE-00569 (opened Mar. 30, 2021)
  - Violation of Brevard County Code of Ordinances Section 94-311 to 94-312: Storage requirements for junk/abandoned vehicles, or parts thereof, on private property
  - Special Magistrate Issued FoF on July 15, 2021.
  - Lien was imposed on the property and recorded on Oct. 22, 2021
  - Fines of \$25 per day continue to accrue; maximum fine is \$89,544
  - As of Aug. 21, 2023, fines have accrued to \$18,275, plus enforcement costs of \$550

5640 Brandon St., Cocoa, FL 32927

- Case #15CE-01660 (opened Aug. 24, 2015)
  - Violation of Brevard County Code of Ordinances Sections 22-278(e)(3), Roofs and drainage; 114-28(b) - Overgrowth.
  - Special Magistrate Issued FoF on Dec. 17, 2015. Fine assessed \$25.00 per day.
  - Lien was imposed on property and recorded on Oct. 22, 2021.
  - Fines have accrued to the maximum and remain due.
  - Fine of \$15,568, plus enforcement costs of \$550
- Case #21CE-01902 (opened Dec. 6, 2021)
  - Violation of Brevard County Code of Ordinances Section 22-280: Abatement of unsafe buildings and structures.
    - Safety Violation - Structure has been declared unsafe by the Building Official
  - Special Magistrate Issued FoF and Order of Intent on March 17, 2022. Fine assessed \$100.00 per day.
  - Lien was imposed on property on June 16, 2022.
  - Fines have accrued to the maximum and remain due.
  - Fine of \$15,568, plus enforcement costs of \$550

It should be noted that, in addition to the violations at issue, Mr. Taylor's properties have been the subject of numerous code enforcement cases; records indicate code enforcement cases involving Mr. Taylor beginning in 1992. For example, in 2008, Brevard County entered into litigation with Mr. Taylor to seek an injunction in connection with a previous violation at 5640 Brandon St. At that time, Mr. Taylor entered into a stipulated settlement with the County after curing the violations at issue.

Given the habitual behavior of non-compliance exhibited by Mr. Taylor, and the adverse impacts on neighboring properties that result, it would be appropriate for the Board to authorize the County Attorney to foreclose on the aforementioned code enforcement liens, and direct staff to seek authorization to foreclose from the Code Enforcement Special Magistrate.

In the alternative, the Board is also requested to authorize the County Attorney to sue to recover a money judgment on the imposed code enforcement liens.

**Clerk to the Board Instructions:**

Please deliver a copy of the Board Action Memo to Brevard County Planning and Development Department and County Attorney's Office



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

September 13, 2023

**M E M O R A N D U M**

**TO:** Tad Calkin, Planning and Development Director

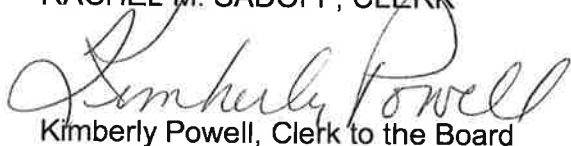
**RE:** Item I.1., Authorization to Foreclose or, in the Alternative, Sue to Recover a Money Judgment on Specified Code Enforcement Liens

The Board of County Commissioners, in regular session on September 12, 2023, authorized the County Attorney to foreclose or, in the alternative, sue to recover a money judgement on imposed code enforcement liens; directed staff to seek additional authorization from the Brevard County Code Enforcement Special Magistrate, as required by State law and the Brevard County Code, for 297 Myrtlewood Road, Melbourne, FL 32940, 180 Rita Boulevard, Melbourne, FL 32951, and 5640 Brandon Street, Cocoa, FL 32927; and directed staff to review its Code Enforcement cases, on a semi-annual basis, to identify those cases where it would be in the best interest of the public to move forward with foreclosure and those factors shall include, but are not limited to: homestead status, at least three (3) months have passed since imposition of lien, there is an active violation leading to severe blight, a lien is reaching its expiration, the fine has reached the maximum allowed under Brevard County Code, the owner of the property is a habitual offender, and community or law enforcement requests.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

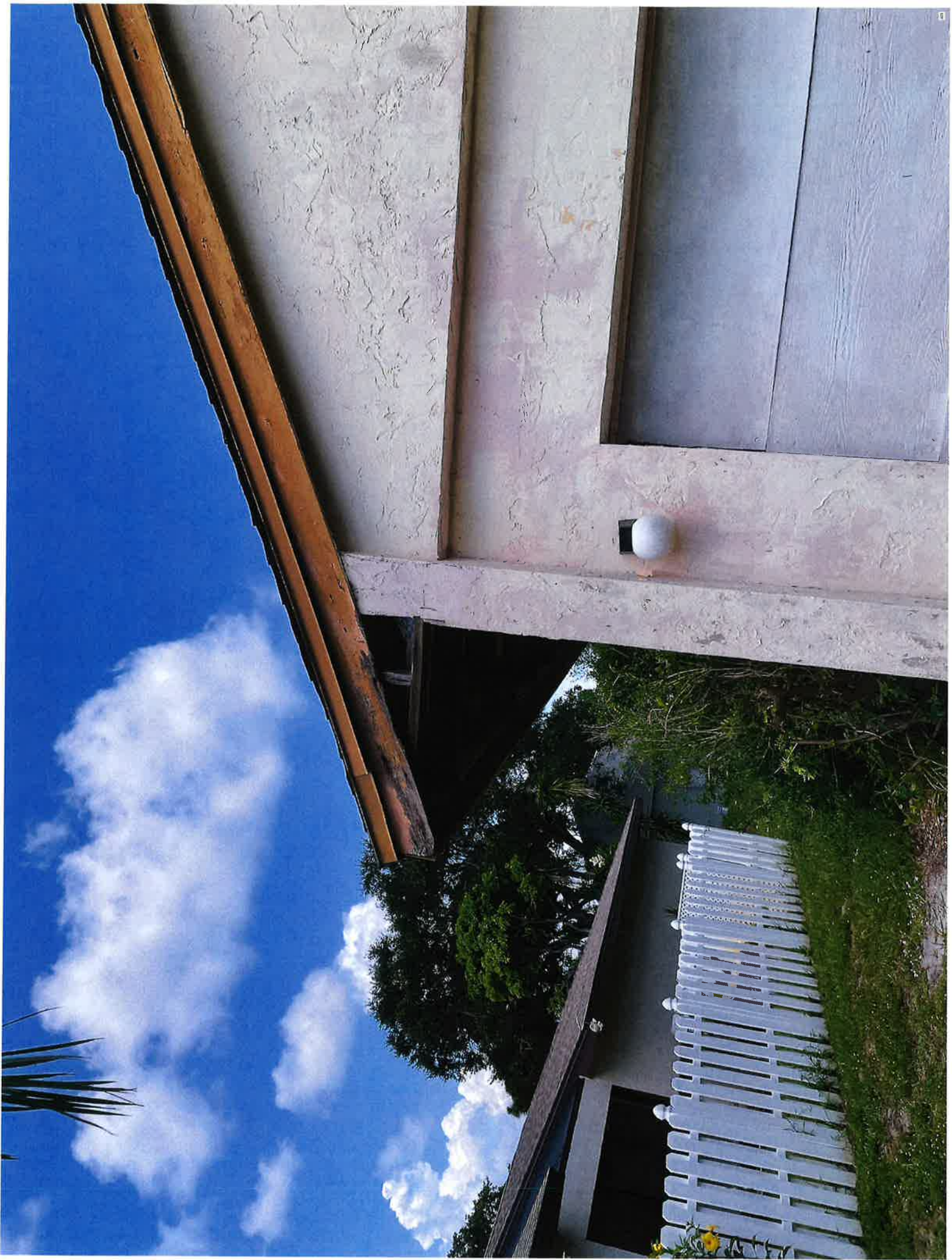
  
Kimberly Powell, Clerk to the Board

cc: County Attorney  
Finance  
Budget





297







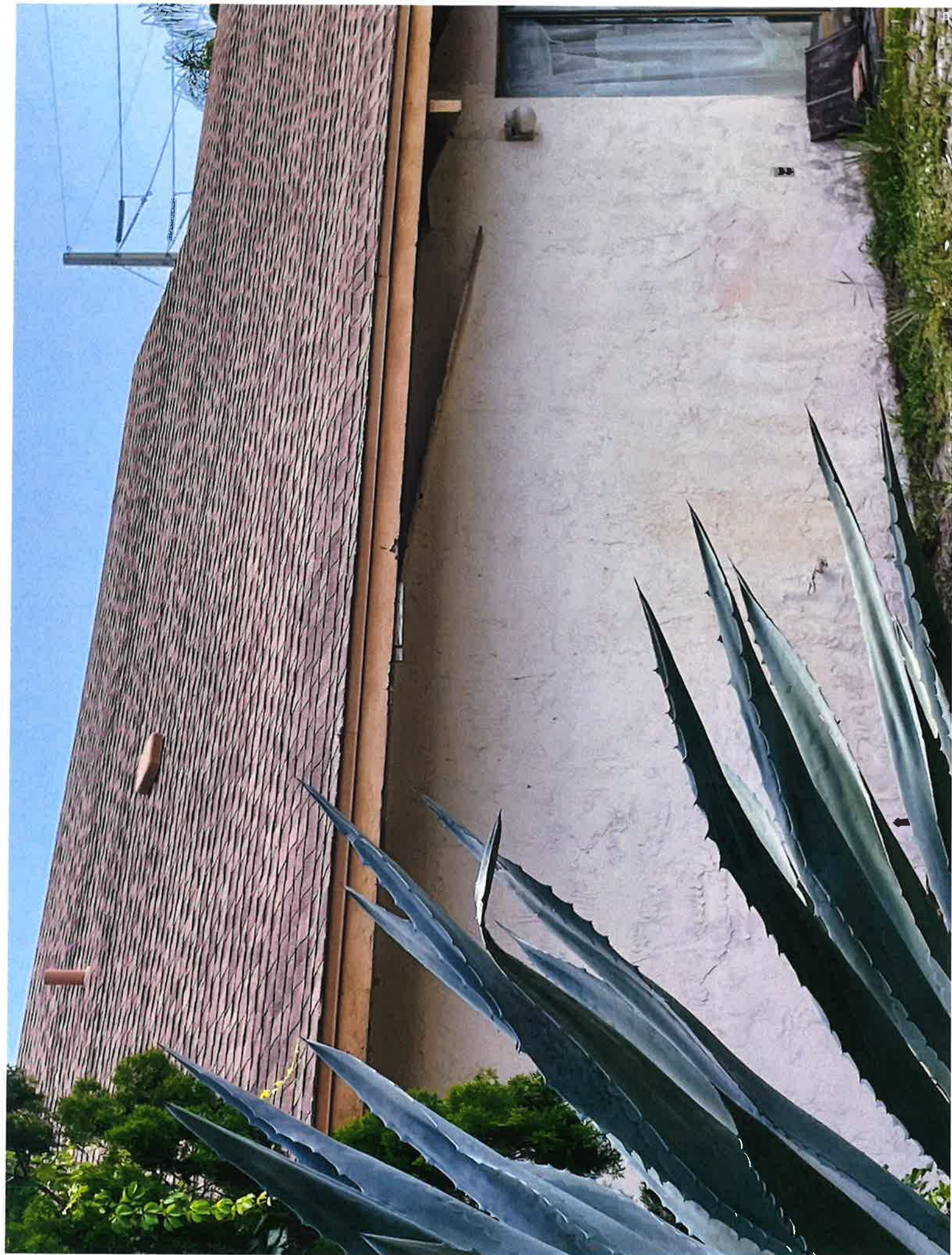


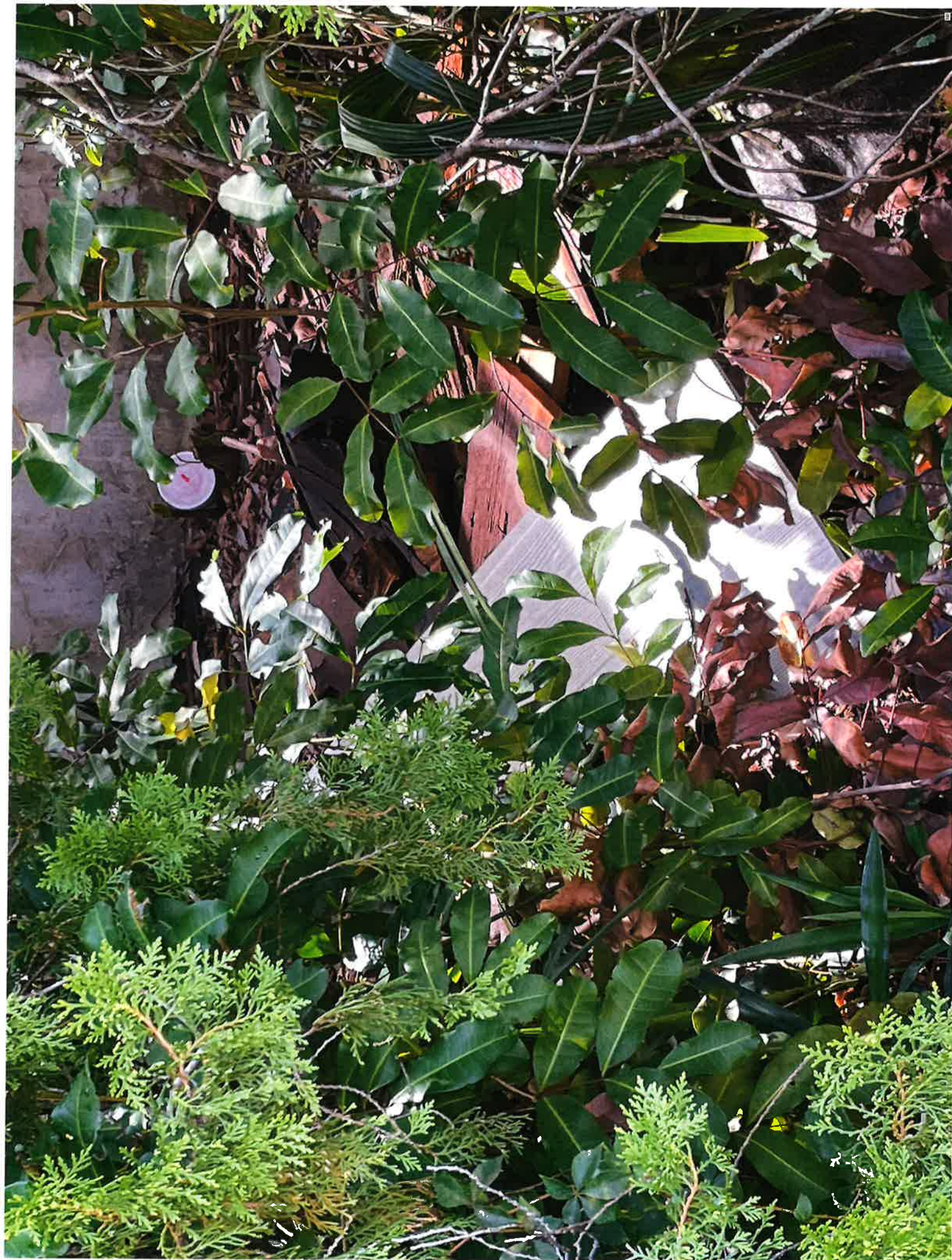




























CASE NO: 21CE

Tax Account 230473

BOARD OF COUNTY  
COUNTY, FLORIDA, a  
Petitioner,

GARY LEE TAYLOR,  
Respondent(s).

Pursuant to Chapter 218A,  
notified that an imposition

Date: Jun 16 2022 Th  
9:00 a.m. (If you  
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