

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 15, 2025

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. CE-24-53

FORTUNATO, MICHAEL DAVID
13063 BOCA CIEGA AVE
MADEIRA BEACH, FL 33708-2437

Respondents.

RE Property: 13063 Boca Ciega Ave. **Parcel #** 15-31-15-65322-024-0020

Legal Description: PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK X, LOT 2

NOTICE OF HEARING
AFFIDAVIT OF COMPLIANCE

To whom it may concern:

YOU ARE HEREBY FORMALLY NOTIFIED that at **12:00 pm** on **TUESDAY** the **27th** day of **__ May __, 2025** at the Madeira Beach City Center in the Patricia Shontz Commission Chambers, located at 300 Municipal Drive, Madeira Beach, Florida 33708, a hearing will be held before the Special Magistrate concerning the following code violation(s):

Sec. 14-164. - Structures upon docks, seawall, cap, jetties and groins

(4)If any pier or dock constructed hereunder or continued in existence hereunder is permitted to fall into disrepair so as to become a dangerous structure involving risks to the safety and well being of the community or individual members thereof such structure must either be removed or repaired so as to conform with the requirements of these regulations.

Sec. 14-186. - Application.

(a)Before the erection, construction, repair, razing, or alteration of any seawall, bulkhead, groin, dock, jetty or any part thereof, there shall first be submitted to the city manager or his designated representative an application in such form as may be prescribed by the city, containing a detailed statement of the specifications and plans for such structure, together with plot plan showing the location of such contemplated structure, alteration or repair in conjunction with adjoining lands, waters and channels, and such other plans and structural drawings as may be reasonable required by the city manager or his designated

representative. When additional permits are required, the city manager or his designated representative will direct the contractor to get such permits from other governmental agencies.

You are hereby ordered to appear before the Special Magistrate of the City of Madeira Beach on that date and time to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$250.00 per day for an initial violation(s) and \$500.00 per day for repeat violations against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may still be presented to the Special Magistrate of the City of Madeira Beach even if the violation has been corrected prior to the Special Magistrate hearing.

Should you desire, you have the right to obtain an attorney at your own expense to represent you before the Special Magistrate. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination.

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation(s), should you be found in violation of the City Code.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Code Enforcement department of the City of Maderia Beach within five (5) days at 300 Municipal Drive, Maderia Beach, Florida 33708, telephone number (727) 391-9951 ext 298.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I DO HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this 15 day of May, 2025.

Holden Pinkard

**Holden Pinkard, Building Compliance Supervisor
City of Madeira Beach**

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

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Madeira Beach, Florida 33708,

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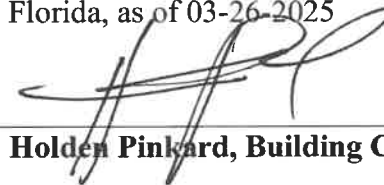
AFFIDAVIT OF COMPLIANCE

I, Holden Pinkard, *Building Compliance Supervisor*, have personally examined the property described in

Madeira Beach Notice of Violation: 06-11-2024

Madeira Beach Special Magistrate Order: 03-03-2025

In the above-mentioned case and find that said property is in compliance with Sec. 14-164 and Sec. 14-186 of the Code of City of Madeira Beach, Florida, as of 03-26-2025



Holden Pinkard, Building Compliance Supervisor

STATE OF FLORIDA

COUNTY OF PINELLAS

Before me on this 15th day of May, 2025, Holden Pinkard personally appeared who executed the foregoing instrument and who is personally known to me.



Notary

SEAL



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH**

May 15, 2025

City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

Petitioner,

vs.

CASE NO. CE-24-53

FORTUNATO, MICHAEL DAVID
13063 BOCA CIEGA AVE
MADEIRA BEACH, FL 33708-2437

Respondents.

RE Property: 13063 Boca Ciega Ave **Parcel #**15-31-15-65322-024-0020

Legal Description: PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK X, LOT 2

AFFIDAVIT OF SERVICE

I, Holden Pinkard, Building Compliance Supervisor of the City of Madeira Beach, upon being duly sworn, depose and says the following:

That pursuant to Florida Statute 162.12,

On the 15th day of May, 2025, I mailed a copy of the attached NOTICE OF HEARING via Certified Mail, Return Receipt Requested.

On the 15th day of May, 2025, I mailed a copy of the attached NOTICE OF HEARING via First Class mail.

On the 15th day of May, 2025, I posted a copy of the attached NOTICE OF HEARING on the property located at 13063 Boca Ciega Ave, Parcel # 15-31-15-65322-024-0020 the City of Madeira Beach.

On the 15th day of May, 2025, I caused the attached NOTICE OF HEARING to be posted at the Municipal Government Offices, 300 Municipal Drive, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.



**Holden Pinkard, Building Compliance Supervisor
City of Madeira Beach**

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me, the undersigned authority, by means of ✓ physical presence or online notarization, this 15th day of May, 2025, by Holden Pinkard, who is personally known to me, or produced _____ as identification. My Commission Expires: 03-15-27

Notary Public- State of Florida



Print or type Name. Samantha Arison



CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: CE-24-53

Petitioner,

vs.

FORTUNATO, MICHAEL DAVID,
13063 Boca Ciega Ave.
Madeira Beach, FL 33708,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER IMPOSING FINE AND CERTIFYING LIEN**

THIS CAUSE came on to be heard at the public hearing before the undersigned Special Magistrate on February 24, 2025, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

1. The City was represented by the City Attorney, and Grace Mills provided testimony on behalf of the City.
2. No one appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 13063 Boca Ciega Ave., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

PAGE'S REPLAT OF MITCHELL'S BEACH NO. 2 BLK X, LOT 2

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, *Florida Statutes*.
6. The Respondent was notified that Respondent was in violation of the following sections of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 14-164. - Structures upon docks, seawall, cap, jetties and groins

- (4) If any pier or dock constructed hereunder or continued in existence hereunder is permitted to fall into disrepair so as to become a dangerous structure involving risks to

the safety and well being of the community or individual members thereof such structure must either be removed or repaired so as to conform with the requirements of these regulations.

Sec. 14-186. - Application.

(a) Before the erection, construction, repair, razing, or alteration of any seawall, bulkhead, groin, dock, jetty or any part thereof, there shall first be submitted to the city manager or his designated representative an application in such form as may be prescribed by the city, containing a detailed statement of the specifications and plans for such structure, together with plot plan showing the location of such contemplated structure, alteration or repair in conjunction with adjoining lands, waters and channels, and such other plans and structural drawings as may be reasonable required by the city manager or his designated representative. When additional permits are required, the city manager or his designated representative will direct the contractor to get such permits from other governmental agencies.

7. The violations set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violations and bringing the Property into compliance is on or before March 26, 2025.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9. The Respondent, and the Property at the above mentioned location, are found to be in violation of Section 14-164, and 14-186 of the Code of Ordinances of the City of Madeira Beach.

10. The Respondent shall correct the above stated violations on or before March 26, 2025, by taking the remedial action as set forth in the Notice of Violation, and as stated on the record at the Hearing.

11. Upon complying, the Respondent shall notify the Code Compliance Officer at the City of Madeira Beach, who shall then inspect the Property to confirm compliance has been accomplished.

12. If the Respondent fails to timely comply with the remedial actions as set forth above, a fine shall be imposed, in the amount of \$150.00 per day for the violations set forth in Paragraph 6 above for each day the Respondent have failed to correct the violations after March 26, 2025, and the fine shall continue to accrue until such time as the Property is brought into compliance.

13. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 3rd day of March, 2025.



Bart R. Valdes
Special Magistrate

A true and correct copy of this Findings of Fact was delivered by certified mail and regular mail to: **Michael David Fortunato, 13063 Boca Ciega Ave., Madeira Beach, Florida 33708**; by electronic mail to **Thomas Trask, Esq. (tom@cityattorneys.legal)**; and by U.S. Mail and e-mail transmission to the **City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708**, on this 3rd day of March, 2025.



Bart R. Valdes

APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. §162.11, *Florida Statutes* (2024).



