

Instr #2023017508 BK: 4280 PG: 763, Filed & Recorded: 3/29/2023 4:09 PM CS Deputy Clk, #Pgs:3
Doug Chorvat, Jr., Clerk of the Circuit Court Hernando CO FL Rec Fees: \$27.00

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BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT,
Plaintiff,

vs.

Case No. 343974

ALBERT FRANCO and FRANCO RIVER SHACK, LLC,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER originally came before the Special Master for hearing on December 14, 2022, after notice to the Defendant, on Citation #BD-6740 issued by the Plaintiff, HERNANDO COUNTY DEVELOPMENT DEPARTMENT, CONTRACTOR CERTIFICATION DIVISION, 789 Providence Blvd., Brooksville, Florida 34601, to the Defendant, ALBERT FRANCO and FRANCO RIVER SHACK, LLC, 5461 Circle Dr., Weeki Wachee, FL 34607. The citation was mailed to the Defendant by certified mail, return receipt requested, and was subsequently posted on the Defendant's property and at the Hernando County Courthouse. The Defendant appeared pro se and the Plaintiff was represented by KYLE J. BENDA, ESQ., Assistant Hernando County Attorney.

This matter was originally heard on October 12, 2022. It returned before the Special Master on December 14, 2022 for a status hearing. The Defendant appeared pro se.

The Special Master heard the testimony of Hernando County Field Investigator, JANE BROWN and the Defendant.

Upon **CONSIDERATION**, the Special Master finds as follows:

A. On December 14, 2022 Investigator Brown advised that the Defendant had applied for permit regarding the dock. The dock was constructed before the Defendant purchased the property. It was unknown who built the dock. The Defendant stated he hired a contractor to correct deficiencies and submit a permit application. The Defendant stated he was waiting for someone to advise him. The Defendant testified that he had submitted a reduced size plan for the dock. The Special Master continued this matter to January 25, 2023 and advised Investigator Brown to encourage completion of this matter.

B. This matter returned before the Special Master for a status hearing on January 25, 2023. The Defendant did not appear. Investigator Brown testified that this matter had been submitted for Riverine review on December 15, 2022. The dock exceeds dimensions by ordinance. No paperwork was submitted for a permit to show a reduction in size. The property was not sold as the Defendant had stated on December 14, 2022. A neighbor advised Investigator Brown that the sale fell through. Investigator Brown stated she

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had no contact with the Defendant in the last month. The Special Master was advised that the property is in the name of the Defendant and not a corporation or LLC.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding Citation #BD-6740 and the charge of construction of a floating dock without the required building permit on property located at 5461 Circle Dr., Weeki Wachee, Hernando County, Florida, the Defendant, ALBERT FRANCO, is found GUILTY of the cited violation, in violation of Chapter 8, Article II, Section 8-46(5)(i) Hernando County Code of Ordinances.

a) The Defendant shall pay a civil penalty in the amount of \$150.00 per day beginning on the day after the date of the clerk's mailing of this order and continuing until the Defendant corrects this violation by submitting a proper building permit application, having it approved, and complying with the terms of the approved building permit, plus \$94.92 administrative fee payable to the Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601, pursuant to Chapter 8, Article 2, Section 8-48(15) of the Hernando County Code of Ordinances.

2. That pursuant to authority granted by Chapter 2, Article III, Section 2-54(k) of the Hernando County Code of Ordinances and Section 162.09(2)(d), Florida Statutes, the Defendant is hereby ordered to pay additional administrative and investigative costs on behalf of Hernando County Building Department in the amount of \$949.20, on behalf of the County Attorney in the amount of \$100.00, and certified mail costs in the amount of \$16.90 payable to the Hernando County Code Enforcement Department.

3. This matter shall return before the Special Master for review in 60 days, on March 22, 2023.

4. **The total of penalties and costs due at this time, without considering the daily fine and payable to the Plaintiff, Hernando County Development Department, 789 Providence Blvd., Brooksville, Florida 34601 is \$1,161.02. This order shall bear interest at the legal rate established pursuant to Section 55.01, Florida Statutes, beginning 30 days after the clerk signs this order, FOR WHICH LET EXECUTION NOW ISSUE. In the event that this Special Master's Order is recorded in the public records pursuant to paragraph 5, herein, Hernando County shall be entitled to collect for their actual costs of recording this Order and a Satisfaction, which additional costs shall be added to the total of penalties and costs stated herein.**

5. If the Defendant fails to comply with this Order within 30 days, pursuant to Chapter 8, Article 2, Section 8-49(1)(a) of the Hernando County Code of Ordinances, this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendant.

REQUESTS FOR FURTHER REVIEW shall be addressed as follows:

An aggrieved party, including the local governing body, may appeal a decision of the Special Master to the Circuit Court. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of

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the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

YOU ARE FURTHER advised that if you decide to seek further review of any decision made by the Special Master with respect to any matter considered at such hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the further review is to be based. Production of verbatim transcripts shall be the responsibility and at the personal expense of the party seeking review of the Special Master's Order.


DONE AND ORDERED at Brooksville, Hernando County, Florida this 29th day of January, 2023.


KENNETH L. WARNSTADT
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Special Master's Order has been sent by Regular U.S. Mail and certified mail, return receipt requested to ALBERT FRANCO and FRANCO RIVER SHACK, LLC, 5461 Circle Dr., Weeki Wachee, FL 34607 and by Courthouse Mail to Hernando County Development Dept., Contractor Certification Division, 789 Providence Blvd., Brooksville, Florida 34601 on January February 9, 2023.

Pursuant to Section 119.07, Florida Statutes as amended from time to time, as Record Custodian for this document, I hereby certify that this is a true and correct copy of the original document on file.

Record Custodian: 
Print Name: Cheryl Carr
Date: March 9 2023
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


Clerk to Special Master