

**Code Enforcement  
Special Magistrate for the  
City of Haines City**

CITY OF HAINES CITY,

Petitioner,

v. TOSCHIA HOGAN

Respondent.

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CASE NO. 15507 & 29831 **829829**

PARCEL ID: 27-27-29-788000-000040/27-27-20-746510-003220

PROPERTY ADDRESS: 419 7<sup>TH</sup> STREET NORTH & 502 5<sup>TH</sup> STREET NORTH

PROPERTY DESCRIPTION: RESUB OF BLOCK 70 OF HAINES CITY PLAT BOOK 31 PAGE 10 LOT 4 AND SAMPLE BROS SUB PLAT BOOK 3 PAGE 24 BLOCK C LOTS 22 & 23

**RECOMMENDED ORDER REDUCING FINE**

THIS MATTER came to be heard at the Respondent/Violator's request to reduce the fine in the above styled matter. Upon consideration of the arguments and evidence presented by the Respondent and the City, the undersigned, being fully advised in the premises, does hereupon FIND and RECOMMEND:

1. On, March 25, 2015, the Haines City Special Magistrate entered and finding of facts, after duly notice hearing, imposing a fine of \$100.00 per day to continue until such time that the property was brought into compliance. On, May 26, 2021, the Haines City Special Magistrate entered an finding of facts, after duly notice hearing, imposing a fine of \$100.00 per day to continue until such time that the property was brought into compliance.
2. On, August 26, 2015, the Haines City Special Magistrate entered an order pertaining to Case No. 15507, after duly notice hearing, imposing a fine of \$100.00 per day and to continue until such time the property was brought into compliance. On July 28, 2021, the Haines City Special Magistrate entered an order pertaining to Case No. 29831, after duly notice of hearing, imposing a fine of \$100.00 per day and to continue until such time the property was brought into compliance.
3. The Property is now in compliance. The fact of compliance and the dates of compliance were not disputed.
4. The accrued unsatisfied lien amount on the orders above is \$335,664.56.
5. The Respondent asked for reduction of the lien.
6. The undersigned Special Magistrate has authority to reduce a fine pursuant to Florida Statute 162.09(2)(c) and Section 2-42(b)(3), Haines City Code of Ordinances.
7. I have considered the gravity of the violation, including the length of time the property was out of compliance and the age of the violation, the actions taken to correct the violation, and the previous record of violations, if any. I have also considered that the primary objective of the Code Enforcement program is to encourage and incentivize compliance, as opposed to being punitive.
8. The conversion of a code enforcement fine to a lien divests the Special Magistrate of subject matter jurisdiction because the Special Magistrate only has authority to reduce fines. Only the city commission has the authority to compromise a lien after it has been recorded. See *Palm Beach Polo, Inc. v. City of Wellington*, FLWSUPP 30021PAL (15<sup>th</sup> Judicial Circuit, Florida 2022).

9. Based on my consideration of these factors, I hereby recommend that City Commission reduce the lien amount to \$ 206.56, which includes administrative costs of \$206.56, and that the City record a release of lien, provided payment is made to the Petitioner City by 5:00 P.M., 30 days after approval by the City Commission, subject to clearance of funds.

DONE AND ORDERED this 28<sup>th</sup> day of April, 2023.

By:   
Special Magistrate, City of Haines City

**NOTICE TO RESPONDENT**

This Recommended Order is not a final order. It is a recommended order. The City Commission has the final authority to determine whether to reduce the lien amount stated in this Recommended Order. The City Commission may accept the Special Magistrate's recommendation, but does not have to. The City Commission's decision may result in you having to pay less than the recommended amount, more, or the same amount. The Recommended Order will be placed on the Consent Agenda for consideration by the City Commission at a regular City Commission meeting.