

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
January 21, 2026

Agenda Item:

Code Enforcement Lien Reduction Request: Truist Bank

Motion to accept agreed code enforcement lien reduction with payment to be made within 15 days, and authorizing staff to file a Release of Lien once payment is made.

Background:

Village Land Development Code provides at § 2-505(F)(2):

Use Permit. A use permit, authorizing a use in accordance with this LDC, is required prior to occupancy or a change of occupancy of commercial or industrial zoned property, or for the change of use from a model home that is converted to a standard residence. A use permit is a prerequisite to any county or state permitting or business license receipt. The Director shall review and issue a use permit prior to the issuance of a building permit, based on the determination that the use meets the standards in this LDC.

On March 16th 2022, the Village's Codes Compliance Manager opened a case and issued a Courtesy Notice to Truist Bank for operating at 20280 Grande Oak Shoppes Blvd. without having first obtained a Use Permit. It appears the bank did not respond since, on April 5th 2022, an Affidavit of Non-Compliance was issued followed on April 19th by a Notice of Violation.

Several Notices of Hearing were subsequently issued (suggesting the case had been continued) but on June 16th 2022, a Final Order was issued by the Code Enforcement Special Magistrate finding a violation. An Order of Imposition was entered on July 20th 2022 which was properly recorded in the official record on September 14th 2022 (see attached recorded lien).

Compliance finally occurred on December 22nd 2025 when the bank obtained a Certificate of Use from the Village. By the time staff verified compliance, the daily fines had risen to \$308,000, plus cost of investigation of \$171.83 (see attached summary).

On January 6th 2025, counsel for the bank reached out to staff asking to discuss the lien. The bank's position is that it did not believe a Use Permit was required since it began occupancy due to a change in name, but the opportunity to argue the merits of the case

or to have filed an appeal in court are long expired. The lien is recorded and enforceable and per Florida Statutes § 162.09(3) can be foreclosed if the Village so desired.

Of course, the Village staff desires to be reasonable, especially if compliance has been achieved and no harm to the community has occurred. To that end, the Village Attorney entered into discussions with bank counsel and, with the approval of the Community Development Director, agreed to recommend a compromise payment of \$3,000 from the bank in exchange for a release of the lien. The justification for staff's offer to the bank of a \$3,000 compromise is that the fee for the permit is \$300. A lien compromise in the amount of \$3,000 is ten times the amount, but more than 100 times less than the over \$300,000 which had accumulated prior to compliance occurring. Given the nature of the violation, and that once current management became aware of the matter it was immediately addressed, staff believes this compromise is fair, and the bank, through its counsel, has accepted the offered compromise (subject of course to Council's action).

Village Code § 1-48(g) provides, in relevant part:

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records of the county, and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of the state, including execution of a levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever first occurs. *A lien arising from a fine imposed pursuant to this section runs in favor of the village, and the council may execute a satisfaction or release of lien entered pursuant to this section.*

Staff recommends that if Council agrees to reduce the lien to \$3,000, that it condition the reduction on payment by the bank within 15 days. Once payment is made, the staff would execute and file a Release of Lien in the official record, thus clearing the lien.

Action Requested:

Motion to accept agreed code enforcement lien reduction with payment to be made within 15 days, and authorizing staff to file a Release of Lien once payment is made.

Process and Timeline: If approved by Council, staff will, upon receipt of payment, execute and file a Release of Lien.

Financial Impact: \$3,000 will be paid to the Village in exchange for a lien release.

Prepared by: Robert Eschenfelder, Village Attorney

Attachments:

1. Recorded Lien
2. Case Summary