



CITY OF TITUSVILLE

HISTORIC PRESERVATION BOARD

AGENDA

Regular Meeting

July 6, 2026 - 1:00 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution #24-1997.

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

1. CALL TO ORDER

2. ROLL CALL

3. DETERMINATION OF A QUORUM

4. APPROVAL OF MINUTES

A. Minutes June 1, 2026 and May 28, 2026 Workshop Minutes

Approve Minutes

5. QUASI-JUDICIAL CONFIRMATION PROCEDURES

6. CONSENT AGENDA

7. OLD BUSINESS

A. Historic Preservation Demolition Ordinance

As the Board Desires

8. NEW BUSINESS

9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

10. REPORTS

A. **City Staff**

B. **City Attorney**

C. **Chairman**

D. **Members**

11. ADJOURNMENT

Any person who decides to appeal any decision of the Historic Preservation Board with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, 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.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Historic Preservation Board
From: Bradley Parrish, Community Development Director
Subject: **Minutes June 1, 2026 and May 28, 2026 Workshop Minutes**
Department/Office: Planning

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Minutes June 1, 2026

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 06.01.26 Minutes Draft
2. 05.28.26 Minutes Draft Workshop

Draft

The Historic Preservation Board (HPB) of the City of Titusville, Florida met in regular session at City Hall in the Council Chamber, located at 555 South Washington Avenue, on Monday June 1, 2026 at 1:00 p.m.

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Chairman Kiesel called the meeting to order at 1:00 p.m. Present were, Secretary Adams, Member Shifalo, Member Gaetjens, Member Foster and Member Jonas. Vice Chairman Petyk, Alternate Member Davis and Alternate Member Crofton were absent. Also attending were Redevelopment Planner Sue Williams and Recording Secretary Laurie Dargie.

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Member Shifalo motioned to approve the regular minutes from the May 4, 2026 meeting as presented. Member Foster seconded. There was a unanimous voice vote in favor.

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Old Business

Mid-Century Modern Structures & Historic Preservation Board Annual Workshop Wrap Up & Discussion

Chairman Kiesel said the Historic Preservation Board annual workshop went very well. Chairman Kiesel said that Community Development Director Brad Parrish mentioned to him that the Historic Preservation Board can write an article to be printed in the next Titusville Talking Points. Redevelopment Planner Sue Williams confirmed that space is being reserved for this article.

Chairman Kiesel said that the article can be regarding the importance and benefits of historic preservation.

Member Foster said that some language for the articles might be obtained from the guidelines book or the designation information.

Chairman Kiesel asked that Ms. Williams provide the deadline for the article and he would see about coming up with the information.

Member Foster thanked Member Shifalo for her research and hard work into making the Mid-Century Modern workshop such a huge success. Member Foster said that Mr. Hylton was a fantastic guest speaker. Member Foster said there was lots of positive feedback.

Member Gaetjens said that there was a gentleman who attended the workshop who had lots of questions about the demolition ordinance. Ms. Williams stated that Community Development Director Brad Parrish spoke to him and would be reaching out to answer his questions and possibly having a meeting with him. Ms. Williams said his first name was Matt.

Chairman Kiesel stated the importance of education for historic preservation and the ordinance.

Draft

The Historic Preservation Board members said there were many questions from the public relating to the demolition ordinance.

Member Shifalo shared her excitement for the very successful Historic Preservation Board workshop. Member Shifalo said that based on feedback she has received from the workshop she would suggest that a future workshop would be on how to properly restore a historic structure.

Chairman Kiesel said that there have been past workshops on adaptive reuse and the future workshop could be tailored towards restoration “how to” guidelines. Chairman Kiesel said he would suggest finding craftsmen or contractors with restoration experience to speak at the workshop.

The Historic Preservation Board members had discussion on next year’s workshop being about restoration and the importance of having a speaker who is knowledgeable and also that has actually completed a restoration project. The Historic Preservation Board members spoke about getting resources that can be provided to citizens who would like more information on contacts for restoration of older structures. The “basics of restoration”.

Secretary Adams and Member Foster suggested a man named Michael as a potential contact.

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Petitions & Request

None

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Reports

Member Shifalo asked for an update regarding the Joynerville award and the award given to Member Kirk Davis. Ms. Williams said that Ms. Armstrong attended the conference and can provide a detailed update at the next Historic Preservation Board meeting.

Member Shifalo wanted to know if the Historic Preservation Board could address or help Ms. Villain regarding the Indian River City Neighborhood. The Historic Preservation Board members had discussion stating that the citizens in the neighborhood much initiate this process and the Historic Preservation Board has provided this information to Ms. Villain.

Member Gaetjens said he would like to hear from the contractor who worked on the Launch Now property in the Downtown. Chairman Kiesel said that he knows the contractor and provided a brief overview of what he knew about the project. Chairman Kiesel said this was a successful adaptive reuse project. Chairman Kiesel stated that it would be nice to hear from the contractor from the Deam Space Coast project also.

Member Foster asked where the Joynerville award will be displayed. Ms. Williams said that she discussed this with Mr. Parrish and will have to get back to the Historic Preservation Board with their ideas.

Ms. Williams asked what she should do with the two recognitions without designation certificates that were not handed out at the workshop. Member Shifalo suggested mailing the certificate to 13 Associates LLC and she would provide the address to Ms. Williams. She suggested not mailing the

Draft

homeowner's certificate as they did not show up or show any interest in returning her calls or responding to the letter.

Ms. Williams stated that there is a third party interested in the Launch Now space but did not provide information as it is not confirmed.

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Adjournment 2:07pm

DRAFT

The Historic Preservation Board (HPB) of the City of Titusville, Florida met during a workshop in Harry T. Moore Social Services Center 725 S. DeLeon Avenue Titusville, Florida on Thursday, May 28, 2026 at 5:30 p.m.

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Present were Chairman Kiesel, Vice Chairman Petyk, Secretary Adams, Member Jonas, Member Shifalo, Member Gaetjens, Member Foster and Alternate Member Davis. Alternate Member Crofton was absent. Also attending was Redevelopment Planner Sue Williams and Community Development Director Brad Parrish.

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Welcome & Introduction

Community Development Director Brad Parrish welcomed the public.

The Historic Preservation Board Members introduced themselves.

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Historic Preservation Proposed Demolition Ordinance

Community Development Director Brad Parrish gave an overview of the demolition ordinance.

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Morris “Marty” Hylton III, President of Architecture in Sarasota, Florida – Mid-Century Modern

Morris “Marty” Hylton III, President of Architecture Sarasota, as the guest speaker, presenting on Mid-Century Modern architecture and its significance in preserving architectural history and community identity.

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Recognition without Designation of Mid-Century Modern

As part of the workshop, the Historic Preservation Board presented Recognition Without Designation awards to selected local residential and commercial properties that exemplify Titusville’s mid-century modern architectural heritage. The certificates were presented to the following:

Residential

1. 1760 Diane Drive
2. 3502 Nelson Place

Commercial

1. Prosper Titusville, LLC – Dream Space Coast Apartments - 2825 S. Washington Avenue
2. 13 Associates, LLC - 3880 S. Washington Avenue

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Workshop ended at 7:45 pm

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Historic Preservation Board
From: Sue Williams, Redevelopment Planner
Subject: **Historic Preservation Demolition Ordinance**
Department/Office: Community Development

Recommended Action:

As the Board Desires

Summary Explanation & Background:

At the September 2, 2025, Historic Preservation Board (HPB) meeting, the Board held an in-depth discussion on preservation priorities, potential ordinance updates, and expanded local recognition of historic structures. Chairman Kiesel emphasized the importance of the City of Titusville supporting historic preservation initiatives. Chairman Kiesel recommended updating or amending the City's ordinance to align with Senate Bill 582, which strengthens local historic preservation authority. Chairman Kiesel asked whether the HPB could play a larger role in reviewing demolitions of historic structures. Mr. Parrish responded that this would require a change to the ordinance. Chairman Kiesel requested further discussion on this issue at future meetings.

The HPB Board requested a report from the Historic Preservation Officer (HPO), Pat Tyjeski. The report provides an overview of the City's historic property demolition provisions, a peer review analysis, and suggestions for updating Titusville's historic preservation regulations to improve the monitoring and management of building demolitions within the City. The report was presented to the HPB Board at their November meeting.

On December 1, 2025, the Board recommended the report from Historic Preservation Officer Pat Tyjeski with her stated recommendations and flow-chart be forwarded to City Council for consideration. The City Council accepted the Historic Preservation Board's recommendation to adopt an amendment to the City's Historic Preservation ordinance as recommended in the Historic Preservation Officer's Report. The motion also included direction to notify the property owners of historic structures to request feedback on a draft ordinance.

At the February 2, 2026, HPB meeting, Chairman Kiesel gave a brief update on the City Council meeting he attended, where it was brought up about demolition of potentially

historic structures. Chairman Kiesel said that City Council was receptive but did have questions of staff. Community Development Director Brad Parrish said that City Council suggested that an ordinance be drafted to specifically address demolition of historic structures that may be qualifying.

Mr. Parrish went over the four items:

1. Whether the ordinance should apply exclusively to properties identified in the City's historic preservation surveys.
2. Whether demolition review and delay should be administered through the existing Certificate of Appropriateness (COA) process or through an alternative review mechanism.
3. Whether applicants should be responsible for the cost of documenting historic resources prior to demolition.
4. Appropriate duration for a demolition delay period, noting City Council's direction that demolition permits may be delayed but not denied.

Chairman Kiesel provided his feedback on the four items. Chairman Kiesel said all demolition permits on properties that are fifty years or older should be brought to the attention of the Historic Preservation Board before the demolition permit is issued. The review and delay should go through the Certificate of Appropriateness process. If the property owner is unwilling or unable to pay for the documentation of the property, the Historic Preservation Board should use budgeted money to pay for the report. Chairman Kiesel does not think that it will take 90 days to document, but if it does need a longer time, he would like to allow the time for it to be properly documented. The Historic Preservation Board had discussion regarding delaying demolition permits.

Member Shifalo said she would like the applicant that is requesting the demolition to provide information as to what is being developed or done with the property after the demolition takes place. Member Shifalo said that the maximum delay should be 90 days and the applicant should pay for the documentation. The Historic Preservation Board had discussion.

Mr. Parrish said that there are more than five hundred structures that are listed on the surveys. City Council would like the property owners to be notified of the ordinance so that they can come and provide their input and feedback. Staff mailed post cards to all subject properties listed in the historic surveys inviting them to the Historic Preservation Board Annual Workshop held on May 28, 2026.

At the Annual Workshop of the Historic Preservation Board on May 28, 2026, Community Development Director Brad Parrish provided an overview of the City's proposed Historic Preservation Demolition Ordinance. The presentation offered residents an opportunity to learn about the proposed changes and participate in a meaningful discussion regarding preservation strategies and community priorities. Public feedback was encouraged as part of the City's ongoing effort to engage citizens in preservation planning and policy development.

Staff revised the proposed demolition ordinance based on feedback at the Annual

Workshop, and it is attached to this agenda item for HPB review and recommendations to City Council.

Alternatives:

As the Board Desires.

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Historic Preservation Budget

Strategic Plan:

Goal 1. to Encourage a vibrant downtown

Goal 2.b to continue partnerships and coordination with public and nonprofit entities

Goal 4.b to continue to market amenities

Strategic Plan Impact:

Expanded HPB review of demolitions ensures significant historic structures are preserved or properly documented.

Builds trust with residents and historic property owners by demonstrating the City's commitment to safeguarding cultural heritage and neighborhoods such as Joynerville. . Protecting historic assets supports tourism, encourages reinvestment in older buildings, and sustains the appeal of the downtown district as a destination for visitors and residents.

Aligning City ordinances with Senate Bill 582 and enhancing HPB's role in demolition review modernizes the City's preservation framework, ensuring stronger local control and more proactive preservation planning.

ATTACHMENTS:

1. Historic Demolition Ord Ver3
2. Senate Bill 582 (2025)
3. Senate Bill 582 (2025) Analysis
4. January 13, 2026, Report to Council and Historic Preservation Officer Report on Demolition of Historic Resources

ORDINANCE NO. X-2026

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES TO ESTABLISH STANDARDS AND PROCEDURES FOR DEMOLITION AND DEMOLITION BY NEGLECT OF HISTORIC STRUCTURES, AND ENHANCED CODE ENFORCEMENT FINES FOR UNAUTHORIZED DEMOLITION OF HISTORIC STRUCTURES BY CREATING SECTIONS 29-121 “DEMOLITION OF NON-DESIGNATED RESOURCES” AND AMENDING SECTION 31-71 “ADMINISTRATIVE FINES AND LIENS”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Titusville Comprehensive Plan Future Land Use Policy 1.4.2 states that the City “will undertake efforts to protect its cultural, historical and archaeological resources from vandalism and construction;” and

WHEREAS, Future Land Use Policy 1.4.3 requires that protection and preservation measures shall be implemented for the City’s significant historical, archeological or architectural resources; and

WHEREAS, Future Land Use Strategy 1.4.4.1 states that impact evaluations and assessments shall be part of the review undertaken for each development project when an identified historical/archaeological resource may be impacted by the proposed project; and

WHEREAS, Senate Bill 582, effective July 1, 2025, amended Section 162.09, F. S. to authorize a code enforcement board or special magistrate to impose a fine that exceeds existing limits for the unlawful demolition of historic structures under certain conditions; and

WHEREAS, the Titusville Historic Commission has recommended that the Code be amended to further the comprehensive plan and be consistent with the higher fines authorized under Senate Bill 582; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed amendments and made recommendations on the adoption of the amendments.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA as follows:

SECTION 1: Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2: That the Code of Ordinances, City of Titusville is hereby amended by adding a section, to be numbered Chapter 29 “Special District and Overlays”, Article VI “Historic Preservation (HPA), Section 29-121 “Demolition of non-designated resources” which said section reads as follows:

Section 29-121. Demolition of non-designated resources.

- (a) All demolition permits for non-designated resources identified on the most recent historic properties survey or recorded in the Florida Master Site File shall be extended 90 days. The City's Historic Preservation Officer shall conduct a review prior to issuance of the permit. The types of reviews that could be conducted may include property appraisals, archeological assessments and historic assessments. The Historic Preservation Officer may recommend alternatives such as salvage and preservation of specific classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Officer may also require the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.
- (b) The Historic Preservation Officer may require the review by the Historic Preservation Board if the resource is eligible for designation as a local historic resource or as a contributing building, structure or property within an existing local historic district. The Historic Preservation Officer shall submit a preliminary designation report to the Board for review and input prior to issuance of the permit. The time may be extended no later than 120 days from the date the permit application is received by the City at which time the permit must be approved or denied by the City.
- (c) The Historic Preservation Officer shall update the Florida Master Site File after the demolition is completed and prior to close out of the permit.
- (d) All fees associated with the review, filing and archiving of records shall be the responsibility of the applicant.

SECTION 3: That Chapter 31 "Agencies and Boards", Article V "Code Enforcement Board/Special Magistrate", Section 31-71 "Administrative fines and liens" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 31-71. Administrative fines and liens.

- (a) The Enforcement Board or Special Magistrate, upon notification by the Code Inspector that an order of the board or Special Magistrate has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine.
- (b) The order of the Board or Special Magistrate may require the violator to pay a fine, not to exceed two hundred fifty dollars (\$250.00) per day, for each day that the violation continues past the date set in the order for compliance. In the case of a repeat violation the Board or Special Magistrate may order the repeat violator to pay a fine not to exceed five hundred dollars (\$500.00) a day, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of violation or repeat violation has been made, then a hearing shall not be necessary for the issuance of an order imposing the fine. A certified copy of an order imposing a fine may be recorded in the public records of Brevard County, Florida; and once recorded, it shall constitute a lien against the property upon which the violation was found to exist, and upon any other real or personal property owned by the violator, and upon petition to the Circuit Court it may

be enforced in the same manner as a court judgment by the Sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of the Court except for enforcement purposes. The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes. 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 the lien, which occurs first. After three (3) months from the filing of any such unpaid lien, the Board or Special Magistrate may authorize the City Attorney to foreclose upon the lien. The duration and effect in such lien shall be consistent with Florida law, which is a period of twenty (20) years.

(1) In determining the amount of the fine, if any, the Enforcement Board or Special Magistrate shall consider the following factors:

- a. The gravity of the violation;
- b. Any action taken by the violator to correct the violation; and
- c. Any previous violation committed by the violator.
- d. For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as determined by the property appraiser

(2) The Enforcement Board or Special Magistrate may reduce a fine imposed pursuant to this section.

(c) A certified copy of an order imposing a fine may be recorded in the public records 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.

(1) A fine imposed pursuant to this chapter shall continue to accrue until the violator comes into compliance or until judgement is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first.

(2) After three (3) months from the filing of any such lien which remains unpaid, the Enforcement Board or Special Magistrate may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

(3) The lien shall be superior to all other liens or encumbrances, including prior recorded mortgages or judgments and only inferior to liens for taxes.

(d) Duration of lien. No lien shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that

time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee that it incurs in the foreclosure.

(e) The lien may be enforced as authorized by Chapter 162, Florida Statutes (1989), as amended.

(f) An aggrieved party, including the City Council, may appeal a final administrative Order of the Code Enforcement Board or Special Magistrate to the Circuit Court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board or Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

(g) Reduction and release of liens.

(1) Where a certified copy of an order imposing a lien as described in this section has been recorded in the public records of Brevard County, Florida, and has become a lien against the property of the violator, such violator, or their successors or assigns, may apply for a reduction of such lien. The sworn application for reduction of lien shall be submitted in writing to the Code Enforcement Department on its requisite form and shall include, at a minimum, the following information:

- a. Subject property address and contact information for the applicant/current owner;
- b. The code enforcement case number(s);
- c. The date upon which the subject property was brought into compliance and when a notice of compliance was issued by the City;
- d. The factual basis upon which the reduction of the lien should be granted;
- e. The amount of reduction sought; and
- f. Any other supplemental information the applicant deems pertinent to the request.

If there are no other outstanding monies owed to the City, and if the Code Enforcement Department confirms that the subject code violation(s) has been brought into compliance and there are no current code violations on the property nor any other properties owned by the applicant, then the application shall be placed on the agenda for the Special Magistrate's consideration. The Special Magistrate shall consider a reduction of the lien amount based upon the factors below and make a recommendation for Council's approval:

- aa. The gravity of the violation;
- bb. The actions taken by the Applicant to correct the violations and the time in which it took to bring the property into compliance, and any scheduled maintenance plans to avoid future repeat violations, as appropriate;
- cc. The accrued amount of the code enforcement fine or lien compared to the current market value of the property;
- dd. Any previous or subsequent code violations committed by the Applicant;
- ee. The Applicant's prior knowledge of the lien;

- ff. Any financial hardship;
- gg. Whether the property has a homestead exemption; and
- hh. Any other mitigating circumstances which may warrant the reduction of the lien.

The Special Magistrate's recommendation shall not include a reduction or waiver of city administrative costs, costs of enforcement, any repair costs, or costs to secure any structure incurred by the City. After a recommendation has been rendered by the Special Magistrate, the item shall be placed on the City Council agenda for final action. If the Applicant fails to comply with any decision of or condition imposed by the City Council, the lien amount shall revert to the full amount as of the recorded lien. Any reduced lien shall be paid within ninety (90) calendar days from the date of Council's approval, or as otherwise ordered by the City Council. If payment is not received as ordered, said lien shall revert to the full amount of the recorded lien.

(2) Partial release of lien. The City Council may approve requests for a partial release of lien upon receipt of a recommendation from the City Manager or City Attorney. The code lien would be released as to a specific piece of property encumbered by the lien, but the lien would remain in effect and continue to encumber the property in violation and any other properties subject to the applicable lien pursuant to law. City Council may impose conditions on the release in its sole discretion.

(3) Lien reduction agreements. The City may enter into a Lien Reduction Agreement with a contract purchaser of real property when the City, in its sole discretion, determines that the Agreement will advance the development or re-development of a non-compliant property. An application must be completed with all applicable information and submitted to the Special Magistrate for a recommendation to City Council. The Agreement shall indicate the status of the violations, the lien settlement amount, a date for achieving compliance, and that the Agreement is conditioned upon payment of all outstanding debts owed to the City. If the property is the subject of a pending tax deed or foreclosure sale, and there is insufficient time to obtain a recommendation from the Special Magistrate, the request may be considered by City Council without such recommendation.

(4) The City Council may, when deemed to be in the best interest of the City of Titusville, and not inconsistent with law, waive any or all requirements or provisions set forth in this section and proceed thereafter to take whatever action is deemed to be in the best interest of the City of Titusville.

(5) The decision on whether to reduce the lien or grant a partial release of lien is an administrative decision as to whether to accept less for a debt owed to the City, not a quasi-judicial one. The lien reduction process is not intended to create any additional substantive or procedural due process rights.

(6) When a lien is satisfied as a result of payment as ordered, or if conditions of release are satisfied, the City Attorney, City Manager, or designee shall execute and record a satisfaction or release of lien as applicable in the public records of Brevard County, Florida. Nothing herein shall require an application in the event a lien is recorded in error by the City. The City Attorney, City Manager, or designee may execute and record a release of lien, in whole or in part, that was recorded in error by the City or is deemed vacated or void by operation of law.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. INCORPORATION INTO THE CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing: Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED, this ____th day of _____, 2026.

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk

CHAPTER 2025-87

Senate Bill No. 582

An act relating to unlawful demolition of historical buildings and structures; amending s. 162.09, F.S.; authorizing a code enforcement board or special magistrate to impose a fine that exceeds certain limits for the unlawful demolition of certain historical buildings or structures under certain circumstances; providing that such fine may not exceed a certain percentage of just market valuation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) is added to subsection (2) of section 162.09, Florida Statutes, to read:

162.09 Administrative fines; costs of repair; liens.—

(2)

(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as determined by the property appraiser.

Section 2. This act shall take effect July 1, 2025.

Approved by the Governor May 23, 2025.

Filed in Office Secretary of State May 23, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 582

INTRODUCER: Senator Leek

SUBJECT: Unlawful Demolition of Historical Buildings and Structures

DATE: March 31, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Favorable
2. McVaney	McVaney	GO	Favorable
3. Shuler	Yeatman	RC	Favorable

I. Summary:

SB 582 authorizes a code enforcement board or special magistrate to impose increased fines for the demolition of a structure listed on the National Register of Historic Places. To impose the fine, the demolition of the historic structure must have been knowing and willful, not permitted, and not the result of a natural disaster.

The bill is not expected to have a significant impact on state and local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health, safety, and welfare of the community.¹ Chapters 125, 162, and 166 of the Florida Statutes² provide counties and municipalities with a mechanism to enforce their codes and ordinances. These statutes provide non-binding, permissible code enforcement mechanisms that may be used by local governments in any combination they choose, and they may enforce their codes by any other means.³

¹ Section 162.02, F.S.

² Chapter 125, Part II, F.S. (county self-government), ch. 162, Part I, F.S. (the Code Enforcement Boards Act), ch. 162, Part II, F.S. (supplemental procedures for county or municipal code or ordinance enforcement procedures), and s. 166.0415, F.S. (city ordinance enforcement).

³ Sections 125.69(4)(k), 162.13, 162.21(8), and 166.0415(7), F.S.

Code Enforcement Boards Act (Part I, Ch. 162, F.S.)

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code enforcement boards.⁴ A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.⁵ Members of the enforcement boards⁶ must be residents of the respective municipality or county and, whenever possible, must include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.⁷

Code enforcement boards have the power to:

- Adopt rules for the conduct of its hearings;
- Subpoena alleged violators, witnesses, and evidence to its hearings;
- Take testimony under oath; and
- Issue orders that have the force of law to command steps necessary to bring a violation into compliance.⁸

Section 162.06, F.S., establishes the procedures for local governments to address violations of various codes using a code enforcement board. It begins with the county or municipal code inspector⁹ who initiates code enforcement procedures by notifying the violator and giving him or her reasonable time to correct the violation.¹⁰ If the violation continues to exist after such time period as specified by the code inspector,¹¹ then the inspector will notify the code enforcement board and request a hearing.¹²

In each case heard before a code enforcement board, the case is presented, and testimony is taken, from both the code inspector and alleged violator.¹³ At the conclusion of the hearing, the board issues findings of fact and provides an order stating the proper relief granted.¹⁴ All final administrative orders of the code enforcement board may be appealed to the circuit court 30 days after execution of the order.¹⁵

⁴ Section 162.03, F.S.

⁵ Sections 162.02 and 162.05(1), F.S.

⁶ Code enforcement boards are either five-member or seven-member boards. If a local government has a population over 5,000 persons, the board must be a seven-member board. Section 162.05, F.S.

⁷ Section 162.05(2), F.S.

⁸ Section 162.08, F.S.

⁹ Section 162.04(2), F.S., defines the term “code inspector” to mean “any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.”

¹⁰ Section 162.06(2), F.S.

¹¹ The code inspector does not need to provide the violator reasonable time to remedy the violation if it is a repeat violation; the violation presents a serious threat to the public health, safety, and welfare; or the violation is irreparable or irreversible in nature. Sections. 162.06(3) and (4), F.S.

¹² Section 162.06(2), F.S. A hearing may also be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Section 162.07(1), F.S.

¹³ Section 162.07(2)-(3), F.S.

¹⁴ Section 162.07(4), F.S.

¹⁵ Section 162.11, F.S.

As an alternative to a code enforcement board, the Act allows counties and municipalities to adopt an alternate code enforcement system that gives code enforcement officials or special magistrates the authority to hold hearings and assess fines against violators of respective codes or ordinances.¹⁶ Each of these methods are offered by statute as devices to be used at the local governments' discretion, but a local government may use any method they choose to enforce codes and ordinances.¹⁷

Administrative Fines for Code Enforcement Violations

A code enforcement board may, upon notification by the code inspector that repairs have not been completed by a specified date or upon finding that repeat violations have occurred, order violators to pay a fine for each day of the continued violation.¹⁸ If the violation presents a serious threat to the public health, safety, and welfare, the code enforcement board must notify the local governing body, which may make all reasonable repairs to bring the property in compliance and charge the violator the reasonable cost of those repairs in addition to the fine imposed.¹⁹ If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine.²⁰

Administrative fines may not exceed \$250 per day for a first violation and may not exceed \$500 per day for a repeat violation.²¹ If the board finds the violation is irreparable or irreversible in nature, the board may impose a fine of up to \$5,000.²² When determining the amount of the fine, the board may consider the following factors:

- The gravity of the violation.
- Any actions taken by the violator to correct the violation.
- Any previous violations committed by the violator.²³

A code enforcement board may choose to reduce the amount of the fine initially imposed.²⁴

A county or municipality with a population of 50,000 or greater may adopt, by a majority vote plus one of the entire governing body, an ordinance that allows code enforcement boards or special magistrates to impose fines in excess of the above limits.²⁵ The ordinance may provide for fines of up to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special

¹⁶ Section 162.03, F.S.

¹⁷ The Attorney General has opined that "once a municipality has adopted the procedures of Chapter 162, Florida Statutes, to enforce its municipal codes and ordinances, it may not alter or amend those statutorily prescribed procedures but must utilize them as they are set forth in the statutes." Op. Att'y Gen. 2000-53 (2000). A local government may, however, maintain a ch. 162, F.S., code enforcement board and still decide to enforce a particular violation by bringing a charge in county court, or any other means provided by law. *Goodman v. Cnty. Court in Broward Cnty., Fla.* 711 So. 2d 587 (Fla 4th DCA 1998).

¹⁸ Section 162.09(1), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 162.09(2)(a), F.S.

²² *Id.*

²³ Section 162.09(2)(b), F.S.

²⁴ Section 162.09(2)(c), F.S.

²⁵ Section 162.09(2)(d), F.S.

magistrate finds the violation to be irreparable or irreversible in nature.²⁶ In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs.²⁷ Any ordinance imposing such fines must include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines.²⁸

A certified copy of an order imposing a fine, including any repair costs incurred by the local government, may be recorded in the public records and constitutes a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.²⁹ Upon petition to the circuit court, the order is enforceable in the same manner as a court judgment, including execution and levy against the personal property of the violator, but such order cannot be deemed to be a court judgment except for enforcement purposes.³⁰ A lien arising from such a fine runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered.³¹

National Register of Historic Places

The National Register of Historic Places,³² under the National Park Service is the official list of the Nation's historic places worthy of preservation is “part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”³³ The program reviews property nominations and lists eligible properties in the National Register; offers guidance on evaluating, documenting, and listing historic places; and helps qualified historic properties receive preservation benefits and incentives.³⁴

In Florida, there are more than 1,700 properties and districts listed on the National Register.³⁵ Nominations for those properties must be submitted to the National Park Service through the Florida Department of State’s Division of Resources, following a review and recommendation by the Florida National Register Review Board.³⁶ Listing in the National Register does not, in itself, impose any obligation on the property owner, or restrict the owner's basic right to use and dispose of the property as he or she sees fit, but does encourage the preservation of significant historic resources.³⁷

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 162.09(3), F.S.

³⁰ *Id.*

³¹ *Id.*

³² 54 U.S.C. ch. 3021.

³³ U.S. Department of the Interior, National Park Service, National Register of Historic Places, *What is the National Register of Historic Places?*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Mar. 21, 2025).

³⁴ *Id.*

³⁵ Fla. Dep’t of State, *National Register of Historic Places*, <https://dos.myflorida.com/historical/preservation/national-register/> (last visited Mar. 21, 2025).

³⁶ *Id.*

³⁷ *Id.*

Demolition Permits

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.³⁸ The enforcing agency may revoke any such permit if the demolition is in violation of, or not in conformity with, the provisions of the Building Code.³⁹

A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure provided that such structure is located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided the permit complies with all applicable Building Code, Fire Prevention Code, and local amendments to such codes.⁴⁰

However, a local law, ordinance, or regulation may restrict demolition permits for certain designated historic structures:

- Structure designated on the National Register of Historic Places;
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or
- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.⁴¹

III. Effect of Proposed Changes:

SB 582 authorizes a code enforcement board or special magistrate to impose a fine that exceeds the limits specified in s. 162.09, F.S., for the demolition of a structure that is individually listed on the National Register of Historic Places or is a contributing resource to a district listed on the National Register. To impose the fine, a code enforcement board or special magistrate must find, based on competent substantial evidence, that the demolition of the historic structure was knowing and willful and not permitted or the result of a natural disaster. The fine may not exceed 20 percent of the fair or just market value of the property as determined by the property appraiser.

The bill takes effect July 1, 2025.

³⁸ Section 553.79(1)(a), F.S.

³⁹ *Id.*

⁴⁰ Section 553.79(25)(a), F.S.

⁴¹ Section 553.79(25)(d), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

Local governments may receive increased revenues from additional fines for the demolition of buildings listed on the National Register without permits.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 162.09 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the City Council
From: Thomas Abbate, City Manager
Subject: **Historic Preservation Ordinance**
Department/Office: Community Development

Recommended Action:

Accept the Historic Preservation Board's recommendation to adopt an amendment to the City's Historic Preservation Ordinance as recommended in the Historic Preservation Officer's report.

Summary Explanation & Background:

At the September 2, 2025, Historic Preservation Board (HPB) meeting, the Board held an in-depth discussion on preservation priorities, potential ordinance updates, and expanded local recognition of historic structures. Chairman Kiesel emphasized the importance of the City of Titusville supporting historic preservation initiatives. Chairman Kiesel recommended updating or amending the City's ordinance to align with Senate Bill 582, which strengthens local historic preservation authority. Chairman Kiesel asked whether the HPB could play a larger role in reviewing demolitions of historic structures. Mr. Parrish responded that this would require a change to the ordinance. Chairman Kiesel requested further discussion on this issue at future meetings.

The enclosed memo from the City's Historic Preservation Officer (HPO), Pat Tyjeski, provides an overview of the City's historic property demolition provisions, a peer review analysis, and suggestions for updating Titusville's historic preservation regulations to improve the monitoring and management of building demolitions within the City.

On December 1, 2025, the Board recommended the report from Historic Preservation Officer Pat Tyjeski with her stated recommendations and flow-chart be forwarded to City Council for consideration.

Alternatives:

N/A

Item Budgeted:

Yes

Source/Use of Funds/Budget Book Page:

Historic Preservation Board Budget

Strategic Plan:

Goal 1. to Encourage a vibrant downtown

Goal 2.b to continue partnerships and coordination with public and nonprofit entities

Strategic Plan Impact:

Expanded HPB review of demolitions ensures significant historic structures are preserved or properly documented.

Builds trust with residents and historic property owners by demonstrating the City's commitment to safeguarding cultural heritage and neighborhoods such as Joynerville. . Protecting historic assets supports tourism, encourages reinvestment in older buildings, and sustains the appeal of the downtown district as a destination for visitors and residents.

Aligning City ordinances with Senate Bill 582 and enhancing HPB's role in demolition review modernizes the City's preservation framework, ensuring stronger local control and more proactive preservation planning.

ATTACHMENTS:

1. Memo - Demolition Process_v2

To: Historic Preservation Board, City of Titusville
From: Pat Tyjeski, AICP, Historic Preservation Officer
CC: Megan Barrow, AICP, Planning Project Manager
Date: November 14, 2025
Reference: Demolition of historic structures

As requested during the Historic Preservation Board's (HPB) November 3, 2025, meeting, this memo provides an overview of the City's historic property demolition provisions, includes a peer review analysis, and offers suggestions for updating Titusville's historic preservation regulations to improve the monitoring and management of building demolitions within the City.

At previous HPB meetings, the Board identified the frequency of demolitions involving buildings with preservation potential as a concern, particularly those occurring without HPB review. Residents have raised similar concerns, especially regarding properties along Indian River Drive. Because preservation is part of the HPB's mission, the Board feels compelled to discuss these issues with City Council and consider amendments to the City Code's preservation regulations.

PROTECTION LEVELS

To have efficient and effective conversations about modifying the historic preservation ordinance, it is vital for all stakeholders (board, city staff, elected officials, and community members) to understand the following terms and protection levels. These distinctions are essential to ensure consistent interpretation and enforcement of preservation standards.

- **HISTORIC.** Whenever the word "historic" is used to refer to a structure or site, it is important to refer to the definition included in Section 29-114 of the City's Land Development Regulations.

*Historic site. A site, structure, building or object meeting one (1) or more of the criteria specified herein **and designated as such by the City Council.***

The definition specifies that the site/structure must be designated as such by City Council to be deemed "historic." There is a common misconception that any structure that is 50 years old or older becomes "historic." This idea may come from the criteria used to survey properties for inclusion in the Florida Master Site File (discussed below).

- CERTIFICATE OF APPROPRIATENESS. Defined in the LDRs as the “permit, which is required by the Historic Preservation Board prior to any action,” this permit is required for any alteration, relocation, or demolition of a structure, object, or landscape feature **designated by the City as a historic resource**. The certificates are reviewed and approved administratively if the alteration is minor and require HPB review if they are major (defined in the LDRs). Demolitions are deemed “major” and require HPB review.
- FLORIDA MASTER SITE FILE: The Florida Master Site File is the state’s official **inventory** of historical and cultural resources. The criteria for recording a resource on the Florida Master Site File are that it be adequately documented with a State Site Form and that it be approximately 50 years of age or older. In some cases, resources less than 50 years of age may be included in the Site File inventory for planning purposes or for possessing other historical or significance attributes. The Site File is an inventory and not a state historic register. Therefore, there is no historical significance requirement for inclusion in the Site File, although many included properties do possess special significance.
- SURVEYED SITE. Being “surveyed” means a site has been investigated by archaeologists or architectural historians to identify and document the resource. The findings of the survey are recorded on a form provided by the state and submitted to the Master Site File office. The survey forms used to document the resource include questions related to location, ownership, past alterations, date of construction, and building characteristics, and provide a section where the surveyor offers an *opinion* of significance (whether the resource is eligible for inclusion in the National Register of Historic Places individually or as a contributing resource. Occasionally, the State Historic Preservation Officer will also provide an opinion, but this is not always done. Being surveyed does not create any official status or afford any protection. Like any research report, a historic survey is subject to changes or updates and serves to inform board decisions on official designations or Certificates of Appropriateness.
- DESIGNATED SITE: There are three levels of designation –National Landmark, National Register, and Local Register.
 - National Landmark: Reserved for sites of exceptional national significance. There are approximately 2,600 properties designated as National Historic Landmarks. Examples of National Landmarks in Brevard County include the Cape Canaveral Lighthouse, Launch Complex 39, Harry T. & Harriette V. Moore Memorial Park in Mims, and the Windover Archaeological Site. There are no National Landmarks within the City limits.
 - National Register of Historic Places. The Nation’s official listing of prehistoric and historic properties worthy of preservation. The list, which currently includes about 98,000 properties including districts, buildings, objects, and sites, is maintained by the National Park Service in partnership with federal, state, and local offices. The federal program relies on local communities to protect these resources through local designation.
National Register structures that are not locally designated are not protected from alteration or demolition. Protection only comes into play when sites accept state or federal financial assistance. Examples of local sites included in the National Register include the Prichard House, St. Gabriel’s Episcopal Church, LaGrange Church

and Cemetery, the Wager House, Judge Robbins House, and the Spell House. The City also has a National Register Historic District.

- Local Register: A site or district that has been officially designated as such by the City Council. Local designation offers the highest level of protection from demolition or alterations, because the rules are codified in the land development regulations. The City currently has 11 locally designated structures. To be designated, the site, object, or district has to meet certain criteria listed in Section 29-116 of the LDRs. They generally include association with events or persons that are significant in the history of the city, possess quality of design and construction, may yield important historical or archaeological information, are already designated in the National Register, or are part of, or related to, a landscape, park, environmental feature or other distinctive area.
- CONTRIBUTING SITE. Refers to structures in a historic district which contribute to the district's significance. In Titusville, contributing structures become *local historic resources* when the historic district is established and the contributing structures are identified (even if they have not been individually designated). Therefore, they are subject to the provisions of the historic preservation code.

LOCAL PROTECTION

As noted above, the highest level of protection for historic resources is the local historic preservation ordinance. The City of Titusville Land Development Regulations include a chapter with provisions intended to protect local historic resources. When it comes to demolitions, the code regulates the following:

- A Certificate of Appropriateness is required before the demolition permit can be approved.
- The Historic Preservation Board reviews the application based on the criteria contained in Section 29-119(m), which includes:
 - Is the structure of such interest or quality that it would reasonably meet national, state, regional or local criteria for designation as a significant historic or architectural site or structure?
 - Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty or expense?
 - Is the structure one of the last remaining examples of its kind in the City, county or region?
 - Does the structure contribute significantly to the historic character of a designated district?
 - Would retention of the structure promote the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
 - Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
- If the demolition is approved, the Board may impose conditions such as:

- Encouraging the salvage and preservation of building materials or architectural details and ornaments, fixtures and the like for reuse in restoration of other historic properties.
- Requiring, at the owner's expense and prior to demolition, the recording of the building for archival purposes by photographs.
- A board's denial to grant a certificate of appropriateness has to be supported by a written statement describing the public interest that the Board seeks to preserve.

Some jurisdictions require a delay before a demolition permit is approved. The reason for the delay is to allow time to find alternative solutions to save the building from demolition.

UNLAWFUL DEMOLITION

Senate Bill 582 (HB 717), which was recently signed by the governor, "authorizes code enforcement boards or special magistrates to impose an enhanced fine for the knowing and willful demolition of a structure individually listed on the National Register of Historic Places or is a contributing resource to a National Register-listed district. The enhanced fine may not exceed 20 percent of the fair market value of the property, as determined by the property appraiser." The city should consider implementing this bill.

DEMOLITION BY NEGLECT

There are two sections in the code that address issues with properties becoming so deteriorated that the demolition becomes a public safety issue.

Section 29-119(m)(5) states, *"A property owner shall not permit a structure with a Historic Designation to fall into a state of disrepair that may result in the deterioration of exterior appearance or architectural features so as to produce, in the judgment of the Historic Preservation Board, a detrimental effect upon the life and character of the structure in question. If the Historic Preservation Board finds a designated historic structure has been deliberately neglected, the Historic Preservation Board may refer the property to the Department of Building and Code Enforcement for immediate attention and may be subject to code violation fines in addition to the penalties in accordance with this article."*

This provision only works if it is actively put into practice. The City may want to consider a code enforcement program to check on certain structures (a list to be determined by the Board) to ensure they are properly maintained.

Once a property gets to a deteriorated state, it is very difficult to deny a demolition permit. If the City's Building Official determines that a designated or contributing structure is unsafe pursuant to the Florida Building Code, the official notifies the Historic Preservation Officer and considers input from the HPB. However, if no solution is found, the official issues the permit.

The code also addresses undue economic hardship. It may be considered after an application for approval to demolish a structure has been denied by the Historic Preservation Board. The owner is required to submit a list of documents to the Historic Preservation Board for consideration. The list includes items such as property values, repair estimates, appraisals, etc.

UNPROTECTED STRUCTURES

Structures that are not individually designated or designated as contributing to a district are not currently protected from alterations or demolition. That means the HPB does not get involved in reviewing demolition permits or structures that are not designated but have the potential to be. The process to designate individual structures in Titusville and most Florida jurisdictions is voluntary. Some jurisdictions require a majority vote if the owner(s) do not consent to the designation.

One potential action to prevent the destruction of properties that have potential for designation would be to review the Florida Master Site Files that have been completed, identify the sites that have been noted as potentially eligible for designation (individually or as part of a district), invite those property owners to learn about the benefits of historic preservation, and encourage them to apply for designation. Similarly, the HPB could identify areas with potential for district creation and invite those property owners to learn about district designation.

While the Titusville code does not specify a requirement for concentration of contributing structures for the creation of historic districts, the Florida Division of Historic Resources defines “district” as possessing “a significant *concentration*, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”

PEER REVIEW

A review of historic preservation ordinances and procedures in peer cities throughout Florida found that demolition review is typically limited to official historic districts and individually designated buildings. However, several jurisdictions have additional formal and informal processes that achieve wider monitoring of demolitions. See attached table with excerpts from various jurisdictions in Florida. The following are some highlights:

- Most jurisdictions may deny demolition of designated or contributing structures if historic significance remains or hardship is unproven.
- A delay is common, ranging from 6 months to 180 days, with some jurisdictions leaving that decision to the board. The purpose of the delay is to find alternatives to demolition.
- Several jurisdictions require proof that once the demolition is completed, the site will be redeveloped.
- Some communities task the HPO (staff) with reviewing demolition applications of properties that are not designated but have been surveyed.
- Not very common, but some historic preservation boards maintain a list of potential designations.

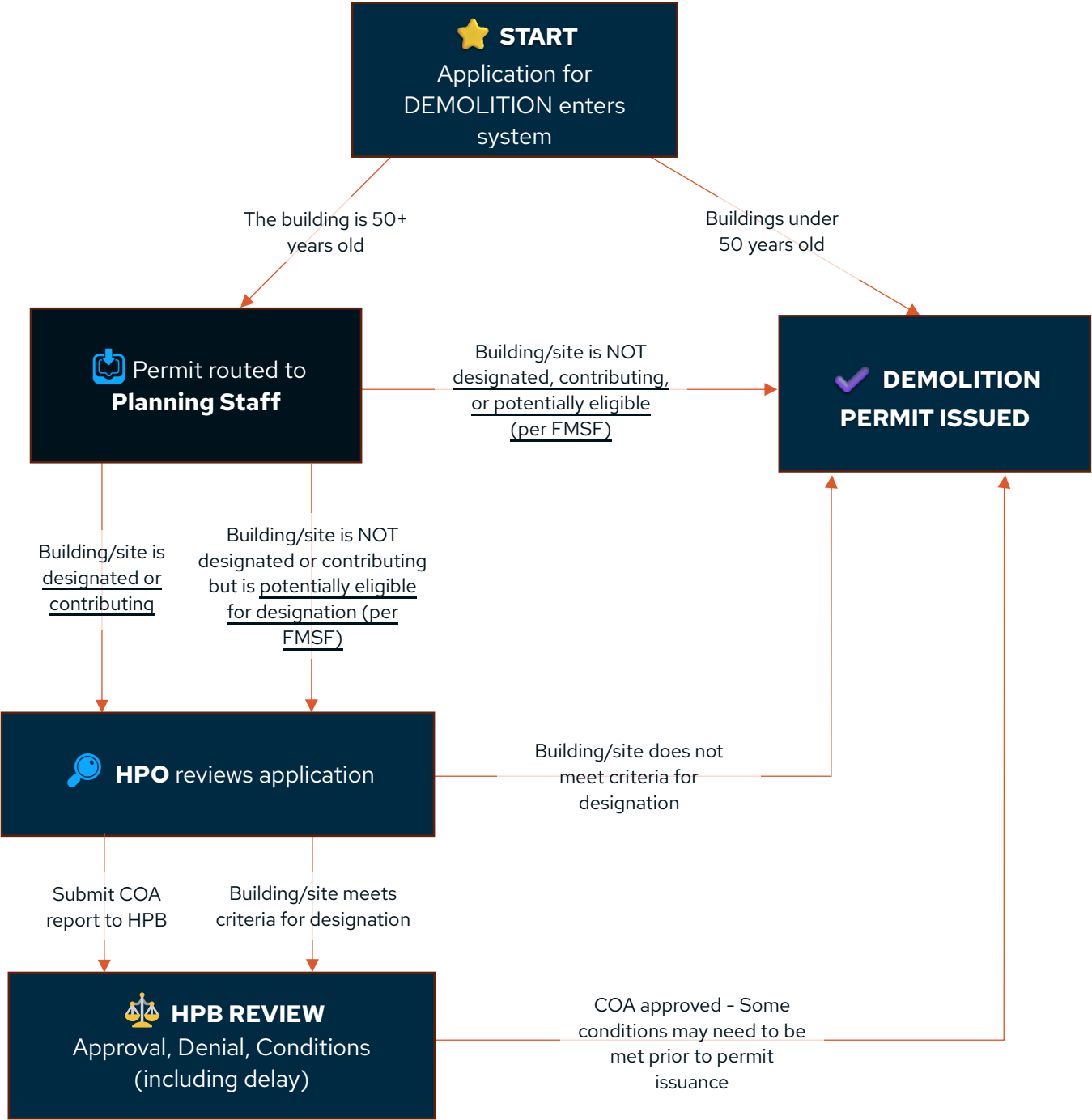
If Titusville decides to move forward with changes in how demolition requests are processed, it is important that those options be clearly spelled out in the code for legal protection and effectiveness.

SUGGESTED CHANGES

The City of Titusville should consider the following actions:

- A. Regularly update the Florida Master Site Files to ensure properties that become 50 years old are evaluated and, if deemed necessary, included in the FMSF.
- B. Based on the eligibility section of the current FMSFs, create a list of properties with potential for historic designation (individually or as part of a district) and proactively encourage owners to apply.
- C. Use both the designated and potential designation lists to guide code enforcement and prevent deterioration of historic resources.
- D. Amend the Land Development Regulations to:
 - 1. Include a time delay for demolition permits to allow exploration of preservation alternatives.
 - 2. Ensure the demolition permit is not issued until the applicant has complied with the conditions of the approval, which may include documenting the site, engaging a salvage company, and developing plans for redevelopment of the site.
 - 3. Require Planning staff review of demolition permits for buildings that are 50 years old or older to determine if they have been surveyed in the past (Florida Master Site File). If the eligibility section notes potential for designation (individually or as part of a district), the application should be referred to the HPO to verify that potential. If the property still maintains the potential for designation, the application should be referred to the HPB for review.
 - 4. Start enforcing the new statutory provision related to fines for the unlawful demolition of structures listed in the National Register or within a National Register District.

SUGGESTED DEMOLITION PERMIT FLOW CHART



FLORIDA STATUTES – EXCERPTS

553.79 Permits; applications; issuance; inspections.—

(25)(a) A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure located in a **coastal high-hazard area, moderate flood zone, or special flood hazard area** according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, or local amendments thereto.

(b) An application for a demolition permit sought under this subsection may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulations applicable to a similarly situated parcel. Applications may not be subject to any additional local land development regulations or public hearings. A local government may not penalize a private property owner for a demolition that is in compliance with the demolition permit.

(c) If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure which would not otherwise be applicable to a similarly situated vacant parcel.

(d) This subsection **does not apply** to any of the following:

1. A structure designated on the National Register of Historic Places.
2. A privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022.
3. A privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

Section 162.09. Administrative fines; costs of repair; liens.—

(2)(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as determined by the property appraiser.

PEER REVIEW

City/County	Scope	Relevant Definitions	Can Deny/Delay Demolition?	Mitigation/Conditions Required
St. Augustine https://library.municode.com/fl/st._augustine/codes/code_of_ordinances?nodeId=PTIICOOR_CH28_ZO_ARTIIADEN_DIV3HIARREBO_S28-89CRCEOPAPRED_EPADURE	Demolition of historic or regulated structures (see definitions) require review by the HARB to confirm that the demolition will not negatively affect the historic integrity of the city. The Board also reviews demolition requests of primary structures within the historic preservation zoning districts and National Register districts for potential designation as an historic landmarks. The board may deny a request for demolition of a building that meets the definition of exceptional significance, is a contributing property in a National Register Historic District, or a property that is individually listed in the National Register For buildings of exceptional historic significance, the applicant bears the burden of proof. The HARB may require an assessment of the building’s structural soundness and potential for continued use. If the applicant claims undue economic hardship, they must provide detailed financial and property information. The HARB may also recommend local Landmark status for a property proposed for demolition but determined to be of exceptional significance	Exceptional significance means buildings or structures that are National or Local Landmarks, listed individually on the National Register of Historic Places, original Colonial buildings and other buildings and structures that meet the criteria for the National Register of Historic Places or Local Landmarks. Historic structure as defined for demolition and partial demolition purposes is a structure that is 50 years old or older, or in a locally established historic preservation district, or individually listed as historic locally or nationally, or a contributing property in a designated National Register District, or a potentially contributing property surveyed, but not recognized or not in a designated National Register District. Regulated structure is a building or a part of a building that is the subject of a partial demolition and that is not located in the city’s historic preservation districts but meets the following criteria of a historic structure: it is individually listed as historic locally or nationally, or it is a contributing property in a designated National Register District, or it is a designated historic landmark.	Yes, if exceptional significance, detrimental to character, and no undue hardship / Yes, 12 months with possibility for extension up to 24	HARB may require mitigation measures as conditions of approval, including: • Salvage and preservation of significant architectural elements for reuse. • Archival recording of the structure before demolition (e.g., photographs, measured drawings). • Incorporation of rehabilitation or replacement plans in the same application to ensure compatible redevelopment.
Miami https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH23HIPR_ARTIHIPR_S23-6.2CEAP	Board review required for demolition within a designated historic site or historic district or for thematically related historic resources within a multiple property designation. The board may deny the request or issue a special certificate of appropriateness with a deferred effective date of up to 6 months. No decision of the board shall result in an unreasonable or undue economic hardship for the owner. No mention of surveyed structures or 50+.	Locally designated historic resource. Any archaeological site or zone; individual building; structure, object, landscape feature, historic district, or multiple property designation that has been approved for designation by the city's HEPB, as prescribed by the provisions of this chapter, and shown in the historic and environmental preservation atlas.	Yes / Yes (12–18 months)	Specific requirements for new structures on the site of a demolished historic structure. The board has full discretion as to the exact level of demolition and reconstruction is required.
Miami Beach https://codehub.grids.com/us/fl/miami-beach#/9e0e1745-d120-4fe6-8933-4a21c038e54d/e14ad8dc-2654-4d87-b391-697cd35945fc/04c1663e-3565-4292-ac60-b9ca450844d8	The Board may issue or deny certificates of appropriateness for demolition of structures individually designated or located within a historic district The code exempts city-owned buildings and other improvements on city-owned property and public rights-of-way, for which properties the board shall serve as advisor to the city commission. The board may delay demolition for a fixed period of time, not to exceed six months. The historic preservation board, city manager, planning board, city commission, of the property owner may request the HPB to instruct the planning department to prepare a designation report and implement interim procedures for demolition permits.	Historic site means a site which has been designated an historic site or which is designated as a historic site in the historic properties database. Historic properties database means a list maintained by the city containing the names, addresses and relevant historic data regarding structures designated as historic, buildings located in a historic district (contributing or noncontributing). The database may be updated, amended and revised by the HPB. Historically significant property means a building, structure, improvement or site which has not been designated historic and is not located in a historic district, but meets the requirements for historic designation.	Yes / Yes, HPB to establish duration not to exceed 6 months	The board determines, on a case-by-case basis, whether the replication of an original contributing structure is warranted. There is a presumption that a contributing building that is demolished without obtaining a certificate of appropriateness from the board shall be replicated. The board shall have full discretion as to the exact level of demolition and reconstruction required. If the demolition is approved, the applicant is required to have a permit for new construction on the site and to recycle all debris associated with the demolition. The board may also require a marker on the property which provides the historic background of the structure.
Tampa https://library.municode.com/fl/tampa/codes/code_of_ordinances?nodeId=COOR_CH27ZOLADE_ARTIIADGEPR_DIV4HIDIDERECEAPVAPR_SD2ARRECOO	Tampa has two different boards (Barrio Latino Commission and the Architectural Review Commission). The BLC reviews the demolition of a landmark, a building or structure on a landmark site, or a contributing building or structure located in the Ybor City Historic District. The ARC reviews demolitions of locally designated landmarks, landmark sites, property in a multiple property designation, historic conservation overlay district or historic district. For noncontributing structures located in historic districts, a certificate of appropriateness must be approved by the BLC or ARC administrator.	HPC Workplan. The HPC, on an annual basis or more often if deemed necessary, shall update the list of properties for inclusion in its workplan and submit to the city council for approval at a hearing. The purpose of the workplan is to identify those properties that require further study and investigation of their architectural or historical significance for possible landmark designation. Historic property: A building, site, structure, or object that was constructed or achieved its significance over fifty (50) years	Yes / Not specified	When the BLC approves a demolition, the applicant must allow access to the property and provide, at their own expense, a scaled footprint drawing, exterior photographs, a brief history of the building, and a salvage inventory with a reuse or removal plan and proof of advertised salvage, with all salvage completed before demolition or the site cleared within one week. A finding by Code Enforcement of an irreparable or irreversible violation precludes consideration of a COA for

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TLODEHIDI_S27-116APCEAPDEREPR DEHISTADNODEST DEREDERECDEN EPRRE	For properties that are 50 years or older, the HPC administrator reviews the request and determines whether the building is on the National Register, meets the criteria for listing, or is identified as contributing to a local or national district, or is listed on the HPC's workplan. If it meets the criteria, the application is sent to the HPC, which may request the city council to take emergency action. The city council shall determine whether to set a public hearing for local designation. In the event the applicant or property owner denies the city access to the property for the purpose of preparing the required report and analysis, the city council may extend the stay until the applicant or property owner allows such access. If the city council determines that the building meets the criteria for designation, the council shall commence the designation process.	earlier, even if additional structures were added within the past fifty (50) years, so long as the added structures were consistent with and contributed to the overall historic character of the building, site, structure, or object. Landmark: A building, site, structure, or object that has achieved significance as established by the criteria of the National Register of Historic Places, that has been recommended for designation by the HPC and designated by the city.		new construction involving the same land for 2 years. A subsequent structure or building erected on the same land or portion thereof shall be identical in architectural style and materials to the structure or building that was damaged.
Orlando https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIIICICO_CH65OFBOPR_PT7HIDIHILA_7BCR_S65.730CRDE	The HPB reviews demolition of Historic Landmarks or structures in an HP Overlay district. Not stated in the code: HP Officer reviews all demolition permits citywide and can recommend mitigation conditions for properties that are not identified as a historic resource or within a historic district. Mitigation can include relocating the structure to just documenting it before demolition. Related to involuntary designations: Unless all owners of the proposed landmark provide express written consent to a designation, a two-thirds vote is required for a designation.	Historic Landmark: Any site, building, or structure of particular historic or aesthetic significance to the City, the state or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style, or method of construction, or a notable work of construction, or a notable work by a master designer or architect.	Yes / Yes (180 days, may be extended for an additional 180)	Following recommendation of demolition, the applicant is required to obtain a building permit for new development based on standards set forth in the code, prior to receiving a demolition permit , except for demolition of non-contributing and non-landmarked structures within the Downtown Historic District. In those cases, the Historic Preservation Board may impose additional conditions for post-demolition improvements to the site to mitigate impacts from the demolition, including lighting, landscaping, security features, and storage.
Key West https://library.municode.com/FL/KeyWest/CODES/Code_of_Ordinances?nodeId=SPBLADERE_CH102HIPR_ARTIVCEAP_DIV3DE	The historic architectural review commission shall only issue a certificate of appropriateness for demolition of a historic but non-contributing, non-historic or non-contributing building or structure located in a designated historic zoning district , after conclusion of one regular historic architectural review commission meeting. The historic architectural review commission shall only issue a certificate of appropriateness for demolition of a historic and contributing or contributing building or structure located in a designated historic zoning district, or that is a contributing building or structure that is outside of the historic district except after conclusion of two regular historic architectural review commission meetings regarding the application, which shall be at least 14 days apart. The historic architectural review commission's refusal to grant a certificate of appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the historic architectural review commission seeks to preserve.	Historic building means any building or structure which, in whole or in any structural part, was built 50 or more years prior to the current date, and which is located in the historic zoning districts of the city or has been designated as a historic building and/or structure.	Yes / Yes (3 months in non-contributing, 6 months if contributing)	The commission may, with the consent of the property owner, request that the owner, at the owner's expense, salvage and preserve specified items for reuse in the restoration of other historic properties; request that the Historic Florida Keys Foundation or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition.
Winter Park https://library.municode.com/fl/winter_park/codes/code_of_ordinances?nodeId=PTIICOOR_CH58LADECO_ARTVIIIHIPR_DIV4CERE_S58-479GUESICHDEPRPRWIHIDI	The HPB reviews applications for demolition of designated historic landmarks, historic resources, contributing and noncontributing resources within historic districts, city-owned historic properties and sites, and historic properties for which the city has received a facade or preservation easement. The HPB also reviews requests for demolition of structures identified in the historic survey as potential NRHP candidates . 90-day review period. The purpose of the review is to encourage alternatives to demolition. Staff reviews properties included in the Florida Master Site File and notifies the HPB. 90-day review period.	Designated property (or designated properties) means a property or properties that have been designated as historic landmark(s) or historic resource(s) under division 3 of this article VIII. Historic landmark means buildings, structures, or sites of specific and exceptional historic or aesthetic significance to the city, state or nation. Historic landmarks may be associated with historic personages or events or embody exceptional architecture, or may be the work of a master designer or architect.	Yes / Yes, 12 months for designated; 90 days for surveyed properties.	As part of the review, the HPB may consider If there are plans for reuse of the site.

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	A due diligence assessment must be completed and submitted as part of the application. The HPB may require architectural drawings, financial plans or other information regarding any proposed new construction and may approve, approve with conditions, or deny an application. The board may approve the demolition with a deferred date of up to 12 months.	Historic resource means any prehistoric or historic site, building, structure, landscape feature, improvement, or archaeological site that is of historical, architectural or archaeological value.		
Sarasota County https://library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH66HIPR_ARTIVHIR_EDE_S66-117CEAP	Director can designate : "If a Historic Resource identified through the development review process or by a County-authorized survey satisfies the above criteria, the Director shall declare it to be significant by issuing a written notice to the applicant or owner, describing the location of the resource, providing a summary of the basis for the determination and indicating the right to appeal. "	Historic Resource means a building, structure, site, object or other real or personal property over fifty years of age which may possess historic, architectural or archaeological value. Historic Property means a Historic Resource which has been designated and listed on the Sarasota County Register of Historic Places ... and for the purposes of Article V, also means those Historic Resources that have been formally designated and listed on a local municipal register ...	Yes / Yes (1 year)	Appears to apply to designated or districts. Notably, the Director can designate and the property owner has to respond/appeal.
Coral Gables https://codehub.grids.com/us/fl/coral-gables#/c1f4f4d0-bc9b-4ce7-9858-ad5e499b7cbb/f9e089d8-71cf-4c2c-b6fb-aa7cd0e79b24/a0e15b2c-1593-4084-9504-52c3237968c6	The Board reviews requests to demolish structures designated an historic landmark or historic landmark district . Unless otherwise specified, demolitions of non-contributing structures or properties within historical landmark districts are reviewed and approved by the Historic Preservation Board and/or Historical Resources Department. Demolition permits for non-designated structures are approved by the HPO, who may require HPB review if the structure is eligible for designation as a local historic landmark or as a contributing building, structure or property within an existing local historic landmark district. Independent analysis by a consultant may be required to assist in the review of the application. All fees associated with the analysis shall be the responsibility of the applicant. The types of reviews that could be conducted may include property appraisals; archeological assessments; and historic assessments.	Historic landmark means any site, building, structure, landscape feature, improvement, or archaeological site, which property has been designated as an historic landmark pursuant to procedures described in Article 8.	Yes / Yes, to be set by the HPB	The Board may require architectural drawings of any proposed new construction and may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued The Board may require at the owner’s expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner’s expense, the recording of the improvement for archival purposes prior to demolition.
St. Petersburg https://library.municode.com/fl/st_petersburg/codes/code_of_ordinances?nodeId=PTIISTPECO_CH16LADERE_S16.30.070HIARPROV	The City shall discourage the demolition of historic resources which are listed or eligible for listing on the NRHP or the local register. No COA for demolition shall be issued by the city until the applicant has demonstrated that there is no reasonable beneficial use of the property or the applicant cannot receive a reasonable return on a commercial or income-producing property. May still approve it if the property no longer contributes or retains significance, or the demolition is necessary to achieve the purposes of a community redevelopment plan or the Comprehensive Plan. The POD shall delay for 30 days the processing of a site plan application that involves the demolition of a property which is potentially eligible for designation as an individual local landmark and which is identified as such in the property records and planning and permitting database. Notices are sent to the commission and interested citizens. The City Council may call a special meeting to review a threat to property that has not yet been designated by the City. The POD may issue a temporary stop work order for a maximum of 15 days or until Council conducts the special meeting or discusses the property at a regular City Council session within that period. The Council may request that a stop work order be issued for up to 120 days to provide time to negotiate with the property owner to remove the threat to the property.		Yes (Council may set a 120-day delay for non-designated properties).	The Commission may condition any demolition approval upon the receipt of plans and building permits for any new structure and submission of evidence of financing in order to ensure that the site does not remain vacant after demolition. The Commission may, at the owner's expense, require the recording of the property for archival purposes prior to demolition.