

INDIAN SHORES



19305 Gulf Boulevard, Indian Shores, FL 33785

 www.myindianshores.com |  Ph: 727.595.4020 |  Fax: 727.596.0050

**SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING
WEDNESDAY, MARCH 12, 2025, BEGINS AT 2:00 P.M.
INDIAN SHORES MUNICIPAL, CENTER 4TH FLOOR**

PLEDGE OF ALLEGIANCE TO THE FLAG

ITEM # AGENDA ITEM

1.0 Call to Order.

2.0 Swearing-in of witnesses.

3.0 **HEARING: Code Enforcement Case No. 24IS-SM001**
(Ref. pgs.: 1-12)

(Petitioner)

Town of Indian Shores,
A Florida Municipal Corporation,

vs

(Respondent)

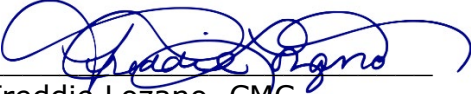
Mark Palm

ADDRESS OF VIOLATION: Indian Shores Municipal Center
Parking Lot
19305 Gulf Blvd.
Indian Shores, FL 33785

ORDINANCE VIOLATION: Indian Shores Ordinance Parking
Prohibitions Section 70-38(h)

4.0 Hearing adjournment.

PLEASE SILENCE ALL CELL PHONES
PLEASE LIMIT PUBLIC COMMENTS TO 3 MINUTES

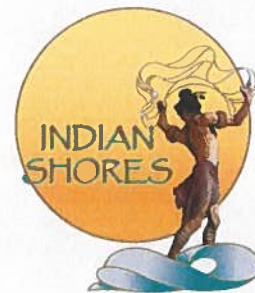


Freddie Lozano, CMC
Town Clerk

Any person who decides to appeal any decision of the Special Magistrate with respect to any matter considered at any such 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 that testimony and evidence upon which the appeal is to be based.

Any person with a disability requiring reasonable accommodation to participate in this meeting should contact the Town Clerk's office with your request within 24 hours prior to the start of the meeting. Phone 727.595.4020, Fax 727.596.0050

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19305 Gulf Boulevard, Indian Shores, FL 33785

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NOTICE OF HEARING

Code Enforcement Case No. 24IS-SM001

**Town of Indian Shores,
A Florida Municipal Corporation,
(Petitioner)**

vs.

**Mark Palm
(Respondent)**

ADDRESS OF VIOLATION:

**Indian Shores Municipal Center
Parking Lot
19305 Gulf Blvd.
Indian Shores, FL 33785**

Notice of Ordinance Violation: Indian Shores Ordinance Parking Prohibitions Section 70-38(h)

Pursuant to Chapter 162, Florida Statutes, and the Town of Indian Shores Code of Ordinances, Chapter 2 Article V, you are hereby notified that a Public Hearing will take place before the Town of Indian Shores Special Magistrate regarding a code violation at the above-referenced location on **Wednesday, March 12, 2025, beginning at 2:00 P.M., in the 4TH Floor Council Chambers of the Indian Shores Municipal Center located at 19305 Gulf Boulevard, Indian Shores, FL 33785.**

The purpose of the hearing is to determine whether a violation of the Town of Indian Shores parking prohibitions, Section 70-38 – Improper Parking, occurred in the parking lot of the Indian Shores Municipal Center on November 28, 2024. The Special Magistrate shall hear a case where an alleged violator contests a citation issued in accordance with division 4 of this article V of chapter 2, and shall hear appeals of parking citations issued for violation of a parking ordinance duly enacted by the Town. If the Special Magistrate determines that there was a violation of the Town Code by the alleged violator, then the Magistrate shall sustain the citation. However, if the Special Magistrate determines that there was no violation committed by the alleged violator, then the citation may be dismissed. If the Special Magistrate sustains the citation, the Special Magistrate may impose administrative costs in addition to the fine amount provided in the citation. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed.

If you desire to appeal any decision of the Special Magistrate with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to ensure that a verbatim record is made, which includes the testimony and evidence upon which the appeal is to be based. This case may be presented to the Special Magistrate even if the violations or repeat violations have been corrected prior to the hearing. The hearing may proceed in the absence of the alleged violator.


IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (727) 595-4020.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: FEBRUARY 11, 2025

TOWN OF INDIAN SHORES, FLORIDA

BY:


Freddie Lozano, CMC, Town Clerk
Town of Indian Shores, FL

I **HEREBY CERTIFY** that a true and correct copy of the above and foregoing Notice of Hearing for a Code Enforcement has been furnished by email delivery as authorized by the Respondent on this 11th day of FEBRUARY 2025.


Freddie Lozano, CMC, Town Clerk
Town of Indian Shores, FL



**PLEA OF NOT GUILTY AND REQUEST FOR
SPECIAL MAGISTRATE HEARING**

I, the alleged offender, acknowledge service upon me of a parking citation(s) issued by the **Town of Indian Shores Police Department** charging me with a parking violation(s), and desire to enter my plea of Not Guilty and request a hearing as indicated below.

I understand that I have the following rights:

1. The right to a public hearing before the Special Magistrate.
2. The right to be represented by an attorney of my own choosing at my own cost.
3. The right to have witnesses subpoenaed to testify on my behalf.

I understand that if I elect to appear at a hearing, I waive my right to pay the civil penalty and I must appear at a Special Magistrate Hearing. I understand that if the Special Magistrate determines that I have committed a violation, the Special Magistrate may impose a civil penalty fine of up to a maximum of \$500.00, plus hearing costs.

I hereby (check all that apply):

- ☒ Certify that I am the registered vehicle owner.
- ☒ Request a hearing before the Special Magistrate.
- ☐ Agree to furnish my own attorney at my own cost.
- ☒ Waive my right to an attorney.

I hereby certify that the address listed below is correct and that I will advise the Town Clerk in writing of any changes to my address within three (3) days of such change.

Please print clearly:

Mark Palm

727-235-5235

Alleged Offender's Name

Phone Number

2778 Palm Tree Drive, Kissimmee, FL, 34759

Alleged Offender's Address (number, street, city, state and zip code)

Alleged Offender's Attorney (if applicable)

Attorney's phone number

Attorney's Address (number, street, city, state and zip code)

Mark Palm

12058

Alleged Offender's Signature

Parking Citation Number(s)

INSTRUCTIONS

Entry of Not Guilty Plea

The Town Clerk shall schedule a hearing on not guilty pleas. You will be notified by mail of the scheduled court date. Special Magistrate hearings are scheduled on the first Tuesday of each month and are subject to the Magistrate's availability.

Include a written plea, a copy of the citation and any other documentation pertaining to the parking violation along with this completed form and email to info@myindianshores.com or hand deliver/mail to:

Town of Indian Shores- Town Clerk
Special Magistrate Hearing Requests
19305 Gulf Blvd.
Indian Shores, FL 33785

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Town Clerk at the email or street address listed above, or dial (727) 595-4020, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days.

PARKING CITATION 12058
TOWN OF INDIAN SHORES

Date 11-28-21 Time 1150 ☐ A.M. ☒ P.M.

Make of Vehicle Volv Color White Tag Year 25

Tag No. [REDACTED] State FL

Meter No. Officer R. K. K.

Location

PURSUANT TO TOWN ORDINANCE SEC. 70-38, YOU HAVE BEEN CHARGED WITH THE PARKING VIOLATION MARKED BELOW:

1. OVERTIME PARKING - ☐ Metered ☐ Unmetered
2. ☒ IMPROPER PARKING TO WIT:
Town - Police only
3. NO PARKING ZONE TO WIT:
4. DISABLED PERMIT ONLY
5. OTHER TO WIT:

NOTES:

IMPORTANT - PLEASE READ CAREFULLY

The fine is \$100. The fine increases to \$200 if paid after fifteen days from the date this citation was issued.

- (1) This is a non-criminal violation.
- (2) The amount listed must be paid or a Plea of Not Guilty entered within 15 days; **DO NOT SEND CASH BY MAIL.** Return this notice with Payment. Make checks payable to Town of Indian Shores, or dial (727)-595-4020 to request a Plea of Not Guilty form.
- (3) If not paid or contested within 15 days, the amount payable, without a Court Hearing, is \$200.00, or \$250.00 for Handicapped.
- (4) Vehicle owners are responsible for the amount listed, unless responsibility is transferred based upon owner furnishing admissible evidence of the name of the person who had care, custody or control of the vehicle at the time of the citation.
- (5) Any person found guilty of this violation, after having elected to appear and present evidence before a designated official, may be subject to imposition of a civil penalty up to the maximum amount allowed by law and payment of costs and administrative fees.

Pictures

Sec. 70-38. Parking prohibitions.

- (a) Parking of motor vehicles on the right-of-way of Gulf Boulevard (State Road 699) and within nine feet of the trafficway thereof is prohibited as specified by state department of transportation regulations.
- (b) Parking of motor vehicles east or west of the right-of-way of Gulf Boulevard on any street or avenue within the town is permitted, except as may be posted otherwise.
- (c) No person shall stop, stand, or park a motor vehicle within any public or private parking space specially designated or marked for disabled persons, as provided in F.S. §§ 316.1955 and 316.1956, without a duly issued disabled parking permit or unless such vehicle is chauffeuring a disabled person and is making a momentary stop to load or unload such disabled person. Any person who violates this section shall be subject to a fine of \$250.00.
- (d) Motor vehicles parked on public streets, or on the public rights-of-way where permitted, including projecting into the public right-of-way, shall not remain parked for a continuous period of more than 72 hours.
- (e) Parking of detached trailers, licensed or unlicensed, is prohibited on streets, town property or rights-of-way.
- (f) The placing of any material or other physical item in a designated public parking space, including the situating of a motor vehicle in more than one space, in an attempt to reserve such space or spaces or otherwise obstruct the parking privileges of the public is hereby prohibited.
- (g) *Metered parking.* All parking in town-owned parking lots shall be metered subject to the following conditions:
 - (1) The parking meters shall be payable from 7:00 A.M. until 5:00 P.M. daily, and parking shall be free from 5:00 P.M. until 12:00 A.M. (midnight). Overnight parking is prohibited, unless otherwise designated. Designated parking for disabled persons shall not be metered.
 - (2) Town employees, residents, and property owners may park in any town lot with a properly displayed permit. The town council shall adopt by resolution, the process for issuance of the permit, the designation of reserved parking spaces, and the permit fee, if any.
- (h) The following parking practices in the town are declared to be illegal, and any violation of such parking restrictions shall subject the violator to the specific fines:

Violation	Fine
Overtime parking	\$100.00
Boat trailers only	\$100.00
Improper parking	\$100.00
No parking zone	\$100.00
Fire lane/zone	\$100.00
Meter Expired/Not Paid	\$100.00
Lot closed	\$100.00
Other, to wit:	\$100.00
Double parking	\$100.00
Loading zone	\$100.00
No trailers	\$100.00

The amount of such fines shall be doubled if not paid within 15 days of the date of the violation.

- (i) *Exceptions.* Nothing in subsections (d), (e) or (f) shall prohibit a governmental agency or department from obstructing parking spaces nor shall it prohibit the placement of detached trailers or the parking of motor

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(Supp. No. 59)

vehicles and other equipment on town property by town officials and employees in excess of a continuous period of more than 72 hours in the necessary course of their official duties or employment.

(Code 1979, § 20-18; Ord. No. 93-7, § 3, 9-14-93; Ord. No. 94-20, § 1, 12-13-94; Ord. No. 97-2, § 1, 7-8-97; Ord. No. 2011-3, § 1, 9-7-11; Ord. No. 2020-03, § I, 7-14-20; Ord. No. 2022-07, § II, 10-11-22; Ord. No. 2023-05, § I, 9-13-23)

CERTIFICATION

**I DO HEREBY CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF**

Indian Shores Ordinance

Sec. 70-38. Parking prohibitions.

**PUBLIC RECORDS OF THE TOWN OF
INDIAN SHORES, FL**


TOWN CLERK

Freddie Lozano

From: mark palm <palmage@msn.com>
Sent: Sunday, January 5, 2025 7:44 PM
To: Freddie Lozano
Subject: Re: Plea of Not Guilty

Categories: HIGH PRIORITY!

You don't often get email from palmage@msn.com. [Learn why this is important](#)

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Be suspicious of requests for login information.]

Hi,
My email address is:
Palmage@msn.com

From: Freddie Lozano <flozano@myindianshores.com>
Sent: Friday, December 27, 2024 9:52 AM
To: mark palm <palmage@msn.com>
Subject: RE: Plea of Not Guilty

Mr. Palm,

I hope this email finds you well.

Please consider this email as receipt confirmation of your Plea of Not Guilty form regarding Citation #12058. This will be scheduled for a Special Magistrate hearing here at Town Hall, 19305 Gulf Blvd., Indian Shores, FL 33785. I reached out to the Special Magistrate and the Town Attorney to find out their availability to schedule the hearing. I will notify you of the hearing date in a formal Notice of Hearing letter that I will send you by USPS (I will need a mailing address) or email. Please let me know your preference.

Thank you.



Freddie Lozano, CMC

Town Clerk
19305 Gulf Blvd.
Indian Shores, FL 33785
727-595-4020
www.myindianshores.com

Note: All email to and from the Town of Indian Shores is subject to Public Records Law.

From: mark palm <palmage@msn.com>
Sent: Friday, December 13, 2024 12:42 PM
To: Info <Info@myindianshores.com>
Subject: Plea of Not Guilty

Some people who received this message don't often get email from palmage@msn.com. [Learn why this is important](#)

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Be suspicious of requests for login information.]

Hello,
Attached is my plea of not guilty form for Citation 12058.

My reason for the plea is that we were parking in an "official business" parking space during a holiday (thanksgiving) and your offices were closed.

Thank you for your attention to this.

Mark Palm
727-235-5235



