

**NOT FINAL UNTIL TIME EXPIRES FOR REHEARING, AND IF FILED, DETERMINED**  
**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT**  
**OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY**  
**APPELLATE DIVISION**

**RONALD HOWARTH,**  
**Petitioner,**

**UCN: 512017CA001196CAAXWS**  
**Appeal No.: 17-CA-1196**

**v.**

**CITY OF NEW PORT RICHEY,**  
**Respondent.**

\_\_\_\_\_  
Petition for Writ of Certiorari,

Ronald Howarth,  
pro se,

Timothy P. Driscoll, Esq.,  
for Respondent.

**ORDER AND OPINION**

The City Council properly observed the requirements of law when they issued the resolution in question. Accordingly, the petition for writ of certiorari is denied.

**STATEMENT OF THE CASE AND FACTS**

Petitioner owns property located at 6821 Garden Drive, in the city of New Port Richey ("NPR"). Due to a structure fire, the property was determined to be unsafe in accordance with Chapter 6, Article VI, New Port Richey Code of Ordinances. On March 7, 2017, the Building Official for NPR issued a notice of condemnation for the property. On March 21, 2017, an emergency hearing was held before NPR's city council. Discussed was the safety of the damaged property. During the hearing, both Respondent and Petitioner offered evidence and testimony regarding the extent of the damage, and whether the structure was unsafe. At the conclusion of the hearing, the City Council issued Resolution 2017-12 finding that the structures on the property must be demolished as unsafe. Petitioner now appeals the order of the Council.

**STANDARD OF REVIEW**

This Court may review quasi-judicial action by an administrative board to determine 1) whether the parties were afforded adequate due process; 2) whether there

was a departure from essential requirements of law; and, 3) whether the board's decision is supported by competent, substantial evidence. See *Florida Power & Light Co. v. City of Dania*, 761 So. 2d 1089, 1092 (Fla. 2000); *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982); *Powell v. City of Sarasota*, 953 So. 2d 5, 6 (Fla. 2 DCA 2006).

Competent substantial evidence is a standard of review, which the reviewing court must apply. *Dusseau v. Metro. Dade County Bd. of County Com'rs*, 794 So. 2d 1270, 1274 (Fla. 2001) (emphasis in original). It is tantamount to legally sufficient evidence. *Id.*

### **LAW AND ANALYSIS**

Petitioner failed to demonstrate that Respondent did not observe the essential requirements of the law; did not afford Petitioner procedural due process; or that the board's decision was not supported by competent substantial evidence. The petition is therefore denied.

### **CONCLUSION**

It is therefore, ORDERED and ADJUDGED that the Petition for Writ of Certiorari is hereby DENIED.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida this \_\_\_\_ day of August, 2017.

Original Order entered on September 1, 2017, by Circuit Judges Daniel D. Diskey, Susan Barthle, and Linda Babb.

*Copies to:*

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