

**CITY COMMISSION MEETING  
CITY OF ST. PETE BEACH  
COMMISSION CHAMBERS**

**Agenda Report**

**Agenda Title Name:** First Reading of Ordinance 2025-11 Nuisance Abatement Ordinance

**Action Request:** Requested Motion: Motion to adopt Ordinance 2025-11

**Strategic Objective:** To have the Special Magistrate hear and adjudicate code enforcement cases instead of a hearing in front of the City Manager.

**Date:** April 22, 2025

**Prepared By:** Peyt Dewar, Code Enforcement Manager

**Through:** Frances Robustelli, City Manager  
Laura Canary, Community Development Director

**Summary of Issue:** Amending the abatement procedure to allow for code enforcement to determine the existence of a nuisance abatement and allow the case to be heard before the Special Magistrate instead of the City Manager.

**Funding:** N/A

**Attachments:**

1. Ex A markup Ord 2025-11
2. Ord 2025-11 Nuisance Abatement

**EXHIBIT A - MARK UP<sup>1</sup>**

**ARTICLE II. - NUISANCES**

**DIVISION 2. ABATEMENT PROCEDURE**

**Sec. 46-61. Notice to abate.**

- (a) If the city ~~manager~~ code enforcement officer concludes that a nuisance exists in accord with section 46-33, the city shall so notify the record owner of the property upon which the nuisance exists, in writing, and demand that such owner cause the condition to be remedied. The notice shall be given either by personal service by an agent of the city or by certified mail, return receipt requested, addressed to the owner of the property described as his name and address are shown upon the records of the county tax assessor, at the discretion of the city manager. Notification shall be deemed complete and sufficient when so addressed and deposited in the United States mail, with proper postage prepaid. If such notice is returned by postal authorities, the city ~~manager~~ code enforcement officer shall cause a copy of the notice to be served upon the occupant of the property or upon any agent of the owner thereof. If personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after a reasonable search by the city ~~manager~~ code enforcement officer, the notice shall be accomplished by physical posting on the premises.
- (b) Such notice shall be in substantially the following form:

NOTICE OF NUISANCE

Name of Owner

Address of Owner

Our records indicate that you are the owner(s) of the following property in the City of St. Pete Beach, Florida:

(Describe Property)

An inspection of this property discloses, and I have found and determined that a nuisance has occurred in that:

(Describe here the condition which creates the nuisance)

You are hereby notified that unless the condition above described is remedied so as to abate the nuisance within seven days from the date hereof, the City of St. Pete Beach will proceed to remedy this condition and the cost of the work to remedy the condition, advertising costs, administrative costs and other expenses, will be imposed as a lien on the

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<sup>1</sup> Words ~~stricken through~~ shall be deleted. Words underscored constitute the amendment proposed. The symbol \*\*\* constitutes code sections not shown for purposes of brevity.

property described. To remedy the condition causing the nuisance, the following must occur:

A hearing shall be held before the ~~City Manager~~ code enforcement special magistrate of the City of St. Pete Beach, ~~or his designee~~, at \_\_\_\_\_, St. Pete Beach, Florida 33706, on the \_\_\_\_ day of \_\_\_\_\_, ~~19~~ 20, at which time you or any persons you desire may introduce such evidence as you deem necessary to show that the condition alleged in this notice does not exist, has not occurred, or does not constitute a nuisance. Provided that in the event you determine to take the action set forth above, to correct said nuisance, you may, in writing, notify the code enforcement officer and upon determination that the nuisance has been abated, the hearing shall be cancelled.

CITY OF ST. PETE BEACH

By:

OFFICER

**Sec. 46-62. Hearing before ~~city manager~~ Code Enforcement Special Magistrate.**

- (a) When notification has been accomplished pursuant to section 46-61, at the time so designated in the notice of nuisance or at such other time specified by the city manager, after notice has been furnished to the property owner, a hearing shall be held before the ~~city manager~~ special magistrate in order to determine that the condition alleged in the notice does or does not exist, has or has not occurred or does or does not constitute a nuisance. If the city is unable to personally serve notice on the owner of the property, a notice, in the form set forth in section 46-61, may be posted in a conspicuous location on the property.
- (b) At the hearing the city and the property owner may introduce such evidence as is deemed necessary. The ~~city manager~~ special magistrate shall hold hearings on a regular basis at such time and place as he determines, and he shall establish rules and regulations for the review procedure. Following review by the ~~city manager~~ special magistrate the owner will have exhausted his administrative remedies.

**Sec. 46-63. Abatement by city authorized.**

(1) When notification either by delivery in person to the owner or by posting in a conspicuous location on the property has been accomplished according to section 46-61 and if the condition described in the notice and adjudicated by the special magistrate has not been remedied, the city manager ~~shall~~ may authorize the expenditure of funds and cause the nuisance to be abated by the city or an independent contractor employed by the city, at the expense of the property owner or to be recovered from the property owner, which shall become a lien on the property until payment is satisfied. If a hearing has been held and has been concluded adversely to the property owner, thus requiring remedy of the condition set forth in the notice of nuisance, and the condition is not remedied within five days following the date of the hearing or within any additional time set by the city manager, the city manager ~~shall~~

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may cause the nuisance to be abated by the city or an independent contractor employed by the city, at the expense of the property owner or to be recovered from the property owner, which shall become a lien on the property until payment is satisfied in full. The cost necessary to remedy the condition shall be an expense to the property owner and shall become a lien on the property until payment is satisfied in full.

(2) Lot mowing shall not require a hearing before the special magistrate unless a hearing is requested by the property owner and charges for lots which are either vacant or improved and the property owner shall be assessed in an amount equal to the cost to the city to have such lot mowing accomplished, in addition to the administrative fee set forth in this Code.

(3) Tree trimming and tree removal shall not require a hearing before the special magistrate unless a hearing is requested by the property owner and the property owner shall be assessed in an amount equal to the cost to the city to have such tree trimming accomplished, in addition to the administrative fee set forth in this Code.

**Sec. 46-64. Collection of city's abatement expenses.**

- (a) After causing a nuisance to be abated pursuant to this article, the ~~city manager~~ special magistrate shall determine the costs involved, including all costs described in section 46-63, plus any attorney's fees borne by the city through any appellate action, and shall determine the proportionate costs that any lot, tract or parcel of land should bear. The city manager, or designee, shall cause the preliminary assessment roll to be prepared containing a complete list of the properties upon which nuisances have been abated by the city under this article and of properties abutting ponds or water bodies which were maintained by the city, setting opposite each lot, parcel or tract of land its proper proportionate share of the cost of doing the work, including all costs described in section 46-63 plus attorney's fees through appellate proceedings, if any. Such record shall be known as "preliminary assessment for nuisance abatement," which assessment shall upon completion be submitted to the city commission. Immediately after submission of the preliminary assessment roll to the city commission, the city commission shall fix a date for a public hearing upon the assessments contained in the preliminary assessment roll.
- (b) Immediately upon the determination by the city commission of the date for public hearing upon the proposed assessment, the city manager shall cause to be published in a daily newspaper of general circulation a notice in substantially the following form:

*Notice to Taxpayers*

*You are hereby notified that the City of St. Pete Beach has just abated a nuisance in the City of St. Pete Beach, and has determined the amount to be assessed against each of lots, tracts or parcels of land to defray the cost thereof. A list of said nuisances and amount to be assessed against each of said properties is on file and open for inspection in the office of the Director of Finance of the City of St. Pete Beach. You are further notified that the City Commission of the City of St. Pete Beach will hold a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the Commission Chambers at the City Hall in the City of St. Pete Beach, Florida, for the purpose of hearing any complaints or*

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*protests that any affected party may wish to offer why said assessments should not be made final.*

*City Manager*

- (c) The notice shall be published one time and the hearing provided for by the notice shall be not less than five days from the date of publication of the notice.
- (d) The city commission shall meet at the time and place specified in the notice and hear any and all complaints that any person affected by the proposed assessment wishes to offer and shall correct any and all mistakes or errors appearing upon the preliminary assessment roll. The city commission shall then approve the preliminary assessment roll, as submitted or as corrected, and the roll shall then be final.
- (e) When the preliminary assessment roll is approved by the city commission and made final, the amounts assessed against the respective properties shall, from the date of approval, be and constitute a lien against the properties until paid. Upon approval of the assessment roll by the city commission, the city manager shall immediately cause the assessment roll to be filed in the office of the city clerk, and it shall be kept there for public inspection during business hours. The city manager may file and record, in the office of the clerk of the circuit court of the county, notice of the liens against the properties, showing thereon the amount and nature of the lien and legal description of the property.
- (f) The principal amount of all assessment liens levied and assessed under this section shall bear interest at the rate of ten percent per annum from a date 30 days after the date of approval of the assessment, and this interest shall also constitute a lien against the property assessed, in the amount of the assessment plus accrued interest.
- (g) The director of finance shall keep complete records relating to the amount payable for liens and interest described in this section and shall from time to time send a statement of the principal and interest due upon such liens to the record owner of the property upon which the lien exists.
- (h) At any time after the expiration of 30 days from the date of approval of the assessment roll, the city may proceed to foreclose the liens for special assessment in the manner prescribed in F.S. ch. 173.

**Sec. 46-65. Charges for administrative fees, lot clearing or mowing.**

The charges for nuisance abatement described in this section shall be assessed by the city manager whenever a notice of abatement is sent under section 46-61. The charges shall be established by resolution of the city commission and are listed in Appendix A to this Code. Charges shall be assessed for the following:

- (1) An administrative fee for all administrative and clerical work done by the city administration in connection with the lot clearing or lot mowing.

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- (2) Lot mowing charges for lots which are either vacant or improved shall be assessed in an amount equal to the cost to the city to have such lot mowing accomplished, in addition to the administrative fee set forth in subsection (1) of this section.
  - (3) Tree trimming and tree removal shall be assessed in an amount equal to the cost to the city to have such tree trimming accomplished, in addition to the administrative fee set forth in subsection (1) of this section.
  - (4) Clerical work and secretarial services, as well as all other notification costs, shall be charged at a rate equivalent to the actual cost to the city. Attorney's fees shall be charged in an amount equal to the actual charge to the city if, in the sole discretion of the city, legal services are required.

**Sec. 46-66. Repeat nuisance violations.**

Following the first notice under section 46-61 to abate a nuisance described under section 46-33(1), (2) and (3), any subsequent violation of said nuisance classifications on the same property within a 12-month period may be abated by the city manager without further notice under section 46-61, unless the property owner has provided the city manager with an adequate guarantee that the property shall be maintained over the next 12-month period. All the costs of abating the nuisance, including administrative costs, shall be assessed against the property owner and shall be collectible as provided under section 46-64.

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**ARTICLE V. - CHRONIC NUISANCE PROPERTY CODE**

**DIVISION 1. CHRONIC NUISANCE SERVICES**

**Sec. 46-141. Short title.**

This article shall be known as the "City of St. Pete Beach Chronic Nuisance Property Code" or "chronic nuisance property code."

**Sec. 46-142. Pattern of nuisance activity.**

- (a) Nuisance activity means any activities relating to the following violations, whenever engaged in by the property owner, agent, tenant, or invitee of the property owner, agent or tenant:
  - (1) Alcoholic beverages as defined in chapter 6 of this Code.
  - (2) Nuisance abatement as defined in chapter 46 of this Code.
  - (3) Noise as defined in chapter 46 of this Code.

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- (4) Junked, wrecked, abandoned property as defined in chapter 46 of this Code.
  - (5) Possession of alcoholic beverages by person under age 21 prohibited as defined under F.S. § 562.111.
  - (6) Dangerous dogs as defined under F.S. § 767.12.
  - (7) Assault as defined under F.S. § 784.011.
  - (8) Felony battery; domestic battery by strangulation as defined under F.S. § 784.041.
  - (9) Aggravated battery as defined under F.S. § 784.045.
  - (10) Discharging firearm in public as defined under F.S. §790.15(1).
  - (11) Renting space to be used for prostitution as defined under F.S. § 796.06.
  - (12) Prostitution as defined under F.S. § 796.07.
  - (13) Exposure of sexual organs as defined under F.S. § 800.03.
  - (14) Criminal mischief as defined under F.S. § 806.13.
  - (15) Burglary as defined under F.S. § 810.02.
  - (16) Trespass in structure or conveyance as defined under F.S. § 810.08.
  - (17) Trespass on property other than structure or conveyance as defined under F.S. § 810.09.
  - (18) Theft as defined under F.S. § 812.014.
  - (19) Dealing in stolen property as defined under F.S. § 812.019.
  - (20) Robbery as defined under F.S. § 812.13.
  - (21) Convenience business security as defined under F.S. § 812.173.
  - (22) Nuisances as defined under F.S. § 823.01.
  - (23) Cruelty to animals as defined under F.S. § 828.12.
  - (24) Harassment of a participant of a neighborhood crime watch program as defined under F.S. § 843.20.
  - (25) Disorderly intoxication as defined under F.S. § 856.011.
  - (26) Open house parties as defined under F.S. § 856.015.
  - (27) Loitering or prowling as defined under F.S. § 856.021.
  - (28) Loitering or prowling in close proximity to children as defined under F.S. § 856.022.
  - (29) Criminal gang enforcement and prevention as defined under F.S. Ch. 874.
  - (30) Breach of the peace; disorderly conduct as defined under F.S. § 877.03.
  - (31) Any offense under the Florida Comprehensive Drug Abuse Prevention and Control Act as defined under F.S. Ch. 893.

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- (32) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one year.
  - (33) Failure to correct code violations on or before the date specified in a notice of violation issued in accordance with section 22-276 of this Code.
  - (b) *Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of nuisance activity if:
    - (1) The sheriff's department has responded to three or more nuisance activities at the property within 30 days; or
    - (2) The sheriff's department has responded to seven or more nuisance activities at the property within six months; or
    - (3) Failure of the owner, proprietor or manager of a transient use or commercial establishment to sufficiently control nuisance activity and cooperate responsively with the sheriff regarding same; or
    - (4) Failure to correct code violations by the time ordered by the special magistrate in any order entered pursuant to section 22-277 of this Code; or
    - (5) As otherwise provided by this Code.
  - (c) *Construction and application.* Pattern of nuisance activity shall not be construed to include:
    - (1) A nuisance activity where the property owner, agent, tenant, or invitee of the property owner, agent or tenant is the victim of a crime;
    - (2) A nuisance activity that does not arise from the conduct of the property owner, agent, tenant, or invitee of the property owner, agent or tenant; or
    - (3) A complaint or call for service to which the sheriff's department responded and determined that no violation was committed.
  - (d) *Separate occurrences.* For purposes of this article, each day that the sheriff's department responds to a nuisance activity at the property shall be a separate occurrence.

**Sec. 46-143. Declaration of chronic nuisance property; action plan.**

- (a) *Declaration of chronic nuisance property.* If a pattern of nuisance activity exists upon real property, the city may declare the property to be a chronic nuisance. The city shall notify the property owner by certified mail, return receipt required and by first class mail to the address listed on the ad valorem tax roll. Notice shall be posted at the property where the nuisance activities occurred. The declaration of chronic nuisance property shall contain at least the following information:
  - (1) A reference to chapter 46, article III (the City of St. Pete Beach "Chronic Nuisance Property Code");
  - (2) The address and parcel control number of the property;
  - (3) The dates that the nuisance activities occurred at the property;

- (4) A description of the nuisance activities;
  - (5) A statement that the property owner is required to provide the city with a written action plan outlining the specific measures that the property owner will take to eliminate the re-occurrence of nuisance activities on the property. A statement that the action plan must be provided to the city no later than 15 days from the date of the declaration notice of chronic nuisance property;
  - (6) A statement that failure to provide the city with a timely written action plan will result in a violation of this article and the entry of a chronic nuisance service order by the special magistrate;
  - (7) A statement that the costs of any chronic nuisance services provided by the city to a property that has been declared to be a chronic nuisance may be levied against the property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
  - (8) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.
- (b) *Development of action plan.* The property owner shall provide the city with a written action plan outlining the specific measures that the owner will take to eliminate the re-occurrence of nuisance activities at the property. The property owner shall provide the action plan to the city no later than 15 days from the date of the declaration notice of chronic nuisance property. Failure to provide the city with a timely action plan shall be a violation of this article.
- (c) *Adequacy and implementation of action plan.* If the city determines that the action plan is adequate to eliminate the re-occurrence of nuisance activities on the property, the city shall notify the property owner by certified mail, return receipt required and first class mail. The city shall establish a reasonable time period not exceeding 45 days from the date that the action plan is determined to be adequate to implement the action plan. The city may extend the time period beyond 45 days if additional time is necessary to implement the action plan. Failure to implement the action plan within the time period established by the city shall be a violation of this article. If the property owner implements the action plan within the time period established by the city, the declaration of chronic nuisance will be closed and no further action shall be required, except that the city may require the property owner to revise the action plan in the event that a nuisance activity re-occurs.
- (d) *Revision of inadequate action plan.* If the city determines that the action plan is not adequate to eliminate the re-occurrence of nuisance activities on the property, the city may require the property owner to revise the action plan. The property owner shall provide the revised action plan to the city no later than ten days from the date that the action plan is determined to be inadequate. Failure to revise the action plan or to provide the city with a timely revised action plan shall be a violation of this article. The provision of an inadequate action plan on three consecutive occasions shall be a violation of this article and may result in the entry of a chronic nuisance service order against the property.

- (e) *Factors determining adequacy of action plan.* Factors to be considered in determining the adequacy of an action plan may include, but shall not be limited to:
- (1) Commencement of an eviction action pursuant to F.S. ch. 83 to remove from the property those individuals engaged in the nuisance activity;
  - (2) Implementation of crime prevention through environmental design (CPTED) measures;
  - (3) Frequency of site visits and inspections at various times of both day and night;
  - (4) Hiring of property management;
  - (5) Hiring of private security;
  - (6) Installation of security cameras;
  - (7) Use of a written lease agreement;
  - (8) Criminal background checks for prospective tenants and lease renewals;
  - (9) Posting of 'no trespassing' signs at the property and execution of a 'no trespass affidavit' authorizing the sheriff's department to act as an agent of the property owner to enforce trespass statutes on the property;
  - (10) Regular requests for offense and incident reports relating to the property that are available through the records custodian of the sheriff's department records division;
  - (11) Written documentation of all efforts to curtail or eliminate the re-occurrence of nuisance activities on the property;
  - (12) Any other action that the city determines is reasonably sufficient to curtail or eliminate the re-occurrence of nuisance activities on the property.

**Sec. 46-144. Notice of violation.**

- (a) *Notice of violation.* If the property owner fails to satisfy any requirement of this article, the city shall notify the property owner by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The notice of violation shall be posted at the property where the nuisance activities occurred. The notice of violation shall contain at least the following information:
- (1) The address and parcel control number of the property;
  - (2) A description of the facts constituting a violation of this article;
  - (3) A statement that the property has been declared to be a chronic nuisance;
  - (4) A statement that unless the property owner files a timely request for hearing pursuant to section 46-145, the property owner shall be deemed to have waived the right to contest the notice of violation;
  - (5) A statement that the costs of any unpaid chronic nuisance services provided by the city may be levied against the property as a non-ad valorem assessment superior to

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all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and

- (6) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

**Sec. 46-145. Request for Hearing.**

- (a) ~~Request for hearing.~~ A ~~property owner may request a~~ hearing will be held before the special magistrate upon receipt of a declaration of chronic nuisance property or notice of violation regarding the action plan. A request for hearing shall be filed with the city and shall:
- (1) Be in writing;
  - (2) Provide a short, plain statement identifying the factual, procedural or legal error upon which the request for hearing is based; and
  - (3) Include a copy of the declaration of chronic nuisance property or notice of violation.
- ~~(c) Time for filing a request for hearing. A request for hearing shall be filed with the city within 15 days from the date of the declaration of chronic nuisance property or 15 days from the date the notice of violation regarding the action plan.~~
- ~~(d) Waiver of right to contest. If the owner of a chronic nuisance property fails to file a timely request for hearing, the property owner shall be deemed to have waived the right to contest the declaration of chronic nuisance property or notice of violation.~~
- (e) *Hearing by the special magistrate.* Upon request of the code enforcement officer ~~receipt of a timely request~~, the city shall schedule a hearing before the special magistrate. The hearing shall be limited to the review of the record of evidence upon which the city based the declaration of chronic nuisance property or notice of violation regarding the action plan.
- (f) *Decision of the special magistrate.* After reviewing the record or evidence upon which the city based its determination, the special magistrate shall either uphold or reject the declaration of chronic nuisance property or notice of violation regarding the action plan, as appropriate. The decision of the special magistrate shall be in writing and shall be deemed final. If the special magistrate upholds the notice of violation, the special magistrate shall immediately enter a chronic nuisance service order in accordance section 46-146. If the special magistrate rejects the notice of violation, the special magistrate shall identify the factual, procedural or legal error upon which the decision is based. Notwithstanding, the property owner shall be required to submit and implement an action plan in accordance with section 46-143 if the special magistrate finds that a pattern of nuisance activity occurred at the property.

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**Sec. 46-146. Entry of chronic nuisance service order.**

- (a) *Chronic nuisance service order.* If a timely request for hearing has not been filed pursuant to section 46-145 and a notice of violation has been issued, the special magistrate shall enter a chronic nuisance service order. If the special magistrate upholds the declaration of chronic nuisance property or determines after a hearing that there has been a failure to provide or implement an adequate action plan, the special magistrate shall enter a chronic nuisance service order. The city shall provide a copy of the chronic nuisance service order to the property owner by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The chronic nuisance service order shall:
- (1) Enter findings of fact establishing a pattern of nuisance activity and violation of this article;
  - (2) Authorize the city to provide chronic nuisance services to the property;
  - (3) Authorize the city to bill the costs of any chronic nuisance services to the owner of the chronic nuisance property;
  - (4) Provide for the mailing of a copy of the chronic nuisance service order by certified mail, return receipt required and first class mail to any mortgagee of record. Failure to provide a copy of the chronic nuisance service order to a mortgagee of record shall not operate to release or discharge any obligation under this article or otherwise affect the validity of a chronic nuisance service order;
  - (5) Provide for the recording of a certified copy of the chronic nuisance service order in the public records; and
  - (6) Provide for continuing jurisdiction over the chronic nuisance property.
- (b) *Duration of chronic nuisance service order.* The chronic nuisance service order entered in accordance with this section shall terminate if there have been no nuisance activities at the property for one year.

**Sec. 46-147. Abatement of chronic nuisances; provision of services; apportionment.**

- (a) *Abatement by city.* The city may abate chronic nuisances on real property by providing chronic nuisance services to curtail or eliminate the re-occurrence of nuisance activities. The costs of such chronic nuisance services shall be billed to the property owner in accordance with section 46-148 and such costs may be collected by the city by any legal means.
- (b) *Apportionment.* Chronic nuisance service costs shall be entirely apportioned to the assessed real property receiving the chronic nuisance service.

**Sec. 46-148. Establishment of costs; billing of costs; notice of delinquency.**

- (a) *Chronic nuisance service costs to be established by resolution.* All chronic nuisance service costs shall be established by resolution of the city commission. No chronic nuisance service

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cost shall be modified other than by resolution of the city commission. Chronic nuisance service costs shall only be in the amounts established by resolution of the city commission.

- (b) *Billing of chronic nuisance service costs.* The city shall bill all chronic nuisance service costs to the owner of the chronic nuisance property by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The bill shall contain at least the following information:
- (1) The address and parcel control number of the chronic nuisance property;
  - (2) The date of each chronic nuisance service;
  - (3) A brief description of each chronic nuisance service;
  - (4) The amount of the bill for each chronic nuisance service;
  - (5) A statement that the total amount of the bill shall be paid to the city within 30 days from the date of the bill and that any chronic nuisance service cost which has not been paid within 30 days from the date of the bill shall be delinquent;
  - (6) A statement that that any unpaid chronic nuisance service costs will be levied against the property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
  - (7) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.
- (c) *Notice of delinquency.* The total amount of the bill shall be paid to the city within 30 days from the date of the bill. Any chronic nuisance service cost which has not been paid within 30 days from the date of the bill shall be delinquent. If the property owner fails to pay the total amount of the bill within 30 days from the date of the bill, the city shall notify the property owner of the delinquency. The notice of delinquency shall be by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll and shall contain at least the following information:
- (1) The address and parcel control number of the property;
  - (2) The amount of the delinquent billings, individual and total;
  - (3) A statement that that any unpaid chronic nuisance service costs will be levied as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
  - (4) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.
- (d) *Construction of chronic nuisance service cost.* Chronic nuisance service costs shall not include any amount attributable to general law enforcement activities or the general enforcement of municipal codes upon a property that has not been declared by the city to

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be a chronic nuisance and that has not received a chronic nuisance service order from the special magistrate.

**Sec. 46-149. Method of notice; construction.**

- (a) *Notice.* Unless otherwise provided, notice required by this article shall be by certified mail, return receipt required and by first class mail to the address listed on the ad valorem tax roll. Notice shall be posted at the property where the nuisance activities occurred.
- (b) *Construction of notice.* A property owner shall be deemed to have notice of a nuisance activity if that property owner (1) has actual knowledge of the nuisance activity; (2) has received notice of the nuisance activity; (3) has reason to know about the nuisance activity; (4) knows about a fact related to the nuisance activity; or (5) is able to ascertain the existence of a nuisance by checking an official filing or recording. The lack of knowledge of, acquiescence, or participation in, or responsibility for a nuisance activity on the part of property owner shall not be a defense to any enforcement of this article.

**Sec. 46-150. Change in title to chronic nuisance property.**

- (a) *Purchase at judicial sale upon final judgment of foreclosure.* Every purchaser of a chronic nuisance property at judicial sale upon final judgment of foreclosure shall provide the city with an action plan and implement an action plan no later than 45 days from the date of sale.
- (b) *Receivership.* Every trustee of a chronic nuisance property appointed after the entry of a chronic nuisance service order shall provide the city with an action plan and implement the action plan no later than 45 days from the date of appointment of receiver in any state or federal action at law.
- (c) *Probate.* Every personal representative of an owner of a chronic nuisance property shall provide the city with an action plan and implement an action plan no later than 45 days from the date of appointment. If the owner of the chronic nuisance property died intestate, beneficiaries of the estate shall be required to provide the city with an action plan and implement an action plan.
- (d) *Other changes in title to chronic nuisance property.* An arms-length purchaser of a chronic nuisance property that has purchased the property after entry of a chronic nuisance service order for the property shall have 45 days from the date of closing or recording of the order, whichever occurs last, to provide the city with an action plan and implement the action plan.

**Sec. 46-151. Registration of distressed vacant property.**

- (a) *Registration by owner.* Every owner of a chronic nuisance property that is also distressed vacant property shall register with the city.
- (b) *Registration by foreclosing mortgagee.* Every foreclosing mortgagee of a chronic nuisance property that is also distressed vacant property shall register with the city.

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**Sec. 46-152. Construction of article.**

- (a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.
- (b) *Monthly re-inspection assessments.* This article shall not be construed to limit the city from imposing monthly re-inspection assessments.
- (c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines.
- (d) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.
- (e) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

**Ordinance 2025-11**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CITY CODE CHAPTER 46 ENVIRONMENT ARTICLE II. NUISANCES DIVISION 2. ABATEMENT PROCEDURE SECTIONS 46-61 THROUGH 46-66; AND CHAPTER 46 ENVIRONMENT ARTICLE V CHRONIC NUISANCE PROPERTY CODE, DIVISION 1 CHRONIC NUISANCE SERVICES SECTIONS 46- 141 THROUGH 46-152 TO PROVIDE FOR DUE PROCESS SPECIAL MAGISTRATE HEARINGS AND PROCEDURES FOR THE ABATEMENT OF NUISANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission desires to amend its nuisance abatement codes to implement best practices.

**WHEREAS**, the City Commission finds these amendments to assist in the preservation and maintenance the public health, safety, and welfare.

**WHEREAS**, a business impact estimate pursuant to Florida Statute 166.041(4)(c).5. as amended through the 2025 session has been prepared and found no significant negative impact on the business community.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:**

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, word, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, words, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
PUBLIC HEARING: \_\_\_\_\_

CITY COMMISSION, CITY OF ST. PETE  
BEACH, FLORIDA.

\_\_\_\_\_  
Adrian Petrila, Mayor

I, \_\_\_\_\_, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
City Attorney