

ORDINANCE NO. 2025-____

SEMINOLE COUNTY, FLORIDA

**AN ORDINANCE AMENDING CHAPTER 168, NUISANCES, OF THE
SEMINOLE COUNTY CODE BY AMENDING PART 1 RELATED TO
UNOCCUPIED, UNSUITABLE AND DANGEROUS OR UNSAFE
BUILDINGS AND STRUCTURES; PROVIDING FOR CODIFICATION IN
THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 168, Seminole County Code of Ordinances, addresses County procedures regarding public nuisance violations and the abatement thereof as such violations pertain to unoccupied, unsuitable and dangerous or unsafe buildings and structures; and

WHEREAS, the County Commission finds that the adoption of this ordinance is necessary to enhance the County's enforcement of certain codes and ordinances and to streamline the County's nuisance abatement procedures relating to buildings and structures; and

WHEREAS, the County Commission finds that the delegation of authority to a Special Magistrate to consider and decide nuisance determinations or abatements in relation to unoccupied, unsuitable and dangerous or unsafe buildings and structures will assist the County to expedite the processing of such abatements while continuing to ensure that due process is provided to property owners; and

WHEREAS, the County Commission finds that the revisions to the public nuisance abatement process will provide a more expeditious method of enforcing County codes and ordinances equitably and effectively; and

WHEREAS, the County Commission finds this Ordinance in compliance with state law and in the best interests of the public health, safety and welfare of the citizens of Seminole County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Revising Chapter 168, Nuisances. Part 1 (Unoccupied, Unsuitable and Dangerous or Unsafe Buildings and Structures) of Chapter 168 (Nuisances), Seminole County Code, is hereby amended to read as follows:

Chapter 168 – NUISANCES

PART 1. UNOCCUPIED, UNSUITABLE AND DANGEROUS OR UNSAFE BUILDINGS AND STRUCTURES

Sec. 168.1. - Nuisances and hazards declared. All buildings or structures within the unincorporated areas of Seminole County, Florida, which are unoccupied and unsuitable for occupancy and are dangerous or unsafe, or which constitute a fire hazard or a hazard to the safety or health of the general public whether by reason of inadequate maintenance, dilapidation, obsolescence, abandonment or otherwise are hereby declared to be public nuisances under the provisions of this Part. This Part is not intended to apply to structures dedicated to agricultural use which do not pose a hazard to the general public. For the purpose of making the determination that any building or structure is a public nuisance and hazard, as defined herein, the standards and requirements of the latest editions of the ~~Southern Standard Building Code~~, Florida Building Code, Electrical Code, Mechanical Code, Plumbing Code, International Property Maintenance Code (as adopted by the County), and any other applicable codes, statutes, ordinances and laws then in effect which regulate the construction and use of structures within the unincorporated areas of Seminole County shall be considered as standards.

Sec. 168.2. - Notice; time for completion. Whenever the Development Services Director, Building Official, Fire Marshal, or Code Enforcement Division Manager of Seminole County shall

find any building or structure or portion thereof to be a public nuisance, as defined in Section
50 168.1, he or she shall, ~~after notice to the District Commissioner of his findings,~~ give the owner of
such building or structure written notice of the public nuisance determination, by certified mail,
52 return receipt requested, stating his or her findings and the reasons therefor. This notice shall
require the owner to remedy the public nuisance by implementing specified repairs or
54 improvements or the demolition and removal of the public nuisance within a time-certain period.
~~begin, within 30 days and complete within 90 days, the specified repairs or improvements or the~~
56 ~~demolition and removal of the public nuisance or undertake the appeal process as outlined in~~
~~Section 168.7 hereof. The period for completing repairs or improvements or the demolition and~~
58 ~~removal may be extended by the Building Official for good cause shown.~~ Written notice of the
public nuisance determination shall contain:

60 (a) A description of the land, building, structure or premises constituting said public
nuisance, said description to include the address and parcel identification number, and, to the
62 extent practicable, a description by metes and bounds or by lot number as indicated in the Public
Records of Seminole County, Florida.

64 (b) The name of the owner(s) of the property, places of residence, and interest of the
owners of such property, if known. This requirement shall be satisfied if a diligent and reasonable
66 search of the property and the Public Records of Seminole County, Florida, is made. If the name
of the owner is not known, then such fact shall be so stated.

68 (c) A description of the condition or conditions which constitute the finding of a public
nuisance.

(d) The corrective action required to be done to remedy the specified public nuisance including, but not limited to, the repair, improvement or demolition and removal of such building or structure.

Sec. 168.3. – Findings of Building Official to Board of County Commissioners.

~~In case the owner cannot be found within the stated 30 day period, or, if the owner shall fail, neglect, or refuse to comply with notice to repair or to demolish and remove said building or structure or portion thereof, the Building Official shall certify to the Board of County Commissioners, his written findings that said building or structure constitutes a public nuisance. Said certification shall contain the reasons and evidence relied upon for the certified findings, shall specify what portion or portions of such building or structure constitutes a public nuisance, and shall contain a description of the building or structure certified as a public nuisance together with, to the extent practicable, the description by metes and bounds or by lot number of the property upon which such building or structure is located.~~

Sec. 168.3. – Violation procedure.

(a) It shall be the duty of the Code Enforcement Division and other responsible County departments to initiate enforcement proceedings of public nuisance violations through the Development Services Director, Building Official, Fire Marshal, or Code Enforcement Division Manager, as provided herein. The Special Magistrate shall not have the power to initiate such enforcement proceedings. Public nuisance violations presented to the Special Magistrate shall be administered by the Code Enforcement Division or as otherwise determined by the Code Enforcement Division Manager.

(b) Should the described public nuisance continue beyond the time specified to remedy the public nuisance violation, the Code Enforcement Officer shall request a hearing before the

Special Magistrate and provide notice to the owner. All notices required by this Section shall be
94 provided to the owner in accordance with the provisions of Section 162.12, Florida Statutes.
Additionally, the notice of hearing shall be posted on the County website at least ten days prior to
96 the hearing.

~~Sec. 168.4. Determination by Board of County Commissioners.~~

98 ~~The Board of County Commissioners shall consider such certified finding of a public~~
~~nuisance at any regularly scheduled meeting and shall be authorized to receive and consider such~~
100 ~~additional supporting data as it, in its sole discretion, may deem necessary to determine the~~
~~existence of a public nuisance. If the Board shall determine that the existence of a public nuisance~~
102 ~~is established, a written notice of such determination shall be filed with the Clerk of the Circuit~~
~~Court. Said notice shall contain:~~

104 (a) ~~— A description of the land, building, structure or premises constituting said public~~
~~nuisance, said description to include, to the extent practicable, a description by metes and bounds~~
106 ~~or by lot number as indicated in the Public Records of Seminole County, Florida.~~

(b) ~~— The name of the owner or owners of the property, places of residence, legal~~
108 ~~disabilities, if any and if known, and interest of the owners of such property, if known. This~~
~~requirement shall be satisfied if a diligent and reasonable search of the property and the Public~~
110 ~~Records of Seminole County, Florida, is made. If the name of the owner is not known, then such~~
~~fact shall be so stated.~~

112 (c) ~~— A description of the condition or conditions which constitute the finding of a public~~
~~nuisance.~~

114 ~~(d) — The corrective action required to be done to abate the specified public nuisance~~
including, but not limited to, the repair, improvement or demolition and removal of such building
116 ~~or structure.~~

~~Sec. 168.5. Notice to show cause.~~

118 ~~A copy of said notice shall be served upon the owner~~
of such land, building, structure or premises, if known, together with a summons to appear before
the Board of County Commissioners, at a public hearing at least ten days subsequent to the date
120 of service of said summons, and show cause, if any, why such land, building, structure or premises
should not be declared a public nuisance and the corrective action of abatement specified in said
122 notice should not be taken; or cause, if any, why the cost of the corrective action of abatement
specified in said notice should not be paid for by the owner of such land, building, structure or
124 premises; or cause, if any, why said cost should not be assessed against said land or premises.

~~Sec. 168.6. Notice and summons to owner.~~

126 ~~(a) — The copy of the notice and summons specified in Section 168.5 of this Part shall be~~
served upon the owner of such land as specified in said notice by the Sheriff of the county in which
128 such person resides in accordance with the rules governing service of process in the Circuit Courts
of the State of Florida.

130 ~~(b) — If the owner of such building or structure cannot be found within the State of Florida~~
or is unknown or his residence is unknown, it shall be sufficient service and notice upon such
132 owner to post a copy of such notice and summons in some conspicuous place upon such building
or other structure and publish the notice and summons which may be combined for this purpose in
134 a paper of general circulation in Seminole County, Florida. Such notice shall be directed to the
owner of such land or premises, if known, and shall be published once a week for four consecutive

136 ~~weeks prior to the date contained in said notice for the public hearing. A copy of said notice and~~
summons shall be mailed to the owner, if known, at his last known address.

138 **Sec. 168.74 - Public Hearing.**

(a) At the time fixed for said hearing, the owner of such land, building, structure or
140 premises or any interested person shall have the right to present any relevant or material facts or
evidence as to why such land, building, structure, or premises does not create a public nuisance or
142 why the cost of the abatement of said public nuisance should not be paid for by the owner of said
land, building, structure or premises or why the cost of the abatement of said public nuisance
144 should not be assessed against such land or premises.

(b) ~~If, after said hearing,~~ the ~~Board~~ Special Magistrate determines that the condition
146 exists as set forth in the notice, the ~~Board~~ Special Magistrate shall issue an order ~~by resolution~~
declaring the nature of the public nuisance, describing the land, building, structure or premises
148 upon which such public nuisance exists, naming the owner of such land and premises, if known,
describing the corrective action required to ~~abate~~ remedy such public nuisance and setting a date
150 certain by which such corrective action shall be completed.

(c) ~~If, after said hearing,~~ the ~~Board~~ Special Magistrate determines that the conditions
152 set forth in the notice do not exist, then such notice to the owner should be considered forthwith
null and void and of no effect and no action shall be taken by the County in regard to such
154 conditions. Notice of such determination shall be forthwith sent to the owner of such land, building,
structure or premises, if known.

156 **Sec. 168.5 - Correction of imminently hazardous public nuisance conditions.**

(a) In situations involving public nuisance conditions requiring immediate, direct
158 action to eliminate hazards imminently dangerous to the health, safety or welfare of the public, the

County may, upon the authorization of the Code Enforcement Division Manager, or designee,
remedy the public nuisance. The County's action to remedy the nuisance shall be at the expense of
the owner(s).

(b) Within seven days after the County has ordered the correction of an imminently
hazardous public nuisance in accordance with subsection (a), the Code Enforcement Division
Manager, or his or her designee, shall provide the owner(s) notice of said correction according to
the procedures detailed in Section 168.2. In addition to the requirements of Section 168.2, the
notice shall explain that the property contained hazards requiring immediate correction, that the
public nuisance has been corrected, and that the property owner has 30 days from the date of
receiving the certification of costs to either make payment to the County or file a written request
with the County for a hearing before the Special Magistrate at which the owners shall have an
opportunity to show cause why costs of correction should not be assessed against the property.

Sec. 168.86. Assessing costs for abatement of nuisance Certification of costs.

(a) In the event the corrective action required to ~~abate~~ remedy such public nuisance is
not completed by the date set forth in the order ~~by resolution~~, the County shall take the necessary
corrective action, such as, but not restricted to, demolition, ~~burning~~ and clearing to ~~abate~~ remedy
such public nuisance and the employees or agents of the County shall have the right to go upon
the land or premises upon which such public nuisance exists to perform such action. The actual
costs of said corrective action of abatement, including ~~the~~ all administrative expenses, cost
~~incurred in the administration of the public nuisance certification, in the searching of the public~~
~~records to determine the record owners and in serving the notice as specified in Section 168.6 of~~
~~this Part~~, shall be assessed to the owner of the affected land or premises and shall become a lien
against such land or premises as provided in Section 168.8 of this Part.

182 ~~(b) — The Director of the Department of Public Works or such other authorized party~~
shall certify to the Board such costs that are incurred in abating the public nuisance as specified in
184 ~~this Section. A copy of such certifications shall be sent by regular mail to the owner at his last~~
~~known address, which copy shall constitute a demand for the payment of such cost by the owner~~
186 ~~within 15 days from the date of such mailing.~~

 (b) After a public nuisance has been remedied as provided in this Part, the Code
188 Enforcement Division Manager, or designee, shall certify by affidavit all expenses incurred by the
County in correcting said public nuisance plus any administrative charges as provided in this
190 Section. A copy of the certification shall be sent by regular mail and certified mail to the last known
address of the owner(s), which copy shall constitute a demand for the payment of such costs.
192 Except as specifically provided in Section 168.7, payment shall be due within 30 days of receiving
the certification.

194 **Sec. 168.7. - Right to hearing after corrective action taken.**

 (a) Prior to the expiration of the time that payment for correction of a public nuisance
196 is due, the owner(s) shall have the right to have a hearing before the Special Magistrate to show
cause, if any exists, why the costs and charges incurred by the County under this Part are excessive
198 or unwarranted. Nothing contained in this Section shall be construed to disturb or permit a review
of prior order(s) entered by the Special Magistrate(s); provided, however, that if the County has
200 corrected an imminently hazardous public nuisance on property pursuant to Section 168.5, the
owner(s) may challenge the necessity of the County's action to correct said nuisance. In the event
202 that the Special Magistrate finds that the immediate correction of a public nuisance under Section
168.5 was not necessary, no costs shall be assessed against the owner(s) for the correction.

(b) A request for a hearing must be in writing, must be either hand delivered to the Code Enforcement Clerk, or mailed to the Code Enforcement Clerk and postmarked, prior to the time that payment for the correction of a nuisance is due, and must be attached to a copy of the certification of costs. Upon the filing of a written request for a hearing, liability for payment of the certification costs shall be suspended until the conclusion of the hearing before the Special Magistrate. Any costs assessed by the Special Magistrate shall be due within ten days of the hearing.

Sec. 168.8. - Lien created. If the owner(s) fails to make payment within the time specified by this Part, the certification of costs assessed against the affected land, as described in Section 168.6, shall be recorded in the official land records of the County and shall create and constitute an order and a lien against such land, payable to the County. More than one lot or parcel of land, by whomever owned, may be joined in any foreclosure action if assessed under the provisions of this Part. Property subject to a lien may be redeemed at any time prior to sale by its owner by paying the total amount due under the corresponding lien including all interest, court costs, advertising costs and reasonable attorney's fees. Where a lien recorded pursuant to this Article has been paid in full, including all applicable costs, interest, administrative expenses, and attorney's fees pursuant to this Part, a satisfaction or release of lien shall be executed by the Code Enforcement Division Manager and shall be recorded by the County.

~~**Sec. 168.9 Salvageable materials.** The County may sell any material salvaged from any such building or structure and any other property contained therein or thereupon and credit the proceeds against the cost of demolition or removal, or where an independent contractor is employed to demolish or remove any such building or structure, to convey such material or property to the contractor as compensation or partial compensation for such demolition or removal;~~

and, should the proceeds from the disposition of such materials or property exceed the cost of such
228 demolition or removal, such excess shall be used, applied, or paid over in accordance with the
written directions of the parties entitled thereto.

230 ~~**Sec. 168.10 Lien created.**~~ If the owner fails to make payment within said ~~1530~~ days, the
amount of the certified cost shall be assessed by the Board against the affected land and such
232 assessment shall create and constitute a lien against such land, payable to Seminole County upon
said land superior to all other liens except taxes. Said assessment shall bear interest at the current
234 legal rate of interest per annum as provided by law and shall constitute a lien upon the land from
the date of the assessment and shall be collectible in the same manner as liens for taxes and with
236 the same attorney's fee, penalties for default in payment, and under the same provisions as to sale
and forfeiture, as apply to other County taxes. Collection of such assessments, with such interest
238 and with a reasonable attorney's fee, may also be made by the Board of County Commissioners by
proceedings in a court of competent jurisdiction to foreclose the lien of the assessment in the
240 manner in which a lien for mortgages is foreclosed under the Laws of Florida and it shall be lawful
to join in any complaint for foreclosure any one or more lots or parcels of land, by whomever
242 owned, if assessed under the provisions of this Part. Property subject to lien may be redeemed at
any time prior to sale by its owner by paying the total amount due under the corresponding
244 assessment lien including interest, court costs, advertising costs and reasonable attorney's fees. If
the total amount of the lien, including all applicable costs, interest, administrative expenses, and
246 reasonable attorney's fees pursuant to this Part, is paid in full, a satisfaction or release of lien shall
be executed by the County Manager or designee and shall be recorded by Seminole County staff.

248 ~~**Sec. 168.11. Right to hearing if cost and charges excessive.**~~ Prior to the expiration of
the 15 days provided in Section 168.8 of this Part, any owner shall have the right to have a hearing

before the Board to show cause, if any, why the costs and charges incurred by the County under this Part are excessive or unwarranted or why such costs should not constitute a lien against said land, provided that nothing contained in this Section is to be construed to disturb or permit a review of the order by resolution by the Board of the existence of the public nuisance under Section 168.7 of this Part.

Sec. 168.12. Authority to expend funds. ~~The Board of County Commissioners is authorized to appropriate and expend such funds as may be necessary to carry out the provision of this Part. Nothing contained herein shall require the Board of County Commissioners to appropriate or expend any funds to carry out the purpose of this Part. The authority granted herein is permissive and shall not be construed to impose an obligation on the Building Official or Seminole County to condemn any building or structure.~~

Sec. 168.139. Emergency powers. Nothing herein precludes exercise of emergency powers otherwise available in the face of imminent threat to public safety.

Sec. 168.1410. Provisions supplemental and in addition to other powers. The provisions of this Part shall not be deemed to repeal or modify any Seminole County Ordinance or provision of the Seminole County Code relating to condemning of buildings and structures but the provisions herein shall be supplemental and in addition to the powers that may be exercised by the Board of County Commissioners, its officers and employees.

Secs. 168.15—168.30. Reserved.

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word

or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

Section 4. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 5. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this _____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

JAY ZEMBOWER, Chairman

JBN/kw
10/20/25