AGENDA
MUNICIPAL CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, MARCH 25, 2020 2:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FL 32080

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES OF DECEMBER 18, 2019 MEETING

V. OLD BUSINESS

A. Review and follow-up to status of Citations to Appear issued to June D. Harper, Vernon J. Raegan, Ronald D. Webb, Fred W. Webb, and James V. Justin Jr., Hastings, Florida, property owners of 201 6th Street, for violation of the International Property Maintenance Code (IPMC) and St. Augustine Beach Code and Land Development Regulations (LDRs) for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 201 6th Street, St. Augustine Beach, Florida, 32080

B. Review and follow-up to status of Citations to Appear issued to legal representative for Veronica L. Capellini, Center Hill, Florida, property owner of 205 7th Street, for violation of the IPMC and St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 205 7th Street, St. Augustine Beach, Florida, 32080

C. Review and follow-up to status of Citations to Appear issued to legal representative for Veronica L. Capellini, Center Hill, Florida property owner of 206 8th Street, for violation of the IPMC and St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 206 8th Street, St. Augustine Beach, Florida, 32080

D. Review and follow-up to status of Citations to Appear issued to Debra L. Johnson, St. Augustine Beach, Florida, property owner of 720 A1A Beach Boulevard, for violation of St. Augustine Beach City Code for violation of St. Augustine Beach City Code for failure to renew the business tax receipt for transient lodging facilities and violations of the LDRs, IPMC and Florida Building Code (FBC) pertaining to structural
requirements, exterior structures, and failure to obtain required permits for exterior construction of a second-story deck and stairs, at 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080

E. Review and follow-up to status of the findings of fact, conclusions of law and order issued by the Code Enforcement Board on June 25, 2014, and status of foreclosure proceedings initiated by the City of St. Augustine Beach to Joseph John and Paula Grace Scala, San Diego, California, property owners of 106 2nd Street, for failure to appear, address and take action to correct multiple notices of violations and citations to appear pertaining to a structure in a derelict condition unfit for human occupancy at 106 2nd Street, St. Augustine Beach, Florida, 32080

VI. NEW BUSINESS

VII. PUBLIC COMMENT

VIII. BOARD COMMENT

IX. ADJOURNMENT

NOTICES TO THE PUBLIC

* * * * * * *

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Manager's Office no later than seven days prior to the proceeding at the address provided above, or telephone 904-471-2122, or email sabadmin@cityofsab.org

For more information on any of the above agenda items, please call the City of St. Augustine Beach Building and Zoning Department at 904-471-8758. The agenda material containing background information for this meeting is available on a CD upon request at the City Manager's office for a $5.00 fee. Adobe Acrobat Reader will be needed to open the file.
MINUTES
MUNICIPAL CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, DECEMBER 18, 2019, 2:00 P.M.
CITY OF ST. AUGUSTINE BEACH, 2200 A1A SOUTH, ST. AUGUSTINE BEACH, FLORIDA 32080

I. CALL TO ORDER
Chairman Ernesto Torres called the meeting to order at 2:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL
BOARD MEMBERS PRESENT: Chairman Ernesto Torres, Vice-Chairman Kevin Sweeny, William Genovese, Trish Gilpin, Gary List, Edward Pritchett, Senior Alternate Raymond Lovett.
BOARD MEMBERS ABSENT: Marshall Schneider
STAFF PRESENT: Code Enforcement Officer Bill Ward, Building Official Brian Law, City Attorney James Wilson, Recording Secretary Jennifer Thompson, Executive Assistant Bonnie Miller.

IV. APPROVAL OF MINUTES OF NOVEMBER 20, 2019 MEETING
Motion: to approve the minutes of the November 20, 2019 meeting. Moved by Mr. Sweeny, seconded by Mr. Pritchett, passed 7-0 by unanimous voice-vote.

V. NEW BUSINESS
A. Citation to Appear issued to June D. Harper, Vernon J. Raegan, Ronald D. Webb, Fred W. Webb, and James V. Justin Jr., Hastings, Florida, property owners of 201 6th Street, for violation of the International Property Maintenance Code (IPMC), St. Augustine Beach Code and Land Development Regulations (LDRs), for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 201 6th Street, St. Augustine Beach, Florida, 32080

Mr. Ward said this a follow-up to last month's meeting, when the Board agreed to give the property owners of 201 6th Street 30 days to decide what to do with the property.

James Harper, 10535 Beckenger Avenue, Hastings, Florida, 32145, representing the owners of 201 6th Street, said since last month's Code Enforcement Board meeting, the property has been cleaned inside and out. The owners have it under contract for purchase with a closing date set for January 15, 2020.
Joseph Ruggeri, 1212 Fort Peyton Drive, St. Augustine, Florida, 32086, said Mr. Harper and his family have done a wonderful job cleaning the property. Mr. Ruggeri said he's the person under contract to purchase the property and close on the sale of it on or before January 15, 2020.

Mr. Law asked the property owners and Mr. Ruggeri to provide staff with a copy of the contract to purchase the property and also asked them to notify staff when the sale has gone through. He's satisfied with the progress and recommends the new owners be given 30 days to come up with a plan to restore the building to a safe condition. If all goes as planned, code enforcement action on this can be closed.

Mr. Torres asked that a follow-up on this case be put on the Board's next meeting agenda under "Old Business."

B. Citation to Appear issued to legal representative for Veronica L. Capellini, Center Hill, Florida, property owner of 205 7th Street, for violation of the IPMC, St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 205 7th Street, St. Augustine Beach, Florida, 32080

See below section C.

C. Citation to Appear issued to legal representative for Veronica L. Capellini, Center Hill, Florida, property owner of 206 8th Street, for violation of the IPMC, St. Augustine Beach Code and LDRs for failure to remove weeds, trash and unsanitary matter and failure to care for premises resulting in an unsafe and non-habitable condition for human occupancy at 206 8th Street, St. Augustine Beach, Florida, 32080

Mr. Ward said these two properties are also follow-ups from last month's meeting. The representative for Ms. Veronica Capellini, who owns both properties, has been invited here to speak on her behalf.

David D. Naples Jr., 2807 North Tenth Street, Suite 7, St. Augustine, Florida, 32084, esquire and attorney for Jo Lisa Byers, the professional guardian appointed to act on behalf of the owner of the properties, Ms. Capellini, said he now has a court order from Suwannee County that states Ms. Byers is authorized to spend $120,000 to renovate and repair the two properties. Mr. Naples said it's been discussed with the courts and the contractor that there is a time limitation regarding the renovation of the properties.

Mr. List asked Mr. Naples if Ms. Byers has any idea when the contractor might begin the work.

Mr. Naples said he spoke with Ms. Byers earlier today and she was trying to arrange things with the contractor, so they'd be able to begin work after the holidays. One of the properties will be renovated and sold, and the other will be brought back to a habitable condition and then sold as-is.

Mr. Torres asked that a follow-up on these two cases also be put on Board's next meeting agenda under "Old Business." He said it's concerning to him that the houses in agenda items A, B, and C are in close proximity of each other and that this is a part of the City that has been neglected.

D. Citation to Appear issued to Debra L. Johnson, St. Augustine Beach, Florida, property owner of 720 A1A Beach Boulevard, for violation of St. Augustine Beach City Code for failure to renew the business
Mr. Ward said this case has been going on for some time now. The property is a transient lodging facility that is also a mixed-use building. Initial complaints were made regarding the tarp on the roof put there by the owner, Ms. Johnson, as the building had a roof leak. After a while, the sun deteriorated the tarp and it began to float off the roof, at which time Ms. Johnson was notified to fix the roof. On a separate occasion, Mr. Ward said he and Building Inspector Glenn Brown went to the property because Ms. Johnson had modified the stairway and landing without a permit. At this time, Ms. Johnson was notified to get a scope of work together and obtain a building permit, which she has yet to do. Since this time, Ms. Johnson has tried to renew the business tax receipt for the transient lodging facility, however she was delinquent on her fees, so the business tax receipt could not be renewed. Throughout this process, it was discovered the property was granted a conditional use permit that needs to be modified, because the conditional use permit allowed the building to be residential on the second floor and commercial on the first floor, but Ms. Johnson was renting out both the first and second floors of the building as separate transient lodging facilities. Mr. Ward said he notified Ms. Johnson that this conditional use permit needed to be modified but has not heard back from her or gotten any kind of response. Currently, there have not been any permits obtained for improvements to the roof, the stairway and landing, the conditional use permit has not been modified, and the business tax receipt has not been renewed.

Mr. Torres clarified that from a code enforcement standpoint, the Code Enforcement Board would only discuss the roof, stairway and landing.

Mr. Ward said a permit was issued to repair the roof in May, however, no work was ever done, and the permit has since expired. The tarp has been on the roof of the building for a year.

Ms. Gilpin said she believes the Board should impose a fine.

Mr. Law said he sent Ms. Miller out to call A to Z Custom Homes Inc., the contractor who obtained the expired roofing permit, to get more information on the work they were contracted to do for Ms. Johnson.

Ms. Miller said she just spoke on the phone to Michelle from A to Z Custom Homes Inc. Michelle stated A to Z Custom Homes Inc. never did any work on this roof because every time they asked Ms. Johnson when they could begin, she would postpone them saying she had insurance and family medical issues.

Motion: to direct the property owner of record, Debra L. Johnson, 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, to obtain permits and commence construction for the permitted work to correct multiple building code violations cited at her property within 30 days from the date of the Code Enforcement Board's meeting of December 18, 2019. If the owner fails to obtain the proper permits and commence work to correct the multiple violations within 30 days, a daily fine of $250.00 per day shall be imposed until such permits are obtained and construction work has begun. Moved by Mr. Sweeney, seconded by Ms. Gilpin, passed 7-0 by the Board by unanimous voice-vote.

VI. OLD BUSINESS
A. Review and follow-up to status of the findings of fact, conclusions of law and order issued by the Code Enforcement Board on June 25, 2014, and status of foreclosure proceedings initiated by the City of St. Augustine Beach to Joseph J. and Paula G. Scala, San Diego, California, property owners of 106 2nd Street, St. Augustine Beach, Florida, 32080

Mr. Ward said this case involves a house that has been an issue in the City for many years.

Mr. Wilson said the City has been in contact with the attorney for the property owners for some time. There had been negotiations for the sale of the property, however, recently the owners and their attorney have been unresponsive. The City is awaiting a court hearing date for this, and the home will most likely have to be torn down and the biggest issue with this case is going to be removing the person who is currently living there. Once the City has foreclosed on the property and acquired the deed, Mr. Ward will check the conditions of the structure and property.

VII. PUBLIC COMMENT

There was no public comment.

VIII. BOARD COMMENT

There was no further Board comment.

IX. ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

Ernesto Torres, Chairman

Jennifer Thompson, Recording Secretary

(This meeting has been recorded in its entirety. The recording will be kept on file for the required retention period. Complete audio recording can be obtained by contacting the City Manager’s Office at 904-471-2122.)
March 10, 2020  
02:54 PM  
CITY OF ST. AUGUSTINE BEACH  
Violation Detail  

<table>
<thead>
<tr>
<th>Violation Id</th>
<th>Parcel Id</th>
<th>Property Loc</th>
<th>Owner Name</th>
<th>Owner Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>v2000005</td>
<td>1695900020</td>
<td>201 6TH ST</td>
<td>HARPER JUNE D ETAL</td>
<td></td>
</tr>
<tr>
<td>253 HERMOSA CT, SAINT AUGUSTINE, FL 32086-7309</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

General:  
Violation Date: 10/09/19  
Status: Open  
Use Type: RES  

Description:  
This office was called upon relative to a request via the SAB Police Department and the SAB Building director (Brian Law) concerning an occupied dwelling (201-6th St) in a derelict condition.

Upon arrival to the mention location, this office was greeted by Sergeant Natalie Gillespie (SABPD) and Building Director, Brian Law. An interview was established and the Sgt explained that the scenario within the building presented an enviroament which did not support a healthy habitable exposure to any occupants.

Conditions:  
Conversation was established with the owner/occupant who resided at the dwelling. The owner was believed to be Fred Weber. The exact name will have to be obtained through the SABPD. The owner appeared to be in a state of poor health with noted open sores and feces spread about his body. He explained that the dwelling has lacked proper maintenance and further that toilets, A/C and other components were in disrepair.

After the brief conversation with the owner/occupant, the building department and code enforcement officer prepared for an inspection to the dwelling. In that inspection, the following was noted:

Interior:  
1. The interior of the dwelling was in a despicable condition with noted feces on the walls. It was noted during the inspection that a disabled or partially functional toilet presented itself.  
2. The rooms presented with what appeared to be feces throughout the floors, feces on clothing, trash and garbage scattered about the interior etc.  
3. The rooms were observed with an infestation of roaches, flies and other insects.  
4. The water was noted to be tainted with rust.
5. The interior of the dwelling presented with a pungent odor of human waste.
6. The overall observation to the interior of the was in poor condition and was not habitable for human use.

Exterior:
1. The exterior of the dwelling proved multiple violations specific to the international property maintenance code.
   - Ex: A/C and electrical components disabled and in a derelict condition.
2. Building in disrepair: ex: roof siding, windows etc...
4. Insect intrusion noted at multiple outside locations.

The entire property proved to be in a derelict condition which does not support a safe and healthy enviroment. An unsafe placard has been placed on the window to verify the conditional status of this property. Entrance into the dwelling should be met with caution and permission due to the existing hazardous condition.

Ordinances:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
<th>Compliance Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-2</td>
<td>Sec. 14-2 - Weeds, trash, and unsanitary matter.</td>
<td>10/31/19</td>
</tr>
<tr>
<td></td>
<td>It shall be unlawful for any owner or owners of any improved real property of less than one-half acre in size within the City of St. Augustine Beach, Florida, to permit weeds, grass or undergrowth to grow thereon to a height of twelve (12) inches or more from the ground; or, to permit rubbish, trash, debris, dead trees or unsightly matter to remain on any improved property regardless of size. As used herein, the term &quot;improved real property&quot; shall have the meaning set forth in section 10-1 of this Code.</td>
<td></td>
</tr>
<tr>
<td>6.07.06</td>
<td>Sec. 6.07.06. - Care of premises.</td>
<td>10/31/19</td>
</tr>
<tr>
<td></td>
<td>All buildings and structures shall be maintained so as to discourage the harboring and breeding of rodents, mice, snakes, insects, and other vermin. Insofar as the natural drainage will permit, yards and premises appurtenant to a dwelling unit shall be sloped or graded to provide for disposal of surface water and to prevent the accumulation of surface water in the yard or next to the building.</td>
<td></td>
</tr>
<tr>
<td>IPM SEC 304</td>
<td>SECTION 304</td>
<td>10/31/19</td>
</tr>
<tr>
<td></td>
<td>EXTERIOR STRUCTURE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The exterior of structures must perform four primary functions:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It must be in good repair.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>There should be no evidence of deterioration, or damaged or loose elements.</td>
<td></td>
</tr>
</tbody>
</table>
Mr. James Harper (904 501-6831) called this office at 1310 hrs this date relative to an explanation concerning compliance on the described property and the open code enforcement case. Mr. Harper explained that his wife was hospitalized in Dec and because of this event, was unable to close on the sale of the property in question and fulfill the non-compliance issue with SAB. Mr. Harper further stated that his wife died recently (March 4th) and the property was most likely going to probate. The buyer (Ruggeri) of the property as stated by Mr. Harper, is continuing to purchase this property as legal requirements are fulfilled as a result of the death to this property owner.

A follow-up was established relative to incomplete communication concerning the alleged sale and/or repair of this dilapidated property. It was previously understood that the property was being sold to Joseph Ruggeri (building contractor) and that renovations were to proceed after settlement. Over 60 days have expired without any follow-up by the owner.

A call was placed to Action Title (Nick Asselta) to inquire on the settlement status. Mr. Asselta advised that the settlement was cancelled without any other explanation.

The property owner(s) were given ample time to correct this code violation as charged but have neglected to follow-up on the status of the repairs. A certified mail will be issued this day for a final explanation.

Contact Info for individual that is purchasing the property and is the contractor that will be performing the renovations. Joe Ruggeri (Ruggeri Construction) @ 904 814-0083.

Note: Closing on the property was held up due to a discrepancy relative to one of the deceased owners (originally there were 5 owners) representative or lack thereof to legally sign doc's. The attorney for the parties will satisfy the legal issue in a timely fashion. TBA

Awaiting closing date on 1/15/2020 for new owner to apply for permits relative to repair. All conditions are being met @ present time pending sale of dwelling. TBA

The code board commenced this date @ 1400 hrs. The case was a follow-up relative to the disposition of repair as agreed upon by the board and the building dept.

The following is a summary with a detailed statement within the attachment section.

1. The property is presently under contract and due to close 1/15/2020. The contracted buyer, Joseph Ruggeri is also a licensed contractor with the state of FL. He has agreed to commence that due-diligence necessary after closing to facilitate renovation. The board order 30 days to begin construction of the project after the closing date.

As of this date there has been no communication relative to compliance.

As of this date, none of the multiple property owners have contacted this office relative to a scope of work in order to facilitate and/or remedy the hazardous scenario within the dwelling. Still awaiting confirmation of the receipt to the certified letter issued 10/23.

Letter out for citation to appear
A call was received this date from James Justin, part owner of the property. He advised that steps were being taken to correct the conditions of this dwelling. He further stated that a contractor would be hired or acquired to obtain a scope of work relative to compliance. TBA

* Multiple Use Types
Date: March 10, 2020
To: June Harper,
Vernon Reagan
Ronald Webb
Fred Webb
James Justin
10535 Beckham Ave
Hastings, FL 32145-8992

Re: Notice of those Violation(s) relative to St Augustine Beach City Code, Land Development Regulations and the International Property Maintenance Code(s) regarding that property located at:

#201-6th St, Saint Augustine Beach, Florida 32080

Dear Property Owner(s):

This correspondence is relative to a "follow-up" from the previous code enforcement board meeting for Saint Augustine Beach (Nov 20, 2019). In that meeting, the board requested a scope of work and timeline concerning required compliance of those violation(s) related to that property described as: #201-6th Street. You advised that the property was to have immediate priority concerning clean-up of the hazardous scenario and building issues presented. As of this date, the property owner(s) have ignored those requests by the code enforcement office and are deemed in continued violation of St Augustine Beach City Code.

The property owner(s) have continued to improperly maintain the property and as a result, the property has fallen into a derelict and a non-habitable condition. A placard was attached to the dwelling by code enforcement detailing an unsafe and non-habitable condition for human occupancy.
Please be advised that you continue to be in violation of the St. Augustine Beach City Code (SAB), Land Development Regulations and the International Property Maintenance Code (IPMC): The sections are outlined as follows:

**Saint Augustine Beach City Code & Land Development Regs** - Section 14-2: Weeds, Trash and Unsanitary Matter, SAB - Section 14-4: Failure to Remove, SAB - Section 6.07.06 - Care of Premises.

**IPMC** - 108.1.3: Structure unfit for human occupancy, Section 108.1.5: Dangerous structure or premises.

This notice to appear is for: June Harper, Vernon Reagan, Ronald Webb, Fred Webb, James Justin, the Property Owner(s) and/or their legal representative thereof.

**Date of Code Enforcement Hearing:** March 25th, 2020

**Time of Hearing:** 2:00 PM

**Location of Hearing:** 2200 A1A South
St Augustine Beach
Florida 32080

Sincerely,

Bill Ward
Code Enforcement Officer
City of St. Augustine Beach, Fl
bward@cityofsab.org

Cc: Brian Law, Building & Zoning Director
Bonnie Miller, Code Enforcement Board Secretary
Jim Wilson, City Attorney
File
Date: October 23, 2019

To: June Harper, Vernor Reagan, Ronald Webb, Fred Webb, James Justin
10535 Beekenger Ave
Hastings, FL 32145-8992

Re: Notice of those Violation(s) relative to St Augustine Beach City Code, Land Development Regulations and the International Property Maintenance Code(s) regarding that property located at:

#201-6th St, Saint Augustine Beach, Florida 32080

Dear Property Owner(s):

This correspondence is relative to the attempt made by this office to request compliance of those violations related to that property described as: #201-6th Street. A conversation by phone was established on 10/9 relative to information on compliance to code violations imposed on your property. You advised that the property was to have immediate priority concerning clean-up of the hazardous scenario and building issues presented. As of this date, the property owner(s) have ignored those requests by the code enforcement office and are deemed in continued violation of St Augustine Beach City Code.

The property owner(s) have continued to improperly maintain the property and as a result, the property has fallen into a derelict and a non-habitable condition. A placard was attached to the dwelling by code enforcement detailing an unsafe and non-habitable condition for human occupancy.
Please be advised that you continue to be in violation of the St. Augustine Beach City Code (SAB), Land Development Regulations and the International Property Maintenance Code (IPMC): The sections are outlined as follows:

St. Augustine Beach City Code & Land Development Regs - Section 14-2: Weeds, Trash and Unsanitary Matter, SAB - Section 14-4: Failure to Remove, SAB - Section 6.07.06 - Care of Premises.

IPMC -108.1.3: Structure unfit for human occupancy, Section 108.1.5: Dangerous structure or premises.

In due respect to all case information obtained, relative to the code enforcement action against you and the fact that you or your representative have ignored the requests for compliance of this property. It has been determined that this case will be presented before the code enforcement board for further recommendation.

This notice to appear is for: June Harper, Vernon Reagan, Ronald Webb, Fred Webb, James Justin, the Property Owner(s) and/or their legal representative thereof.

Date of Code Enforcement Hearing: November 20th, 2019

Time of Hearing: 2:00 PM

Location of Hearing: 2200 A1A South
St Augustine Beach, Florida 32080

Sincerely,

Bill Ward
Code Enforcement Officer
City of St. Augustine Beach, FL
bward@cityofsab.org

Cc: Brian Law, Building & Zoning Director
    Bonnie Miller, Code Enforcement Board Secretary
    Jim Wilson, City Attorney
    File
Violation Id | Parcel Id | Property Loc | Owner Name | Owner Phone | Owner Email
--- | --- | --- | --- | --- | ---
V1900007 | 1695700050 | 205 7TH ST | CAPELLINI VERONICA L | | |
18526 116TH PL, LIVE OAK, FL 32060-5566

General:
Violation Date | Status | Status Date | Use Type | User Code | Cust Id | Customer Name | Complaint Email | Complaint Phone | Tenant Name | Tenant Email | Tenant Other
--- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | ---

Description:
This office was called to the scene relative to a complaint via the managers office concerning squatters at the described address. Information obtained described occupants living in this dwelling without electricity and water and related children under the age of 5.

Conditions:

Ordinances:

Activities:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 6.07.06 - Care of premises.</td>
<td>All buildings and structures shall be maintained so as to discourage the harboring and breeding of rodents, mice, snakes, insects, and other vermin. Insofar as the natural drainage will permit, yards and premises appurtenant to a dwelling unit shall be sloped or graded to provide for disposal of surface water and to prevent the accumulation of surface water in the yard or next to the building.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Activity Time</th>
<th>Inspector Name</th>
<th>Start Time</th>
<th>End Time Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.07.06</td>
<td>SENT LETTER</td>
<td>REEL</td>
<td>03/13/19</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

Created: 03/30/20 | Revised: 03/30/20 | Note: As of this date the property is continuing to be brought into compliance with ongoing renovations.

01/22/20 | 01/22/20 | Permits P2000491 & P2000490 were issued relative to work commencement of properties.
12/18/19 12/18/19
Code enforcement board convened this date @ 1400hrs. This meeting was a follow-up relative to a scope of work and time-line on hiring a contractor. Facts are as follows:
Listed in the attachment section is a detailed list of the intent by the state of Florida and the owners attorney, relative to the disposition of repairs. The code board was satisfied with the findings and info submitted by the attorney. This office will await the acquisition of the necessary permits after the xmas holiday.

12/16/19 12/16/19
No communication as commenced as of this date relative to compliance

11/12/19 11/12/19
Documentation was rec'd this date relative to a scope of work. These doc's referenced a "Bid" from a contractor. Presently no permits have been applied for concerning this property(s).

09/18/19 09/18/19
Spoke with attorney David Naples of St. Augustine. He has been retained to handle the property affairs of Victoria Capellini via Joe Lisa Byers and State of Florida. Note attachment.

08/28/19 08/28/19
This entry is relative to info relayed from Brian Law (building Dept Director) concerning those circumstances of events surrounding a law enforcement action on alleged trespassers @ 206 8th St. Mr. Law was requested @ the scene relative to probable building violation(s) (state and property maintenance codes) during the police action of eviction of occupants. Apparently, utilities had possibly been compromised (electric/water) causing the occupants to dispose of feces at or about the grounds with unlivable conditions. Unrelated to this health scenario were the findings of building violations, which were observed by the inspector. After those findings, an unsafe placard was placed on the building to warn the public.
Copies of the police report has been requested from SABPD. This accurate information will be added in this data base as the report is acquired. TBA

06/11/19 06/11/19
Email rec'd from Ms. Byers this day relative to the start of maintenance on the both properties and the eviction of the squatters, next week. SAB Law Enforcement to be acquired.

05/28/19 05/28/19
Rec'd a court doc this an relative to "amended letters of plenary guardianship" referencing the property owner (Veronica Capellini). Ms Capellini legal rep is Jo Lisa Byers. This doc represents properties in question @ 205-7th St & 206-8th St

05/28/19 05/28/19
Certified mail rec'd 5/21/19

05/21/19 05/21/19
Info was rec'd today relative to a legal rep (Jo Lisa Byers) being established with an attorney concerning the owner " Veronica Capellini". Allegedly, Ms. Capellini still remains in a compromised state of health, not being able to make decisions on her own, as explained. This information was relayed via Mr. Stephen Coon (609 374-7750), a real estate investor who contacted the nursing center where Ms. Capellini resides. This info is not verified

05/13/19 05/20/19
Letter Issued relative to violation of care of premises at the described address. Allegedly squatters have occupied (scenario determined from an interview with the occupants) this residence x 6 months approx. In that time, the occupants have not paid rent to the landlord due to the acute medical problem that this property owner (Ms. Capellini) sustained. During the occupancy of the squatters, general ground maintenance to the property has not been performed. Ex: Grass and weeds over 12" in height, trees and shrubs not maintained, misc trash and garbage scattered about the property, trash cans full and over flowing, derelic cans without proper tops etc....
A number of interviews were established with the occupants verbally and door hangers were retained at the property with direction to maintain the property and grounds. Since this date, no activity has been noted. Relative to the c/o electricity being turned off. A follow-up was performed relative to electric service, and it was noted that FPL had turned service back on to this property. Water service was never interrupted.

05/01/19 05/01/19
To: Detective Miles Smith
From: Still Ward (Code Enforcement Officer)
Subject: Structures Unfit for Human Occupancy @ 206 B 8th Street

This office was called upon this date (4/30/19) to investigate the possibility of illegal occupants (squatters) living at the above location. This information obtained was relative to a complaint received via the SAB Manager Office, that alleged tenants were living at this dwelling without electricity and water. This act is a clear violation of the International Property Maintenance Code (2018) 108.1.3, which is specific to "Structures Unfit for Human Occupancy.”

The property in question is owned by Veronica Capellini of Live Oak, Florida. Ms. Capellini is an elderly individual who owns other rental units in the city of SAB. It is my understanding that Ms. Capellini suffered a catastrophic health episode and was issued to a nursing center for recovery. This info was confirmed relative to a prior code enforcement action on another rental belonging to Ms. Capellini. Multiple certified letters were issued in order to gain contact with her, but information later obtained stated that Ms. Capellini was in a nursing home unable to respond. During her stay (greater than 1 yr.) in the nursing center, Ms. Capellini allegedly has not been receiving any rent and/or compensation (as stated by tenants).

Upon arrival to the mentioned address, an interview was established with an occupant/tenant by the name of Tisha Marrero. Ms. Marrero stated that she and her partner are transients in this residence and shared the second-floor apartment with 2 other adults and two children under the age of 5 years. Ms. Marrero further stated that the occupants were recovering drug and alcohol patients and had resided at this location for approx 6 months and had not paid rent during this timeline.

During the interview, it was established that the electricity had been turned off, and the presence of city water available on site, was to be determined. The general appearance of the interior of the unit (unit D) was poor with the related exterior grounds in disrepair. Further observation during the interview established a concern of 2 children onsite. The children (under the age of 5 years) apparently were under the care of a disabled (amputee) grandparent (alleged recovering alcoholic as stated) who was wheelchair bound. In conjunction with the lack of general utilities, disrepair of the building and grounds and a questionable child care scenario, it is determined that social services may need to play a part relative to the welfare of this setting and the children in question.
### Violation Details

- **Violation Id**: v1900004
- **Parcel Id**: 1695850060
- **Property Loc**: 206 8TH ST
- **Owner Address**: 18526 116TH PL, LIVE OAK, FL 32060-5566
- **Owner Name**: CAPELLINI VERONICA L

### General Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation Date</td>
<td>04/25/25</td>
</tr>
<tr>
<td>Status</td>
<td>Open</td>
</tr>
<tr>
<td>Status Date</td>
<td>04/25/25</td>
</tr>
<tr>
<td>Use Type</td>
<td></td>
</tr>
<tr>
<td>User Code</td>
<td></td>
</tr>
<tr>
<td>Cust Id</td>
<td></td>
</tr>
<tr>
<td>Customer Name</td>
<td></td>
</tr>
</tbody>
</table>

### Description:

Dwelling in disrepair with hole in the roof causing water intrusion and collapsed ceilings. Weeds and grass overgrown on property. Apparently the electric service been disconnected at this property.

Note: Apparently a single squatter has moved in to this dwelling. SAPD was called in to investigate due to the possibility of a connection to another dwelling @ 205 7th St, owned by the same property owner.

### Conditions:

### Ordnances:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>204 Sec 304</td>
<td>EXTERIOR STRUCTURE</td>
</tr>
<tr>
<td></td>
<td>304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The exterior of structures must perform four primary functions: Adequate must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.</td>
</tr>
</tbody>
</table>

### Activities:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Activity Type</th>
<th>Inspector</th>
<th>Date</th>
<th>Start Time</th>
<th>End Time</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>204 Sec 304</td>
<td>SENT LETTER</td>
<td>BILL</td>
<td>04/27/20</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Comment:

- Date: 03/10/2020
- Time: 03:09 PM
- Location: CITY OF ST. AUGUSTINE BEACH

- Violation Details
- General Information
- Description
- Conditions
- Ordnances
- Activities
- Comment
<table>
<thead>
<tr>
<th>Date</th>
<th>Modified Date</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/19/20</td>
<td>01/20/20</td>
<td>As of this date the property is continuing to be brought into compliance with ongoing renovations.</td>
</tr>
<tr>
<td>01/22/20</td>
<td>01/22/20</td>
<td>Permits P2000490 &amp; P2000491 were issued relative to commencement of proposed construction</td>
</tr>
<tr>
<td>12/16/19</td>
<td>12/16/19</td>
<td>As of this date no communication has commenced relative to compliance.</td>
</tr>
<tr>
<td>11/12/19</td>
<td>11/12/19</td>
<td>Documentation was rec'd this date relative to a scope of work. These doc's referenced a &quot;bid&quot; from a contractor. Presently no permits have been applied for concerning this property(s).</td>
</tr>
<tr>
<td>05/28/19</td>
<td>05/28/19</td>
<td>Rec'd a legal doc relative to an assigned rep for Ms Capellini. Note the attachments:</td>
</tr>
<tr>
<td>05/28/19</td>
<td>11/12/19</td>
<td>Certified mail rec'd 4/22/19</td>
</tr>
<tr>
<td>05/22/19</td>
<td>05/22/19</td>
<td>Conversation was established this day with Jolisa Byers (786 540-3117). Ms Byers claims to be the legal rep for the property owner. I have requested the true copy of the legal doc administered by the courts that supports her claim as the legal representative for Veronica Capellini. I have also requested contact info relative to all individuals concerned including the attorney handling the case. TBA</td>
</tr>
<tr>
<td>05/13/19</td>
<td>05/13/19</td>
<td>Follow-up was administered relative to last week's (May 8th) scenario concerning an open window on the second floor of this abandoned/deliberic property. In an observation after knocking at the door, apparently a squatter has moved into the home with a bed, food and clothing despite the placard on the window advising not to enter the premises. SAA Police department (Officer Donovan Green) was notified relative to trespassing at the property. The officer was notified in order to gain documentation relative to criminal activity.</td>
</tr>
<tr>
<td>04/17/19</td>
<td>07/18/19</td>
<td>This property has been in violation since 6/18. The scenario involves an elderly property owner who sustained a catastrophic health event and was issued to a nursing home. Multiple letters have been issued to the address provided via the Appraisers Office but no contact. The heading on the doc's is directed to the property owner and/or a representative (if any).</td>
</tr>
</tbody>
</table>
MEMO

To: Bill Ward, Code Enforcement Officer
From: Bonnie Miller, Executive Assistant
Subject: 720 A1A Beach Boulevard Code Enforcement Board Motion
Date: Wednesday, December 18, 2019

Please be advised that at its Code Enforcement Board meeting held Wednesday, December 18, 2019, the City of St. Augustine Beach Municipal Code Enforcement Board voted unanimously to pass a motion regarding building code violations and compliance issues at 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080.

Mr. Sweeny made the motion to direct the property owner of record, Debra L. Johnson, 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, to obtain permits and commence construction for the permitted work to correct multiple building code violations cited at her property within 30 days from the date of the Code Enforcement Board’s meeting of December 18, 2019. If the owner fails to obtain the proper permits and commence work to correct the multiple violations within 30 days, a daily fine of $250.00 per day shall be imposed until such permits are obtained and construction work has begun. Mr. Sweeny’s motion was seconded by Ms. Gilpin and passed 7-0 by the Board by unanimous voice-vote.

[Handwritten note: 
"Fines # 15,750 (13 days)"]
### General:

<table>
<thead>
<tr>
<th>Violation Date</th>
<th>Status</th>
<th>Customer Name</th>
<th>Complaint Phone</th>
<th>Customer Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/30/19</td>
<td>Open</td>
<td>SEASIDE ESCAPE</td>
<td>(727)777-2444</td>
<td></td>
</tr>
</tbody>
</table>

### Description:

This violation(s) was generated through code enforcement relative to multiple complaints concerning specific building violations as specified below. These violations which are outlined within the International Property Maintenance Code (section 304) and the FBC are specific to structural maintenance and requirements of an exterior structure.

The following needs to be addressed:

1. Remove the blue tarp on the top of the structure.
2. Execute the roof permit (P1914794) and repair the same (presently the permit has expired).
3. Obtain proper permits (roof, stairs and landing etc) and determine the possibility of encroachment of the raised deck/landing. Building Inspector Glenn Brown has conversed with Ms. Johnson in the many months prior relative to correction of this stair and deck landing modification scenario.
4. Modify the conditional use permit to include use of the ground floor for residential use. See conditional use permit dated Aug 4, 2003.
5. Bring into compliance the violations as specified. After the building compliance is met, complete those requirements pertaining to a transient lodging facility renewal (Code 3.09).

### Conditions:

### Ordinances:

<table>
<thead>
<tr>
<th>Ordinance Id</th>
<th>Description</th>
<th>Compliance Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDR 3.09</td>
<td>Sec. 3.09.00. - Transient lodging establishments within medium density land use districts. A. Applicability. This section shall be applicable to the rental of all attached dwellings, detached dwellings, dwelling units, and accessory buildings, provides for the allowing of transient lodging establishments within medium density land use districts within the City of St. Augustine Beach, but shall not apply to hotels, motels, resort</td>
<td>08/09/19</td>
</tr>
</tbody>
</table>
condominiums, or bed and breakfast inns as defined in these Land Development Regulations, nor to manufactured housing as defined in F.S. § 320.012(2)(b). The term transient lodging establishments is defined in section 2.00.00 of these land development regulations, and which have been appropriately licensed by the State of Florida. This ordinance shall not be applicable or be taken to authorize the establishment or operation of more than a total of one hundred (100) individual transient lodging establishments within medium density residential districts within the city. In the event that there shall be less than a total of one hundred (100) individual lodging facilities within medium density residential districts, new units may be given priority by date of application for a business tax receipt with the office of city manager.

B. Business tax receipt required. A business tax receipt shall be required for all rentals set forth in this section. Licensing procedures and requirements shall be as set forth in St. Augustine Beach Code, Chapter 12. The fee for such charged business tax receipt shall be as set forth by this ordinance. The issuance of the business tax receipt shall require owner information regarding property standards and city codes that apply to all residential and commercial structures within the city. The owner's signature shall serve as verification that owner shall comply with all requirements as mandated by this ordinance. The fee schedule is as per section 3.09.00 (1) of this Code.

C. Transient lodging establishment requirements. Transient lodging establishments are for thirty (30) days or less and those individuals renting structures for six (6) months or less are subject to providing proof of a Florida Department of Revenue Sales Tax Number as required by F.S. Ch. 212, prior to application for a City of St. Augustine Beach Business Tax Receipt. A valid and current license under F.S. § 509.241 is required if the property is rented more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is the lesser or which is held out to the public as a place regularly rented to guests. The property owner or designated representative/agent shall be held responsible for ensuring that guests abide by city codes. Guests shall be provided with a copy of applicable city ordinances prior to their stay and the same notice shall be posted within the rental property. The notice shall address noise, parking, dune protection, turtle nesting season, littering and trash requirements. Parking is restricted to the number of spaces provided on the site. Overflow parking for guests shall utilize public parking spaces not restricted by the city's land development regulations or traffic and parking ordinances. The property owner or designated representative/agent shall be held responsible for compliance with the city's trash requirements. Trash containers shall be placed and returned at the designated times. Violations will be subject to the enforcement as provided by city code. The allowable occupancy is based on two (2) persons over fifteen (15) years of age per bedroom and an additional allowance for two (2), for one (1) sleeper sofa per floor of the residence. Each property owner or designated representative/agent shall provide a rental report to the city by February 1 of each calendar year.

D. Local representation for business tax receipt; applications for residential units. Business tax receipt applications for residential rental shall include a local contact or representative. Such contact or representative shall maintain a current working local telephone number and current local address, not a public or private mail box and provide notification thereof of any changes to the city within thirty (30) days for physical location and telephone number. The telephone number shall be posted at the property for emergency contact.

E. Residential rental compliance notice requirements of minimum applicable standards form acknowledging notice of housing and development standards. Each owner of real property to which this ordinance is applicable shall receive notice of and shall file with an initial business tax receipt application or, for existing receipts, by October 1 of each occupational licensing year, a notice requirement of minimum applicable standards form with the city manager's office, acknowledging receipt of applicable City of St. Augustine Beach standards as located in the adopted city code or
other applicable documents so adopted by the State of Florida.

F. Inspections, noncompliance inspection fee. Complaint driven or inspector initiated inspections of properties subject to this ordinance shall be conducted by the city each year to ensure that such properties are in compliance with provisions of adopted codes. However, this provision shall not be interpreted as authorizing the city to conduct inspections of property without the consent of the owner or the occupant or without a warrant.

The City Manager or designee shall assess a fee of forty dollars ($40.00) (included with the application fee) for the initial inspection and the follow-up inspection if required. If the inspection reflects three (3) or more violations at the time of follow-up inspection, an additional fee of fifty dollars ($50.00) shall be made for any required reinspection.

G. Penalties. Failure to obtain or maintain a business tax receipt as required by subsection B., or failure to maintain a property in compliance with the Code requirements set forth in subsection F., shall subject the violator to enforcement proceedings and penalties in accordance with City Code.

H. Revocation or denial of business tax receipt. In addition to the enforcement proceedings and penalties provided for in subsection C., failure to comply with the provisions of this ordinance shall be considered just cause for denial of the issuance of a business tax receipt for the subject property in accordance with the procedure set forth in this section. Prior to the revocation or denial, the city manager or his/her designee shall issue a notice of revocation or denial notifying the residential licensee of the city's intent to revoke or deny. The notice shall be sent certified mail, return receipt requested, to the last known address for the residential rental licensee. Within ten (10) calendar days from the date of mailing of said notice, the license shall be automatically denied, revoked or nonrenewable, unless the residential rental licensee files with the city manager a written statement setting forth the grounds for an appeal. Upon the filing of such written statement, the city manager shall schedule and conduct a hearing before the city commission within thirty (30) days from the date the written statement was filed. The residential rental licensee shall be given notice of the hearing by certified mail, return receipt requested, and shall have the opportunity to present evidence, cross examine witnesses and be represented by counsel. The city shall have the burden of proof by a preponderance of the evidence presented at the hearing. Within ten (10) calendar days of the hearing, the city manager shall file a written decision to the residential rental licensee, containing the facts and conclusions of the legal basis for the decision. The decision shall become final within thirty (30) days of the date the city manager notifies the residential rental licensee unless the licensee files a petition for writ of certiorari in the Circuit Court for St. Johns County. The pendency of judicial review shall automatically stay the revocation until review has been exhausted unless the city obtains an order of the court lifting such stay. Any such residential rental licensee who has had a business tax receipt revoked or denied under this section or other city codes shall not be eligible to submit an initial or renewal application in the city until one (1) year has expired from the date the business tax receipt was revoked or denied by the city or, if an appeal is taken while the business continues in operation, until one (1) year from the later of the date of the last decision or order affirming the revocation or denial or the date the business ceases operations in compliance with the decision or order.

I. Fee schedule.

Business Tax Receipt: $28.75. (payable at the City Manager's Office)
Application Fee: $96.25 (payable at the Building and Zoning Department)
Initial inspection: $40.00 (includes a follow up inspection if required, if 3 or more violations exist at the time of the follow up inspection an additional $50 shall be made for any required inspection) (Payable at the Building and Zoning Department)
6.07.06 Sec. 6.07.06. - Care of premises.
All buildings and structures shall be maintained so as to discourage the harboring and breeding of rodents, mice, snakes, insects, and other vermin. Insofar as the natural drainage will permit, yards and premises appurtenant to a dwelling unit shall be sloped or graded to provide for disposal of surface water and to prevent the accumulation of surface water in the yard or next to the building.

FBC 105.1 SECTION 105
PERMITS
105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Activities:

<table>
<thead>
<tr>
<th>Ordinance</th>
<th>Activity Time</th>
<th>Inspector</th>
<th>Date</th>
<th>Start Time</th>
<th>End Time Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.07.06</td>
<td>SENT LETTER</td>
<td></td>
<td>07/30/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.07.06</td>
<td>SENT LETTER</td>
<td></td>
<td>07/30/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FBC 105.1</td>
<td>SENT LETTER</td>
<td></td>
<td>07/30/19</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

03/16/20 03/16/20 Spoke with Ms. Johnson this am relative to the circumstances of events that surround her code enforcement case. There were excuses presented by Ms. Johnson concerning the compliance issue but no resolution was given. We reaffirmed the next code enforcement meeting (3/25 @ 1400hrs) in order to discuss the matter(s) pending. I advised Ms. Johnson to attend the meeting.

03/10/20 03/10/20 A certified mailing was issued prior on 3/10 to Ms. Johnson @ her private address. A separate reg mailing was issued on 3/16 and a copy of that doc (notice to appear) was also emailed accordingly.

02/10/20 02/10/20 Certified mail sent relative to Citation to Appear for 3/25 to follow-up on non-compliance.

Staff notified the code enforcement officer this morn that Ms. Johnson inquired about permitting friday of last week. The staff advised Ms. Johnson of the pending code enforcement action against her and further stated that she contact this office. As of 0340 hrs this date, no contact has been made.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/10/20</td>
<td>Certified mail dated 12/18 was returned by the USPS as undelivered. Last service attempt was 1/16/2020. Certified mail # 7018 1130 0002 0083 2918.</td>
</tr>
<tr>
<td>01/29/20</td>
<td>As of this date, no communication has been rec'd from Ms Johnson. Multiple letters have been issued concerning the scenario(s).</td>
</tr>
<tr>
<td>01/22/20</td>
<td>Contact Info for the contractor that Ms. Johnson hired: Richard Sean Construction @ 352 639-1060</td>
</tr>
<tr>
<td>01/22/20</td>
<td>Spoke with the contractor, Richard Fulmer on 1/21 relative to pulling permits on the deck. He advised that a building permit would be acquired. This is the second request. Also requested was info pertaining to the re-roof. Mr. Fulmer also stated that this project had a current estimate for the roof and the roofer (unk) was to pull their own permit. No action has occurred. As of this date there has been no communication with the property owner (Liv Johnson) to answer for the code enforcement action. The penalty phase sanctioned by the code board went into effect midnight 1/19 @ $250.00/day for non-compliance to violations of the SAB Building Code.</td>
</tr>
<tr>
<td>12/19/19</td>
<td>LETTER HAND DELIVERED ON 12-19-19 AT 245PM, LEFT IN DOOR. -JT (SEE ATTACHED PHOTO)</td>
</tr>
<tr>
<td>12/17/19</td>
<td>As of this date, no communication has commenced relative to compliance of this scenario concerning the building violations. Ms. Johnson further has ignored a correction her conditional use permit relative to the multi-use property @ the stated address. Bonnie Miller (building Dept Admin Sec) offered assistance to Ms. Johnson in weeks past relative to applying for a revision through the PZB. Ms. Johnson never responded.</td>
</tr>
<tr>
<td>12/02/19</td>
<td>Ms. Johnson contacted this office @ 0830hrs to relay info concerning needed repairs relative to code enforcement case. Ms. Johnson asdived that a contractor was being hired to complete all issues. Permits are pending TBA. If permits are not aquired prior to the Dec board meeting, a notice to appear will be issued.</td>
</tr>
<tr>
<td>10/29/19</td>
<td>Certified Mail notice sent this date</td>
</tr>
<tr>
<td>08/26/19</td>
<td>Second notice sent this date. Regular mail.</td>
</tr>
<tr>
<td>08/26/19</td>
<td>Certified Letter issued Aug 1st returned.</td>
</tr>
</tbody>
</table>

* Multiple Use Types
Date: August 1, 2019

To: Debra Johnson
720 A1A Beach Blvd
Saint Augustine, FL 32080-0000

Re: Notice of Violation of St. Augustine Beach City Code regarding Non-Compliant Transient Lodging Facilities within Commercial Land Use Districts at:

#720 A1A Beach Blvd, St. Augustine Beach, FL

Dear Property Owner,

Please be advised that the City’s records show that your current Business Tax Receipt for a Transient Lodging Facility will be required for re-inspection starting August 1st and due by September 30th. The issuance of the BTR is conditional to the requirements as dictated within the SAB City Code 3.09 and other building requirements. Presently your property is in violation of those building requirements and will be subject to a hold on the issuance of the BTR until the following items are addressed. Please note the items below that need your attention.

1. Roof: Citizen complaints were lodged relative to a blue tarp placed upon the roof of your property which is now deteriorating. Obviously, there is a compromising issue to the roof covering of this structure and needs to be corrected. It was noted in the building department permit database that a shingle re-roof permit (P1914794) was issued on 5/29/19 and has not been acted upon. Presently this scenario is in violation of Section 6.07.02 (structural requirements) of the Land Development Regulations and Section 304 of the International Property Maintenance Code (Re: exterior structures).

2. Deck/Stairs (2nd Floor): This incomplete structure was discussed previously with you in the past by the building inspector (G. Brown). As a reminder, this structure was built and/or altered without proper permitting and further may present with an encroachment to the east. This structure and related siding work at the landing need to be addressed/completed. Presently this scenario is in violation of Section 6.07.02 (structural requirements) of the Land Development Regulations, Section 304 of the International Property Maintenance Code (exterior structures) and Section 105.1 (permits required) of the Florida Building Code (6th Edition).
3. **Conditional Use Permit:** An audit was directed relative to the use requirement of this property. In doing so, it was noted that a violation in the conditional use permit (existing document which conveyed with the sale of the home) issued August 4th, 2003 by the city commission, exists. Specifically, the Conditional Use Permit issued allowed "construction of a single-family residence over a commercial building" (reference in doc attached). It has been determined by this department that a modification to the conditional use permit is warranted in order to continue operation of a transient lodging facility. Assistance will be offered by staff (Bonnie Miller) in-order to apply for that modification to the order.

Your prompt attention to this matter is required. **You may not be permitted** to continue renting this property for less than 30-day periods unless you comply with the requirements of the city ordinance and the state statutes until all requirements are addressed.

It is our hope that you would proceed to bring these violation(s) into compliance, and to that end, City staff would offer any appropriate assistance to you. However, if the violation is not corrected asap, it will be necessary to issue a "Citation" and a "Notice to Appear" for a hearing before the City Code Enforcement Board. At that time, you can state your reasons for not complying with the Ordinance and the Board will make a ruling. Among their various options, the Board can impose fines of up to $250.00 per day for continued violations and/or the revocation of your business license (BTR).

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 484-9142 if you have any questions regarding this correspondence.

Sincerely,

Bill Ward
Code Enforcement Officer
Building & Zoning Department/Code Enforcement
City of St. Augustine Beach, Florida
bward@cityofsab.org

cc; Mr. Brian Law, Building Official
Ms. Bonnie Miller, Code Enforcement Board Secretary
Mr. Jim Wilson, City Attorney
File

Page 2 of 3
City Commission of the City of St. Augustine Beach, Florida

In Re: Application of Thomas Coates, To Construct a Single-Family Residence Over a Commercial Building in a Commercial Land Use District at 720 A1A Beach Boulevard St. Augustine, Florida 32080

The above Application came to be heard before the City Commission of the City of St. Augustine Beach and the City Commission, having taken evidence and testimony at a duly noticed public hearing, having considered the recommendation of the City's Comprehensive Planning and Zoning Board and having found that the City has received no objection to the grant of the Conditional Use Permit and that the construction of a single family residence over a commercial building in a commercial Land Use District is consistent with issuance of previous Conditional Use Permits authorizing such construction, it is, therefore,

ORDERED, as follows:

That the Application is hereby granted subject to the condition that the building's height not exceed twenty-seven (27) feet.


CITY OF ST. AUGUSTINE BEACH

By: __________________________
   Mayor-Commissioner

Attest: __________________________
   City Manager
   (Seal)

To: City of St. Augustine Beach
   2200 A1A South
   St. Augustine Beach, FL 32080
Date: December 18, 2019

To: Debra Johnson
720 A1A Beach Blvd
Saint Augustine, FL 32080-0000

Re: Notice of findings and subsequent order imposed by the St. Augustine Beach Code Enforcement Board regarding non-compliance to that code enforcement case pertaining to building violations located at: #720 A1A Beach Blvd, St. Augustine Beach, FL

Dear Property Owner,

The SAB Code Enforcement Board convened on 12/18/2019 in reference to a standing code enforcement case against you relative to unpermitted work (FBC Section 105) and those building violations specific to the stairway, deck landing and roof covering (IPMC Sec 304). The code board also discussed the scenario concerning the conditional use permit and the lack of attention by you to modify that document through an application process to the planning and zoning board (modification from mix-use to residential only).

The following is a summary of the Code Enforcement Boards order to which requires your full compliance:

Mr. Sweeny (Board Member) made the motion to direct the property owner of record, Debra L. Johnson, 720 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, to obtain permits and commence construction for the permitted work to correct multiple building code violations cited at her property within 30 days from the date of the Code Enforcement Board’s meeting of December 18, 2019. **If the owner fails to obtain the proper permits and commence work to correct the multiple violations within 30 days, a daily fine of $250.00 per day shall be imposed until such permits are obtained and construction work has begun.** Mr. Sweeny’s motion was seconded by Ms. Gilpin and passed 7-0 by the Board by unanimous voice-vote.
Our goal is to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Our office will assist you as needed. Please contact the building department Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 484-9142 if you have any questions regarding this correspondence.

Sincerely,

Bill Ward
Code Enforcement Officer
Building & Zoning Department/Code Enforcement
City of St. Augustine Beach, Florida
bward@cityofsab.org

cc; Mr. Brian Law, Building Official
Ms. Bonnie Miller, Code Enforcement Board Secretary
Mr. Jim Wilson, City Attorney
File
Date: March 1, 2020

To: Debra Johnson
720 A1A Beach Blvd
Saint Augustine, FL 32080-0000

Re: Notice of violation and non-compliance to SAB City Code Sec. 3.09 (transient lodging facilities), SAB City Code Sec. 12-55 (Business Tax Receipt Payment Delinquency) and violation to those requirements to Florida Statute 205.053 (Business Tax Receipts Payment Delinquency).

Dear Property Owner,

The St Augustine Beach Manager’s office has given notice to this office concerning the property located at #720 A1A Beach Blvd. In that notice, it describes a delinquency to properly acquire the necessary Business Tax Receipt, which is connected to your Transient Lodging Facility at the same address. Relative to the code sections referenced, you were required to properly maintain those necessary requirements in order to operate a business in the City of St Augustine Beach. Due to this oversite, you have violated those code sections as indicated and have exceeded the deadline as specified by the Florida Statute as of March 1, 2020.

Relative to the code sections referenced and in conjunction with the Florida Statute, your affiliation as a business in conjunction with a “transient lodging facility” is terminated. Your transient lodging facility operation will “Cease-And-Desist” immediately without exception.

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine Beach, your cooperation regarding this matter is greatly appreciated. Our office will assist you as needed. Please contact City of St Augustine Beach Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 471-2122, if you have any questions regarding this correspondence. Contact the manager’s office for more information concerning those questions pertaining to the BTR.
Sincerely,

Bill Ward  
Code Enforcement Officer  
Building & Zoning Department/Code Enforcement  
City of St. Augustine Beach, Florida  
bward@cityofsab.org

cc:  Mr. Brian Law, Building Official  
Ms. Bonnie Miller, Code Enforcement Board Secretary  
Mr. Jim Wilson, City Attorney  
File
Sec. 3.09.00. - Transient lodging facilities within medium density land use districts.

A. Applicability. This section shall be applicable to the rental of all attached dwellings, detached dwellings, dwelling units, and accessory buildings, provides for the allowing of transient lodging facilities within medium density land use districts within the City of St. Augustine Beach, but shall not apply to hotels, motels, resort condominiums, or bed and breakfast inns as defined in these Land Development Regulations, nor to manufactured housing as defined in F.S. § 320.01(2)(b). The term transient lodging facilities shall mean individual transient lodging facilities as defined in section 2.00.00 of these land development regulations, and which have been appropriately licensed by the State of Florida. This ordinance shall not be applicable or be taken to authorize the establishment or operation of more than a total of one hundred (100) individual transient lodging facilities within medium density residential districts within the city. In the event that there shall be less than a total of one hundred (100) individual lodging facilities within medium density residential districts, new units may be given priority by date of application for a business tax receipt with the office of city manager.

B. Business tax receipt required. A business tax receipt shall be required for all rentals set forth in this section. Licensing procedures and requirements shall be as set forth in St. Augustine Beach Code, Chapter 12. The fee for such charged business tax receipt shall be as set forth by this ordinance. The issuance of the business tax receipt shall require owner information regarding property standards and city codes that apply to all residential and commercial structures within the city. The owner’s signature shall serve as verification that owner shall comply with all requirements as mandated by this ordinance. Application fee is one hundred twenty-five dollars ($125.00) covering the expenditures for processing the application, the rental inspection and the business tax receipt.

C. Transient lodging facility requirements. Transient lodging rentals, thirty (30) days or less, and those individuals renting structures for six (6) months or less are subject to providing proof of a Florida Department of Revenue Sales Tax Number as required by F.S. Ch. 212, prior to application for a City of St. Augustine Beach Business Tax Receipt. A valid and current license under F.S. § 509.241 is required if the property is rented more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is the lesser or which is held out to the public as a place regularly rented to guests.

The property owner or designated representative/agent shall be held responsible for ensuring that guests abide by city codes. Guests shall be provided with a copy of applicable city ordinances prior to their stay and the same notice shall be posted within the rental property. The notice shall address noise, parking, dune protection, turtle nesting season, littering and trash requirements. Parking is restricted on the short term rental site to the number of spaces provided on the site. Overflow parking for guests shall utilize public parking spaces not restricted by the city's land development regulations or traffic and parking ordinances. The property owner or designated representative/agent shall be held responsible for compliance with the city's trash requirements. Trash containers shall be placed and returned at the designated times. Violations will be subject to the enforcement as provided by city code.

The allowable occupancy is based on two (2) persons over fifteen (15) years of age per bedroom and an additional allowance for two (2), for one (1) sleeper sofa per floor of the residence.

Each property owner or designated representative/agent shall provide a rental report to the city by February 1 of each calendar year.

D. Local representation for business tax receipt; applications for residential units. Business tax receipt applications for residential rental shall include a local contact or representative. Such contact or representative shall maintain a current working local telephone number and current local address, not a public or private mail box and provide notification thereof of any changes to the city within thirty (30) days for physical location and telephone number. The telephone number shall be posted at the property for emergency contact.

E. Residential rental compliance—Notice requirements of minimum applicable standards form acknowledging notice of housing and development standards. Each owner of real property to which
this ordinance is applicable shall receive notice of and shall file with an initial business tax receipt
application or, for existing receipts, by October 1 of each occupational licensing year, a notice
requirements of minimum applicable standards form with the city manager's office, acknowledging
receipt of applicable City of St. Augustine Beach standards as located in the adopted city code or other
applicable documents so adopted by the State of Florida.

F. Inspections, noncompliance inspection fee. Complaint driven or inspector initiated inspections of
properties subject to this ordinance shall be conducted by the city each year to ensure that such
properties are in compliance with provisions of adopted codes. However, this provision shall not be
interpreted as authorizing the city to conduct inspections of property without the consent of the owner
or the occupant or without a warrant.

The building official shall assess a fee of forty dollars ($40.00) (included with the application fee) for
the initial inspection and the follow-up inspection if required. If the inspection reflects three (3) or more
violations at the time of follow-up inspection, an additional fee of fifty dollars ($50.00) shall be made
for any required inspection.

G. Penalties. Failure to obtain or maintain a business tax receipt as required by subsection B., or failure
to maintain a property in compliance with the Code requirements set forth in subsection F., shall
subject the violator to enforcement proceedings and penalties in accordance with City Code.

H. Revocation or denial of business tax receipt. In addition to the enforcement proceedings and penalties
provided for in subsection C., failure to comply with the provisions of this ordinance shall be considered
just cause for denial of the issuance of a business tax receipt for the subject property in accordance
with the procedure set forth in this section. Prior to the revocation or denial, the city manager or his/her
designee shall issue a notice of revocation or denial notifying the residential licensee of the city's intent
to revoke or deny. The notice shall be sent certified mail, return receipt requested, to the last known
address for the residential rental licensee. Within ten (10) calendar days from the date of mailing of
said notice, the license shall be automatically denied, revoked or nonrenewable, unless the residential
rental licensee files with the city manager a written statement setting forth the grounds for an appeal.
Upon the filing of such written statement, the city manager shall schedule and conduct a hearing before
the city commission within thirty (30) days from the date the written statement was filed. The residential
rental licensee shall be given notice of the hearing by certified mail, return receipt requested, and shall
have the opportunity to present evidence, cross examine witnesses and be represented by counsel.
The city shall have the burden of proof by a preponderance of the evidence presented at the hearing.
Within ten (10) calendar days of the hearing, the city manager shall file a written decision to the
residential rental licensee, containing the facts and conclusions of the legal basis for the decision. The
decision shall become final within thirty (30) days of the date the city manager notifies the residential
rental licensee unless the licensee files a petition for writ of certiorari in the Circuit Court for St. Johns
County. The pendency of judicial review shall automatically stay the revocation until review has been
exhausted unless the city obtains an order of the court lifting such stay. Any such residential rental
licensee who has had a business tax receipt revoked or denied under this section or other city codes
shall not be eligible to submit an initial or renewal application in the city until one (1) year has expired
from the date the business tax receipt was revoked or denied by the city or, if an appeal is taken while
the business continues in operation, until one (1) year from the later of the date of the last decision or
order affirming the revocation or denial or the date the business ceases operations in compliance with
the decision or order.

I. Business tax receipt fees.

Business Tax Receipt: $28.75.

Application Fee: $125.00 (includes business tax receipt)

Note: Fees have changed.

(Ord. No. 08-11A, § 1, 9-8-08)
2019 Florida Statutes
< Back to Statute Search

Title XIV TAXATION AND FINANCE

Chapter 205 LOCAL BUSINESS TAXES

SECTION 053 Business tax receipts; dates due and delinquent; penalties.

205.053 Business tax receipts; dates due and delinquent; penalties.—
(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to $250.

History.—s. 1, ch. 72-308; s. 1, ch. 73-144; s. 40, ch. 83-204; s. 7, ch. 83-180; s. 10, ch. 2006-152; s. 1, ch. 2007-97.

Privacy Policy | View Full Site

Copyright © 2000-2020 State of Florida.
Sec. 12-55. - Dates due and delinquent, penalties, part-year local business tax receipts; payment of other charges required.

(a) All local business tax receipts shall be sold beginning August 1 of each year, are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Local business tax receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each month of delinquency thereafter until paid. However, the total delinquency penalty may not exceed twenty-five (25) percent of the local business for the delinquent establishment.

(b) Any person engaging in or managing any business, occupation, or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of twenty-five (25) percent of the local business tax determined to be due, in addition to any other penalty provided by law or ordinance.

(c) For each local business tax receipt issued between October 1 and April 1 of each year, the full amount of local business tax hereby imposed shall be paid, and for each new local business tax receipt issued on or after April 1 of each year, one-half (½) of the total amount of the tax shall be paid. This section shall not apply to local business tax receipts authorized to be issued for a period of less than six (6) months except as herein otherwise specifically stated.

(d) No local business tax receipt provided for in this article shall be issued until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owned by the applicant to the city under any section of the St. Augustine Beach City Code.

(e) The city manager shall deny a local business tax receipt to any business whose proposed operation would violate any law or ordinance.

(f) No local business tax receipt shall be issued by the city to any person required by the laws of the state to be registered and issued a certificate to practice any profession or engage in any business unless such person in applying for the local business tax receipt shall submit proof of having been duly qualified to practice the profession or engage in the business under the laws of the state.

(g) Vehicles used by any person taxed under this article for the sale and delivery of tangible personal property at either wholesale or retail from his place of business on which a license is paid shall not be construed to be separate places of business, and no local business tax receipt shall be levied on such vehicles or the operators thereof as salesmen.

(h) Any general or special license fee required for any kind of vehicle, for the privilege of being operated upon the public highways, by any statute or ordinance, shall not abrogate, limit, or affect any further requirements of this article or of other laws or regulations for additional and separate licenses, permits, and insignia and fees for such vehicles, or other uses, for and relating to the privilege of using the same in the business so licensed.

(i) Any penalty allowed by this section may be waived by the city manager in his discretion where there exist extenuating circumstances.

(j) Local business tax receipts shall not be issued or renewed for any of the following businesses unless the business shows proof of registration, license, or exemption by the Department of Agriculture and Consumer Services: ballroom dance studios; health studios; sellers of travel; motor vehicle repair shops; telemarketing businesses; and any other business required to be registered or licensed by said department prior to issuance of a local business tax receipt under F.S. Chs. 501 and 559, or other provisions of the Florida Statutes.

(Ord. No. 90-9, § 1, 6-4-90; Ord. No. 93-16, §§ 1-3, 12-6-93; Ord. No. 07-09, § 1, 5-7-07)
Citation to Appear

Certified Mail#7018 0360 0002 1999 1868

Date: March 10, 2020

To: Debra Johnson
720 A1A Beach Blvd
Saint Augustine, FL 32080-0000

Re: Notice of Violation of St. Augustine Beach City Code regarding Non-Compliant Transient Lodging Facilities within Commercial Land Use Districts at:

#720 A1A Beach Blvd, St. Augustine Beach, FL

Dear Property Owner,

This document is a citation to appear before the Saint Augustine Beach code enforcement board relative to your continued disregard of requested compliance to the violations imposed by the code enforcement office. The building department in conjunction with the code enforcement office gave you the opportunity in the recent past (apply for a revision to your conditional use permit) to apply for the necessary building permits as related to the item(s) listed below.

Please note the items below that need your attention.

1. **Roof/Covering:** Multiple citizen complaints were lodged relative to a blue tarp placed upon the roof of your property which is now deteriorating. Obviously, there is a compromising issue to the roof covering of this structure and the roof needs to be corrected. It was noted in the building department permit data base that a shingle re-roof permit (P1914794) was issued on 5/29/19 (this permit will expire in 180 days - approx. 11/29) and has not been acted upon. Presently this scenario is in violation of Section 6.07.02 (structural requirements) of the Land Development Regulations and Section 304 of the International Property Maintenance Code (Re: exterior structures).
2. **Deck/Stairs (2nd Floor):** This incomplete structure was discussed previously with you in the past by the building inspector (G. Brown). As a reminder, this structure was built and/or altered without proper permitting and further may present with an encroachment to the east. This structure and related siding work @ the landing need (conveyed to be addressed/completed. Presently this scenario is in violation of Section 6.07.02 (structural requirements) of the Land Development Regulations, Section 304 of the International Property Maintenance Code (exterior structures) and Section 105.1 (permits required) of the Florida Building Code (6th Edition).

3. **Conditional Use Permit:** An audit was directed relative to the use requirement of this property. In doing so, it was noted that a violation in the conditional use permit (existing document which conveyed with the sale of the home) issued August 4th, 2003 by the city commission, exists. Specifically, the Conditional Use Permit issued allowed “construction of a single-family residence over a commercial building” (reference in doc attached). It has been determined by this department that a modification to the conditional use permit is warranted in order to continue operation of a transient lodging facility. Assistance will be offered by staff (Bonnie Miller) in-order to apply for that modification to the order.

The SAB Building Department in conjunction with the Code Enforcement office extended multiple requests, relative to presenting yourself before the code enforcement board. Due to your refusal to represent yourself and provide an explanation in this case, the Code Enforcement Board imposed a penalty phase. Relative to that action, this document represents a follow-up to that order imposed by the code enforcement board. It is recommended that you act upon this final request and avoid the probably of further penalties imposed by the board, TBA.

Our goal is to enforce the codes and ordinances of the City and to protect the health, safety and welfare of the citizens of St. Augustine Beach and accordingly, your cooperation regarding this matter is greatly appreciated. Please contact me Monday – Friday from 8:00 a.m. to 5:00 p.m. at (904) 484-9142 if you have any questions regarding this correspondence.

**Date of Code Enforcement Meeting: March 25th, 2020**

**Time of Hearing:** 2:00

**Location of Hearing:** 2200 A1A South
St Augustine, FL 32080

cc; Mr. Brian Law, Building Official
Ms. Bonnie Miller, Code Enforcement Board Secretary
Mr. Jim Wilson, City Attorney
City of St. Augustine Beach, Florida

2200 A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA, 32080
www.STAUGFL.COM

CITATION TO APPEAR

Certified Mail #7016 2140 0000 0271 6054

Date: October 23, 2019
To: Joseph or Grace Scala
1817 Morena Blvd, Suite G
San Diego, CA 92110-3651

Re: Notice of these Violation(s) relative to St Augustine Beach City Code, Land Development Regulations and the International Property Maintenance Code(s) regarding that property located at: #106 - 2nd Street St. Augustine Beach, Florida;

Dear Property Owner:

This correspondence is relative to the multiple attempts made by this office to request compliance of those violations related to that property described as: #106-2nd Street. In repeated attempt(s) via prior certified mailings, efforts were made to secure requested compliance to code violations imposed on your property. As of this date, the property owner(s) have ignored those requests by the code enforcement office and are deemed in continued violation of St Augustine Beach City Code.

The property owner(s) have continued to improperly maintain the property and as a result, the property has fallen into a derelict and a non-habitable condition. It is noted that electrical, water and trash services have been suspended at this location, and it is further observed that this property is continued to be occupied by an individual of your acquaintance.

Please be advised that you continue to be in violation of the St. Augustine Beach City Code (SAB), Land Development Regulations and the International Property Maintenance Code (IPMC): The sections are outlined as follows:

Saint Augustine Beach City Code & Land Development Regulations - Section 14-2: Weeds, Trash and Unsanitary Matter, SAB - Section 14-4: Failure to Remove, SAB - Section 6.07.06 - Care of Premises.

IPMC - Section 108.1.1: Unsafe structures, Section 108.1.3: Structure unfit for human occupancy, Section 108.1.5: Dangerous structure or premises.
Facts in summary:

1. The property in question has been in a code enforcement case since May 2012, relative to non-compliance of the owner(s) to correct the violation(s) imposed by the code enforcement office and later sanctioned by order of the code enforcement board.
2. Multiple requests have been issued (via Certified Mail) to the property owner(s) to appear before the SAB Code Enforcement Board in order to answer for and to remedy the case once and for all, but representation by the owner(s) didn't occur and compliance was never obtained.
3. SAB Code Enforcement Board imposed fines on the property and presently those fines are accruing daily (Per the order dated June 2014).
4. An action to foreclose a lien on said property was established.
5. Property presents in a derelict condition and unfit for human occupancy.

In due respect to all case information obtained, relative to the code enforcement action against you and the fact that you or your representative have ignored the requests for compliance of this property. It has been determined that this case will be presented before the code enforcement board for recommendation of a final action of the order.

This notice to appear is for: Joseph and Grace Scala (Property Owner) and/or their legal representative thereof.

Date of Code Enforcement Hearing: November 20th, 2019

Time of Hearing: 2:00 PM

Location of Hearing: 2200 A1A South
St Augustine Beach, Florida 32080

Sincerely,

Bill Ward
Code Enforcement Officer
City of St. Augustine Beach, Fl
bward@cityofsab.org

Cc: Brian Law, Building & Zoning Director
Bonnie Miller, Code Enforcement Board Secretary
Jim Wilson, City Attorney
File
IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR ST. JOHNS COUNTY, FLORIDA

Case No.: CA17-0352

CITY OF ST. AUGUSTINE BEACH,

Plaintiff,

vs.

JOSEPH SCALA and JOE BRUNSON,

Defendant

________________________________________

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing before
the Honorable J. Michael Traynor of the above styled Court, in Courtroom 316 of the St. Johns
County Courthouse, 4010 Lewis Speedway, St. Augustine, FL 32084, on Tuesday, April 10th,
2018 at 9:15 a.m., on Defendant's Motion to Dismiss. The Plaintiffs have tried to reach out to
opposing counsel to set a time for their motion and have had no response from opposing counsel
for the coordination, this has been set without their response. Fifteen (15) minutes have been set
aside on the Court's calendar.

James Patrick Wilson
Attorney for Plaintiff
Florida Bar Number: 294861
24 Cathedral Place, Suite 502
St. Augustine, FL 32084
Telephone: (904) 810-1025
Fax: (904) 810-1027
Jim@CoquinaLawGroup.com
Service@CoquinaLawGroup.com

[Signature]

[Stamp: SCANNED 07/31/18]
CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was provided to all parties listed on the Florida Courts E-filing portal on this 9th day of March 2018.

James Wilson
IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NUMBER:
DIVISION:

CITY OF ST. AUGUSTINE BEACH,
FLORIDA,

Plaintiff,

vs.

JOSEPH SCALA and JOE BRUNSON,

Defendants.

VERIFIED COMPLAINT

Plaintiff, City of St. Augustine Beach, Florida (hereinafter referred to as "Plaintiff"), sues Defendants, JOSEPH SCALA, (hereinafter referred to as "Scala"), and JOE BRUNSON (hereinafter referred to as Brunson) and says:

GENERAL ALLEGATIONS

1. Plaintiff is a Florida municipal corporation, organized and existing under the laws of the State of Florida.

2. Defendant, JOSEPH SCALA, is an individual and is sui juris, a resident of San Diego County, California.

3. Defendant, JOE BRUNSON, is an individual and is sui juris, a resident of St. Augustine Beach, Florida.

4. Defendant Scala is the owner of the real property located at 106 2nd St., St. Augustine Beach, Florida 32080 (hereinafter referred to as the "Property"). The property is not the Defendant's homestead under s. 4, Art. X of the Florida Constitution.

5. Defendant Brunson is, by information and belief, the tenant in possession of the Property. Status of such tenancy is unknown but such interest is inferior to the plaintiff's interest.
6. This Court has jurisdiction over the Defendants and venue is proper in this Court because the real property which is the subject of the foreclosure action is located in St. Johns County, Florida.

7. On or about June 25, 2014, a meeting of the Municipal Code Enforcement Board was held. A citation to appear was issued by Certified Mail, return receipt requested to Defendant, Joseph Scala, for failure to maintain the Property.

8. At the hearing on June 25, 2014, the Code Enforcement Board unanimously agreed to impose a daily fine of $250.00 for failing to maintain the property.

9. The Defendant has made no attempt to contact the City of St. Augustine Beach to remedy the situation prior to the meeting and did not appear at the meeting.

10. At the meeting of the Municipal Code Enforcement Board on June 25, 2014, the Code Enforcement Board entered an Order with findings of facts and conclusions of law for the violations concerning the property located at 106 2nd St., St. Augustine Beach, Florida 32080 (hereinafter referred to as the “Order”). A true and correct copy of the Order is attached hereto as Exhibit “A.”

11. The Order was recorded in the Official Records of St. Johns County, Florida at Book 3897, Page 1418 and pursuant to Fla. Stat. s. 162.09(3), became a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.

12. The Order imposed a fine in the amount of $250.00 for the first day of the violation, and $250.00 for each additional day that the violation remains uncorrected, with said fines beginning to run as of the date of the Order, June 25, 2014.

13. Defendant has failed to pay the fine imposed and has failed to correct the violations.
14. All conditions precedent to bringing this action have been performed, have occurred or have been waived.

COUNT ONE
(Lien Foreclosure)

15. This is an action to foreclose a lien on real property in St. Johns County, Florida.

16. Plaintiff re-alleges the allegations of paragraphs 1 through 12 above as if fully stated herein.

17. Pursuant to Fla. Stat. § 162.09, Plaintiff is authorized to foreclose the code enforcement lien because it has been more than three (3) months since the Order was recorded and the undersigned attorney for the City of St. Augustine Beach has been authorized to foreclose on the lien.

18. As of March 30, 2017, Defendant, Joseph Scala, owes Plaintiff with respect to the fines imposed by the Code Enforcement Board pursuant to the Order entered June 25, 2014 the outstanding principal sum of $252,250.00, which shall continue to accrue fines in the amount of $250.00 per day until a judgment is entered or Defendant remedies the violations, together with all costs and attorneys’ fees incurred by Plaintiff as a result of Defendant’s violations.

19. The interests of Defendants, Joseph Scala and Joe Brunson, in the Property are subject, subordinate, and inferior to the right, title, interest, and lien of Plaintiff.

20. Plaintiff has retained the undersigned attorneys to represent it in this action and are obligated to pay them a reasonable fee for their services, and pursuant to Ch. 162, Fla. Stat., Plaintiff is entitled to be paid or reimbursed by Defendant, Joseph Scala, for the reasonable fees and expenses of Plaintiff’s attorneys.

WHEREFORE, Plaintiff demands damages, attorneys’ fees, and the costs of this action, and;
a. That the Court adjudge that Plaintiff has a lien upon the Land for the amounts due under the Order, which are senior and superior to the claims of the Defendant;

b. That the Court adjudge the full amount due Plaintiff;

c. That the Court adjudge that if the amounts due Plaintiff are not paid within the time set by the Court, that the Land be sold to satisfy Plaintiff's claims;

d. That the Court adjudge all claims, rights, title, interest or equities of Defendants, and any and all persons claiming by, though, under or against Defendants since the filing of the Notice of Lis Pendens to be inferior to the lien held by the Plaintiff, and the aforesaid interests to be foreclosed;

e. That the Court retain jurisdiction of this action for any further orders that are necessary and proper, including without limitation, writs of possession and a deficiency judgment; and;

f. That Plaintiff has such other and further relief as the Court deems just and proper.

**Fla. R. Civ. P. 1.110(b) Verification**

Under penalty of perjury, I declare that I have read the foregoing Complaint, and the facts alleged therein are true and correct to the best of my knowledge and belief.

By: Max Royle
City Manager, St. Augustine Beach, FL
Date: 3/30/17

COQUINA LAW GROUP, PA

/s/ James P. Wilson
JAMES P. WILSON
Florida Bar No. 294861
24 Cathedral Place, Suite 502
St. Augustine, Florida 32084
EXHIBIT A
BEFORE THE MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA

CITY OF ST. AUGUSTINE BEACH

v.

JOSEPH SCALA

Respondent

RE: 1062 2nd Street, St. Augustine Beach, Florida 32080

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This CADE case was set for public hearing before the Code Enforcement Board of the City of St. Augustine Beach, on the day of December 14, 2014 and the Respondent having been given notice thereof and the Code Enforcement Board having found through sworn testimony:

1. That the Respondent is the owner of the property located at 1062 2nd Street, St. Augustine Beach, Florida, 32080.

2. Section 14-3 of the Land Development Regulations of the City of St. Augustine Beach provides:

   Sec. 14-2. Weeds, trash, and unsanitary matter.
   It shall be unlawful for any owner or occupant of any improved real property of less than one-half acre to allow within the City of St. Augustine Beach, Florida, to permit weeds, grass or undergrowth to grow therein, to a height of twelve (12) inches or more from the ground, or, to permit rubbish, trash, debris, dead trees or unsanitary matter to accumulate on any improved property regardless of size. As used herein, the term "improved real property" shall have the meaning set forth in section 10-1 of this Code.

   (Ord. No. 97-31, § 1, 10-6-97)

3. The Respondent has committed the following violations:
   a. Permitted weeds, grass and undergrowth to grow on the subject property.
   b. Permit rubbish, trash debris and unsanitary condition to remain on the property. Debris and rubbish remaining on the property includes, but not limited to, a boat, garbage cans, garbage, fines debris, trash remaining, debris, and a van with flat tires that has no insurance, no registration, and in plain sight with license that has not expired for approximately 4-5 years.

SCANNED
2014 Code Case
AnnieC
e. Permitted the first floor porch located on the 2nd level to disintegrate to a point of near collapse, posing a danger to the owner's property and the adjoining neighbors and must be repaired immediately.

4. Failure to replace the majority of the windows on the house which is missing, which poses a great risk of harm to the surrounding property because strong winds could lift the roof completely off of the house.

5. On July 13, 2013, a citation to appear was issued via certified mail informing the owner of the recommended fine and the location and time for the hearing, as well as a notice of monetary lien on July 18, 2013. The documents were also sent to the current tenant of the property.

6. Both parties contested the code enforcement based after receiving notices to appear and notice of a hearing date. The owner asked to be informed of the outcome of the board’s meeting. The tenant asked if there was anything he could do to avoid the lien process. He was told he needed to appear at the hearing on August 7, 2013 to address the issues. Whether the owner or the tenant appeared at the hearing.

6. At the hearing, the Board unanimously voted to impose a daily fine of $250.00 for failure to abate the property.

7. As of [Date], 2014, the condition of the property has remained unchanged and the violation has remained uncorrected despite numerous attempts by the City of St. Augustine Beach to notify the owner of the violation and allow the owner to remedy the situation. The code enforcement board has been notified of the continuing violations and sent the owner notice of hearing on [Date]. The determination was made to impose the costs to remedy the situation and to impose a fine upon the property for the continued violations.

8. Based on the evidence and testimony presented at the hearing, and considering the gravity of the violation, the actions taken by the violator to correct the violations and any previous violations uncorrected by the violator, this Board finds that the violations were not corrected as required and continue to exist on the Property, and that Respondent, as the owner of the Property, is in violation of the Order requiring the Respondent to correct the violations and has failed to remedy the violations despite successive attempts to correct the violation since July 2013. The violation failed to appear at the last code enforcement hearing despite a citation to appear and has failed to take any corrective actions.

9. The Respondent failed to appear at the Code Enforcement Hearing and has failed to correct the violation.

Therefore it is ordered, upon Motion being made, seconded and passed, that a fine be imposed in the amount of $250.00 for the first day of the violation and $250.00 for each additional day that the violation remains uncorrected. Said fines to begin running as of the date of this Order.
Additionally, the Code Enforcement Board recommends that the Building Official begin
the process to have the condition remedied and charged as the owner pursuant to Section 14-7 of
the Land Development Regulations of the City of St. Augustine Beach, which would include a
recommendation that the Building Official provide 11 days notice from the date of this Order to
Respondent that the condition be corrected and, if not corrected, the City to begin the process of
clean up and filing of an appropriate lien.

IT IS HEREBY ORDERED that beginning as of the date of the Order below, the above
described fine is hereby imposed against the Respondent for each and every day the violation exists
upon the following described property, situated in St. Augustine Beach, St. Johns County, Florida:
Location: 105 2nd Street, St. Augustine Beach, Florida, 32080.

Legal Description: LOT 5, BLOCK 25, CHAUTALIQA BEACH SUBDIVISION OF
ANASTASIA METHODIST ASSEMBLY GROUNDS, ACCORDING TO MAP OR PLAT
THEREOF RECORDED IN MAP BOOK 2, PAGE 5, PUBLIC RECORDS OF ST. JOHNS
COUNTY, FLORIDA.

The Respondent is directed to notify the Code Enforcement Officer of the City of St. Augustine
Beach at each time the violations are corrected.

THIS ORDER SHALL BE RECORDED IN The Official Record Books of St. Johns County
Sheriff and shall constitute A Lien AGAINST THE ABOVE DESCRIBED
PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY
RESPONDENT, pursuant to Section 162.09 Florida Statutes.

DONE AND ORDERED this 27th day of June, 2014, at St. Augustine Beach, St. Johns
County, Florida.

CODE ENFORCEMENT BOARD OF THE
CITY OF ST. AUGUSTINE BEACH,
FLORIDA

By:

PLEASE TAKE NOTICE THAT IN ACCORDANCE WITH CHAPTER 162 OF THE FLORIDA
STATUTES:
A. ANY FINE IMPOSED BY THIS BOARD AGAINST YOU, THE RESPONDENT,
CONSTITUTES A LIEN AGAINST THE REAL PROPERTY UPON WHICH THE
VIOLATION EXISTS, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY
OWNED BY YOU. CONTINUED NONCOMPLIANCE CAN RESULT IN
FORECLOSURE, JUDICIAL SALE AND LOSS OF YOUR PROPERTY.
B. You have thirty (30) days from the date of execution of this Order to APPEAL this Order to the Circuit Court of St. Johns County. 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.

C. The Enforcement Board, has ORDERED the violator to pay a FINE NOT TO EXCEED $250.00 FOR EACH DAY the violation continues. 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. After three (3) months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the City’s Attorney to foreclose on the lien.

Copy of this Order furnished to the above Respondent:

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order of has been furnished by certified and regular mail to Respondent by United States Mail, postage prepaid this 36th day of June, 2014.

[Signature]

[Name Printed]
IN THE COUNTY COURT, SEVENTH JUDICIAL CIRCUIT
IN AND FOR ST. JOHNS COUNTY

CITY OF ST. AUGUSTINE BEACH,
FLORIDA

Plaintiff,

v.

JOSEPH SCALA and JOE BRUNSON

Defendants,

STATE OF FLORIDA
COUNTY OF ST. JOHNS

BETORE ME, the undersigned authority, this day personally appeared Max Royle, as City Manager of the City of St. Augustine Beach, who, being first duly sworn on oath, deposes and says:

1. Affiant is an employee of Plaintiff in the above-captioned matter and is authorized to make this affidavit on Plaintiff's behalf.

2. The statements made in this Affidavit are made on Affiant's personal knowledge.

3. That Affiant has read the Complaint filed herein and the facts stated therein are true.

4. That the property in question, located at 106 2nd St., St. Augustine Beach Florida 32080 is presently not in compliance with the order of the city's code enforcement board entered June 25th, 2014 and since the entry of the order, such property was never brought into compliance and the fine assessed by the board has run continuously since entry of the order.

5. Defendants, Joseph Scala and Joe Brunson, owe Plaintiff, the following amounts:

   a. Assessment and fine $493,750.00
   
   b. Attorney's Fees $3,325.00
   
   c. Filing fees and costs $ 604.52
   
   Total: $497,679.52
6. Plaintiff has retained the law firm of Coquina Law Group, P.A. to represent it in this action and is obligated to pay the firm a reasonable fee for services rendered in this lawsuit.

Max Royle

Sworn to or affirmed and signed before me on November 15, 2019, by Max Royle.

Beverly Raddatz
Notary Public - State of Florida
Commission # GG 351663
My Comm. Expires Oct 25, 2023
Bonded through National Notary Assn.

XXX  Personally Known
      Produced Identification
      Type of Identification

Produced