

By Senator Perry

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1 A bill to be entitled
 2 An act relating to public nuisances; amending s.
 3 823.05, F.S.; making technical changes; providing that
 4 the use of a location by a criminal gang, criminal
 5 gang members, or criminal gang associates for criminal
 6 gang-related activity is a public nuisance; declaring
 7 that any place or premises that has been used on more
 8 than two occasions within a certain period as the site
 9 of specified violations is a nuisance and may be
 10 abated or enjoined pursuant to specified provisions;
 11 providing a property owner an opportunity to remedy a
 12 nuisance before specified legal actions may be taken
 13 against the property under certain circumstances;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 823.05, Florida Statutes, is amended to
 19 read:

20 823.05 Places and groups engaged in certain activities
 21 ~~riminal gang-related activity~~ declared a nuisance; abatement
 22 and enjoiment ~~massage establishments engaged in prohibited~~
 23 ~~activity; may be abated and enjoined.-~~

24 (1) A person who erects, establishes, continues, maintains,
 25 owns, or leases any of the following is deemed to be maintaining
 26 a nuisance, and the building, erection, place, tent, or booth,
 27 and the furniture, fixtures, and contents of such structure, are
 28 declared a nuisance, and all such places or persons shall be
 29 abated or enjoined as provided in ss. 60.05 and 60.06:

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30 (a) ~~A Whoever shall erect, establish, continue, or~~
31 ~~maintain, own or lease any building, booth, tent, or place that~~
32 ~~which tends to annoy the community or injure the health of the~~
33 ~~community, or becomes~~ become ~~manifestly injurious to the morals~~
34 ~~or manners of the people as provided~~ described ~~in s. 823.01, or~~

35 (b) ~~A any~~ house or place of prostitution, assignation, or
36 ~~lewdness.~~ or

37 (c) ~~A place or building in which persons engage in where~~
38 ~~games of chance are engaged in violation of law.~~ or

39 (d) ~~A any~~ place where any law of the state is violated,
40 ~~shall be deemed guilty of maintaining a nuisance, and the~~
41 ~~building, erection, place, tent or booth and the furniture,~~
42 ~~fixtures, and contents are declared a nuisance. All such places~~
43 ~~or persons shall be abated or enjoined as provided in ss. 60.05~~
44 ~~and 60.06.~~

45 (2) (a) As used in this subsection, the terms "criminal
46 gang," "criminal gang member," "criminal gang associate," and
47 "criminal gang-related activity" have the same meanings as
48 provided in s. 874.03.

49 (b) A criminal gang, criminal gang member, or criminal gang
50 associate who engages in the commission of criminal gang-related
51 activity is a public nuisance. Any and all such persons shall be
52 abated or enjoined as provided in ss. 60.05 and 60.06.

53 (c) The use of a location ~~on two or more occasions~~ by a
54 criminal gang, criminal gang members, or criminal gang
55 associates for the purpose of engaging in criminal gang-related
56 activity is a public nuisance. Such use of a location as a
57 public nuisance shall be abated or enjoined as provided in ss.
58 60.05 and 60.06.

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59 (d) Nothing in this subsection shall prevent a local
60 governing body from adopting and enforcing laws consistent with
61 this chapter relating to criminal gangs and gang violence. Where
62 local laws duplicate or supplement this chapter, this chapter
63 shall be construed as providing alternative remedies and not as
64 preempting the field.

65 (e) The state, through the Department of Legal Affairs or
66 any state attorney, or any of the state's agencies,
67 instrumentalities, subdivisions, or municipalities having
68 jurisdiction over conduct in violation of a provision of this
69 chapter may institute civil proceedings under this subsection.
70 In any action brought under this subsection, the circuit court
71 shall proceed as soon as practicable to the hearing and
72 determination. Pending final determination, the circuit court
73 may at any time enter such injunctions, prohibitions, or
74 restraining orders, or take such actions, including the
75 acceptance of satisfactory performance bonds, as the court may
76 deem proper.

77 (3) A massage establishment as defined in s. 480.033(7)
78 that operates in violation of s. 480.0475 or s. 480.0535(2) is
79 declared a nuisance and may be abated or enjoined as provided in
80 ss. 60.05 and 60.06.

81 (4) (a) Any place or premises that has been used on more
82 than two occasions within a 6-month period as the site of any of
83 the following violations is declared a nuisance and may be
84 abated or enjoined as provided in ss. 60.05 and 60.06:

85 1. Section 812.019, relating to dealing in stolen property.

86 2. Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
87 relating to assault and battery.

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88 3. Section 810.02, relating to burglary.

89 4. Section 812.014, relating to theft.

90 5. Section 812.131, relating to robbery by sudden
91 snatching.

92 (b) Notwithstanding any other law, a rental property that
93 is declared a nuisance under this subsection may not be abated
94 or subject to forfeiture under the Florida Contraband Forfeiture
95 Act if the nuisance was committed by someone other than the
96 owner of the property and the property owner commences
97 rehabilitation of the property within 30 days after the property
98 is declared a nuisance and completes the rehabilitation within a
99 reasonable time thereafter.

100 Section 2. This act shall take effect July 1, 2019.