

Committee on Criminal Justice

CS/CS/HB 625 — Public Nuisances

by State Affairs Committee; Civil Justice Subcommittee; and Rep. Newton and others
(CS/CS/SB 888 by Rules Committee; Community Affairs Committee; and Senator Perry)

The bill amends s. 60.05, F.S., which generally provides for the enjoinder of public nuisances, to do the following:

- Provide specific authorization for a sheriff to enjoin a public nuisance;
- Extend and increase the frequency of notice, so a property owner has sufficient time to receive a notice and correct the use of the property;
- Provide more detail on what must be provided in the notice and the manner of serving the notice; and
- Afford property owners the ability to respond to notices with details of actions taken to abate a nuisance that may result in an extended timeframe for abatement before an application for a temporary injunction is filed.

The bill also amends s. 823.05, F.S., relating to abatement or enjoinder of specified public nuisances, to do the following:

- Delete the requirement that a criminal gang or member or associate of such gang must use a location “on two or more occasions” to engage in criminal gang-related activity for such use to qualify as a public nuisance that can be abated or enjoined; and
- Provide that any place or premises that has been used on more than two occasions within six months as the site of dealing in stolen property, assault, aggravated assault, battery, aggravated battery, burglary, theft, or robbery by sudden snatching, may be declared a public nuisance and may be abated or enjoined.

The bill also amends s. 893.138, F.S., relating to local administrative actions to abate specified public nuisances, to authorize a declaration of a public nuisance and abatement if a place or premises has been used on more than two occasions within six months as the site of any combination of the following offenses: murder; attempted felony murder; aggravated battery with a deadly weapon; or aggravated assault with a deadly weapon without intent to kill.

Finally, the bill amends ss. 823.05 and 893.138, F.S., to provide that a rental property that is declared a nuisance may not be abated or subject to forfeiture under the Florida Contraband Forfeiture Act if the offense was committed by someone other than the property owner, and the owner commences rehabilitation of the property within 30 days of it being declared a nuisance.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 38-0; House 117-0