

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

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

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

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

24           (1) A person who erects, establishes, continues,  
 25          maintains, owns, or leases any of the following is deemed to be

26 maintaining a nuisance, and the building, erection, place, tent,  
 27 or booth, and the furniture, fixtures, and contents of such  
 28 structure, are declared a nuisance, and all such places or  
 29 persons shall be abated or enjoined as provided in ss. 60.05 and  
 30 60.06:

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

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

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

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

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

50 (b) A criminal gang, criminal gang member, or criminal

51 gang associate who engages in the commission of criminal gang-  
52 related activity is a public nuisance. Any and all such persons  
53 shall be abated or enjoined as provided in ss. 60.05 and 60.06.

54 (c) The use of a location ~~on two or more occasions~~ by a  
55 criminal gang, criminal gang members, or criminal gang  
56 associates for the purpose of engaging in criminal gang-related  
57 activity is a public nuisance. Such use of a location as a  
58 public nuisance shall be abated or enjoined as provided in ss.  
59 60.05 and 60.06.

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

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

76 acceptance of satisfactory performance bonds, as the court may  
 77 deem proper.

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

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

86 1. Section 812.019, relating to dealing in stolen  
 87 property.

88 2. Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
 89 relating to assault and battery.

90 3. Section 810.02, relating to burglary.

91 4. Section 812.014, relating to theft.

92 5. Section 812.131, relating to robbery by sudden  
 93 snatching.

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

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101 | reasonable time thereafter.

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