

By Senator Truenow

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1 A bill to be entitled
2 An act relating to public nuisances; amending s.
3 893.138, F.S.; revising the list of places that may be
4 declared a public nuisance to include the site of a
5 gambling house; revising provisions relating to the
6 assessment and collection of fines for public
7 nuisances; defining the term "legal assistant";
8 deleting a limit on the total amount of fines that may
9 be imposed on a public nuisance; conforming provisions
10 to changes made by the act; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsections (2) and (11) of section 893.138,
16 Florida Statutes, are amended to read:

17 893.138 Local administrative action to abate certain
18 activities declared public nuisances.—

19 (2) Any place or premises that has been used:

20 (a) On more than two occasions within a 6-month period, as
21 the site of a violation of s. 796.07;

22 (b) On more than two occasions within a 6-month period, as
23 the site of the unlawful sale, delivery, manufacture, or
24 cultivation of any controlled substance;

25 (c) On one occasion as the site of the unlawful possession
26 of a controlled substance, where such possession constitutes a
27 felony and that has been previously used on more than one
28 occasion as the site of the unlawful sale, delivery,
29 manufacture, or cultivation of any controlled substance;

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(d) By a criminal gang for the purpose of conducting criminal gang activity as defined by s. 874.03;

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019, relating to dealing in stolen property;

(f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499;

(g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:

1. Section 782.04, relating to murder;
2. Section 782.051, relating to attempted felony murder;
3. Section 784.045(1)(a)2., relating to aggravated battery with a deadly weapon; or
4. Section 784.021(1)(a), relating to aggravated assault with a deadly weapon without intent to kill; ~~or~~

(h) On more than two occasions within a 12-month period, as the site of a violation of s. 562.12, relating to the unlicensed or unlawful sale of alcoholic beverages; or

(i) On more than two occasions within a 12-month period, as the site of a violation of s. 849.01, relating to keeping a gambling house,

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

(11) ~~The provisions of~~ This section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, any of the following:

(a) provisions that establish additional Penalties for public nuisances, including fines not to exceed \$250 per day. If

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the nuisance activity is not abated within 1 year, the fines may increase to \$500 per day. In determining the amount of the fine, the nuisance abatement board shall consider the gravity of the public nuisance and any actions taken by the property owner to correct the public nuisance.~~;~~ ~~provide for the payment of reasonable costs, including~~

(b) Reasonable attorney fees associated with investigations of and hearings on public nuisances. If attorney fees are requested, the nuisance abatement board must also award fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter. For purposes of this subsection, the term "legal assistant" means a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

(c) ~~;~~ Provide for Continuing jurisdiction for renewing periods a period of 1 year over any place or premises that has been or is declared to be a public nuisance, until the public nuisance is abated.~~;~~ ~~establish penalties, including fines not to exceed \$500 per day for recurring public nuisances;~~

(d) ~~Provide for~~ The recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order.~~;~~ ~~provide that~~ Recorded orders on public nuisances may become liens against the real property that is the subject of the order.~~;~~ ~~and~~

(e) ~~Provide for~~ The foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees and legal assistant fees, associated with the recording of orders and foreclosure. If a lien remains unpaid 3

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88 months after it is filed, the nuisance abatement board may
89 authorize the appropriate entity to foreclose on the lien. If
90 the public nuisance activity is unabated after 2 years, the
91 nuisance abatement board must authorize and require the
92 appropriate entity to foreclose on the lien. A ~~No~~ lien created
93 pursuant to ~~the provisions of~~ this section may not be foreclosed
94 on real property ~~that~~ which is a homestead under s. 4, Art. X of
95 the State Constitution. ~~If~~ Where a local government seeks to
96 bring an administrative action, based on a stolen property
97 nuisance, against a property owner operating an establishment
98 where multiple tenants, on one site, conduct their own retail
99 business, the property owner ~~is~~ shall not be subject to a lien
100 against his or her property or the prohibition of operation
101 provision if the property owner evicts the business declared to
102 be a nuisance within 90 days after notification by registered
103 mail to the property owner of a second stolen property
104 conviction of the tenant. ~~The total fines imposed pursuant to~~
105 ~~the authority of this section shall not exceed \$15,000. Nothing~~
106 ~~contained within~~ This section does not prohibit ~~prohibits~~ a
107 county or municipality from proceeding against a public nuisance
108 by any other means.

109 Section 2. This act shall take effect July 1, 2026.