

By the Committee on Real Property & Probate and
Representatives Carlton, Stafford and Feeney

1 A bill to be entitled
2 An act relating to public nuisances; amending
3 s. 893.138, F.S.; providing that counties and
4 municipalities may impose additional penalties
5 by ordinance on the owner of a place declared
6 to be a public nuisance; providing an effective
7 date.

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

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11 Section 1. Subsection (9) is added to section 893.138,
12 Florida Statutes, 1996 Supplement, to read:

13 893.138 Local administrative action to abate
14 drug-related or prostitution-related public nuisances and
15 criminal street gang activity.--

16 (9) The provisions of this section may be supplemented
17 by a county or municipal ordinance. The ordinance may include,
18 but is not limited to, provisions that establish additional
19 penalties for public nuisances, including fines; provide for
20 the payment of reasonable costs, including reasonable attorney
21 fees associated with investigations of and hearings on public
22 nuisances; provide for continuing jurisdiction for a period of
23 1 year over any place or premises that has been or is declared
24 to be a public nuisance; establish penalties, including fines,
25 for recurring public nuisances; provide for the recording of
26 orders on public nuisances so that notice must be given to
27 subsequent purchasers, successors in interest, or assigns of
28 the real property that is the subject of the order; provide
29 that recorded orders on public nuisances may become liens
30 against the real property that is the subject of the order;
31 and provide for the foreclosure of property subject to a lien

1 and the recovery of all costs, including reasonable attorney
2 fees, associated with the recording of orders and foreclosure.
3 No lien created pursuant to the provisions of this section may
4 be foreclosed on real property which is a homestead under s.
5 4, Art. X of the State Constitution. This section does not
6 prohibit a county or municipality from proceeding against a
7 public nuisance by any other means.

8 Section 2. This act shall take effect October 1, 1997.
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