

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.; providing that the use of a location by  
 4           a criminal gang, criminal gang members, or criminal  
 5           gang associates for the purpose of engaging in  
 6           criminal gang-related activity is a public nuisance;  
 7           providing that any place or premises that has been  
 8           used on more than two occasions within a certain  
 9           period as the site of specified violations is declared  
 10          a nuisance and may be abated or enjoined pursuant to  
 11          specified provisions; making technical changes;  
 12          providing an effective date.

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

15  
 16           Section 1. Section 823.05, Florida Statutes, is amended to  
 17           read:

18           823.05 Places and groups engaged in certain activities  
 19           ~~criminal gang-related activity~~ declared a nuisance; abatement  
 20           and enjoiment ~~massage establishments engaged in prohibited~~  
 21           ~~activity; may be abated and enjoined.-~~

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

28           (a) A ~~Whoever shall erect, establish, continue, or~~  
 29           ~~maintain, own or lease any building, booth, tent, or place that~~

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30 ~~which~~ tends to annoy the community or injure the health of the  
 31 community, or becomes ~~become~~ manifestly injurious to the morals  
 32 or manners of the people as provided ~~described~~ in s. 823.01, ~~or~~

33 (b) A any house or place of prostitution, assignation, or  
 34 lewdness. ~~or~~

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

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

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

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

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

57 (d) Nothing in this subsection shall prevent a local  
 58 governing body from adopting and enforcing laws consistent with

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59 this chapter relating to criminal gangs and gang violence. Where  
60 local laws duplicate or supplement this chapter, this chapter  
61 shall be construed as providing alternative remedies and not as  
62 preempting the field.

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

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

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

83 (a) Section 812.019, relating to dealing in stolen  
84 property.

85 (b) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
86 relating to assault and battery.

87 (c) Section 810.02, relating to burglary.

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88        (d) Section 812.014, relating to theft.

89        (e) Section 812.131, relating to robbery by sudden  
90 snatching.

91        Section 2. This act shall take effect July 1, 2018.