



933252

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2025	.	
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The Committee on Criminal Justice (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) of section 893.138, Florida
Statutes, is amended to read:

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

(11) The provisions of this section may be supplemented by
a county or municipal ordinance. The ordinance may include, but



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11 is not limited to:

12 (a) ~~provisions that establish additional~~ Penalties for
13 public nuisances, including fines not to exceed \$250 per day. If
14 the nuisance activity is not abated within 1 year, the fines
15 increase to \$500 per day. In determining the amount of the fine,
16 if any, the nuisance abatement board shall consider the gravity
17 of the public nuisance and any actions taken by the owner to
18 correct the public nuisance.

19 (b) ~~provide for the payment of reasonable costs,~~
20 including Reasonable attorney fees associated with
21 investigations of and hearings on public nuisances. If attorney
22 fees are requested, the nuisance abatement board shall award
23 attorney fees after considering, among other things, time and
24 labor of any legal assistants who contributed nonclerical,
25 meaningful legal support to the matter involved and who are
26 working under the supervision of an attorney. For purposes of
27 this paragraph, the term "legal assistant" means a person who,
28 under the supervision and direction of a licensed attorney,
29 engages in legal research, and case development or planning.

30 (c) ~~Provide for continuing jurisdiction for periods a~~
31 period of 1 year over any place or premises that has been or is
32 declared to be a public nuisance until the public nuisance is
33 abated.

34 (d) The county or municipality may enter into an agreement
35 with the tax collector to recover the fines via non-ad valorem
36 special assessments.

37 (e) ~~establish penalties, including fines not to exceed~~
38 \$500 per day for recurring public nuisances; provide for the
39 recording of orders on public nuisances so that notice must be



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40 ~~given to subsequent purchasers, successors in interest, or~~
41 ~~assigns of the real property that is the subject of the order;~~
42 ~~provide that recorded orders on public nuisances may become~~
43 ~~liens against the real property that is the subject of the~~
44 ~~order; and provide for the Foreclosure of property subject to a~~
45 ~~lien and the recovery of all costs, including reasonable~~
46 ~~attorney fees, associated with the recording of orders and~~
47 ~~foreclosure. After 3 months from the filing of any such lien~~
48 ~~which remains unpaid, the nuisance abatement board may authorize~~
49 ~~the appropriate entity to foreclose on the lien. If the nuisance~~
50 ~~abatement activity is unabated after 2 years, the nuisance~~
51 ~~abatement board shall authorize and require the appropriate~~
52 ~~entity to foreclose on the lien.~~ No lien created pursuant to the
53 provisions of this section may be foreclosed on real property
54 which is a homestead under s. 4, Art. X of the State
55 Constitution. Where a local government seeks to bring an
56 administrative action, based on a stolen property nuisance,
57 against a property owner operating an establishment where
58 multiple tenants, on one site, conduct their own retail
59 business, the property owner shall not be subject to a lien
60 against his or her property or the prohibition of operation
61 provision if the property owner evicts the business declared to
62 be a nuisance within 90 days after notification by registered
63 mail to the property owner of a second stolen property
64 conviction of the tenant. ~~The total fines imposed pursuant to~~
65 ~~the authority of this section shall not exceed \$15,000. Nothing~~
66 ~~contained within This section does not prohibit prohibits a~~
67 county or municipality from proceeding against a public nuisance
68 by any other means.



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69 Section 2. This act shall take effect July 1, 2025.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete everything before the enacting clause

74 and insert:

75 A bill to be entitled

76 An act relating to fines for public nuisance
77 abatement; amending s. 893.138, F.S.; revising
78 provisions relating to the assessment and collection
79 of fines for public nuisances; defining the term
80 "legal assistant"; removing a limit on the total
81 amount of fines that may be imposed on a public
82 nuisance; providing an effective date.