

By Senator Wright

8-00658-25

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1 A bill to be entitled
2 An act relating to public nuisances; amending s.
3 893.138, F.S.; deleting a cap on the total amount of
4 fines that may be imposed under specified provisions
5 relating to places or premises declared to be public
6 nuisances; providing an effective date.

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

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

12 893.138 Local administrative action to abate certain
13 activities declared public nuisances.—

14 (11) The provisions of this section may be supplemented by
15 a county or municipal ordinance. The ordinance may include, but
16 is not limited to, provisions that establish additional
17 penalties for public nuisances, including fines not to exceed
18 \$250 per day; provide for the payment of reasonable costs,
19 including reasonable attorney fees associated with
20 investigations of and hearings on public nuisances; provide for
21 continuing jurisdiction for a period of 1 year over any place or
22 premises that has been or is declared to be a public nuisance;
23 establish penalties, including fines not to exceed \$500 per day
24 for recurring public nuisances; provide for the recording of
25 orders on public nuisances so that notice must be given to
26 subsequent purchasers, successors in interest, or assigns of the
27 real property that is the subject of the order; provide that
28 recorded orders on public nuisances may become liens against the
29 real property that is the subject of the order; and provide for

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30 the foreclosure of property subject to a lien and the recovery
31 of all costs, including reasonable attorney fees, associated
32 with the recording of orders and foreclosure. No lien created
33 pursuant to the provisions of this section may be foreclosed on
34 real property which is a homestead under s. 4, Art. X of the
35 State Constitution. Where a local government seeks to bring an
36 administrative action, based on a stolen property nuisance,
37 against a property owner operating an establishment where
38 multiple tenants, on one site, conduct their own retail
39 business, the property owner shall not be subject to a lien
40 against his or her property or the prohibition of operation
41 provision if the property owner evicts the business declared to
42 be a nuisance within 90 days after notification by registered
43 mail to the property owner of a second stolen property
44 conviction of the tenant. ~~The total fines imposed pursuant to~~
45 ~~the authority of this section shall not exceed \$15,000.~~ Nothing
46 contained within this section prohibits a county or municipality
47 from proceeding against a public nuisance by any other means.

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