

By the Committee on Criminal Justice; and Senator Wright

591-02287-25

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

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

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
is not limited to:

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

(b) ~~provide for the payment of reasonable costs,~~
~~including~~ Reasonable attorney fees associated with
investigations of and hearings on public nuisances. If attorney
fees are requested, the nuisance abatement board shall award

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attorney fees after considering, among other things, time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter involved and who are working under the supervision of an attorney. For purposes of this paragraph, the term "legal assistant" means a person who, under the supervision and direction of a licensed attorney, engages in legal research, and case development or planning.

(c) ~~+~~ Provide for continuing jurisdiction for 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.

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

(e) ~~+establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; 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 provide for the Foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. After 3 months from the filing of any such lien which remains unpaid, the nuisance abatement board may authorize the appropriate entity to foreclose on the lien. If the nuisance abatement activity is unabated after 2 years, the nuisance abatement board shall authorize and require the appropriate~~

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59 entity to foreclose on the lien. No lien created pursuant to the
60 provisions of this section may be foreclosed on real property
61 which is a homestead under s. 4, Art. X of the State
62 Constitution. Where a local government seeks to bring an
63 administrative action, based on a stolen property nuisance,
64 against a property owner operating an establishment where
65 multiple tenants, on one site, conduct their own retail
66 business, the property owner shall not be subject to a lien
67 against his or her property or the prohibition of operation
68 provision if the property owner evicts the business declared to
69 be a nuisance within 90 days after notification by registered
70 mail to the property owner of a second stolen property
71 conviction of the tenant. ~~The total fines imposed pursuant to~~
72 ~~the authority of this section shall not exceed \$15,000. Nothing~~
73 ~~contained within~~ This section does not prohibit ~~prohibits~~ a
74 county or municipality from proceeding against a public nuisance
75 by any other means.

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