

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

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

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

14           893.138 Local administrative action to abate certain  
 15 activities declared public nuisances.—

16           (11) The provisions of this section may be supplemented by  
 17 a county or municipal ordinance. The ordinance may include, but  
 18 is not limited to:

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

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

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

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

44        (e)  ~~establish penalties, including fines not to exceed~~  
 45  ~~\$500 per day for recurring public nuisances; provide for the~~  
 46  ~~recording of orders on public nuisances so that notice must be~~  
 47  ~~given to subsequent purchasers, successors in interest, or~~  
 48  ~~assigns of the real property that is the subject of the order;~~  
 49  ~~provide that recorded orders on public nuisances may become~~  
 50  ~~liens against the real property that is the subject of the~~

51 ~~order; and provide for the~~ Foreclosure of property subject to a  
52 lien and the recovery of all costs, including reasonable  
53 attorney fees, associated with the recording of orders and  
54 foreclosure. After 3 months from the filing of any such lien  
55 which remains unpaid, the nuisance abatement board may authorize  
56 the appropriate entity to foreclose on the lien. If the nuisance  
57 abatement activity is unabated after 2 years, the nuisance  
58 abatement board shall authorize and require the appropriate  
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.

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