

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) ~~establish penalties, including fines not to exceed~~
 42 ~~\$500 per day for recurring public nuisances; provide for the~~
 43 ~~recording of orders on public nuisances so that notice must be~~
 44 ~~given to subsequent purchasers, successors in interest, or~~
 45 ~~assigns of the real property that is the subject of the order;~~
 46 ~~provide that recorded orders on public nuisances may become~~
 47 ~~liens against the real property that is the subject of the~~
 48 ~~order; and provide for the Foreclosure of property subject to a~~
 49 ~~lien and the recovery of all costs, including reasonable~~
 50 ~~attorney fees, associated with the recording of orders and~~

51 | foreclosure. After 3 months from the filing of any such lien
52 | which remains unpaid, the nuisance abatement board may authorize
53 | the appropriate entity to foreclose on the lien. If the nuisance
54 | abatement activity is unabated after 2 years, the nuisance
55 | abatement board shall authorize and require the appropriate
56 | entity to foreclose on the lien. No lien created pursuant to the
57 | provisions of this section may be foreclosed on real property
58 | which is a homestead under s. 4, Art. X of the State
59 | Constitution. Where a local government seeks to bring an
60 | administrative action, based on a stolen property nuisance,
61 | against a property owner operating an establishment where
62 | multiple tenants, on one site, conduct their own retail
63 | business, the property owner shall not be subject to a lien
64 | against his or her property or the prohibition of operation
65 | provision if the property owner evicts the business declared to
66 | be a nuisance within 90 days after notification by registered
67 | mail to the property owner of a second stolen property
68 | conviction of the tenant. ~~The total fines imposed pursuant to~~
69 | ~~the authority of this section shall not exceed \$15,000. Nothing~~
70 | ~~contained within~~ This section does not prohibit ~~prohibits~~ a
71 | county or municipality from proceeding against a public nuisance
72 | by any other means.

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