

1 A bill to be entitled
2 An act relating to public nuisance abatement; amending
3 s. 893.138, F.S.; revising provisions relating to the
4 assessment and collection of fines for public
5 nuisances; defining the term "legal assistant";
6 removing a limit on the total amount of fines that may
7 be imposed on a public nuisance; providing an
8 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, including~~
27 Reasonable attorney fees associated with investigations of and
28 hearings on public nuisances. If attorney fees are requested,
29 the nuisance abatement board shall award attorney fees after
30 considering, among other things, time and labor of any legal
31 assistants who contributed nonclerical, meaningful legal support
32 to the matter involved and who are working under the supervision
33 of an attorney. For purposes of this paragraph, the term "legal
34 assistant" means a person who, under the supervision and
35 direction of a licensed attorney, engages in legal research, and
36 case development or planning.

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

40 ~~(d); establish penalties, including fines not to exceed~~
41 ~~\$500 per day for recurring public nuisances; provide for the~~
42 ~~recording of orders on public nuisances so that notice must be~~
43 ~~given to subsequent purchasers, successors in interest, or~~
44 ~~assigns of the real property that is the subject of the order;~~
45 ~~provide that recorded orders on public nuisances may become~~
46 ~~liens against the real property that is the subject of the~~
47 ~~order; and provide for the Foreclosure of property subject to a~~
48 lien and the recovery of all costs, including reasonable
49 attorney fees, associated with the recording of orders and
50 foreclosure. After 3 months from the filing of any such lien

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

72 **Section 2.** This act shall take effect July 1, 2026.