A bill to be entitled

An act relating to 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.

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

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

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