

Introduced by Council Member Carrico and Co-Sponsored by Council Member Peluso and amended by the Neighborhoods, Community Services, Public Health and Safety Committee:

ORDINANCE 2025-435-E

AN ORDINANCE REGARDING THE PUBLIC NUISANCE ABATEMENT BOARD; AMENDING SECTIONS 672.02 (CREATION; COMPOSITION; TERM OF OFFICE), 672.03 (DEFINITIONS), 672.04 (DECLARATION OF PUBLIC NUISANCE), 672.06 (PROCEDURES), 672.08 (REMEDIES, ORDERS AND JURISDICTION), AND 672.10 (APPEALS), CHAPTER 672 (PUBLIC NUISANCE ABATEMENT BOARD), *ORDINANCE CODE*, TO EXTEND THE TERM LIMIT ON THE COMMUNITY ADVOCATE BOARD POSITIONS TO THREE SUCCESSIVE TERMS, ADD A DEFINITION OF "ADJACENT," ADD ALL QUALIFYING OFFENSES AVAILABLE IN SECTION 893.138, *FLORIDA STATUTES*, ALLOW FOR A NUISANCE TO BE PROVEN IF THE QUALIFYING CONDUCT EMANATES FROM THE NUISANCE PROPERTY BUT OCCURS ON AN ADJACENT PARCEL OR RIGHT-OF-WAY, SUBJECT TO CERTAIN CONDITIONS, EXPAND PERSONS ELIGIBLE TO ACT AS A COMPLAINANT, REVISE HEARING NOTICE TIMEFRAME, ADD FINDINGS OF FACT THE BOARD MUST MAKE BEFORE ORDERING CLOSURE OF A NUISANCE PROPERTY, ENUMERATING VARIOUS REMEDIES THE BOARD MAY ORDER TO EFFECTUATE THE ERADICATION OF THE NUISANCE, ELIMINATE THE \$15,000.00 FINE CAP, SPECIFY A TIMEFRAME FOR ISSUANCE OF WRITTEN BOARD ORDERS, AND CLARIFY INSTRUCTIONS FOR APPEALING ORDERS OF

THE BOARD; PROVIDING FOR CODIFICATION
INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Public Nuisance Abatement Board (the "Board") met on April 24, 2025 to begin discussions regarding potential changes to Chapter 672 of the City of Jacksonville's Ordinance Code pertaining to the Board; and

WHEREAS, on May 8, 2025, the Board further discussed various changes and requested the Office of General Counsel draft legislation to amend the City's Ordinance Code to: (1) eliminate the term limit on the Community Advocate Board positions, (2) add additional qualifying offenses from Section 893.138, *Florida Statutes*, (3) allow for a nuisance to be proven if the qualifying conduct emanates from the nuisance property but occurs on an adjacent parcel or right-of-way, (4) expand persons eligible to act as a complainant, (5) add findings of fact the Board must make before ordering closure of a nuisance property, (6) enumerate various remedies the Board may order to effectuate the eradication of the nuisance, (7) eliminate the \$15,000 fine cap, (8) specify a timeframe for issuance of written Board orders, and (9) clarify instructions for appealing orders of the Board; and

WHEREAS, during its meeting on May 22, 2025, the Board approved a majority of the proposed changes to the Ordinance Code, but modified its recommendation to propose the term limit on the Community Advocate Board positions be extended, rather than eliminated, and requested this legislation be forwarded to the Council for consideration to implement the proposed changes; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Sections 672.02 (Creation; composition; term of office), 672.03 (Definitions), 672.04 (Declaration of public nuisance), 672.06 (Procedures), 672.08

(Remedies, orders and jurisdiction), and 672.10 (Appeals), Chapter 672 (Public Nuisance Abatement Board), Ordinance Code. Sections 672.02 (Creation; composition; term of office), 672.03 (Definitions), 672.04 (Declaration of public nuisance), 672.06 (Procedures), 672.08 (Remedies, orders and jurisdiction), and 672.10 (Appeals), Chapter 672 (Public Nuisance Abatement Board), Ordinance Code, are hereby amended to read as follows:

CHAPTER 672 - PUBLIC NUISANCE ABATEMENT BOARD

*** * ***

Sec. 672.02. Creation; composition; term of office.

*** * ***

(8) Two members shall be community advocates appointed by the Council President; however, such members shall be prohibited from voting on any property located within their community, two-year term length, may serve three ~~two~~ successive full terms.

All members shall be confirmed by the Council in accordance with Chapter 50, Ordinance Code, except for the representatives from the Jacksonville Sheriff's Office, the Jacksonville Fire and Rescue Department, and the City of Jacksonville's Neighborhoods Department.

*** * ***

Sec. 672.03. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Adjacent shall mean located within 1000 feet of the alleged nuisance property.

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Sec. 672.04. - Declaration of public nuisance.

For the purpose of this Chapter, any place or premises, or any part thereof, within the boundaries of the City which has been used

for the following purposes is declared to be a public nuisance:

- (1) On more than two occasions within a six-month period, as the site of a violation of F.S. § 796.07, relating to prostitution and prostitution-related activities;
- (2) On more than two occasions within a six-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
- (3) On one occasion within a six-month period as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
- (4) On one occasion within a six-month period by a criminal gang for the purpose of conducting criminal gang activity as defined by F.S. § 874.03;
- (5) On one occasion within a six-month period as the site of a violation of F.S. § 787.06, relating to human trafficking;
- (6) On more than two occasions within a six-month period, as the site of a violation of F.S. § 812.019 relating to dealing in stolen property; ~~or~~
- (7) On more than two occasions within a six-month period, any pain management clinic, as described in F.S. § 458.3265 or F.S. § 459.0137, as the site of a violation of:
 - a. F.S. § 784.011, 784.021, 784.03, or 784.045, relating to assault and battery;
 - b. F.S. § 810.02, relating to burglary;
 - c. F.S. § 812.014, relating to dealing in theft;
 - d. F.S. § 812.131, relating to robbery by sudden snatching; or
 - e. F.S. § 893.13, relating to the unlawful distribution

of controlled substances;:-

(8) On more than two occasions within a six-month period, as the site of a forcible felony as described in F.S. § 776.08 (treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual);:-

(9) On two or more occasions within a 6-month period, as the site of a violation of Chapter 499, Florida Statutes; or

(10) On more than two occasions within a 12-month period, as the site of a violation of Section 562.12, Florida Statutes, relating to the unlicensed or unlawful sale of alcoholic beverages.

A public nuisance may be established if the conduct described herein occurs on an adjacent parcel or public right-of-way and there is a showing by clear and convincing evidence that the incident arose out of or originated from such place or premises.

Furthermore, a public nuisance may be established if no more than two years have passed since the first qualifying offense, so long as ownership of the property has not changed and at least one qualifying offense has occurred within the 90-day period immediately preceding the filing of the complaint with the Board.

* * *

Sec. 672.06. - Procedures.

(a) *Written complaint; reports.* Any law enforcement officer making an arrest or substantiating an incident or occurrence of any statutory violation(s) or violations of Section(s) set forth herein and pursuant to information or independent observation,

1 may submit a copy of every such report and/or offense incident
2 report to the Sheriff or designee, who shall process all such
3 reports and, in consultation with the Office of General Counsel,
4 determine when the requisite number of occurrences or violations
5 have taken place as set forth in Section 672.04. Additionally,
6 any employee or officer of the City of Jacksonville or its
7 independent agencies, or any person who lives, works, owns a
8 business, or who owns real property within one mile of a
9 purported public nuisance may file a written complaint under
10 oath with the Jacksonville Sheriff's Office to allege that a
11 particular property is a public nuisance. ~~a citizen complaint~~
12 ~~can be made by a property or business owner located within one~~
13 ~~mile of any location to allege that a particular property is a~~
14 ~~public nuisance.~~ The Sheriff shall investigate all complaints
15 made pursuant to this subsection to determine whether such
16 property constitutes a public nuisance and whether to refer such
17 property to the Board. All final determinations regarding
18 citizen complaints shall be communicated to the complainant by
19 the Sheriff.

20 * * *

21 (c) *Hearings; hearing notices.*

22 (1) The Board Clerk shall schedule the hearings and issue
23 hearing notices at least 7 ~~15~~ calendar days prior to the
24 scheduled hearing date:

- 25 a. By sending written notice of the hearing to the owner
26 and/or operator by certified mail, return receipt
27 requested to the address for the property designated
28 by the owner for receipt of tax bills as listed on
29 the Tax Collector's website; or
30 b. By hand delivering the written notice to the owner
31 and/or operator of the premises at their last known

address.

If an attempt to serve notice upon the owners and/or operators by certified mail or hand delivery is unsuccessful, service of the notice of the hearing may be made by conspicuously posting the notice at the subject property, such posting to take place not less than ten days before the scheduled hearing date. The owner and/or operator shall be responsible for providing notice to any tenant, lessee or lessor of the hearing.

* * *

Sec. 672.08. - Remedies, orders and jurisdiction.

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(b) If the Board declares that the property is an unlawful public nuisance, the Board shall then consider the appropriate remedy, at the same meeting or at a later regular meeting or special meeting called for such purpose. The Board may, following its consideration of the appropriate remedy and endeavoring to use the least restrictive method believed necessary to abate the nuisance, enter an order:

- (1) Immediately prohibiting the maintaining of the nuisance;
- (2) Immediately prohibiting the operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof;

(i) Before the Board can order the closure of a place or premises, the Board must make a factual finding:

- a. That the owner did not abate the nuisance after being ordered by the Board to do so;
- b. That the owner did not substantially comply with an appropriate order issued by the Board;
- c. That the owner continued to maintain an ongoing nuisance; and/or

d. That closure is the only option available to
effectively eradicate the nuisance.

Such a finding shall be supported by a written order
setting forth the factual bases for the determination.

(3) Immediately prohibiting the conduct, operation, or
maintenance of any business or activity on the premises
which is conducive to such nuisance;

(4) Requiring the owner of such place or premises to adopt such
procedure(s) as may be appropriate under the circumstances
to abate any such nuisance. Such procedures include, but
are not limited to requiring the respondent to: ~~or~~

(a) Commence rehabilitation within 30 days after the date
of the order declaring the property to be a public
nuisance;

(b) Screen potential tenants or subtenants through a
written rental application form, verify information
on the application, conduct a criminal record check
on each prospective tenant or subtenant, or verify
the identity of applicants through state driver
licenses, state identification cards, or other
comparable forms of identification;

(c) If not included in the lease or other written
agreement used by the owner, establish rules of
conduct relating to criminal activity at the place or
premises, violation of which will be grounds for
eviction;

(d) Attend meetings of an appropriate neighborhood group
or association;

(e) Maintain contact and cooperate with any law
enforcement personnel in carrying out the provisions
of the Board's order(s);

(f) Cooperate with reasonable and appropriate inspections by federal, state, and local agencies including, but not limited to, the Municipal Code Compliance Division, Fire Prevention Division, and Florida Department of Health;

(g) Provide safety and security infrastructure including, but not limited to, security cameras, outdoor lighting, and security guards;

(h) Participate in a site survey such as a CPTED (crime prevention through environmental design) survey and implement recommendations reasonably related to eliminating factors conducive to criminal conduct; and/or

(i) In the case of transient public lodging establishments such as hotels or motels, requiring the nuisance property to limit the length of guests' stays.

(5) The remedy or remedies prescribed by the Board's order may include any ~~Any~~ combination of subsection (b) (1), (2), (3), or (4) of this Section.

* * *

~~(e) The total fine imposed pursuant to this Section shall not exceed \$15,000 during the effective term of any order. If two or more respondents are fined, the total amount of the fines shall not exceed \$15,000 during the effective term of the order.~~

~~(e)~~ (f) The findings and orders of the Board shall be reduced to writing, executed by the presiding Chair of the Board, and filed with the Board Clerk within five working days. A copy of the executed order shall be mailed, e-mailed, or hand delivered to each party promptly ~~within five working days~~ after execution by

1 ~~the presiding Chair of the Board.~~ This time period is procedural
2 in nature, and the failure to comply with this time period shall
3 not invalidate any Board order.

4 ~~(f)-(g)~~ The Board may retain jurisdiction for one year after the
5 order's effective date to modify the order where just cause is
6 found to exist.

7 ~~(g)-(h)~~ The Board may request the City to bring a complaint under
8 F.S. § 60.05, seeking an injunction against any nuisance
9 described herein.

10 ~~(h)-(i)~~ The Board, after ordering any of the remedies authorized
11 by this Section, may amend the remedy if additional safeguards
12 are necessary, may suspend the remedy for good cause shown, and
13 may rescind the suspension at any time while the Board has
14 jurisdiction, whether such remedy was initially imposed or not.
15 The Board shall give the owner notice and an opportunity to be
16 heard before rescinding a suspended remedy or imposing a new
17 remedy. Rescinding a suspended remedy or imposing a new remedy
18 shall not operate to extend the one-year jurisdiction of the
19 Board; however, nothing shall prevent the City from filing a new
20 complaint if there has been a substantial change in
21 circumstances or if new nuisance activities have occurred.

22 * * *

23 **Sec. 672.10. - Appeals.**

24 The City or the Respondent may appeal an order of the Board to
25 the Circuit Court of the Fourth Judicial Circuit. In accordance with
26 Rule 9.190, Florida Rules of Appellate Procedure, an appeal shall be
27 filed within 30 days of the date of the issuance of the written order.
28 The nature of the appeal shall be as from a final administrative
29 order. Such an appeal shall not be a hearing de novo but shall be
30 limited to appellate review of the record created before the Board.

~~An order of the Board shall be subject to judicial review in the manner provided by law.~~

Section 2. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any other changes necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

Section 3. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Laura C. Hartung

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