

1 Introduced by Council Member Carrico:
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3

4 **ORDINANCE 2025-435**

5 AN ORDINANCE REGARDING THE PUBLIC NUISANCE
6 ABATEMENT BOARD; AMENDING SECTIONS 672.02
7 (CREATION; COMPOSITION; TERM OF OFFICE), 672.04
8 (DECLARATION OF PUBLIC NUISANCE), 672.06
9 (PROCEDURES), 672.08 (REMEDIES, ORDERS AND
10 JURISDICTION), AND 672.10 (APPEALS), CHAPTER 672
11 (PUBLIC NUISANCE ABATEMENT BOARD), *ORDINANCE*
12 *CODE*, TO EXTEND THE TERM LIMIT ON THE COMMUNITY
13 ADVOCATE BOARD POSITIONS TO THREE SUCCESSIVE
14 TERMS, ADD ALL QUALIFYING OFFENSES AVAILABLE IN
15 SECTION 893.138, *FLORIDA STATUTES*, ALLOW FOR A
16 NUISANCE TO BE PROVEN IF THE QUALIFYING CONDUCT
17 EMANATES FROM THE NUISANCE PROPERTY BUT OCCURS
18 ON AN ADJACENT PARCEL OR RIGHT-OF-WAY, EXPAND
19 PERSONS ELIGIBLE TO ACT AS A COMPLAINANT, ADD
20 FINDINGS OF FACT THE BOARD MUST MAKE BEFORE
21 ORDERING CLOSURE OF A NUISANCE PROPERTY,
22 ENUMERATING VARIOUS REMEDIES THE BOARD MAY ORDER
23 TO EFFECTUATE THE ERADICATION OF THE NUISANCE,
24 ELIMINATE THE \$15,000.00 FINE CAP, SPECIFY A
25 TIMEFRAME FOR ISSUANCE OF WRITTEN BOARD ORDERS,
26 AND CLARIFY INSTRUCTIONS FOR APPEALING ORDERS OF
27 THE BOARD; PROVIDING FOR CODIFICATION
28 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
29

30 **WHEREAS,** the Public Nuisance Abatement Board (the "Board") met
31 on April 24, 2025 to begin discussions regarding potential changes

1 to Chapter 672 of the City of Jacksonville's Ordinance Code pertaining
2 to the Board; and

3 **WHEREAS**, on May 8, 2025, the Board further discussed various
4 changes and requested the Office of General Counsel draft legislation
5 to amend the City's Ordinance Code to: (1) eliminate the term limit
6 on the Community Advocate Board positions, (2) add additional
7 qualifying offenses from Section 893.138, *Florida Statutes*, (3) allow
8 for a nuisance to be proven if the qualifying conduct emanates from
9 the nuisance property but occurs on an adjacent parcel or right-of-
10 way, (4) expand persons eligible to act as a complainant, (5) add
11 findings of fact the Board must make before ordering closure of a
12 nuisance property, (6) enumerate various remedies the Board may order
13 to effectuate the eradication of the nuisance, (7) eliminate the
14 \$15,000 fine cap, (8) specify a timeframe for issuance of written
15 Board orders, and (9) clarify instructions for appealing orders of
16 the Board; and

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

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

24 **Section 1. Amending Sections 672.02 (Creation;**
25 **composition, term of office), 672.04 (Declaration of public**
26 **nuisance), 672.06 (Procedures), 672.08 (Remedies, orders and**
27 **jurisdiction), and 672.10 (Appeals), Chapter 672 (Public Nuisance**
28 **Abatement Board), Ordinance Code.** Sections 672.02 (Creation;
29 composition, term of office), 672.04 (Declaration of public
30 nuisance), 672.06 (Procedures), 672.08 (Remedies, orders and
31 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. 672.04. - 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; ~~or~~
- (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); ~~or~~
- (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 in 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.

* * *

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

1 citizen complaints shall be communicated to the complainant by
2 the Sheriff.

3 * * *

4 (c) *Hearings; hearing notices.*

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

8 a. By sending written notice of the hearing to the owner
9 and/or operator by certified mail, return receipt
10 requested to the address for the property designated
11 by the owner for receipt of tax bills as listed on
12 the Tax Collector's website; or

13 b. By hand delivering the written notice to the owner
14 and/or operator of the premises at their last known
15 address.

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

24 * * *

25 **Sec. 672.08. - Remedies, orders and jurisdiction.**

26 * * *

27 (b) If the Board declares that the property is an unlawful public
28 nuisance, the Board shall then consider the appropriate remedy,
29 at the same meeting or at a later regular meeting or special
30 meeting called for such purpose. The Board may, following its
31 consideration of the appropriate remedy and endeavoring to use

1 the least restrictive method believed necessary to abate the
2 nuisance, enter an order:

3 (1) Immediately prohibiting the maintaining of the nuisance;

4 (2) Immediately prohibiting the operating or maintaining of
5 the place or premises, including the closure of the place
6 or premises or any part thereof;

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

9 a. That the owner did not abate the nuisance after
10 being ordered by the Board to do so;

11 b. That the owner did not substantially comply with
12 an appropriate order issued by the Board;

13 c. That the owner continued to maintain an ongoing
14 nuisance; and/or

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

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

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

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

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

29 (b) Screen potential tenants or subtenants through a
30 written rental application form, verify information
31 on the application, conduct a criminal record check

1 on each prospective tenant or subtenant, or verify
2 the identity of applicants through state driver
3 licenses, state identification cards, or other
4 comparable forms of identification;

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

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

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

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

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

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

28 (i) In the case of transient public lodging
29 establishments such as hotels or motels, requiring
30 the nuisance property to limit the length of guests'
31 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 the presiding Chair of the Board~~. This time period is procedural in nature, and the failure to comply with this time period shall not invalidate any Board order.

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

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

~~(h)-(i)~~ The Board, after ordering any of the remedies authorized by this Section, may amend the remedy if additional safeguards are necessary, may suspend the remedy for good cause shown, and may rescind the suspension at any time while the Board has jurisdiction, whether such remedy was initially imposed or not. The Board shall give the owner notice and an opportunity to be heard before rescinding a suspended remedy or imposing a new remedy. Rescinding a suspended remedy or imposing a new remedy

1 shall not operate to extend the one-year jurisdiction of the
2 Board; however, nothing shall prevent the City from filing a new
3 complaint if there has been a substantial change in
4 circumstances or if new nuisance activities have occurred.

5 * * *

6 **Sec. 672.10. - Appeals.**

7 The City or the Respondent may appeal an order of the Board to
8 the Circuit Court of the Fourth Judicial Circuit. In accordance with
9 Rule 9.190, Florida Rules of Appellate Procedure, an appeal shall be
10 filed within 30 days of the date of the issuance of the written order.
11 The nature of the appeal shall be as from a final administrative
12 order. Such an appeal shall not be a hearing de novo but shall be
13 limited to appellate review of the record created before the Board.
14 ~~An order of the Board shall be subject to judicial review in the~~
15 ~~manner provided by law.~~

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

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

26 Form Approved:

27
28 /s/ Laura C. Hartung

29 Office of General Counsel

30 Legislation Prepared By: Laura C. Hartung

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