

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**

1 Abatement Board), *Ordinance Code*, are hereby amended to read as
2 follows:

3 **CHAPTER 672 - PUBLIC NUISANCE ABATEMENT BOARD**

4 * * *

5 **Sec. 672.02. Creation; composition, term of office.**

6 * * *

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

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

16 * * *

17 **Sec. 672.04. - Declaration of public nuisance.**

18 For the purpose of this Chapter, any place or premises, or any
19 part thereof, within the boundaries of the City which has been used
20 for the following purposes is declared to be a public nuisance:

- 21 (1) On more than two occasions within a six-month period, as
22 the site of a violation of F.S. § 796.07, relating to
23 prostitution and prostitution-related activities;
- 24 (2) On more than two occasions within a six-month period, as
25 the site of the unlawful sale, delivery, manufacture, or
26 cultivation of any controlled substance;
- 27 (3) On one occasion within a six-month period as the site of
28 the unlawful possession of a controlled substance, where
29 such possession constitutes a felony and that has been
30 previously used on more than one occasion as the site of
31 the unlawful sale, delivery, manufacture, or cultivation

- 1 of any controlled substance;
- 2 (4) On one occasion within a six-month period by a criminal
3 gang for the purpose of conducting criminal gang activity
4 as defined by F.S. § 874.03;
- 5 (5) On one occasion within a six-month period as the site of a
6 violation of F.S. § 787.06, relating to human trafficking;
- 7 (6) On more than two occasions within a six-month period, as
8 the site of a violation of F.S. § 812.019 relating to
9 dealing in stolen property; ~~or~~
- 10 (7) On more than two occasions within a six-month period, any
11 pain management clinic, as described in F.S. § 458.3265 or
12 F.S. § 459.0137, as the site of a violation of:
- 13 a. F.S. § 784.011, 784.021, 784.03, or 784.045, relating
14 to assault and battery;
- 15 b. F.S. § 810.02, relating to burglary;
- 16 c. F.S. § 812.014, relating to dealing in theft;
- 17 d. F.S. § 812.131, relating to robbery by sudden
18 snatching; or
- 19 e. F.S. § 893.13, relating to the unlawful distribution
20 of controlled substances; ~~or~~
- 21 (8) On more than two occasions within a six-month period, as
22 the site of a forcible felony as described in F.S. § 776.08
23 (treason; murder; manslaughter; sexual battery;
24 carjacking; home-invasion robbery; robbery; burglary;
25 arson; kidnapping; aggravated assault; aggravated battery;
26 aggravated stalking; aircraft piracy; unlawful throwing,
27 placing, or discharging of a destructive device or bomb;
28 and any other felony which involves the use or threat of
29 physical force or violence against any individual); ~~or~~
- 30 (9) On two or more occasions within a 6-month period, as the
31 site of a violation of Chapter 499, Florida Statutes; or

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.

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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