



**Ordinance Amending the
Definition of Public
Nuisance in Chapter 28,
Orange County Code**

**Board of County Commissioners
Public Hearing
October 13, 2020**

Amending the Definition of Public Nuisance

- Background
- Changes to the Definition
- Requested Action

Amending the Definition of Public Nuisance

- **Background**
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Background

- Local enforcement of public nuisances is authorized under section 893.138, Florida Statutes
- BCC adopted Ordinance No. 99-01 on January 12, 1999, which established the “Orange County Drug Sales and Nuisance Abatement Ordinance”

Background

- Public nuisance is defined in section 893.138, Florida Statutes and Chapter 28 of the Orange County Code, as any place or premises that is alleged to have been used:
 - By a criminal street gang for a pattern of criminal gang activity
 - For prostitution
 - For the unlawful sale, delivery, manufacture, or cultivation of drugs
 - For dealing in stolen property

Background

- House Bill 625 amended section 893.138 , Florida Statutes, by adding additional offenses to the definition of public nuisance
- Amendments became effective July 1, 2020

Amending the Definition of Public Nuisance

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Changes to the Definition of Public Nuisance

The definition of public nuisance was expanded to include a combination of certain violent offenses when those offenses occur on more than two occasions within a six-month period at the same location.

Changes to the Definition of Public Nuisance

Those offenses include:

- Murder
- Attempted felony murder
- Aggravated battery with a deadly weapon
- Aggravated assault with a deadly weapon without the intent to kill

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Requested Action

- Approval of the Ordinance amending the definition of public nuisance in Chapter 28, Orange County Code



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