

ORDINANCE NO. 2024-__

AN ORDINANCE AMENDING CHAPTER 28 OF THE ORANGE COUNTY CODE (“DRUG SALES AND NUISANCE ABATEMENT”) BY UPDATING THE DEFINITION OF “PUBLIC NUISANCE” FOUND IN SECTION 28-103; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, effective July 1, 2024, the Florida Legislature amended Section 893.138, Florida Statutes, to provide that certain violations of law related to the unlawful sale of alcohol may be declared a public nuisance; and

WHEREAS, the unlawful sale of alcohol in Orange County can be a public nuisance that threatens the health, safety and general welfare of the residents of Orange County; and

WHEREAS, the intent of the Nuisance Abatement Board established under Chapter 28 of the Orange County Code is to promote, protect, and improve the health safety and welfare of the citizens of the county by abating public nuisances; and

WHEREAS, the Board of County Commissioners desires to amend the definitions section of Chapter 28 of the Orange County Code to include certain violations of law related to the unlawful sale of alcohol as a public nuisance as allowed in Section 893.138, Florida Statutes.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendment to Section 28-103. The definition of “Public Nuisance” in Section 28-103 of the Orange County Code (“Definitions”) is hereby amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Public nuisance shall mean any place or premises that is alleged to have been used:

(1) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by F.S. § 874.03;

(2) On more than two (2) occasions within a six -month period, as the site of a violation of F.S. § 796.07, that pertains to prostitution;

38 (3) On more than two (2) occasions within a six-month
period, as the site of the unlawful sale, delivery, manufacture or
cultivation of any controlled substance; or

40 (4) On one (1) occasion as the site, of the unlawful
possession of a controlled substance, where such possession
42 constitutes a felony and that has been previously used on more than
one (1) occasion as the site of the unlawful sale, delivery,
44 manufacture or cultivation of any controlled substance; or

46 (5) On more than two (2) occasions within a six-month
period, as the site of a violation of F.S. § 812.019, relating to dealing
in stolen property; or

48 (6) On more than two (2) occasions within a six-month
period, as the site of a violation of any combination of the following:

50 a. F.S. § 782.04, relating to murder;

52 b. F.S. § 782.051, relating to attempted felony
murder;

54 c. F.S. § 784.045(1)(a)2., relating to aggravated
battery with a deadly weapon; or

56 d. F.S. § 784.021(1)(a), relating to aggravated
assault with a deadly weapon without intent to kill.

58 (7) On more than two occasions within a 12-month
period, as the site of a violation of F.S. § 562.12, relating to the
60 unlicensed or unlawful sale of alcoholic beverages.

62 *[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]*

64 **Section 2. Effective date.** This ordinance shall take effect on July 1, 2024.

ADOPTED THIS ____ DAY OF _____, 2024.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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