

ORDINANCE NO. 2026-____

AN ORDINANCE OF ORANGE COUNTY, FLORIDA,
PERTAINING TO PUBLIC NUISANCE ABATEMENT;
AMENDING AND RETITLING CHAPTER 28, ARTICLE IV,
OF THE ORANGE COUNTY CODE TO CONFORM TO
AMENDMENTS TO SECTION 893.138, FLORIDA
STATUTES; AMENDING SECTION 28-100 (“SHORT
TITLE”); AMENDING SECTION 28-101 (“INTENT”);
AMENDING SECTION 28-103 (“DEFINITIONS”);
AMENDING SECTION 28-107 (“JURISDICTION”);
AMENDING SECTION 28-109 (“CONDUCT OF
HEARING”); AMENDING SECTION 28-111
 (“ADMINISTRATIVE FINES; LIENS”); AMENDING
SECTION 28-112 (“DURATION OF LIEN”); AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 893.138, Florida Statutes, authorizes counties to supplement state
public nuisance abatement procedures by ordinance;

WHEREAS, Chapter No. 2026-145, Laws of Florida, amended section 893.138, Florida
Statutes, to revise provisions relating to public nuisance abatement, including gambling-house
nuisance activity, administrative fines, legal assistant fees, continuing jurisdiction, liens, and
foreclosure;

WHEREAS, the Board of County Commissioners desires to amend Chapter 28, Article
IV, of the Orange County Code to conform to and supplement those amendments; and

WHEREAS, it is vital for the Nuisance Abatement Board established under Chapter 28 of
the Orange County Code to have all resources available to it under general law to effectively abate
public nuisances in Orange County for the promotion, protection, and improvement of the health,
safety, and welfare of the citizens of this county.

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

Section 1. Amendments; In General. Chapter 28, Article IV (“Drug Sales and
Nuisance Abatement”) of the Orange County Code of Ordinances is hereby amended as follows
with additions being shown by underlines, deletions being shown by strike-throughs, and asterisks
(***) denoting portions of text not amended by this Ordinance:

Section 2. Amendment to Chapter 28 (“Nuisances”), Article IV (“Drug Sales and

Nuisance Abatement”). Chapter 28, Article IV is amended to read as follows:

**ARTICLE IV. ~~DRUG SALES AND~~ PUBLIC NUISANCE
ABATEMENT**

Sec. 28-100. Short Title.

This article may be cited as the "Orange County ~~Drug Sales and~~
Public Nuisance Abatement Ordinance."

Sec. 28-101. Intent.

It is the intent of this article to promote, protect, and improve the
health, safety, and welfare of the citizens of the county by creating
an administrative board with authority to impose administrative
fines and other noncriminal penalties to provide an equitable,
expeditious, effective, and inexpensive method of abating all
activities defined as public nuisances under this article ~~drug,~~
~~prostitution, dealing in stolen property and criminal street gang~~
~~activities constituting public nuisances~~ in the county.

Sec. 28-103. Definitions.

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

Attorney’s fees shall mean reasonable fees for legal services
provided by an attorney.

Legal assistant shall mean a person who, under the supervision and
direction of an attorney, engages in legal research and case
development or planning.

Legal assistant fees shall mean fees for the time, labor or services of
a legal assistant who contributed nonclerical, meaningful legal
support to a matter involving a public nuisance.

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

78 (3) 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; ~~or~~

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

86 (5) 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~~

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

90 *****

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

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

96 (8) On two (2) or more occasions within a six-month period,
as the site of a violation of F.S. ch. 499; or

98 (9) On more than two (2) occasions within a twelve-month
period, as the site of a violation of F.S. § 849.01, relating to keeping
100 a gambling house.

102 **Sec. 28-107. Jurisdiction.**

104 (a) The nuisance abatement board shall have jurisdiction to hear
and decide complaints alleging that a place or premises constitutes
a public nuisance, as defined herein. The nuisance abatement board
106 shall have continuing jurisdiction for a renewing periods of one (1)
year over any place or premises ~~that has been or is~~ declared to be a
108 public nuisance pursuant to this article, until the public nuisance is
abated.

110 (b) It is the legislative intent of this article to provide an additional
or supplemental means to abate drug, prostitution, dealing in stolen
112 property and criminal street gang activities which create public
nuisances in the county. This article does not prohibit ~~Nothing~~
114 ~~contained in this article shall prohibit~~ the board of county
commissioners from abating such public nuisances by any other
116 means.

118 **Sec. 28-109. Conduct of hearing.**

120 (4) Requiring the owner to immediately close the place or
premises or any part thereof.

122 Such order shall expire after one (1) year, or at such earlier time as
is stated in the order, but the order can be renewed each year until
124 the public nuisance is abated. The order may include a notice that it
must be complied with by a specific date and that a fine may be
126 imposed, in accordance with section 28-111.

128 (i) If the county or sheriff's office prevails in ~~prosecuting~~ a case
before the nuisance abatement board, the county or sheriff's office
130 shall be entitled to recover its costs, including reasonable attorney's
fees and legal assistant fees, associated with the investigation of
132 and hearing on the public nuisance. incurred in prosecuting the
~~case before the nuisance abatement board.~~

134 **Sec. 28-111. Administrative fines; liens.**

136 (b) A fine imposed pursuant to this section shall not exceed two
hundred fifty dollars (\$250.00) per day. ~~for a first occurrence of a~~
138 ~~public nuisance~~ If the nuisance activity is not abated within one (1)
year of the date that a place or premises was declared a public
140 nuisance by the nuisance abatement board, the fines may increase to
not more than five hundred dollars (\$500) per day. and shall not
142 ~~exceed five hundred dollars (\$500.00) per day for a recurring public~~
~~nuisance. However, total fines imposed pursuant to this article shall~~
144 ~~not exceed fifteen thousand dollars (\$15,000.00).~~ In determining the
amount of the fine, if any, the nuisance abatement board shall
146 consider the following factors:

148 The nuisance abatement board may reduce a fine imposed pursuant
to this section.

150 (c) A certified copy of an order imposing a fine may be recorded
in the public records of the county and thereafter shall constitute a
152 lien against the land on which the public nuisance exists and upon
any other real or personal property owned by the owner. Upon
154 petition to the circuit court, such order may be enforced in the same
manner as a court judgment by the sheriffs of ~~in~~ this state, including
156 levy against personal property, but such order shall not be deemed
to be a court judgment except for enforcement purposes. A fine
158 imposed pursuant to this article shall continue to accrue until the
owner comes into compliance or until the judgment is rendered in a

suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the county, and the county may execute a satisfaction or release of a lien pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the nuisance abatement board may authorize the county attorney or the sheriff's office to foreclose on the lien. If the public nuisance activity is unabated after two (2) years, the nuisance abatement board must authorize and require the county attorney or the sheriff's office to foreclose on the lien. After the suit for foreclosure has been filed, any offer of settlement shall be accepted or rejected by the county in the same manner as set forth in section 11-37, Orange County Code, as amended from time to time, or any other relevant provision pertaining to settlement of foreclosure actions, except to the extent that such provisions are inconsistent with the provisions stated in this article or general law. The county administrator, or his or her designee, may accept or reject settlement of such foreclosure case. If accepted, and the amount of the lien foreclosed by such lawsuit is less than twenty thousand dollars (\$20,000.00), the proposed settlement shall be final upon the court's signature of the final judgment. If the amount of the lien foreclosed is twenty thousand (\$20,000.00) or more, the proposed settlement shall not be binding upon the county until approved by the board of county commissioners. ~~No A~~ A lien created pursuant to the provisions of this article may not be foreclosed on real property that ~~which~~ is a homestead under Fla. Const. Art. X, § 4.

~~Where~~ If a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner ~~is shall~~ not be subject to a lien against his property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within ninety (90) days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.

(d) Unless a lien foreclosure suit has been filed by the county or sheriff's office, a property owner, or other person responsible for satisfying a lien, may request a reduction in a lien imposed by an administrative order of the nuisance abatement board. The request must be submitted in writing to the sheriff's office. In deciding whether to approve a lien reduction, the nuisance abatement board shall review the written submission and listen to any corresponding oral presentation by the requesting party. Lien amounts may be reduced in cases in which the nuisance has been abated, but the requesting party is unable to pay the full amount necessary to satisfy and release the lien due to hardship. In determining a new amount to satisfy a lien, the nuisance abatement board shall, at a minimum,

208 require payment of the county's or sheriff's office's costs incurred
210 in recording, enforcing, satisfying, or releasing the lien, including
any recoverable attorney's fees and legal assistant fees. Any
decision to reduce a lien is a discretionary decision and does not
constitute a final administrative order for purposes of appeal.

212 **Sec. 28-112. Duration of lien.**

214 No lien provided under this article shall continue for a period longer
216 than twenty (20) years after the certified copy of an order imposing
218 a fine has been recorded, unless within that time an action to
foreclose on the lien is commenced in a court of competent
jurisdiction. In an action to foreclose on a lien, the prevailing party
is entitled to recover all costs, including a reasonable attorney's fees
and legal assistant fees, ~~that it incurs~~ incurred in the foreclosure. The
220 county shall be entitled to all costs incurred in recording and
222 satisfying a valid lien. The continuation of the lien effected by the
commencement of the action shall not be good against creditors or
224 subsequent purchasers for valuable consideration without notice,
unless a notice of lis pendens is recorded.

226 In all other respects, Article IV shall remain unchanged.

228 **Section 3. Effective Date.** This ordinance shall take effect pursuant to general law.

230 ADOPTED THIS ____ DAY OF _____, 2026.

232 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

234 By: _____
236 Jerry L. Demings
Orange County Mayor

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

242 By: _____
244 Deputy Clerk