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The 2026 Florida Statutes

Title XLVI CRIMES | Chapter 823 PUBLIC NUISANCES | View Entire Chapter

823.05 Places and groups engaged in certain activities declared a nuisance; abatement and enjoinment.—

(1) A person who erects, establishes, continues, maintains, owns, or leases any of the following is deemed to be maintaining a nuisance, and the building, erection, place, tent, or booth, and the furniture, fixtures, and contents of such structure, are declared a nuisance, and all such places or persons shall be abated or enjoined as provided in ss. 60.05 and 60.06:

(a) A building, booth, tent, or place that tends to annoy the community or injure the health of the community, or becomes manifestly injurious to the morals or manners of the people as provided in s. 823.01.

(b) A house or place of prostitution, assignation, or lewdness.

(c) A place or building in which persons engage in games of chance in violation of law.

(d) A place where any law of the state is violated.

(2)(a) As used in this subsection, the terms “criminal gang,” “criminal gang member,” “criminal gang associate,” and “criminal gang-related activity” have the same meanings as provided in s. 874.03.

(b) A criminal gang, criminal gang member, or criminal gang associate who engages in the commission of criminal gang-related activity is a public nuisance. All such persons shall be abated or enjoined as provided in ss. 60.05 and 60.06.

(c) The use of a location by a criminal gang, criminal gang members, or criminal gang associates for the purpose of engaging in criminal gang-related activity is a public nuisance. Such use of a location as a public nuisance shall be abated or enjoined as provided in ss. 60.05 and 60.06.

(d) This subsection does not prevent a local governing body from adopting and enforcing laws consistent with this chapter relating to criminal gangs and gang violence. Where local laws duplicate or supplement this chapter, this chapter shall be construed as providing alternative remedies and not as preempting the field.

(e) The state, through the Department of Legal Affairs or any state attorney, or any of the state’s agencies, instrumentalities, subdivisions, or municipalities having jurisdiction over conduct in violation of a provision of this chapter may institute civil proceedings under this subsection. In any action brought under this subsection, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

(3) A massage establishment as defined in s. 480.033 which operates in violation of s. 480.043(14)(a) or (f), s. 480.0475, or s. 480.0535(2) is declared a nuisance and may be abated or enjoined as provided in ss. 60.05 and 60.06.

(4)(a) Any place or premises that has been used on more than two occasions within a 6-month period as the site of any of the following violations is declared a nuisance and may be abated or enjoined as provided in ss. 60.05 and 60.06:

1. Section 812.019, relating to dealing in stolen property.
2. Section 784.011, s. 784.021, s. 784.03, or s. 784.045, relating to assault and battery.
3. Section 810.02, relating to burglary.
4. Section 812.014, relating to theft.
5. Section 812.131, relating to robbery by sudden snatching.

(b) Notwithstanding any other law, a rental property that is declared a nuisance under this subsection may not be abated or subject to forfeiture under the Florida Contraband Forfeiture Act if the nuisance was committed by someone other than the owner of the property and the property owner commences rehabilitation of the property within 30 days after the property is declared a nuisance and completes the rehabilitation within a reasonable time thereafter.

History.—s. 1, ch. 7367, 1917; RGS 5639; CGL 7832; s. 24, ch. 57-1; s. 66, ch. 74-383; s. 1, ch. 75-24; s. 41, ch. 75-298; s. 4, ch. 2008-238; s. 5, ch. 2013-212; s. 2, ch. 2020-130; s. 21, ch. 2021-143; s. 9, ch. 2024-148; s. 2, ch. 2026-156.

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