

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: February 8, 2025	<input checked="" type="checkbox"/> Amends - GO 6.2.13 (August 5, 2022)	Number: 6.2.13
Distribution: All Personnel	Review Month: November	Reviewing Authority: SOD / Narcotics
Subject: Nuisance Abatement		

This policy consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to establish appropriate guidelines for nuisance abatement actions.

2. Policy

It is the policy of the agency to promote, protect, and improve the health, safety, and welfare of the citizens of the county. Nuisance abatement is an equitable, expeditious, effective, and inexpensive method, created by FS [893.138](#) and Orange County Code [Chapter 28, Sections 100-114](#), to abate drug violations, prostitution, dealing in stolen property, and criminal street gang activities on certain properties.

3. Definitions

- A. Nuisance Abatement Board – nine members appointed by the Orange County Board of County Commissioners with jurisdiction to hear complaints alleging certain properties constitute a public nuisance. The Board has the authority to impose remedies and sanctions.
- B. Nuisance Abatement Coordinator – the Lieutenant assigned to the Narcotics Investigative Unit shall act as the Nuisance Abatement Coordinator. The coordinator is responsible for managing all aspects of the nuisance abatement process.
- C. Place or Premises – any land and its appurtenances, structures, and fixtures, as the land is described in a deed or instrument of conveyance and recorded in the Official Records of Orange County, Florida. Examples include, but are not limited to, vacant lots, stores, apartment complexes, single-family homes, hotels, and motels.
- D. Public Nuisance – any place or premises that has been used as the site of:
 1. A violation of FS [796.07](#) relating to prostitution on three or more occasions within a six month period;
 2. The unlawful sale, delivery, manufacture, or cultivation of any controlled substance on three or more occasions within a six month period;

3. The unlawful felony possession of a controlled substance on at least one (1) occasion, and when the property was used previously on more than one occasion for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance.
4. A violation of FS [812.019](#) relating to dealing in stolen property on three or more occasions within a six month period.
5. Criminal gang-related activity by a criminal gang as defined by FS [874.03](#).
6. A violation on two or more occasions within a six-month period of any combination of the following:
 - a. FS [782.04](#), relating to murder
 - b. FS [782.051](#), relating to attempted felony murder
 - c. FS [784.045\(1\)\(a\)2](#), relating to aggravated battery with a deadly weapon
 - d. FS [784.021\(1\)\(a\)](#), relating to aggravated assault with a deadly weapon without intent to kill
7. Unauthorized Sale of Alcoholic Beverages as defined by FS [562.12](#).

4. **Procedures**

- A. Agency personnel who identify a location that may qualify for nuisance abatement shall notify the Nuisance Abatement Coordinator; the referral shall include a description of the property along with the supporting information as it relates to a public nuisance.
- B. The Nuisance Abatement Coordinator or designee shall identify places or premises that qualify for nuisance abatement by screening information from a variety of sources to identify suitable properties: information presented at Crime Control reduction meetings; complaints received from citizens; and referrals received from agency personnel. The Nuisance Abatement Coordinator shall confirm applicable information concerning a public nuisance property is entered into and maintained in a computer database.
- C. If the Nuisance Abatement Coordinator determines a property is suitable for nuisance abatement, they shall informally contact the property owner(s) to seek a resolution. Alternatively, the Nuisance Abatement Coordinator may elect to issue a letter by certified mail, return receipt requested, notifying the property owner(s) of the agency's intent to bring a complaint before the Nuisance Abatement Board. Property owners may contact the Nuisance Abatement Coordinator to discuss remedial measures. By taking voluntary action to remedy the nuisance on their property, owners may prevent a board hearing.
- D. If the Nuisance Abatement Coordinator determines a property is suitable for nuisance abatement, they shall notify the appropriate sector commander. The Nuisance Abatement Coordinator or designee shall update the sector commander on the progress of the case.
- E. If the Nuisance Abatement Coordinator or designee requires assistance in a case

(e.g., no voluntary compliance from the property owner), they may contact Legal Services to assist, e.g., present the case to the Nuisance Abatement Board, draft settlement documents.

- F. If the Nuisance Abatement Coordinator, in conjunction with Legal Services, determines a formal hearing is necessary, they shall finalize the case report packet (which will include all evidence to be presented at the nuisance abatement hearing) and forward a copy of it to Orange County Code Enforcement personnel, who shall schedule a hearing before the Board. The case report packet will include all incident reports, a determination of homestead, if applicable, and a legal description of the property and its legal owner(s). The Nuisance Abatement Coordinator shall confirm a copy of the hearing notice and case report packet is sent to the property owner(s) or their authorized agent by certified mail, return receipt requested or personal delivery, preferably at least 15 days, but no less than three days, before the scheduled hearing.
- G. The Nuisance Abatement Coordinator or designee shall compile and present reports on nuisance abatement activity for Legal Services. Legal Services is responsible for presenting cases before the Nuisance Abatement Board. The Nuisance Abatement Coordinator or designee shall assist in coordinating deputies' appearances before the Nuisance Abatement Board and shall provide each deputy with a copy of the case report packet at least two days prior to their scheduled testimony. The agency attorney handling the case shall have the discretion to exercise professional judgment in conducting proceedings before the Board. The Nuisance Abatement Coordinator or designee may assist in the presentation of cases during a Nuisance Abatement Board hearing.
- H. If the Board determines a nuisance exists, the agency attorney handling the case is responsible for making recommendations to the Board and confirming the Board's final order is consistent with its ruling. Legal Services shall maintain a copy of each final order entered by the Nuisance Abatement Board in cases brought by this agency. Legal Services personnel shall send a copy of these orders to the Nuisance Abatement Coordinator.
- I. The Nuisance Abatement Coordinator or designee shall monitor cases to confirm property owners fully comply with final Board orders. The Nuisance Abatement Coordinator or designee shall conduct inspections and compliance checks as needed. If a property owner complies with the Board's final order, the Nuisance Abatement Coordinator or designee shall file a Notice of Compliance with Orange County Code Enforcement. If a property owner does not comply with the Board's final order, the Nuisance Abatement Coordinator or designee shall file a Notice of Non-Compliance with Orange County Code Enforcement. Before preparing such a notice, the Nuisance Abatement Coordinator or designee shall consult with Legal Services for a final review. If Orange County Code Enforcement personnel receive a Notice of Non-Compliance, they shall schedule a hearing before the Nuisance Abatement Board.