

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 168

INTRODUCER: Senator Truenow

SUBJECT: Public Nuisances

DATE: December 8, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	Pre-meeting
2. _____	_____	CA	_____
3. _____	_____	RC	_____

I. Summary:

SB 168 amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

Additionally, the bill allows for an abatement board to:

- Increase daily fines to \$500 if the nuisance activity is not abated within a year and consider the gravity of the public nuisance and any actions taken by the owner when determining the amount of the fine.
- Remove the cap on fines of \$15,000, award attorney fees, if requested, including fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter.
- Retain jurisdiction over a place or premises for renewing periods of one year until the public nuisance is abated.
- Authorize an appropriate entity to foreclose on a lien under certain circumstances, and mandate the foreclosure if the public nuisance activity is unabated after two years.

A “legal assistant” is a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

The bill may have an indeterminate fiscal impact. See *Section V. Fiscal Impact Statement*.

The bill is effective July 1, 2026.

II. Present Situation:

In March 2025, citizen reports led local law enforcement to three separate sites of illegal gambling rooms in Tallahassee. The law enforcement agencies seized a little over \$92,000 in cash and 401 illegal gambling machines. At the press conference, Leon County Sheriff Walt

McNeil noted these gambling rooms were, “in communities of high risk and in doing so, create an environment through gaming where they’re trying to take advantage of the lease of those persons in our community.” Gaming Control Commission Director of Law Enforcement Carl Herold also spoke to criminal activities surrounding illegal gambling rooms, referring to the 2023 murder of a security guard in a Gadsden county internet café.¹ In the Gadsden case, Tyrone Washington was convicted for the murder of Lewis Butler and attempted murder of the store clerk who was shot during the attempted robbery.²

Keeping Gambling Houses

It is unlawful for a person³ to have, keep, exercise or maintain a gaming table or room, gaming implements or apparatus, or place⁴ for the purpose of gaming or gambling. Further, it is unlawful for a person to have or maintain a place in which a person⁵ procures, suffers or permits any person to play for money or other valuable thing at any game.

A violation under this section results in a second degree misdemeanor.^{6,7}

Nuisance Abatement

Local governments may establish a nuisance abatement board to hear public nuisance complaints.⁸ These boards may take various administrative actions to abate violence-related, drug-related, prostitution-related, or stolen property-related public nuisances and criminal gang activity, including the closure of the place or premises.

Specified criminal activities which, if committed at any place or premises during a specified period of time, may create a public nuisance. Such nuisance may be abated by order of a nuisance abatement board. Those properties subject to nuisance abatement by the board include any place or premises that has been used:⁹

- On more than two occasions within a 6-month period as the site for prostitution;^{10,11}
- On more than two occasions within a 6-month period as a site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;¹²

¹ Tallahassee Democrat, Over \$92K seized in Tallahassee gambling sting, March 21, 2025, available at: <https://www.tallahassee.com/story/news/local/2025/03/21/lcso-operation-westside-illegal-gambling-florida-gaming-control-commission-florida-highway-patrol/82591202007/> (last visited December 8, 2025).

² WCTV, Man found guilty of murder in internet café armed robbery, November 17, 2025, available at: <https://www.wctv.tv/2025/11/17/man-found-guilty-murder-internet-cafe-armed-robbery/> (last visited December 8, 2025).

³ Or by the person’s clerk or agent.

⁴ Including house, booth, tent, shelter, or other place.

⁵ Directly or indirectly, who has charge, control or management, either exclusively or with others.

⁶ Section 849.01, F.S.

⁷ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁸ Section 893.138, F.S.

⁹ Section 893.138(2), F.S.

¹⁰ Section 893.138(2)(a), F.S.

¹¹ A violation of s. 796.07, F.S.

¹² Section 893.138(2)(b), F.S.

- On one occasion as the site of a felony involving the unlawful possession of a controlled substance and that has been previously used as the site for the unlawful sale, delivery, manufacture, or cultivation of a controlled substance;¹³
- By a criminal street gang for a pattern of criminal street gang activity;^{14,15}
- On more than two occasions within a 6-month period for dealing in stolen property;^{16,17}
- On two or more occasions within a 6-month period, as the site of the Florida Drug and Cosmetic Act;^{18,19}
- On more than two occasions within a 6-month period, as the site of a violation of any combination of murder and other specified aggravated batteries;^{20,21} or
- On more than two occasions within a 12-month period, as the site of unlicensed or unlawful sale of alcoholic beverages.^{22,23}

Additionally, any pain-management clinic which has been used on more than two occasions within a 6-month period as the site of a violation relating to assault and battery, burglary, theft, robbery by sudden snatching, or the unlawful distribution of controlled substances may be declared a public nuisance and subject to nuisance abatement.²⁴

A local administrative board created to address public nuisances may order the owner of such place or premises to adopt appropriate procedures to abate a nuisance, or enter an order immediately prohibiting:²⁵

- Maintaining the nuisance;
- Operating or maintaining the place or premises, including the closure or operation of the place or premises; and
- Conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

Penalties that may be imposed under s. 893.138, F.S., may be supplemented by a county or municipal ordinance, which may include, but is not limited to, the following penalties:²⁶

- Imposing additional penalties for public nuisances, including fines not to exceed \$250 per day;

¹³ Section 893.138(2)(c), F.S.

¹⁴ “Criminal gang-related activity” means, in part, an activity committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing within a criminal gang. Section 874.03(4)(a), F.S.

¹⁵ Section 893.138(2)(d), F.S.

¹⁶ Section 893.138(2)(e), F.S.

¹⁷ A violation of s. 812.019, F.S.

¹⁸ Section 893.138(2)(f), F.S.

¹⁹ A violation of ch. 499, F.S.

²⁰ Section 893.138(2)(g), F.S.

²¹ Offenses include murder pursuant to s. 782.04, F.S., attempted felony murder pursuant to s. 782.051, F.S., aggravated battery with a deadly weapon pursuant to s. 784.045(1)(a)2., F.S., and aggravated assault with a deadly weapon without intent to kill pursuant to s. 784.021(1)(a), F.S.

²² Section 893.138(2)(h), F.S.

²³ A violation of s. 562.12, F.S.

²⁴ Section 893.138(3), F.S.

²⁵ Section 893.138(5), F.S.

²⁶ Section 893.138(11), F.S.

- Requiring the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances;
- Providing continuing jurisdiction for a period of one year over any place or premises that has been or is declared to be a public nuisance;
- Imposing penalties, including fines not to exceed \$500 per day for recurring public nuisances;
- Requiring the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order;
- Providing that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and
- Providing for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. However, a lien may not be created to foreclose on real property which is a homestead under s. 4, Art. X of the State Constitution.

The total fines imposed in a county or municipal ordinance may not exceed \$15,000.

The nuisance abatement board may also bring a complaint under s. 60.05, F.S., seeking temporary and permanent injunctive relief against any nuisance described in s. 893.138(2), F.S.

There is a process for an Attorney General, state attorney, city attorney, county attorney, sheriff, or any citizen of the county to sue in the name of the state to prohibit the nuisance, the person or persons maintaining it, and the owner or agent of the building or ground on which the nuisance exists.²⁷ For other types of public nuisances such as the disposal of dead animals, the abandonment of refrigerators and other appliances, and abandoned or derelict vessels, other penalties are provided for the maintenance of those nuisances.²⁸

III. Effect of Proposed Changes:

The bill amends s. 893.138, F.S., to declare any place or premises that has been used on more than two occasions within a 12-month period as a gambling house, as a public nuisance.

Additionally, the bill allows for an abatement board to:

- Increase daily fines to \$500 if the nuisance activity is not abated within a year and consider the gravity of the public nuisance and any actions taken by the owner when determining the amount of the fine.
- Remove the cap on fines of \$15,000, award attorney fees, if requested, including fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter.
- Retain jurisdiction over a place or premises for renewing periods of one year until the public nuisance is abated.
- Authorize an appropriate entity to foreclose on a lien under certain circumstances, and mandate the foreclosure if the public nuisance activity is unabated after two years.

²⁷ Section 60.05, F.S.

²⁸ Chapter 823, F.S.

A “legal assistant” is a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

The bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be an indeterminate fiscal impact incurred due to increased fines on private property or private businesses.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact due to additional funds received or fines increased by adding gambling houses to the list of offenses that are a public nuisance. Additionally, counties may incur costs due to foreclosure litigation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 893.138 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
