

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 Rules

BILL: SB 168

INTRODUCER: Senator Truenow

SUBJECT: Public Nuisances

DATE: January 26, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Tolmich</u>	<u>Fleming</u>	<u>CA</u>	Favorable
3.	<u>Wyant</u>	<u>Kruse</u>	<u>RC</u>	Pre-meeting

I. Summary:

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

The bill revises the penalties that a county or municipality may impose by ordinance to abate public nuisances, which may include:

- Increasing maximum daily fines from \$250 to \$500 if the nuisance activity persists beyond one year, with the nuisance abatement board considering the severity of the nuisance and the owner's actions.
- Allowing continued jurisdiction over the property in one-year increments until the nuisance is abated.
- Authorizing foreclosure on liens unpaid for three months and mandating foreclosure if the nuisance continues after two years.

The bill also provides that, when ordinances allow attorney fees for public nuisance investigations and hearings, nuisance abatement boards must also award fees for legal assistants who provide nonclerical legal support under attorney supervision, including legal research and case development.

Finally, the bill removes the \$15,000 cap on total fines and eliminates restrictions preventing counties and municipalities from pursuing other remedies against public nuisances.

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.¹ At the press conference, Leon County Sheriff Walt McNeil noted these gambling rooms were “in communities of high risk and... create an environment through gaming where they’re trying to take advantage... 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. 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.⁶

A violation under this section results in a second degree misdemeanor.⁷

Nuisance Abatement

Local governments may establish, by ordinance, 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}

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 January 14, 2026).

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 January 14, 2026).

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 *Id.* 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.

- 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
- 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 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 nuisance abatement 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

- The maintaining of the nuisance;
- The operating or maintaining of the place or premises, including the closure or operation of the place or premises; or
- The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

¹² Section 893.138(2)(b), F.S.

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. Acts prohibited under ch. 499 include, in part, the manufacture, repackaging, sale, delivery, or holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use; the sale, distribution, purchase, trade, holding, or offering of any drug, device, or cosmetic in violation of this part; and the purchase or receipt of a prescription drug from a person that is not authorized under ch. 499 to distribute prescription drugs to that purchaser or recipient. Section 499.005, 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.

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;
- 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 by such county or municipal ordinance may not exceed \$15,000.

A 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 as a public nuisance any place or premises that has been used on more than two occasions within a 12-month period as a gambling house.

The bill revises the penalties that a county or municipality may impose by ordinance to abate public nuisances, which may include:

- Increasing maximum daily fines from \$250 to \$500 if the nuisance activity persists beyond one year, with the nuisance abatement board considering the severity of the nuisance and the owner's actions.

²⁶ Section 893.138(11), F.S.

²⁷ Section 60.05, F.S.

²⁸ Chapter 823, F.S.

- Allowing continued jurisdiction over the property in one-year increments for renewing until the nuisance is abated.
- Authorizing foreclosure on liens unpaid for three months, and mandating foreclosure if the nuisance continues after two years.

The bill provides that, when ordinances allow attorney fees for public nuisance investigations and hearings, nuisance abatement boards must also award fees for the time and labor of any legal assistants who contributed nonclerical, meaningful legal support to the matter. The bill defines “legal assistant” as a person who, under the supervision and direction of an attorney, engages in legal research and case development or planning.

The bill removes the \$15,000 cap on total fines and eliminates restrictions preventing counties and municipalities from pursuing other remedies against public nuisances.

The bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities 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 the allowed increase in daily fines, the addition of gambling houses to the list of offenses deemed public nuisances, and the removal of the cap on the total fines that may be imposed. 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.