

Expanding Public Nuisance Enforcement for Gambling Houses and Removing Fine Caps

SB 168 – Sen. Keith Truenow (HB 481 – Rep. Erika Booth)

General Bill Summary

SB 168 revises Florida's public nuisance statute to expand the types of criminal activity that can trigger local nuisance abatement proceedings. The bill amends s. 893.138, F.S., allowing a property to be declared a public nuisance if it is used more than two times within a 12-month period as the site of a gambling house.

Current law authorizes local governments to initiate administrative nuisance abatement proceedings when certain illegal activities repeatedly occur at a property, including drug sales, prostitution, dealing in stolen property, gang activity, and other enumerated offenses. SB 168 adds repeated illegal gambling activity to this list of qualifying nuisance activities.

The bill also revises penalty provisions applied by nuisance abatement boards. It removes the current \$15,000 cap on the total fines that may be imposed for maintaining a public nuisance. When determining penalties, nuisance abatement boards may consider factors such as the severity of the violation and whether the property owner has taken corrective actions to address the activity.

Additionally, the bill clarifies provisions related to attorney's fees and legal support services associated with nuisance abatement proceedings.

Potential County Impact

SB 168 expands enforcement tools available to county governments that operate nuisance abatement boards or pursue nuisance actions through county attorneys or law enforcement agencies.

By adding gambling houses to the list of activities that may constitute a public nuisance, counties gain an additional mechanism to address locations repeatedly used for illegal gambling operations, including unlicensed gaming establishments. Counties may pursue administrative nuisance abatement actions requiring corrective measures or imposing fines for ongoing violations.

The removal of the \$15,000 statutory cap on nuisance fines may provide counties with greater enforcement leverage against chronic nuisance properties. Higher potential penalties could incentivize property owners to take faster corrective action, though counties may need to exercise administrative discretion when imposing larger fines.

While the bill does not mandate enforcement actions, counties may see increased investigative or administrative activity if local law enforcement identifies properties engaged in repeated illegal gambling activity. County attorneys, code enforcement staff, and nuisance abatement boards may experience modest workload increases depending on enforcement priorities.

Effective Date

July 1, 2026

Primary Statutory References

- **s. 893.138, F.S.**