

By Senator Brandes

24-01389A-20

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1 A bill to be entitled
2 An act relating to taxes; creating s. 547.009, F.S.;
3 providing a tax rate for certain revenues received
4 from sports wagering; specifying requirements relating
5 to the payment of taxes; providing civil penalties;
6 amending s. 24.121, F.S.; revising the purpose of the
7 Operating Trust Fund of the Department of the Lottery;
8 providing a contingent effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 547.009, Florida Statutes, is created to
13 read:

14 547.009 Tax rate.-

15 (1) The tax rate on the sums received from a sports pool,
16 less only the total of all sums actually paid out as winnings to
17 patrons, is 15 percent.

18 (2) (a) Payment of the tax on sports wagering revenues
19 imposed by this section shall be remitted to the department, and
20 the department shall deposit all tax revenues into the Operating
21 Trust Fund created under s. 24.120. Deposited funds shall be
22 used for administrative expenses pursuant to s. 24.121(3) and
23 any unencumbered funds must be transferred to the Educational
24 Enhancement Trust Fund at the end of each fiscal year pursuant
25 to s. 24.121(4).

26 (b) Licensees shall remit the payments required under this
27 subsection by 3 p.m. on the 5th day of each calendar month for
28 taxes imposed and collected for the preceding calendar month. If
29 the 5th day of the calendar month falls on a weekend, payments

24-01389A-20

2020972__

30 shall be remitted by 3 p.m. on the first Monday following the
31 weekend. The licensee shall file a report under oath by the 5th
32 day of each calendar month for all taxes remitted during the
33 preceding calendar month. Such payments shall be accompanied by
34 a report under oath showing all sports wagering activities for
35 the preceding calendar month and such other information as may
36 be prescribed by the department.

37 (c) A licensee who fails to make tax payments as required
38 under this section is subject to an administrative penalty of up
39 to \$10,000 for each day the tax payment is not remitted. All
40 administrative penalties imposed and collected shall be
41 deposited into the Operating Trust Fund. If any licensee fails
42 to pay penalties imposed by order of the department under this
43 subsection, the department may suspend, revoke, or refuse to
44 renew the license of the licensee.

45 Section 2. Subsection (3) of section 24.121, Florida
46 Statutes, is amended to read:

47 24.121 Allocation of revenues and expenditure of funds for
48 public education.—

49 (3) The funds remaining in the Operating Trust Fund after
50 transfers to the Educational Enhancement Trust Fund shall be
51 used for the payment of administrative expenses of the
52 department. These expenses shall include all costs incurred in
53 the operation and administration of sports wagering under
54 chapter 547 and the lottery and all costs resulting from any
55 contracts entered into for the purchase or lease of goods or
56 services required by sports wagering or the lottery, including,
57 but not limited to:

58 (a) The compensation paid to retailers;

24-01389A-20

2020972__

59 (b) The costs of supplies, materials, tickets, independent
60 audit services, independent studies, data transmission,
61 advertising, promotion, incentives, public relations,
62 communications, security, bonding for retailers, printing,
63 distribution of tickets, and reimbursing other governmental
64 entities for services provided to the lottery; and

65 (c) The costs of any other goods and services necessary for
66 effectuating the purposes of this act.

67 Section 3. This act shall take effect on the same date that
68 SB ___ or similar legislation takes effect, if such legislation
69 is adopted in the same legislative session or an extension
70 thereof and becomes a law.