

By Senator Brandes

24-00667-21

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1                                   A bill to be entitled  
2       An act relating to sports wagering; creating ch. 547,  
3       F.S.; defining terms; authorizing certain persons to  
4       place wagers on a sports event under certain  
5       circumstances; providing duties and responsibilities  
6       of the Department of the Lottery relating to sports  
7       pools; requiring the department to adopt rules;  
8       authorizing persons to apply to the department for a  
9       license to operate a sports pool; providing  
10      requirements for such application; requiring licensees  
11      to annually renew their licenses; prohibiting sports  
12      pools from being offered by anyone other than the  
13      department or a licensee; specifying requirements for  
14      accepting wagers on sports events; authorizing a  
15      licensee to have certain websites and applications  
16      under certain circumstances; authorizing the  
17      department or licensees to provide certain benefits to  
18      induce a person to wager; requiring licensees to  
19      perform background checks on all employees and provide  
20      certain documentation to the department upon request;  
21      prohibiting certain persons from wagering under  
22      certain circumstances; providing applicability;  
23      requiring the department and licensees to adopt  
24      certain procedures to prevent certain persons from  
25      wagering; prohibiting the department and licensees  
26      from accepting wagers from certain persons; requiring  
27      a licensee to promptly notify the department of  
28      certain information; providing for the disbursement of  
29      unclaimed winnings; providing civil and criminal

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penalties; requiring that certain penalties be deposited into the department's Operating Trust Fund; providing a contingent effective date.

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

Section 1. Chapter 547, Florida Statutes, consisting of sections 547.001, 547.002, 547.003, 547.004, 547.005, 547.006, 547.007, and 547.008, is created to read:

CHAPTER 547

SPORTS WAGERING

547.001 Definitions.—As used in this chapter, the term:

(1) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a public or private institution that offers educational services beyond the secondary level.

(2) "Department" means the Department of the Lottery.

(3) "Licensee" means an entity that holds a license issued by the department to operate an online sports pool.

(4) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

(5) "Sports event" means any professional sport or athletic event, any Olympic or international sports competition event, and any collegiate sports or athletic event, or any portion thereof, including, but not limited to, the individual performance statistics of athletes in a sports event or combination of sports events. The term does not include any high

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59 school or youth sports event.

60 (6) "Sports pool" means the business of accepting wagers on  
61 any sports event by any system or method of wagering other than  
62 pari-mutuel, as defined in s. 550.002, including, but not  
63 limited to, single-game bets, teaser bets, parlays, over-under,  
64 moneyline, pools, proposition bets, exchange wagering, in-game  
65 wagering, in-play bets, and straight bets.

66 547.002 Sports wagering authorized.—Notwithstanding any  
67 other law, a person who is 21 years of age or older may wager  
68 money or any other thing of value on a sports event if the wager  
69 is placed with the department or a licensee and the person is  
70 physically present in this state.

71 547.003 Authority of department.—The department shall  
72 administer this chapter and regulate the operation of sports  
73 pools under this chapter and the rules adopted pursuant thereto  
74 and shall:

75 (1) Adopt rules to implement this chapter, including, but  
76 not limited to, rules:

77 (a) Requiring a licensee to maintain a specified amount of  
78 cash reserves;

79 (b) Relating to the acceptance of wagers on a series of  
80 sports events;

81 (c) Setting a limit on the maximum wager that a person may  
82 place on a single sports event;

83 (d) Regulating the method of accounting licensees must use  
84 and what records must be kept;

85 (e) Regulating the use of credit and checks by persons  
86 wagering;

87 (f) Requiring protections for persons wagering;

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88 (g) Requiring licensees to provide patrons with warnings  
89 about gambling addiction and information on where to get help;  
90 and

91 (h) Regulating the locations and use of self-service  
92 betting kiosks.

93 (2) Conduct investigations and monitor the operation of  
94 sports pools.

95 (3) Review the books, accounts, and records of any current  
96 or former licensee.

97 (4) Suspend or revoke any license issued under this  
98 chapter, after a hearing, for any violation of this chapter or  
99 the administrative rules adopted pursuant thereto.

100 (5) Take testimony, issue summons and subpoenas for any  
101 witness, and issue subpoenas duces tecum in connection with any  
102 matter within its jurisdiction.

103 547.004 Sports wagering licenses.—

104 (1) A person may apply to the department for a license to  
105 operate a sports pool.

106 (2) All applications submitted pursuant to this section  
107 must be on a form prescribed by the department and adopted by  
108 rule.

109 (3) A licensee must annually renew a license issued under  
110 this section.

111 547.005 Sports pools.—

112 (1) A sports pool may not be offered by any person other  
113 than the department or a licensee.

114 (2) A licensee may accept wagers only from persons who are  
115 21 years of age or older and who are wagering through a website  
116 or application offered under subsection (3), and the department

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117 may accept wagers only from persons who are 21 years of age or  
118 older and who are wagering at a self-service kiosk operated by  
119 the department.

120 (3) (a) A licensee may have individually branded websites  
121 for the purposes of offering a sports pool, each of which may  
122 have an accompanying mobile application bearing the same brand  
123 as the website.

124 (b) Until a license is received from the department, an  
125 applicant may not make a website or application available to the  
126 public and may not accept wagers unless the wagers are strictly  
127 for testing purposes and nothing of value is wagered or  
128 exchanged.

129 (4) The department or licensees may provide promotional  
130 credits, incentives, bonuses, complimentaries, or similar  
131 benefits designed to induce a person to wager.

132 (5) A licensee must perform background checks on all of its  
133 employees and must provide any documentation relating to the  
134 background checks and a list identifying all of the licensee's  
135 employees to the department upon request.

136 547.006 Prohibitions.-

137 (1) (a) The following persons are prohibited from wagering  
138 on a sports event that is overseen by the person's sports  
139 governing body based on publicly available information:

140 1. An athlete, a coach, a referee, or a director of a  
141 sports governing body or any of such body's member teams.

142 2. A person who is a direct or indirect legal or beneficial  
143 owner of 10 percent or greater of a sports governing body or any  
144 of such body's member teams.

145 3. A sports governing body or any of such body's member

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146 teams.

147 4. A person who holds a position of authority or influence  
148 sufficient to exert influence over the participants in a sports  
149 event, including, but not limited to, a coach, manager, handler,  
150 or trainer.

151 5. A person with access to exclusive information on any  
152 sports event overseen by his or her sports governing body.

153 6. A person identified by any lists of prohibited persons  
154 provided to the department by a sports governing body. The  
155 department must provide licensees with any such list upon  
156 receipt.

157 (b) This subsection does not apply to any person who is a  
158 direct or indirect owner of a sports governing body member team  
159 and the shares of such person are registered pursuant to s. 12  
160 of the Securities Exchange Act of 1934 and the value of the  
161 ownership of such team represents less than 1 percent of the  
162 person's total enterprise value.

163 (2) The department and licensees shall adopt procedures to  
164 prevent persons who are prohibited from wagering on sports  
165 events under subsection (1) from wagering on sports events.  
166 Additionally, the department and licensees may not accept wagers  
167 from any person whose identity is known to the department or  
168 licensee and who:

169 (a) Is the director, officer, owner, or employee of the  
170 department or licensee or any relative of such person living in  
171 the same household;

172 (b) Has access to nonpublic confidential information held  
173 by the department or licensee; or

174 (c) Is an agent or proxy for another person.

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175 (3) A licensee must promptly notify the department of any  
176 of the following:

177 (a) A criminal or disciplinary proceeding commenced against  
178 the licensee or any of its employees in connection with the  
179 operations of a sports pool.

180 (b) Abnormal betting activity or patterns that may indicate  
181 a concern about the integrity of a sports event.

182 (c) Conduct that has the potential to corrupt a betting  
183 outcome of a sports event for purposes of financial gain,  
184 including, but not limited to, match fixing.

185 (d) Suspicious or illegal wagering activities, including,  
186 but not limited to, the use of funds derived from illegal  
187 activity, wagers to conceal or launder funds derived from  
188 illegal activity, agents to place wagers, or false  
189 identification.

190 547.007 Unclaimed winnings.—If a person does not claim a  
191 winning wager within 1 year after the wager is graded, the  
192 obligation of the department or the licensee to pay the winnings  
193 expires and the funds must be distributed as follows:

194 (1) For wagers placed at a self-service kiosk operated by  
195 the department, 100 percent to the Operating Trust Fund created  
196 under s. 24.120.

197 (2) For wagers placed through a website or application  
198 offered by a licensee, 50 percent retained by the licensee and  
199 the remaining 50 percent to the Operating Trust Fund.

200 547.008 Penalties.—

201 (1) Except as otherwise provided by law and in addition to  
202 any other penalty, any person who knowingly makes or causes to  
203 be made, or aids, assists, or procures another to make, a false

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204 statement in any report, disclosure, or application, or any  
205 other document required under this chapter or any rule adopted  
206 under this chapter, is subject to an administrative fine or  
207 civil penalty of up to \$10,000.

208 (2) Any person who violates s. 547.006 is subject to an  
209 administrative fine or civil penalty of up to \$1,000 per  
210 violation.

211 (3) Any person who operates a sports pool without a valid  
212 license issued pursuant to this chapter commits a felony of the  
213 third degree, punishable as provided in s. 775.082, s. 775.083,  
214 or s. 775.084.

215 (4) Any licensee who violates any provision of this chapter  
216 commits a misdemeanor of the first degree, punishable as  
217 provided in s. 775.082 or s. 775.083. Any licensee who commits a  
218 second or subsequent violation of the same paragraph or  
219 subsection within a period of 3 years from the date of a prior  
220 conviction for a violation of such paragraph or subsection  
221 commits a felony of the third degree, punishable as provided in  
222 s. 775.082, s. 775.083, or s. 775.084.

223 (5) Any person who knowingly excludes, or takes any action  
224 in an attempt to exclude, anything of value from the deposit,  
225 counting, collection, or computation of revenues from sports  
226 wagering activity, or any person who by trick, sleight-of-hand  
227 performance, a fraud or fraudulent scheme, or device wins or  
228 attempts to win, for himself or herself or for another, money or  
229 property or a combination thereof or reduces or attempts to  
230 reduce a losing wager in connection with sports wagering commits  
231 a felony of the third degree, punishable as provided in s.  
232 775.082, s. 775.083, or s. 775.084.



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233       (6) Theft of any sports wagering proceeds belonging to a  
234 licensee by an employee of the licensee or by an employee of a  
235 person, firm, or entity that has contracted to provide services  
236 to the licensee constitutes a felony of the third degree,  
237 punishable as provided in s. 775.082 or s. 775.083.

238       (7) All penalties imposed and collected under this section  
239 must be deposited into the department's Operating Trust Fund.

240       Section 2. This act shall take effect October 1, 2021, if  
241 SB \_\_\_ and SB \_\_\_ or similar legislation are adopted in the same  
242 legislative session or an extension thereof and become law.