



155302

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Hutson moved the following:

Senate Amendment

Delete lines 174 - 305

and insert:

conduct fantasy sports contests within this state. A fantasy
contest operator that offered fantasy sports contests in this
state before May 1, 2021, may continue to offer fantasy sports
contests after the effective date of this act and until a final
decision has been made on its application for a fantasy contest
operator license if the contest operator files an application
for a license with the division within 90 days after the



155302

12 application is made available to the public.

13 (2) The application must include:

14 (a) The full name of the applicant.

15 (b) If the applicant is a corporation, the name of the
16 state in which the applicant is incorporated and the names and
17 addresses of the officers, directors, and shareholders who hold
18 15 percent or more equity.

19 (c) If the applicant is a business entity other than a
20 corporation, the names and addresses of each principal, partner,
21 or shareholder who holds 15 percent or more equity.

22 (d) The names and addresses of the ultimate equitable
23 owners of the corporation or other business entity, if different
24 from those provided under paragraph (b) or paragraph (c), unless
25 the securities of the corporation or entity are registered
26 pursuant to s. 12 of the Securities Exchange Act of 1934, 15
27 U.S.C. ss. 78a-78kk, and:

28 1. The corporation or entity files with the United States
29 Securities and Exchange Commission the reports required by s. 13
30 of that act; or

31 2. The securities of the corporation or entity are
32 regularly traded on an established securities market in the
33 United States.

34 (e) The estimated number of fantasy sports contests to be
35 conducted by the applicant annually.

36 (f) A statement of the assets and liabilities of the
37 applicant.

38 (g) If required by the division, the names and addresses of
39 the officers and directors of any creditor of the applicant and
40 of stockholders who hold more than 10 percent of the stock of



155302

41 the creditor.

42 (h) For each individual listed in the application pursuant
43 to paragraph (a), paragraph (b), paragraph (c), or paragraph
44 (d), a full set of fingerprints to be submitted to the division
45 or to a vendor, entity, or agency authorized by s. 943.053(13).

46 1. The division, vendor, entity, or agency shall forward
47 the fingerprints to the Department of Law Enforcement for state
48 processing, and the Department of Law Enforcement shall forward
49 the fingerprints to the Federal Bureau of Investigation for
50 national processing.

51 2. Fingerprints submitted to the Department of Law
52 Enforcement pursuant to this paragraph shall be retained by the
53 Department of Law Enforcement as provided in s. 943.05(2)(g) and
54 (h) and, when the Department of Law Enforcement begins
55 participation in the program, shall be enrolled in the Federal
56 Bureau of Investigation's national retained print arrest
57 notification program. Any arrest record identified shall be
58 reported to the division by the Department of Law Enforcement.

59 (i) For each foreign national, such documents as necessary
60 to allow the division to conduct criminal history records checks
61 in the individual's home country. The applicant must pay the
62 full cost of processing fingerprints and required documentation.

63 (3) A person or entity is not eligible for licensure as a
64 contest operator or for licensure renewal if an individual
65 required to be listed pursuant to paragraph (2)(a), paragraph
66 (2)(b), paragraph (2)(c), or paragraph (2)(d) is determined by
67 the division, after investigation, not to be of good moral
68 character or is found to have been convicted of a felony in this
69 state, any offense in another jurisdiction which would be



155302

70 considered a felony if committed in this state, or a felony
71 under the laws of the United States. As used in this subsection,
72 the term "convicted" means having been found guilty, with or
73 without adjudication of guilt, as a result of a jury verdict,
74 nonjury trial, or entry of a plea of guilty or nolo contendere.

75 (4) The license of a contest operator is automatically
76 suspended upon entry of a final order imposing an administrative
77 fine against the contest operator, until the administrative fine
78 is paid, if 30 calendar days have elapsed since the entry of the
79 final order. The license of a contest operator may not be
80 renewed and an application for licensure as a contest operator
81 may not be approved if the contest operator or the applicant for
82 licensure as a contest operator is liable for an outstanding
83 administrative fine imposed under this act. Notwithstanding the
84 provisions of this subsection, a contest operator's license may
85 not be suspended and an application for licensure as a contest
86 operator may not be denied if the contest operator or the
87 applicant has an appeal from a final order pending in any
88 appellate court.

89 Section 6. Section 546.16, Florida Statutes, is created to
90 read:

91 546.16 Consumer protection.—

92 (1) A contest operator must implement procedures for
93 fantasy sports contests which:

94 (a) Prevent its employees, their relatives, or persons
95 living in the same household as the employees from competing in
96 a fantasy sports contest in which a cash prize is awarded.

97 However, a contest operator may offer fantasy sports contests to
98 its employees in which the employees are the sole participants



155302

99 in the contests. For the purposes of this paragraph, the term
100 "relative" means a spouse, father, mother, son, daughter,
101 grandfather, grandmother, brother, sister, uncle, aunt, cousin,
102 nephew, niece, father-in-law, mother-in-law, son-in-law,
103 daughter-in-law, brother-in-law, sister-in-law, stepfather,
104 stepmother, stepson, stepdaughter, stepbrother, stepsister,
105 half-brother, or half-sister.

106 (b) Prohibit the contest operator from being a contest
107 participant in a fantasy sports contest that he or she offers.

108 (c) Prevent its employees or agents from sharing with a
109 third party confidential information that could affect fantasy
110 sports contest play, until the information has been made
111 publicly available.

112 (d) Verify that contest participants are 21 years of age or
113 older.

114 (e) Restrict an individual who is a player, a game
115 official, or another participant in a real-world game or
116 competition from participating in a fantasy sports contest that
117 is determined, in whole or in part, on the performance of that
118 individual, the individual's real-world team, or the accumulated
119 statistical results of the sport or competition in which he or
120 she is a player, game official, or other participant.

121 (f) Allow individuals to restrict or prevent their own
122 access to fantasy sports contests and take reasonable steps to
123 prevent those individuals from entering a fantasy sports
124 contest.

125 (g) Disclose the number of entries a single contest
126 participant may submit to each fantasy sports contest and take
127 reasonable steps to prevent participants from submitting more



155302

128 than the allowable number of entries.

129 (h) Segregate contest participants' funds from operational
130 funds or maintain a reserve in the form of cash, cash
131 equivalents, payment processor reserves, payment processor
132 receivables, an irrevocable letter of credit, a bond, or a
133 combination thereof in the total amount of deposits in contest
134 participants' accounts for the benefit and protection of
135 authorized contest participants' funds held in fantasy sports
136 contest accounts.

137 (2) (a) A contest operator must annually contract with a
138 third party to perform an independent audit, consistent with the
139 standards established by the American Institute of Certified
140 Public Accountants, to ensure compliance with this act. The
141 contest operator shall submit the results of the independent
142 audit to the division no later than 180 days after the end of
143 each fiscal year.