

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 Regulated Industries

BILL: SB 1404
 INTRODUCER: Senator Simon
 SUBJECT: Gambling
 DATE: March 23, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

- SB 1404 amends Florida Statutes in the following ways:
- Amends the requirements for appointing members of the Florida Gaming Control Commission (commission).
- Replaces a requirement for slot machine licensees with a requirement that slot machine licensees create a written policy for ensuring opportunities for construction services from economically disadvantaged businesses.
- Prohibits wagering on any professional or amateur game knowing that the results are prearranged or have been predetermined.
- Prohibits the false impersonation of commission personnel or representatives and provides a criminal penalty.
- Increases criminal penalties for keeping an illegal gambling house.
- Increases criminal penalties for agents or employees of a gambling house.
- Increases criminal penalties for renting a house for gambling purposes.
- Prohibits a person from tampering with or manipulating the playing cards, outcome, or payoff of a card game in a licensed cardroom.
- Provides definitions and increases criminal penalties for specified violations involving a slot machine or device.
- Defines “Internet gambling,” and provide criminal penalties.
- Defines “Internet sports wagering,” and provides criminal penalties.
- Provides a higher criminal penalty for subsequent offenses in connection with lotteries.
- Provides criminal penalties for persons in charge of slot machine locations.
- Prohibits trafficking in slot machines or devices and provides a criminal penalty.
- Requires the imposition of a specified fine for an offender convicted of trafficking in a specified number of slot machines and provide for the deposit of fines and use of proceeds.

- Prohibits a person from making false statements or disseminating false information regarding the legality of a slot machine or device to facilitate the sale or delivery and provides criminal penalties.
- Repeals a statute imposing criminal penalties for certain violations.
- Prohibits the transport or procurement of the transport of a specified number of persons to facilitate illegal gambling, defines the term “illegal gambling” and provides criminal penalties.
- Prohibits the making or disseminating of specified advertisements to promote or facilitate illegal gambling, prohibits activities for the creation of specified advertisements, defines the term “illegal gambling”, and provides a criminal penalty and provides exceptions.
- Preempts enactment or enforcement of local ordinances on activities under s. 546.10 and ch. 849, F.S.
- Requires a court to consider the amount of currency seized that is connected to specified violations relating to illegal gambling when determining bail.
- Ranks offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code.
- Changes the rank of certain specified offenses on the offense severity ranking chart.

The bill provides an effective date of October 1, 2025.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷
- Cardrooms⁸ at certain pari-mutuel facilities;⁹

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ See s. 849.16, F.S.

⁵ Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086(2)(c), F.S., defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2022-2023* (Annual Report), at p. 15, at <https://flgaming.gov/pmw/annual-reports/docs/2022-2023%20FGCC%20Annual%20Report.pdf> (last visited March 24, 2025), which states that of 29 licensed permitholders, 26 operated at a pari-mutuel facility.

- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S., the Family Amusement Games Act;¹¹ and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹⁸ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹⁹

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 2021, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.²⁰ The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ See s. 546.10, F.S.

¹² See s. 849.085, F.S.

¹³ See s. 849.0931, F.S.

¹⁴ See s. 849.0935, F.S.

¹⁵ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ See s. 849.141, F.S.

¹⁷ Section 550.1625(1), F.S., “. . . legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁸ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹⁹ The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

²⁰ See ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser’s Bill) and ch. 2023-8, Laws of Fla., (Reviser’s Bill).

prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the commission.²¹

In addition to the enhanced authority of the Office of Statewide Prosecution, the commission was created²² within the Department of Legal Affairs. The commission has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation effective July 1, 2022 (as discussed below).

The commission must do all of the following:²³

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the commission's regulatory and executive functions.
- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the commission, information that is reported by sports governing bodies or other parties to the commission relating to:
 - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
 - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
 - The use of data deemed unacceptable by the commission or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that

²¹ Section 16.56(1)(a), F.S.

²² Section 16.71, F.S.

²³ Section 16.712, F.S. The commission also administers the Pari-mutuel Wagering Trust Fund. *See* s. 16.71(6), F.S.

may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.

- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature, and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the commission, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms, but may not serve more than 12 years. As of the date of this analysis, there is one vacancy on the commission.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the commission.²⁴ The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.²⁵

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and

²⁴ For a summary of DGE investigations and actions in Fiscal Year 2022-2023, see Annual Report, *supra* n. 11 at p.5.

²⁵ Section 16.711(2), F.S.

arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), or any rule adopted pursuant thereto, or any law of this state.²⁶

Such law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.²⁷

Further, any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the commission also have access to, and the right to inspect, premises licensed by the commission, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the commission.²⁸ The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term “contraband” has the same meaning as the term “contraband article” in s. 932.701(2)(a)2., F.S.²⁹ The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.³⁰

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the commission’s executive director and agreed to by FDLE’s executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the commission with any information relevant to any investigation conducted as described above, and the commission must reimburse any agency for the actual cost of providing any such assistance.³¹

Division of Pari-mutuel Wagering

The commission has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. The DPMW is charged with the regulation of Florida’s pari-mutuel, cardroom, and slot gaming industries, as authorized by ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), and ch. 849, F.S., (Gambling), as well as collecting and safeguarding associated revenues due to the state. The DPMW supports the

²⁶ Section 16.711(3), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 16.711(4), F.S.

³⁰ *Id.*

³¹ Section 16.711(5), F.S.

commission in meeting the commission's obligations as the State Compliance Agency (SCA)³² in carrying out the state's oversight responsibilities under the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.³³

State Preemption

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.³⁴

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.³⁵ In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.³⁶ Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.³⁷

III. Effect of Proposed Changes:

Section 1 amends s. 16.71, F.S., relating to the commission, to remove the requirement that members of the commission must be appointed by January 1, 2022 and the requirement that the Governor shall consider appointees based on racial, ethnic, and gender diversity. The bill also removes language that directed the Governor to appoint one of the initial members as the initial chair and the initial vice chair.

Section 2 amends s. 551.104, F.S., relating to a license to conduct slot machine gaming, removing references to "including minority vendors" and the provision that required each slot

³² See s. 285.710, F.S. Until June 30, 2022, the DPMW was designated as the SCA, prior to that division's transfer to the commission from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.

³³ Section 285.710(3)(b), F.S., provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida (2021 Gaming Compact), executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The 2021 Gaming Compact may be accessed at <https://www.flgov.com/wp-content/uploads/pdfs/2021%20Gaming%20Compact.pdf> (last visited March 24, 2025). The May 17, 2021, amendment states that Part XVIII.A [relating to certain negotiations within 36 months] is deleted in its entirety and replaced with "Reserved", and that the Seminole Tribe of Florida agrees that it will not commence Sports Betting, as defined in Part III.CC, prior to October 15, 2021 (The 2021 Gaming Compact is on file with the Senate Regulated Industries Committee).

³⁴ *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); see also James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 FLA. BAR J. 92 (2009), available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited March 24, 2025).

³⁵ *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

³⁶ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

³⁷ See, e.g., *National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted s. 790.33, F.S.).

machine licensee to provide an annual report to the commission containing information indicating compliance with the contracting with minority persons requirement.

Section 3 amends s. 838.12, F.S., relating to bribery in athletic contests, to provide that “a person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

Section 4 amends s. 843.08, F.S., relating to false personation, to provide that a person who falsely assumes or pretends to be, and acts as any personnel or representative of the commission, commits a third degree felony.³⁸

Under current law, the false personation offense occurs when a person impersonates and acts as a firefighter, a sheriff, a Florida Highway Patrol officer, a Fish and Wildlife Conservation Commission officer, a Department of Environmental Protection officer, a Department of Financial Services officer, any personnel or representative of the Division of Investigative and Forensic Services, a Department of Corrections officer, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, any personnel or representative of the Department of Law Enforcement, certain federal law enforcement officers, and others.³⁹

If the false personation occurs during the course of the commission of a felony, the violator commits a felony of the second degree (up to 15 years/\$10,000 fine).⁴⁰

Section 5 amends s. 849.01, F.S., relating to the keeping of gambling houses, to increase the penalty for that offense from a second degree misdemeanor (up to 60 days/\$500 fine)⁴¹ to a third degree felony (up to five years/\$5,000 fine).^{42 43} Current law provides, in part, that the keeping of a gambling house includes any person, servant, clerk, or agent who:

[H]as, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for

³⁸ Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.

³⁹ See s. 843.08, F.S.

⁴⁰ Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.

⁴¹ Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides a misdemeanor of the second degree is punishable by a fine not to exceed \$500. The enhanced penalties for this violation increase to imprisonment not to exceed five years and a fine not to exceed \$5,000.

⁴² Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁴³ Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., an habitual felony offender is subject to enhanced penalties.

the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever

Section 6 amends s. 849.02, F.S., relating to agents or employees of keeper of gambling house, creates a tier for violators based on the frequency of offenses, providing that:

- For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.
- For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Section 7 amends s. 849.03, F.S., relating to renting a house for gambling purposes, providing that a person who knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

- For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.
- For a second or subsequent violation, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

Section 8 amends s. 849.08, F.S., relating to gambling, to provide a definition for the terms “Internet gambling” and “Internet sports wagering” along with associated penalties.

- “Internet gambling” means “to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.”
- “Internet sports wagering” means “to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.”

The bill also provides criminal penalties - a misdemeanor of the second degree - for a person who plays or engages in Internet gaming. Additionally, a person who plays or engages in Internet sports wagering commits:

- For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

A person commits a third degree felony if they are “a person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depositary of any money or other

thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts.” This section of the bill does not apply to people participating in authorized gaming activities under s. 285.710(13), F.S., or any gaming compact.

Section 9 amends s. 849.086, F.S., relating to authorized cardrooms, providing that prohibited activities include: “a person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.”

Section 10 amends s. 849.11, F.S., relating to games of chance, providing that a person who plays any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device, in person or by the use, at least in part, of the Internet, commits a misdemeanor of the second degree. The bill also provides that “a person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in this section, or whoever knowingly becomes the custodian or depository of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.”

Section 11 amends s. 849.13, F.S., relating to second convictions, providing that a person who commits a second or subsequent violation of the same offense, in connection with lotteries for which there is no penalty specified for a second or subsequent violation, shall have the offense reclassified to an offense of the next higher degree.

Section 12 amends s. 849.14, F.S., relating to unlawful betting on games of skill, changing “*whoever*” stakes, bets, or wagers any money or other thing of value, to “*a person who*” stakes, bets, or wagers any money or other thing of value... commits a felony of the third degree., and includes punishment provided in s. 775.084, F.S.

Section 13 amends s. 849.15, F.S., relating to prohibited slot machines, providing a definition for a “conviction” to mean “a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.” The bill also provides a definition for “person of authority” to mean a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

- Actual authority to act on behalf of the business, establishment, premises, or other location where a slot machine or device is offered for play; or
- Any ownership interest in the business, establishment, premises, or other location. The term “ownership interest” includes being an officer, director, or managing member of the business, establishment, premises, or other location.

The bill also provides the following criminal penalties:

- A person who violates the prohibitions on slot machines commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates the prohibitions on slot machines and:

- At the time of the violation, the person was a person of authority; or
- The person has one prior conviction for a violation of this section.
- A person commits a felony of the second degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; and
 - The violation involves five or more slot machines or devices; or
 - The person has two or more prior convictions for a violation of this section.

Further, this section provides that “all shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state shall be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.”

Section 14 creates s. 849.155, F.S., relating to trafficking in slot machines, providing that it is a *first-degree felony* for any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof.

The bill also creates associated fines based on the quantity of slot machines:

- For more than 15 slot machines but less than 25 slot machines, such person must be fined \$100,000.
- For 25 or more slot machines but less than 50 slot machines, such person must be fined \$250,000.
- For 50 or more slot machines, such person must be fined \$500,000.

The bill provides a carveout from criminal and financial penalties if such person is trafficking slot machines into any county of this state that has authorized slot machine gaming and shall be deemed legal shipments, provided that the destination of such shipments is an eligible facility as defined in s. 551.102, F.S., or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a), F.S. All shipments of legal gaming devices, including legal slot machines, into Indian lands located within the state shall be deemed legal shipments, so long as the Indian lands are held in federal trust for the benefit of a federally recognized compact with the state.

Finally, this section of the bill provides that all fines imposed and collected pursuant to this section must be deposited into the *Pari-mutuel Wagering Trust Fund* and may be used for the enforcement of chapters 546, 550, 551, and 849, F.S., by the commission.

Section 15 creates s. 849.157, F.S., relating to making a false or misleading statement regarding the legality of slot machines to facilitate sale, providing that a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a *felony of the third degree*, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

If the sale or delivery is of five or more slot machines, then the person commits a *felony of the second degree*.

Section 16 repeals s. 849.23, F.S., that provided criminal penalties for the possession, manufacturing, or sale of prohibited slot machines.

Section 17 creates s. 849.47, F.S., relating to the transportation of persons to facilitate illegal gambling, providing for a definition for “illegal gambling” to mean “any criminal violation of chapter 546, chapter 550, chapter 551, or [chapter 849] that occurs at any business, establishment, premises, or other location.”

Under the bill, a person who knowingly and willfully transports, or procures the transportation of five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree.

A person who transports, or procures the transportation of, a minor or a person 65 years of age or older commits a felony of the third degree.

A person who transports, or procures the transportation of, 12 or more persons commits a felony of the third degree.

Section 18 creates s. 849.48, F.S., relating to prohibited gambling or gaming advertisements, prohibiting a person knowingly and intentionally making, publishing, disseminating, circulating, or placing before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling.

A person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

Under the bill, a person who violates this section commits a *first-degree misdemeanor* for their first offense and a *felony of the third degree* for a second or subsequent offense.

The bill does not prohibit the printing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of this state, where such gambling is not prohibited.

Section 19 creates s. 849.49, F.S., relating to preemption of gaming regulations, providing that no county, municipality, or other political subdivision of the state shall enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law.

Sections 20-23 are amended for the purpose of incorporating the amendments being made by the bill.

Section 24 provides an effective date of October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

In **Section 18** of the bill, there may be some first amendment issues regarding what a person may not “set up” in the course of business.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who violate the gambling laws will be subject to increased penalties.

Such violators may be impacted by the information that must be considered by a court for determining bail or release of persons arrested for crimes involving controlled substances, a slot machine, or illegal gambling or gaming, including the amount of currency seized that is connected to a violation of the gambling laws.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.71, 551.104, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.11, 849.13, 849.14, 849.15, 903.046, 921.0022, 772.102, and 895.02

This bill creates the following sections of the Florida Statutes: 849.155, 849.157, 849.47, 849.48, and 849.49.

This bill repeals section 849.23 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.