

**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.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 1580

INTRODUCER: Senator Martin

SUBJECT: Illegal Gaming

DATE: February 9, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 1580 is a comprehensive update to Florida’s gaming and gambling statutes.

The bill clarifies some duties and restrictions for the Florida Gaming Control Commission (FGCC) by transferring the authority to appoint the Inspector General to the commission and refining ethics rules regarding post-employment interests. To address specialized staffing needs in the gaming industry, the bill permits the FGCC to grant employment waivers for technical experts with prior gaming industry experience. Additionally, the bill enhances annual reporting requirements for the FGCC to provide more transparency for the state of Florida.

The bill strengthens enforcement by enhancing criminal penalties for wagering on events with prearranged outcomes and incorporating illegal gambling violations into portions of existing law.

Additionally, the bill provides immediate administrative consequences for businesses that facilitate illegal gaming, authorizing the summary suspension of business and alcoholic beverage licenses for establishments deemed an immediate danger to public welfare.

The bill further targets the proliferation of illegal hardware by creating the first-degree felony of “Trafficking in Slot Machines” for the unauthorized possession or sale of illegal slot machines.

In an effort to reduce costs to the government, the bill allows the physical destruction of seized slot machines upon court order. Additionally, the bill creates a slot machine surrender program to allow for voluntary compliance without prosecution.

A specific carve out is provided to preserve the Seminole Tribe of Florida’s ability to transport machines within the state without violating any Federal or state laws.

The bill criminalizes match-fixing for those with knowledge of prearranged outcomes, prohibits false impersonation of FGCC personnel, and expands the state's RICO and nuisance laws to include illegal gambling.

For digital activities, the bill defines "internet gambling" and "internet sports wagering" to close any "gray market" loopholes, declaring any such unauthorized activity a third-degree felony. The bill establishes a new regulatory scheme for fantasy sports, requiring "Contest Operators" to obtain FGCC licensure, verify the participants are at least 21 years of age, and maintain segregated accounts to protect players funds.

The bill does not require any fees or include any other costs for fantasy sports operators to obtain FGCC licensure.

To provide clarity for certain non-profit entities, a formal declaratory statement process is established with specific guidelines for what needs to be provided to the FGCC. The bill prohibits the FGCC from declining to provide a declaratory statement when asked and requirements are met.

Additionally, the bill establishes specific criteria for bail determinations, clarifying what is to be considered for bail determination in certain illegal gambling crimes.

Finally, the bill incorporates changes made by the bill to the Offense Severity Ranking Chart and provides confirming amendments to incorporate the changes made by the bill.

The bill provides an effective date of July 1, 2026.

## **II. Present Situation:**

### **Background**

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

- Pari-mutuel<sup>5</sup> wagering at licensed greyhound and horse tracks and jai alai frontons;<sup>6</sup>
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;<sup>7</sup>

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<sup>1</sup> See s. 849.08, F.S.

<sup>2</sup> See s. 849.01, F.S.

<sup>3</sup> See s. 849.09, F.S.

<sup>4</sup> See s. 849.16, F.S.

<sup>5</sup> 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."

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

<sup>7</sup> See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

- Cardrooms<sup>8</sup> at certain pari-mutuel facilities;<sup>9</sup>
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;<sup>10</sup>
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act;<sup>11</sup> and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
  - Penny-ante games;<sup>12</sup>
  - Bingo;<sup>13</sup>
  - Charitable drawings;<sup>14</sup>
  - Game promotions (sweepstakes);<sup>15</sup> and
  - Bowling tournaments.<sup>16</sup>

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.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup>

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<sup>8</sup> 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.”

<sup>9</sup> See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 19, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited Feb. 7, 2026), which states that of 30 licensed permitholders, 29 operated at a pari-mutuel facility.

<sup>10</sup> 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.

<sup>11</sup> See s. 546.10, F.S.

<sup>12</sup> See s. 849.085, F.S.

<sup>13</sup> See s. 849.0931, F.S.

<sup>14</sup> See s. 849.0935, F.S.

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

<sup>16</sup> See s. 849.141, F.S.

<sup>17</sup> 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).

<sup>18</sup> 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.

<sup>19</sup> 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.

## 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.<sup>20</sup> The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and 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 FGCC.<sup>21</sup>

In addition to the enhanced authority of the Office of Statewide Prosecution, the FGCC was created<sup>22</sup> within the Department of Legal Affairs. The FGCC 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 (DBPR) effective July 1, 2022, (as discussed below).

The FGCC must do all of the following:<sup>23</sup>

- 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 FGCC'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 FGCC, information that is reported by sports governing bodies or other parties to the FGCC relating to:
  - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;

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<sup>20</sup> 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).

<sup>21</sup> Section 16.56(1)(a), F.S.

<sup>22</sup> Section 16.71, F.S.

<sup>23</sup> Section 16.712, F.S. The FGCC also administers the Pari-mutuel Wagering Trust Fund. See s. 16.71(6), F.S.

- 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 FGCC 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 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 DPMW 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 DBPR, 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.

### ***Division of Gaming Enforcement***

Section 16.711, F.S., sets forth the duties of the DGE within the FGCC.<sup>24</sup> The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the

<sup>24</sup> For a summary of DGE highlights in Fiscal Year 2023-2024, see Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 8, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited Feb. 7, 2026).

DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.<sup>25</sup>

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 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.<sup>26</sup>

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.<sup>27</sup>

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 FGCC also have access to, and the right to inspect, premises licensed by the FGCC, 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 FGCC.<sup>28</sup>

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.<sup>29</sup> 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.<sup>30</sup>

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 FGCC’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 FGCC with any information relevant to any investigation conducted as described above, and the FGCC must reimburse any agency for the actual cost of providing any such assistance.<sup>31</sup>

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<sup>25</sup> Section 16.711(2), F.S.

<sup>26</sup> Section 16.711(3), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 16.711(4), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 16.711(5), F.S.

### ***Division of Pari-mutuel Wagering***

The FGCC 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 FGCC in meeting the FGCC's obligations as the State Compliance Agency (SCA)<sup>32</sup> 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.<sup>33</sup>

### ***Commission Annual Report***

By December 1 of each year, the FGCC is required to make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, in part, a summary of actions taken and investigations conducted by the FGCC.<sup>34</sup>

### **Cardrooms**

Cardrooms are authorized at certain pari-mutuel facilities.<sup>35</sup> Under current law, notwithstanding any other provision of law, a pari-mutuel permitholder (other than a limited thoroughbred permitholder) may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021.<sup>36</sup> An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on racing or games.<sup>37</sup>

A licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom.<sup>38</sup> An authorized game is a game or series of games of poker or dominoes.<sup>39</sup> Such

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<sup>32</sup> 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 FGCC from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.

<sup>33</sup> 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/eog/sites/default/files/press/2021%20Gaming%20Compact.pdf> (last visited Feb. 7, 2026). 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).

<sup>34</sup> Section 16.712(3)(h), F.S.

<sup>35</sup> Section 849.086, F.S.; s. 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized 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."

<sup>36</sup> Section 849.086(5), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Section 849.086(5) and (6), F.S.

<sup>39</sup> See s. 849.086(2)(a), F.S.

games must be played in a non-banking manner,<sup>40</sup> where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:<sup>41</sup>

- Conducting any banking game or game not specifically authorized, or any game that violates the exclusivity provided in the gaming compact.
- Allowing persons under 18 years of age to hold a cardroom or employee license, or engage in any game.
- Allowing electronic or mechanical devices, except mechanical card shufflers to be used to conduct any authorized game in a cardroom.
- Allowing cards, game components, or game implements to be used in playing an authorized game unless such has been furnished or provided to the players by the cardroom operator.

### **Internet Gambling**

Online gaming has rapidly normalized in the United States, with recent data showing that 22% of American adults now hold an active account with an online sportsbook.<sup>42</sup> In Florida, the only legal form of gambling by means of the Internet is through the Seminole Tribe of Florida's Hard Rock Bet: Sportsbook App.

Unregulated Internet gambling platforms (often from offshore operations, although not exclusively offshore) drain significant revenue from the state. Estimates suggest that the illegal iGaming market has grown to 31% of the total U.S. gaming market.<sup>43</sup>

In the absence of a unified federal enforcement strategy, states are left to navigate a fragmented patchwork of local regulations that often lack the jurisdictional reach to effectively shut down offshore operations based in foreign countries. Some states have gone after Internet gambling operators through their Attorney Generals' offices, and some have done so through their state gambling regulatory body. The complex nature in stopping online illegal activities coupled with the lack of centralized federal oversight has allowed illegal offshore platforms to effectively siphon billions of dollars in potential tax dollars from the state.

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<sup>40</sup> *Id.*

<sup>41</sup> Section 849.086(12), F.S.

<sup>42</sup> Siena College Research Institute, 22% of Americans, Half of Men 18-49, Have Active Online Sports Betting Account, (Feb. 18, 2025), available at <https://sri.siena.edu/2025/02/18/22-of-all-americans-half-of-men-18-49-have-active-online-sports-betting-account/> (last visited Feb. 8, 2026).

<sup>43</sup> American Gaming Association, *New AGA Analysis Reveals Illegal Gaming Remains Nearly a Third of the U.S. Market*, (Aug. 13, 2025) available at <https://www.prnewswire.com/news-releases/new-aga-analysis-reveals-illegal-gaming-remains-nearly-a-third-of-the-us-market-302529007.html> (last visited Feb. 8, 2026).

## Fantasy Sports Contests

The operation of fantasy sports activities in Florida has recently received significant publicity, much like the operation of Internet cafes in recent years. Many states are now evaluating the status of fantasy gaming activities in their jurisdictions,<sup>44</sup> as there are millions of participants.<sup>45</sup> A fantasy game typically has multiple players who select and manage imaginary teams whose players are actual professional sports players. Fantasy game players compete against one another in various formats, including weekly leagues among friends and colleagues, season-long leagues, and on-line contests (daily and weekly) entered by using the Internet through personal computers or mobile telephones and other communications devices. There are various financial arrangements among players and game operators.

Florida law does not specifically address fantasy contests. Section 849.14, F.S.,<sup>46</sup> provides that a person who wagers any “thing of value” upon the result of a contest of skill or endurance of human or beast, or who receives any money wagered, or who knowingly becomes the custodian of money or other thing of value that is wagered, is guilty of a second degree misdemeanor.<sup>47</sup> Last year, the FGCC issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida’s gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state (as discussed below).<sup>48</sup> The legality of various forms of fantasy sports games and contests is being reviewed and addressed in a number of states.<sup>49</sup>

The State of Nevada has regulated gaming for more than 80 years, and its gaming control board was created by its legislature in 1955.<sup>50</sup> In 2015, the Office of the Nevada Attorney General provided the Nevada Gaming Control Board and the Nevada Gaming Commission the following informative summary about fantasy sports, player selection, and the types of simulated games being marketed to participants (referred to as owners in the Memorandum).<sup>51</sup>

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<sup>44</sup> See Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, Journal of Sports & Entertainment Law, Harvard Law School Vol. 3 (Jan. 2012) available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1907272](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1907272) (last visited Feb. 7, 2026).

<sup>45</sup> According to the Fantasy Sports Trade Association, which states it represents the interests of 57 million fantasy sports players, fantasy sports leagues were originally referred to as “roisserie leagues” with the development of Rotisserie League Baseball in 1980, by magazine writer/editor Daniel Okrent, who met and played it with friends at New York City restaurant, La Rotisserie Francaise. See <https://thefsga.org/history/> (last visited Feb. 7, 2026).

<sup>46</sup> See Fla. AGO 91-03 (Jan. 7, 1991) available at <https://www.myfloridalegal.com/ag-opinions/gambling-fantasy-sports-league> (last visited Feb. 7, 2026).

<sup>47</sup> A conviction for a second degree misdemeanor may subject the violator to a definite term of imprisonment not exceeding 60 days, and a fine not exceeding \$500. See ss. 775.082 and 775.083, F.S.

<sup>48</sup> See <https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports> (last visited Feb. 7, 2026).

<sup>49</sup> See [State Regulators Take Closer Look At Fantasy Sports Operators \(sportshandle.com\)](https://www.sportshandle.com/news/state-regulators-take-closer-look-at-fantasy-sports-operators) (last visited Feb. 7, 2026).

<sup>50</sup> See <https://gaming.nv.gov/gaming/commission/> (last visited Feb. 7, 2026).

<sup>51</sup> See Memorandum from J. Brin Gibson, Bureau Chief of Gaming and Government Affairs, and Jetan D. Bhirud, Head of Complex Litigation, to A.G. Burnett, Chairman, Nevada Gaming Control Board; Terry Johnson, Member, Nevada Gaming Control Board; Shawn Reid, Member, Nevada Gaming Control Board (Oct. 16, 2015) available at <https://www.legalsportsreport.com/wp-content/uploads/2015/10/Nevada-AG-DFS.pdf> (last visited Feb. 8, 2026).

### ***Description of Fantasy Sports Games***

Fantasy sports are games where the participants, as “owners,” assemble “simulated teams” with rosters and/or lineups of actual players of a professional sport.<sup>52</sup> These games are generally played over the Internet using computer or mobile software applications. Fantasy sports cover a number of actual professional sports leagues, including the NFL, the MLB, the NBA, the NHL, the MLS, NASCAR, as well as college sports such as NCAA football and basketball.

Fantasy sports can be divided into two types: (1) traditional fantasy sports, which track player performance over the majority of a season, and (2) daily fantasy sports, which track player performance over a single game.<sup>53</sup> The owners of these simulated teams compete against one another based on the statistical performance of actual players in actual games.

The actual players’ performance in specific sporting events is converted into “fantasy points” such that each actual player is assigned a specific score. An owner will then receive a total score that is determined by compiling the individual scores of each player in the owner’s lineup. Thus, although the owners select lineups, once the lineup has been selected, at least in the context of daily fantasy sports, the owners have basically no ability to control the outcome of the simulated games. Given that lineups on some sites do not “lock” until the start of each individual game, the owners have until the tipoff of each individual game to set each particular lineup spot.<sup>54</sup>

Specifically, the owners of the simulated teams have no ability to control how many points their simulated teams receive from an actual player’s performance. The actual players in the actual games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner has no ability to influence the outcome of a simulated game. At that point, the owner waits to see what happens based upon the performance of the actual players selected.

### ***Player Selection***

The three most common methods of player selection in fantasy sports are (1) a snake draft; (2) an auction draft; and (3) a salary-cap draft. In a snake draft, owners take turns drafting actual players for their simulated teams.<sup>55</sup> In an auction draft, each owner has a maximum budget to use to bid for players.<sup>56</sup> Competing owners, however, cannot select the same actual players for their simulated teams as other owners. Daily fantasy sports do not generally utilize a snake draft or an auction draft.

In a salary-cap draft, just like in an auction draft, each owner has a maximum budget. Unlike in an auction draft, however, the owners do not bid against each other. Instead, each actual player

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<sup>52</sup> Marc Edelman, Nathaniel J. Holden & Michael Wandt, *The “Skill-in-Games” Loophole: A Legal and Statistical Analysis of Why Daily Fantasy Sports Constitute Illegal Gambling*, 83 Ohio St. L. J. 117 (2022) available at [https://moritzlaw.osu.edu/sites/default/files/2022-06/14.EdelmanHoldenWandt\\_v83-1\\_pp117-156.pdf](https://moritzlaw.osu.edu/sites/default/files/2022-06/14.EdelmanHoldenWandt_v83-1_pp117-156.pdf) (last visited Feb. 8, 2026).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 151.

<sup>55</sup> Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, 3 Harv. J. Sports & Ent. L. 1, (2012) available at <https://journals.law.harvard.edu/jsel/wp-content/uploads/sites/78/2012/03/1-54.pdf> (last visited Feb. 8, 2026) (distinguishing between the mechanics of traditional draft formats and the “salary cap” models utilized by daily fantasy sports operators).

<sup>56</sup> *Id.*

has a set fantasy salary. Although, with a few exceptions, the owners can select any actual player for their teams, the owners cannot exceed their maximum budget. In this format, generally speaking, competing owners can select the same actual players for their simulated teams as other owners.<sup>57</sup>

### *Types of Simulated Games*

Although there are many different types of simulated games offered across the different daily fantasy websites, the simulated games can generally be divided into (1) head-to-head; and (2) tournaments. In head-to-head simulated games, one owner competes against another owner. The owner with the highest total score will win the entire payout pool. Tournaments are simulated games that involve more than two owners.

### **Prohibitions for Commission Employees and Commissioners**

Commissioners are public officers, and employees are public employees, subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics). Commissioners and employees are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission.

For a period of two years immediately preceding appointment to, or employment with, the FGCC, and while appointed or employed with the FGCC, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), or a license issued under ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,<sup>58</sup> of such permitholder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe, or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity;
- Be or have been, a member of the Legislature;
- Be a registered lobbyist for the executive or legislative branch, except while a commissioner when officially representing the FGCC; or
- Be a bingo game operator or an employee of a bingo game operator.

Persons who fail to meet or who violate the above requirements are ineligible for appointment to or employment with the FGCC, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any

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<sup>57</sup> *Id* at 13.

<sup>58</sup> Section 550.002, F.S., defines the term “ultimate equitable owner” to mean “a natural person who, directly or indirectly, owns or controls five percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.”

direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is:

- An applicant, licensee, or registrant with the FGCC;
- An officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- A contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or
- An ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity.

The term “relative” means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

A person who is ineligible for employment with the FGCC due to being a relative of one of the persons described above may submit a waiver request to the FGCC for the person to be considered eligible for employment. Waiver requests must be considered on a case-by-case basis, and the FGCC must approve or deny each request. If the FGCC approves the request, the person is eligible for employment with the FGCC. The waiver procedure does not apply to candidates for appointment as a commissioner.

A person is ineligible for employment with the FGCC if he or she were:

- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a felony within five years of the date of application;
- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a misdemeanor within five years of the date of application which the FGCC determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or
- Dismissed from prior employment for gross misconduct or incompetence or intentionally making a false statement concerning a material fact in connection with the application for employment to FGCC.

If an employee of the FGCC is charged with a felony while employed by the FGCC, the FGCC must suspend the employee, with or without pay, and terminate employment with the FGCC upon conviction. If an employee is charged with a misdemeanor while employed, the FGCC must suspend the employee, with or without pay, and may terminate employment upon conviction if the FGCC determines that the offense bears a close relationship to the duties and responsibilities of the position held with the FGCC.

A commissioner or an employee must notify the FGCC within three calendar days of arrest for any offense. In addition, a commissioner or an employee must provide detailed written notice of the circumstances to the FGCC if the member or employee is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:

- A misdemeanor involving gambling, dishonesty, theft, or fraud;

- A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which would constitute a misdemeanor in Florida; or
- A felony under the laws of Florida or any other state, the United States, or any other jurisdiction.

### **Veterans Service Organizations (VSOs)**

VSOs that are granted a federal charter under Title 36, U.S.C., are groups that have been formally recognized by Congress. While recognized federally, these groups are private, non-profit entities that must maintain a specific standard of service and submit an annual report to Congress. Examples of these VSOs are groups like The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the American Veterans, and Paralyzed Veterans of America. Some VSOs choose to operate facilities with a valid alcoholic beverage license.

If certain requirements are met, alcohol licenses for VSOs are issued by the Division of Alcoholic Beverages and Tobacco within the DBPR.

Under Florida law, VSOs operating with alcoholic beverage licenses receive certain gaming privileges; notably, s. 546.10(6)(a), F.S., provides specific exemptions regarding amusement games or machines. These and similar provisions exempt licensed VSOs from certain limitations on amusement machine operations, authorizing them to facilitate gaming activities that support their charitable missions.

### **Slot Machine Controversy**

At any location other than licensed pari-mutuel facilities<sup>59</sup> and Seminole tribe facilities<sup>60</sup>, it is a violation to “manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof.”<sup>61</sup>

The legal community in general has spent decades trying to find the right balance in defining and differentiating a slot machine from an amusement machine. Because of this, amusement games or machines are primarily governed by a tension between the Florida statutes that allow amusement games under certain exemptions and Florida’s prohibition on slot machines.

Florida law prohibits slot machines in VSOs but allows certain types of amusement machines or games.

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<sup>59</sup> Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum.

<sup>60</sup> Florida allows only a few operators of slot machines: certain Seminole tribal facilities and eight pari-mutuel facilities located in Miami-Dade and Broward counties. The FGCC, *FAQ’s ‘Are slot machines legal in Florida?’*, available at <https://flgaming.gov/faq/#:~:text=Are%20slot%20machines%20legal%20in,at%20certain%20Indian%20tribal%20facilities>, (last visited Feb. 8, 2026).

<sup>61</sup> Section 849.15(1)(a), F.S.

In Florida, a slot machine is defined as a machine or device that:<sup>62</sup>

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or be operated by a user by application of skill, element of chance, or other outcome that is unpredictable to the user; and
- Entitles the user to receive something of value or additional chances or rights to use the device or machine.

A person who violates the prohibitions<sup>63</sup> against manufacturing, selling, or possessing slot machines or devices commits a:<sup>64</sup>

- Second degree misdemeanor upon a first conviction.<sup>65</sup>
- First degree misdemeanor upon a second conviction.<sup>66</sup>
- Third degree felony upon a third or subsequent conviction, and the person is deemed a “common offender.”<sup>67</sup>

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.<sup>68</sup>

In recent years, legal discussion has existed over slot machine and amusement machine distinctions including the “material element of chance” test; if a machine’s outcome can be influenced by factors outside the player’s immediate skill – such as a predetermined win/loss ratio or invisible game logic – the device is legally classified as a slot machine under s. 849.16, F.S.<sup>69</sup>

### **Amusement Games or Machines**

In 2015, the Legislature created s. 546.10, F.S., in an attempt to regulate the operation of skill-based amusement games or machines at specified locations to prevent expansion of casino-style gambling in the state.<sup>70</sup> To differentiate between slot machines, which are generally prohibited, and amusement machines there is a lengthy definition of what includes an amusement game or machine and what does not constitute an amusement game or machine.

An “amusement game or machine” is defined in s. 546.10(3)(a), F.S., as:

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<sup>62</sup> Section 849.16(1), F.S.

<sup>63</sup> Sections 849.15, F.S. – 849.22, F.S.

<sup>64</sup> Section 849.23, F.S.

<sup>65</sup> *Id.* A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 or 775.083, F.S.

<sup>66</sup> *Id.* A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 or 775.083, F.S.

<sup>67</sup> *Id.* A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.

<sup>68</sup> Section 849.16(3), F.S.

<sup>69</sup> See *Gator Coin II, Inc. v Dep’t Bus. & Prof’l Reg.*, 254 So. 3d 114 (Fla. 1<sup>st</sup> DCA 2018), where the “material element of chance” issue is discussed.

<sup>70</sup> See Ch. 2015-93 s. 1, Laws of Fla. (creating s. 546.10(2), F.S, effective July 1, 2015).

...a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, *by the application of skill, with no material element of chance* inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game.

The term does not include:

- Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.
- A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
- A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Florida law further distinguishes amusement machines or games into three types of machines, Type A, Type B, and Type C.

A Type A amusement game or machine is a game or machine that offers no prizes, or any other thing of value other than free replays so long as:

- The amusement game or machine can accumulate and react to no more than 15 such replays;
- The amusement game or machine can be discharged of accumulated replays only by reactivating the game or device for one additional play for each accumulated replay;
- The amusement game or machine cannot make a permanent record, directly or indirectly, of any free replay;
- The amusement game or machine does not entitle the player to receive anything of value other than a free replay;
- An unused free replay may not be exchanged for anything of value, including merchandise or a coupon or a point that may be redeemed for merchandise; and
- The amusement game or machine does not contain any device that awards a credit and contains a circuit, meter, or switch capable of removing and recording the removal of a credit if the award of a credit is dependent upon chance.<sup>71</sup>

A Type B amusement game or machine is a game or machine that, upon activation and game play, entitles or enables a person to receive a coupon or a point that *may be redeemed onsite for merchandise* and the coupon or point:

- Has no value other than for redemption onsite for merchandise;
- The redemption value that a person receives for a single game played does not exceed the maximum value determined under s. 546.10(7), F.S. The maximum value was set at \$5.25 in 2016 and is adjusted annually by the Consumer Price Index for All Urban Consumers, U.S.

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<sup>71</sup> Section 546.10(5)(a), F.S.

City Average, All Items by the Department of Revenue. The current maximum value is \$7.10.<sup>72</sup> However, a player may accumulate coupons or points to redeem onsite for a single item of merchandise that has a wholesale cost of not more than 100 times the maximum value, or for a prize consisting of more than one item, unit, or part, only if the aggregate wholesale cost of all items, units, or parts does not exceed 100 times the maximum value; and

- The redemption value that a person receives for playing multiple games simultaneously or competing against others in a multiplayer game does not exceed the maximum value.<sup>73</sup>

A Type B amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- The following premises, if the owner or operator of the premises has a current license issued by the DBPR pursuant to ch. 509, ch. 561, ch. 562, ch. 563, ch. 564, ch. 565, ch. 567, or ch. 568, of the Florida Statutes;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.; or
- A truck stop.<sup>74</sup>

A Type C amusement game or machine is a game or machine that allows the player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the game or machine, if the wholesale cost of the merchandise does not exceed 10 times the maximum value determined under s. 546.10(7), F.S.

A type C amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.;
- The premises of a retailer, as defined in s. 212.02, F.S.;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- A truck stop; or
- The premises of a veterans' service organization (VSO) granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.<sup>75</sup>

## Chapter 120 Declaratory Statement Process

As a matter of general policy, a declaratory statement serves as an administrative tool designed to resolve regulatory uncertainty. Under the Florida Administrative Procedure Act, a declaratory statement is a formal mechanism that allows any “substantially affected person” to obtain an

<sup>72</sup> See [https://floridarevenue.com/Forms\\_library/current/brochure/gt800020.pdf](https://floridarevenue.com/Forms_library/current/brochure/gt800020.pdf) (last visited Feb. 8, 2026).

<sup>73</sup> Section 546.10(5)(b), F.S.

<sup>74</sup> *Id.*

<sup>75</sup> Section 546.10(5)(c), F.S.

agency's opinion regarding the applicability of a statutory provision, rule, or order to their specific set of circumstances.<sup>76</sup>

The petitioning party must state their particular circumstances with specificity and identify the exact law or regulation they believe applies to that situation.<sup>77</sup> Upon receiving a petition, an agency is required to give notice of the filing in the Florida Administrative Register and must either issue the statement or deny the petition within 90 days.<sup>78</sup>

Once issued, a declaratory statement constitutes a "final agency action," making it a legally binding interpretation that provides the petitioner with a definitive regulatory position upon which they can rely.<sup>79</sup>

### **IGRA and Indian Tribes ability to Transport Slot Machines**

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA), which generally preempts state law on tribal land.<sup>80</sup>

Under the IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.<sup>81</sup>

Under the IGRA, Class III gaming is lawful on Indian lands only if conducted pursuant to a tribal-state compact that has been ratified by the state and approved by the United States Secretary of the Interior.<sup>82</sup>

The Seminole Tribe of Florida is the only Indian tribe in Florida to have a legally binding compact recognized by the IGRA, and therefore is the only Indian tribe allowed to offer Class III gaming. The Miccosukee Tribe of Indians of Florida offers Class II type of gaming and is prohibited from offering Class III type of gaming, like slot machines.

Because shipments of slot machines for Indian casinos physically travel through the state and not exclusively on tribal lands, there is some potential ambiguity as to whether the general

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<sup>76</sup> Section 120.565(1), F.S.

<sup>77</sup> Section 120.565(2), F.S.

<sup>78</sup> Section 120.565(3), F.S.

<sup>79</sup> *Id.*

<sup>80</sup> See Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*

<sup>81</sup> See 25 U.S.C. s. 2703.

<sup>82</sup> 25 U.S.C. s. 2710(d).

prohibition on transporting slot machines in s. 849.15, F.S., applies to devices destined for tribal lands.

### **Recent Regulatory Efforts by the FGCC**

The FGCC employs approximately 18 sworn law enforcement officers.<sup>83</sup> The FGCC reported seizing around \$14.47 million and over 6,700 slot machines in 2025, more than doubling its enforcement totals from the previous year.<sup>84</sup>

One of the greatest challenges for the FGCC currently, is that oftentimes, the penalties for the criminals do not raise to a serious enough level for local law enforcement and state attorneys/prosecutors to justify spending time and resources pursuing convictions of ch. 849, F.S., violations.

### ***Preservation of Slot Machines***

Another difficulty the FGCC has been faced with is the cost associated with the preservation of potentially criminal slot machines. Most slot machines are bulky, heavy, and require climate-controlled environments to prevent the degradation of digital components and mechanical parts needed for trial. Beyond the monthly storage fees, which for items this size can range significantly, the FGCC must spend time and resources to document and transport these devices, creating a cost for preservation that often exceeds the administrative fines collected from the illegal operators.

### **State Preemption**

There are two ways that a local enactment can be inconsistent with state law. 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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup> 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.<sup>88</sup>

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<sup>83</sup> The FGCC, available at <https://flgaming.gov/enforcement> (last visited Feb. 7, 2026).

<sup>84</sup> Casino.Org, *Florida Gaming Regulator Doubles Down on Illegal Gambling Raids*, available at <https://www.casino.org/news/florida-gaming-regulator-doubles-down-on-illegal-gambling-raids/> (last visited Feb. 7, 2026).

<sup>85</sup> *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 Feb. 7, 2026).

<sup>86</sup> *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

<sup>87</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

<sup>88</sup> 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

### III. Effect of Proposed Changes:

**Section 1** of the bill repeals s. 849.23, F.S., relating to general penalties for violations for ss, 849.15 – 849.22, F.S., replacing them with specific criminal penalties tailored to the individual offenses established throughout the bill.

#### Operations of the FGCC

**Section 2** of the bill amends s. 16.71, F.S., to provide that the FGCC, rather than only the chair of the commission, must appoint an inspector general and to authorize the FGCC to delegate any of the other duties and powers of an agency head under s. 20.055, F.S., to a commissioner.

**Section 3** of the bill amends s. 16.712, F.S., to require the FGCC to include within the annual report submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- The number of investigations that led to criminal charges or an information being filed and the resolution of such a criminal case, the number of complaints received by the FGCC, categorized by subject matter or type, and a summary of the action taken on each such complaint; and
- A list of property seized by the FGCC during the course of investigations and the disposition of such property, including a list of forfeiture actions.

**Section 6** of the bill amends s. 20.055, F.S., to provide that the commissioners, rather than the chair, are authorized to act as an agency head for the purposes of s. 20.055, F.S.

**Section 8** of the bill amends s. 551.107(6)(b), F.S., to expand the waiver process to all disqualifying offenses under the statute.

#### Employment Restrictions and Waiver Authority

**Section 4** of the bill amends s. 16.713, F.S., to authorize a person ineligible for employment based on pre-employment activities otherwise prohibited under s. 16.713(2)(d), F.S., to request a waiver from such prohibitions if such person is applying for a career service or other-personal-services position and possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

The commission is required to consider the waiver requests on a case-by-case basis. The waiver does not apply to persons seeking to be a commissioner. Any standard of review for the decision is abuse of discretion. The commission is authorized to adopt rules to implement these provisions.

**Section 5** amends s. 16.715(1)(b)3, F.S., to remove repetitive post-employment and post-appointment restrictions applicable to future employment. Also, s. 16.715(2)(c), F.S., is amended to:

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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.).

- Clarify that the post-employment restrictions apply to employees classified as Senior Management Service, Selected Exempt Service, or career service;
- Impose additional post-employment restrictions on such employees relating to future employment with business entities that directly or indirectly owns or controls a person regulated by the commission, a person regulated by the commission, an entity that is an affiliate or subsidiary of a person regulated by the commission or any entity that has been a party before the commission within 2 years before the person's resignation or termination of employment from the commission; and
- Provide for a waiver process from such restrictions for employees classified as career service.

### **Declaratory Statement for VSOs**

**Section 7** creates a new subsection (10) to s. 546.10, F.S., to allow VSOs which are granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, to petition the FGCC for a declaratory statement under

s. 120.565, F.S., to determine whether the operation of a game or machine would be authorized under this section or would be a violation of this section or ch. 849, F.S. Specifically, subsection (10) is created to:

- Authorize certain VSOs to petition the FGCC for a declaratory statement under s. 120.565, F.S., on whether the operation of a game or machine is authorized under s. 546.10, F.S., or whether it violates Florida law. Under the newly created subsection, a VSO may not purchase or install a machine that is the subject of a pending declaratory statement and may not petition the commission for a declaratory statement for any machine subject to an ongoing criminal investigation.
- Require the FGCC to deny the petition or issue a declaratory statement within the earlier of 60 days after completing its investigation of the game or machine or 90 days after receiving the complete application.
- Provide that a petition is deemed complete if it provides information required by the FGCC to issue a declaratory statement, including access to hardware and associated software.
- Provide that a declaratory statement issued under the subsection is binding on the FGCC and may be introduced in proceedings to demonstrate a good faith effort to comply with Florida law.
- Allow the FGCC or any other criminal justice agency as defined in s. 943.045, F.S., from detecting, apprehending, and arresting a person for any alleged violation of chapter 24, part II of chapter 285, chapter 550, chapter 551, chapter 546, or chapter 849, F.S., or any rule adopted pursuant thereto, or of any law of this state.
- Provide that an owner or operator of an amusement game or machine under this section is not required to request or obtain a declaratory statement in order to operate.

### **Enhancement of Penalties**

**Section 9** of the bill amends s. 782.04(3), F.S., to provide that when a human being is killed during the perpetration of, or during the attempt to perpetrate, a violation of s. 849.01, F.S., (keeping a gambling house) by a person other than the person perpetrating or attempting to perpetrate the violation of s. 849.01, F.S., the person in violation of s. 849.01, F.S., commits murder in the second degree, which constitutes a felony of the first degree.

**Section 10** of the bill creates s. 838.12(3), F.S., to provide that a person who stakes, bets, or wagers on the result of a professional or amateur game, contest, match, race, or sport with the knowledge that the outcome of such an event is prearranged or predetermined commits a third-degree felony.

**Section 11** of the bill amends s. 843.08, F.S., to add “any personnel or representative of the Florida Gaming Control Commission” to the list of officers that it is a second-degree felony offense to falsely personate.

**Section 12** of the bill amends s. 849.01, F.S., to increase the criminal penalties for keeping a gambling house from a misdemeanor of the second degree to: (i) for a first offense, a third-degree felony; and (ii) for a second or subsequent offense, a second-degree felony.

The bill creates s. 849.01(3), F.S., to define “course of conduct” as a pattern of conduct composed of a series of acts over time which evidence a continuity of purpose. It prohibits a person from knowingly, or in reckless disregard of the fact (i) benefitting financially or receiving anything of value in furtherance of violation of keeping a gambling house; and (ii) participating in a course of conduct in providing a service, product, or material benefit in furtherance of violation of keeping a gambling house. The penalties for a violation of s. 849.01(3), F.S., are a third-degree felony and a fine of \$50,000 per violation. The bill also creates s. 849.01(4), F.S., to provide for a criminal penalty of a felony of the second degree if, during the commission of an offense under s. 849.01, F.S., an individual suffers great bodily harm, permanent disability, or permanent disfigurement.

**Section 13** of the bill amends s. 849.02, F.S., relating to agents or employees of a person keeping a gambling house, to create subsection (1), which provides that the criminal penalty for a violation of the section is: (i) for a first offense, first-degree misdemeanor; (ii) for a second offense, third-degree felony; and (iii) for a third or subsequent offense, a second-degree felony.

The bill also provides that if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01, F.S., or to act on behalf of any person in the violation thereof, he or she commits: (i) for a first offense, a third-degree felony; or (ii) for a second or subsequent offense, a second-degree felony.

**Section 14** of the bill creates s. 849.021, F.S., to: define “government employee” as any person employed by, or acting on behalf of, the state or any political subdivision; define a “political subdivision” as any public body created by or under state law; prohibit a government employee from knowingly certifying, licensing, approving, aiding, facilitating, or concealing the operation of a gambling house in violation of s. 849.01, F.S.; impose a criminal penalty for a violation of s. 849.021, F.S., of: (i) for a first offense, a third-degree felony; and (ii) for a second or subsequent offense, a second-degree felony; exempt any person acting in the scope of his or her employment and reporting suspected violations of ch. 849, F.S., to law enforcement.

**Section 16** amends s. 849.03, F.S., to define “knowingly” and provide that the criminal penalty for knowingly renting or leasing a house for a gambling purpose is: (i) for a first offense, a third-degree felony; or (ii) for a second or subsequent offense, a second-degree felony.

Knowingly is defined as having a general or reasonable knowledge of a reasonable belief or grounds for belief that keeping a gambling house is occurring.

**Section 18** amends s. 849.086, F.S., to create paragraph (e) of subsection (12), to provide that it is a felony of the third degree to manipulate or attempt to manipulate the playing cards, outcome, or payoff of a card game by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means.

**Section 19** of the bill republishes s. 849.09, F.S.

**Section 20** of the bill amends section 849.11, F.S., to specify that playing a game of chance by lot either through the use of the Internet or in person is a second-degree misdemeanor; creates subsection (2) to provide that a person who sets up, operates, conducts, promotes, or receives any money or thing of value for the purpose of conduct prohibited in s. 849.11, F.S., or who knowingly becomes a custodian or depositary of any money or other thing of value so offered, or who aids, abets, or influences in any manner any such acts, commits a felony of the third degree.

**Section 21** of the bill amends s. 849.13, F.S., to clarify the criminal penalties for a second or subsequent conviction of a violation in connection with lotteries. It provides that anyone convicted of an offense in connection with a lottery will be charged with a next higher degree for a second or subsequent violation unless otherwise specified.

**Section 22** of the bill amends s. 849.14, F.S. for technical changes.

### **Slot Machine Penalties**

**Section 25** amends s. 849.15, F.S., to define certain pertinent terms and increase criminal penalties for certain violations thereof. Under the newly-created subsection (1), “conviction” means a determination of guilt regardless of whether adjudication is withheld or a plea of nolo contendere is entered; “part thereof” means any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device; and “person of authority” means a person who has actual authority to act on behalf of the business or establishment or who has ownership interest in such a business or establishment, including any officer, director, or managing member.

Subsection (3) is created to provide that the criminal penalty for manufacture, sale, possession, etc., of a slot machine or device or a part thereof is a first-degree misdemeanor unless certain conditions are met.

Specifically, a violation of s. 849.15(2), F.S., is a third-degree felony if the violator is a person of authority or the person has one prior conviction for a violation of s. 849.15, F.S. A violation of s. 849.15(2), F.S., is a second-degree felony if the violator is a person of authority and the violation involves five or more slot machine or devices or the person has two or more prior convictions for a violation of s. 849.15, F.S.

Subsection (5) is created to exempt shipments of legal gaming devices into Indian lands located within the state, provided that such Indian lands are held in federal trust and the Indian tribe is a party to a tribal-state compact with the state under the Indian Gaming Regulatory Act.

### ***Trafficking Slot Machines***

**Section 26** creates s. 849.155(1), F.S., to provide that any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into Florida more than 15 slot machines or devices or any part thereof commits a first-degree felony.

In addition, subsection (1) imposes the following civil penalties for a violation of s. 849.155, F.S.: (i) \$100,000 for more than 15 but fewer than 25 slot machines or devices or any parts thereof; (ii) \$250,000 for more than 25 but fewer than 50 slot machines or devices or any parts thereof; and (iii) \$500,000 for more than 50 slot machines or devices or any parts thereof.

Subsection (2) is created to provide that shipments of slot machines are deemed to be legal shipments if the shipments are to any county of the State of Florida where slot machine gaming is authorized pursuant to ch. 551, F.S., provided that the destination of such shipments is to a licensed slot machine facility.

Subsection (3) is created to provide that all shipments of legal gaming devices into Indian lands located within the state are exempt from the provisions of s. 849.155, F.S., if 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 under the IGRA.

Finally, under the newly created s. 849.155, F.S., all fines imposed and collected pursuant to s. 849.155, F.S., are deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chs. 546, 550, 551, and 849, F.S.

**Section 27** creates s. 849.157(1), F.S., to provide that a person who knowingly and willfully makes a materially false or misleading statement or 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 commits a third-degree felony. Under subsection (2), a person who violates subsection (1) when the violation involves five or more slot machines or devices commits a felony of the second degree.

### ***Destruction of Slot Machines***

**Section 28** of the bill amends s. 849.18 F.S., to specify that the FGCC may destroy slot machines or devices prohibited under s. 849.15, F.S., which are not destroyed under the newly created s. 849.181, F.S., when: a person arrested for a violation of s. 849.15, F.S., a person enters a plea of guilty or nolo contendere, regardless of adjudication; a nolle prosequi is filed; the arrested person successfully completes a diversion program or a deferred prosecution agreement; or a no-information is filed in the case.

Section 849.18, F.S., is further amended to provide that if no arrest or criminal charge has been filed against any person for violations of ss. 849.15-849.22, F.S., the FGCC may destroy seized

slot machines or devices if, 60 days after the conclusion of a lawful investigation, no claim has been filed seeking the return of such machines.

**Section 29** of the bill creates s. 849.181, F.S., to authorize a seizing agency to destroy excess slot machines seized during an investigation provided certain requirements are met. Under subsection (2), the term “excess slot machines” means more than five slot machines.

Under subsection (3), the seizing agency may destroy such excess slot machines if the seizing agency: (i) retains at least five slot machines until such time as the slot machines may be destroyed under s. 849.18, F.S.; (ii) notifies the appropriate prosecuting attorney that such machines will be destroyed within 60 days of such notice unless the prosecuting attorney notifies the seizing agency otherwise; (iii) photographs and video records each excess slot machine before destruction for evidentiary purposes; and (iv) destroys each excess slot machine in the presence of a law enforcement officer, who must create a sworn record of same.

Under subsection (4), the photographing and video recording of an excess slot machine may be deemed admissible, competent evidence.

### **Slot Machine Surrender Program**

**Section 33** creates s. 849.51, F.S., to authorize a limited slot machine surrender program, under which individuals and organizations may surrender or otherwise disclaim any and all interest in any gaming devices and convey such gaming devices to the FGCC. Subsection (2) provides to any individual or organization surrendering devices immunity from criminal prosecution for a violation of ch. 849, F.S., related to such devices.

Under subsection (4), the program’s duration is from September 1, 2026, to October 31, 2026. Under subsection (5), the FGCC is required to advertise the surrender program no earlier than 60 days before October 1, 2026.

### **Illegal Transportation**

**Section 30** creates s. 849.47, F.S., to define “illegal gambling” as a criminal violation of the state’s gambling laws and to provide that a person who knowingly and willfully transports, or procures the transportation of, five or more persons into or within Florida when he or she knows or reasonably should know such transportation is for the purpose of facilitating illegal gambling, commits a misdemeanor of the first degree.

Under subsection (3) of s. 849.47, F.S., a person who violates the provisions of s. 849.47, F.S., commits a felony of the third degree if the transport or procurement of transport involves a minor or a person 65 years or older or if the transport or procurement of transport involves 12 or more persons.

### **Gaming Advertisements**

**Section 31** creates s. 849.48, F.S., to prohibit gambling or gaming advertisements. For the purposes of this section, subsection (1) defines “illegal gambling” as any criminal violation of

this state's gambling laws at any business, establishment, premises, or other location. Under subsection (2)(a), except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, disseminate, circulate, or place before the public or cause to be disseminated, circulated, or placed before the public, any advertisement promoting or facilitating illegal gambling, whether in person or by the use, at least in part, of the Internet.

Under subsection (2)(b), except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement 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 subsection (2)(c), the criminal penalties for a violation of s. 849.48, F.S., are as follows: for a first offense, a first-degree misdemeanor; for a second or subsequent offense, a third-degree felony.

Subsection (3) provides that s. 849.48, F.S., does not prohibit the printing or producing of any advertisement 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.

### **Administrative Consequences for Gaming Violations**

**Section 15** of the bill creates s. 849.023, F.S., to: (i) define "commission" as the Florida Gaming Control Commission; define "controlling person" as specified key individuals who are owners or otherwise control a business entity (including an officer, director, or, if a limited liability company, a manager) of the licensee or applicant for a license issued by certain agencies; define "conviction" as a determination of guilt regardless of whether adjudication is withheld or a plea of nolo contendere is entered; define a license as a license under s. 120.52, F.S., that is issued by the DBPR, the FGCC, or the Office of Financial Regulation; (ii) impose licensure penalties on any licensee holding a license issued by the DBPR, the FGCC, or the Office of Financial Regulation, including summary suspension and revocation of any such license, for violations of s. 849.01, F.S. s. 849.03, F.S., or s. 849.15, F.S., by the licensee or its controlling person; (iii) provide that a licensee or applicant may retain or reapply for a license if the license-issuing agency finds that the licensee has removed the specified key individual; and (iv) provide for a fine of up to \$75,000 for a violation of ss. 849.01, F.S., 849.03, F.S., or 849.15, F.S.

This section establishes regulatory accountability for business entities by authorizing the summary suspension or revocation of state issued licenses based on the illegal gaming activities of a controlling person.

### **Bail Determination**

**Section 34** amends paragraph (i) of s. 903.046(2), F.S., to provide that when determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider the amount of currency seized that is connected to or involved in a violation of chs. 546, 550, 551, or 849, F.S.

## Internet Gambling

**Section 17** amends s. 849.08, F.S., to: (i) create subsection (1)(a) to define the term “internet gambling”; (ii) create subsection (1)(b), to define the term “internet sports wagering”; (iii) create subsection (2) and revise existing language to provide that a person who plays or engages in internet gambling or any game at cards, keno roulette, or faro, commits a second-degree misdemeanor; (iv) create subsection (3)(a) to provide that for a first offense, any person who engages in internet sports wagering commits a second-degree misdemeanor; (v) create subsection (3)(b) to provide that for a second or subsequent violation, any person who engages in internet sports wagering commits a first-degree misdemeanor; (vi) create subsection (4) to provide that any person who operates, conducts, or promotes internet gambling or internet sports wagering, receives any money or other thing of value for such purpose, or knowingly becomes that custodian or depository of such, or whoever aids, or assists, or abets, or influences such violations commits a felony of the third degree; (vii) create subsection (5) to provide an exemption for gaming activities authorized under s. 285.710(13), F.S., and conducted pursuant to a gaming compact ratified and approved under s.710(3), F.S.

“Internet gambling” is defined as to play or engage in a game in which money or other thing of value is awarded based on chance, regardless of any application of skill, the game is available on the internet and accessible on a mobile device, computer terminal or other similar access device. The game must simulate casino-style gaming including slot machine, video poker, and table games.

“Internet sports wagering” is defined as to stake, bet, or wager money or other thing of value upon the results of any trial or contest of skill, speed, power, or endurance of human or beast which is available on the internet and assessable on a mobile device, computer terminal, or other similar access device. It excludes pari-mutuel wagering conducted pursuant to ch. 550, F.S.

This section clarifies that Internet gambling is illegal in Florida except for what the Seminole Tribe of Florida is able to offer through their agreement with the state of Florida.

## Regulating Fantasy Sports

The bill regulates fantasy sports.

**Section 23** of the bill adds subsection (7) to s. 849.142, F.S., to exempt fantasy sports contests conducted under s. 849.143, F.S., from the prohibition on gambling

**Section 24** of the bill creates s. 849.143, F.S., to authorize fantasy sports contests, subject to restrictions and conditions. Subsection (1) of s. 849.143, F.S., is created to define certain terms, including “change of ownership,” “commission,” “confidential information,” “contest operator,” “contest participant,” “controlling interest,” “convicted,” “entry fee,” “fantasy sports contest revenues,” “key employee,” “noncommercial contest operator,” “principal,” and “relative.” Further, the bill provides for the following definitions:

- A “fantasy sports contest” is defined as a fantasy or simulation sports game or contest with an entry fee and a prize or award in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and

meets specified requirements, including: (i) all winning outcomes must reflect the relative knowledge and skill of contest participants; (ii) no winning outcome is based on the score, point spread, or any performance or performances of any single actual team or an individual athlete or player in any single actual event, or on a pari-mutuel event; and (iii) no casino graphics, themes, or titles.

- A “contest operator” means a person or entity that offers fantasy sports for a cash prize and who is not a noncommercial contest operator. A noncommercial contest operator is a natural person who organizes and conducts fantasy sports contests in which all entry fees are returned to the contest participants as prizes, provided that the total entry fees collected do not exceed \$1,000 per season or \$10,000 per calendar year.
- A “fantasy sports contest system” means a formal electronic system to register contest participants, create participant accounts, and record a participant’s selections, entry fees, prizes and awards.
- A “proposition selection” is defined as choosing whether one or more identified instances or statistical achievements within a sporting event, competition, or contest will or will not occur, be achieved, or be surpassed, or any other in-play wagering on a specific outcome within a sporting event, competition, or contest.
- “Sports betting” is defined as wagering on any past or future professional sport or athletic event, competition, or contest, including on individual statistics of an athlete or other individual participant in any event or combination of events or any other in-play wagering with respect to the sporting events, competitions or contest.

Subsection (2) requires the FGCC to administer and regulate the operation and play of fantasy sports contests and rules. Among other things, the FGCC is authorized to conduct investigations and monitor the operation of fantasy sports.

In addition, the FGCC may impose licensure discipline against any commercial contest operator, including denial, suspension, revocation, or restriction of a contest operator license upon the occurrence of certain events, including: making false statements of material fact in the application for licensure; failing to pay all outstanding fines assessed by final order of the FGCC; specified convictions by the applicant or licensee or by its principal or key employee; violations of FGCC rule or s. 849.143, F.S.; revocation or refusal of a license for the applicant or licensee, or its principal or key employee, by another state’s gaming authority; or unpaid fines. Finally, subsection (2) authorizes the FGCC to adopt rules to implement, administer, and regulate the operation of fantasy sports contests.

Subsection (3) prescribes licensure requirements for contest operators. Under subsection (3), licenses are effective for one year after issuance and must be renewed annually. Applications for licensure must be made on forms prescribed by the FGCC and must include: specified information about the applicant, its corporate entity, if incorporated, its key employees and principals, and equitable owners; specified information about the applicant’s business operations, including its certification to do business in Florida, estimated number of fantasy sports contests conducted by the applicant annually, a statement of the applicant’s assets and liabilities, and a copy of consumer protection procedures ability to do business in Florida; documentation from an independent testing laboratory sufficient to evidence that the fantasy sports contest system is in compliance with s. 849.143, F.S.

Subsection (3) also requires each individual listed in an application as a key employee or principal to submit a complete set of fingerprints and prescribes the applicable process; an applicant is required to pay the full cost of processing fingerprints and required documentation.

Subsection (3)(e) provides that a contest operator must submit a change of ownership application to the FGCC, with a change of ownership of five percent to be approved by the FGCC before such change, and a change of ownership of less than five percent reported to the FGCC within 20 days of the change.

Subsection (3)(f) provides that, notwithstanding s. 120.60, F.S., the FGCC may summarily suspend the license of a contest operator if the contest operator fails to pay any administrative fine imposed by entry of a final order by the FGCC within 30 calendar days of such final order.

Subsection (4) prescribes conditions on licensure and consumer protection requirements and authorizes the FGCC to adopt implementing rules. As a condition of licensure, subsection (4) limits participation to individuals who are age 21 or older and requires the contest operator to, among other things: implement and maintain a fantasy sports contest system scientifically tested for compliance with the section; prohibit and prevent the contest operator or its principals, employees, and relatives in the same household from competing in a fantasy sports contest and from sharing a third party confidential information that could affect fantasy sports contest play; verify the age, location, and identity of any contest participant; prohibit and prevent a player, game official, or other participant in a sports event from participating in a fantasy sports contest; allow participants to self-exclude; limit the number of entries a participant can submit for a fantasy sports contest; segregate contest participants' funds from operational funds and maintain reserves or a bond in the total amount of deposits in participant contests; provide winning participants the documentation necessary to comply with tax reporting requirements; and contract with a third party to perform independent audits and submit such audits to the FGCC within a specified time.

Subsection (5) requires a contest operator to maintain records of its operations and financial transactions for at least five years and to make such operations available for audit or inspection and authorizes the FGCC to adopt implementing rules.

Subsection (6) sets forth prohibitions applicable to the operation of fantasy sports. First, a noncommercial contest operator may not receive consideration for conducting a fantasy sports contest. Second, contest operators and noncommercial contest operators must be age 21 or older and may not accept an entry fee or allow a person younger than 21 years of age to participate in a fantasy sports contest. Third, contest operators and noncommercial contest operators may not offer: a contest that involves or mimics sports betting; proposition selections; a contest wherein a participant competes against the operator; a selection or assembly of a fantasy or simulation sports team which does not involve the knowledge and skill of a participant, such as auto draft functionality, preselection of a team by a contest operator, or any other means of team selection that does not involve the input or control of the participant; a contest in which the results have been partially or completely determined and publicly available at the time any entry fee is collected; any contest that provides an instantaneous result; any contest prohibited by state or federal law.

Subsection (6) also prohibits a contest operator from offering a fantasy sports contest to any person located on Indian lands in this state which are regulated under the Indian Gaming Regulatory Act.

Subsection (7) prescribes the penalties for violations of s. 849.143, F.S., authorizing statutes, applicable rules, or a final order issued by the FGCC. The penalties include revocation, suspension, or the imposition of an administrative fine. An administrative fine for a contest operator may not exceed \$25,000 per day of the violation. An administrative fine for a principal or employee of a contest operator may not exceed \$5,000 per day of the violation. All fines collected shall be deposited to the credit of the Pari-mutuel Wagering Trust Fund.

In addition, a noncommercial operator, contest operator, or a principal or key employee thereof who violates s. 849.143, F.S., commits a third-degree felony. Any person, other than noncommercial operators, who operate fantasy sports contests without a license, commits a felony of the third degree.

Subsection (7) authorizes the commission, the Attorney General, any state attorney, or the statewide prosecutor to seek a temporary or permanent injunction to restrain further violation of such section.

Finally, subsection (7) provides an exception for contest operators for violations that occurred before the issuance of a license under this statute, if the contest operator applies for a license within 90 days after the FGCC begins accepting applications, and receives a license within 240 days after such date.

Subsection (8) prescribes reporting requirements applicable to contest operators.

### **State Preemption of Gaming and Gambling Regulations**

**Section 32** creates s. 849.49, F.S., to provide that no county, municipality, or other political subdivision 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 provided by the State Constitution, general law, or special law.

### **Offense Severity Ranking Chart**

**Section 35** amends subsection (3)(c), (e), (g) and (h) of s. 921.0022, F.S., to incorporate changes to the Offense Severity Ranking Chart.

### **Conforming Amendments**

**Section 36** amends s. 772.102(1)(a) and (2)(a), F.S., to eliminate references to the repealed s. 849.23, F.S.

**Section 37** amends s. 849.17, F.S., to eliminate references to the repealed s. 849.23, F.S.

**Section 38** amends s. 849.18, F.S., to eliminate references to repealed s. 849.23, F.S.

**Section 39** amends s. 849.20, F.S., to eliminate references to repealed s. 849.23, F.S.

**Section 40** amends s. 849.21, F.S., to eliminate references to repealed s. 849.23, F.S.

**Section 41** amends s. 849.22, F.S., to eliminate references to repealed s. 849.23, F.S.

**Section 42** amends s. 895.02, F.S., to eliminate references to repealed s. 849.23, F.S.

#### **Effective Date**

The bill provides an effective date of July 1, 2026.

#### **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:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

In addition to a criminal penalty, the bill requires the imposition of fines for any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into Florida more than 15 slot machines or devices or any part thereof. The fine ranges from \$100,000 to \$500,000 depending on the number of slot machines involved.

The newly created s. 849.143, F.S., Fantasy Sports Contests, provides a penalty for any violation of this section or the failure to comply with the terms of a final order issued by the FGCC. The FGCC may impose an administration fine not to exceed \$25,000 for each violation against a contest operator and \$5,000 for each violation against a principal or employee of a contest operator. The newly amended s. 849.01, F.S., also imposes a \$50,000 fine for a person who knowingly, or in reckless disregard of the fact, benefits financially or receives anything of value, whether or not as a legal entity while operating a gambling house; or participates in a course of conduct in providing any service, product, or material benefit in furtherance of s. 849.01, F.S.

Under the newly created s. 849.023, F.S., a new fine of \$75,000 is created for licensees of the DBPR, Office of Financial Regulation, and the FGCC who violate ss. 849.01, 849.03, or 849.15, F.S., respectively.<sup>89</sup>

### C. Government Sector Impact:

The fiscal impact to local government is indeterminate. The bill increases and creates new criminal penalties for violations relating to illegal gambling. This may create a positive fiscal impact to the state and local governmental entities that receive proceeds from related fines. There could also be a possible positive fiscal impact due to an increase in forfeitures of contraband.<sup>90</sup>

This bill may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) due to expanding the crimes eligible for enhancements which may lead to an increased number of offenders receiving enhanced sentences. The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, evaluated a similar bill, CS/HB 189 on February 12, 2024, and the Conference adopted the estimate of “Positive Indeterminate.” (i.e., an unquantifiable positive prison bed impact).<sup>91</sup>

The FGCC may see a fiscal impact due to the revised procedures that allow VSOs to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 849, F.S. Under these revised procedures, the FGCC would now have to respond within 60 days instead of the current 90-day timeline laid out under s. 120.565, F.S.<sup>92</sup>

The FGCC may need additional staff to regulate fantasy sports operators.<sup>93</sup>

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<sup>89</sup> Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 1580* (July 1, 2026) (on file with the Senate Regulated Industries Committee).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 16.71, 16.712, 16.713, 16.715, 20.055, 551.107, 782.04, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.09, 849.11, 849.13, 849.14, 849.142, 849.15, 849.155, 849.157, 849.18, 903.046, 921.0022, 772.102, 849.17, 849.20, 849.21, 849.22, and 895.02

This bill creates the following sections of the Florida Statutes: 849.021; 849.023; 849.143; 849.181; 849.47; 849.48; 849.49; and 849.51.

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.