Industries & Professional Activities Subcommittee

Tuesday, November 18, 2025
3:30 PM – 5:30 PM
Webster Hall (212 Knott)

Daniel Perez
Speaker

Mike Giallombardo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Industries & Professional Activities Subcommittee

Start Date and Time: Tuesday, November 18, 2025 03:30 PM

End Date and Time: Tuesday, November 18, 2025 05:30 PM

Location: Webster Hall (212 Knott)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 89 Veterinary Prescription Disclosure by Brackett

Consideration of the following proposed committee substitute(s):

PCS for HB 189 -- Gambling

NOTICE FINALIZED on 11/10/2025 3:33PM by Young.Kimberly

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 89	**COMPANION BILL:** None
TITLE: Veterinary Prescription Disclosure	**LINKED BILLS:** None
SPONSOR(S): Brackett	**RELATED BILLS:** None

Committee References

Industries & Professional Activities ➤ Commerce

SUMMARY

Effect of the Bill:
The bill requires licensed veterinarians to inform their clients of their right to receive a written prescription for medication before dispensing it. The veterinarian or an authorized staff member is required to provide such clients with the option to either have the prescription filled at the veterinary clinic or obtain a written prescription to be filled at a pharmacy of the client's choice. This disclosure must be made verbally during in-person consultations or electronically during veterinary telehealth consultations, and must be documented in the patient's medical record.

The bill provides an exception when immediate dispensing of medication is necessary to preserve life or prevent suffering, or if the prescription is for a controlled substance that is restricted by federal or state law.

Fiscal or Economic Impact:
The bill may have an indeterminate positive fiscal impact on veterinary clients.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill requires:

- Licensed veterinarians to clearly inform their clients of their right to receive a written prescription before the veterinarian dispenses a prescription medication.
- Licensed veterinarians, or authorized veterinary staff, to provide the client with the option to have the prescription filled at the veterinary clinic or to obtain a written prescription that may be filled at a pharmacy of the client's choice. (Section 1)

The bill requires each such disclosure to be made:

- Verbally, if the consultation with the client is in person; or
- Electronically, if the consultation with the client is through veterinary telehealth. (Section 1)

The bill requires that the option chosen by the client (verbal or electronic) to be documented in the patient's medical record. (Section 1)

The requirements of the bill do not apply if:

- Immediate dispensing of medication is necessary to preserve life or prevent suffering; or
- The prescription is for a controlled substance, the dispensing of which is restricted by federal or state law. (Section 1)

The effective date of the bill is July 1, 2026. (Section 2)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may increase access and provide additional options for obtaining necessary medications for animal owners, and may reduce the price for such medications.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Practice of Veterinary Medicine

The Board of Veterinary Medicine (Board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., relating to veterinary medical practice (practice act). The purpose of the practice act is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practices to protect public health and safety.[1]

A "veterinarian" is a health care practitioner licensed by the Board to engage in the practice of veterinary medicine in Florida[2] and they are subject to disciplinary action from the Board for various violations of the practice act.[3] Veterinary establishments are required to have a premises permit issued by DBPR.[4] Veterinarian licenses are renewed every two years,[5] however premises permits have no expiration date.

Veterinary medicine includes, with respect to animals:[6]

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine); and
- Other branches or specialties of veterinary medicine.

The "practice of veterinary medicine" is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.[7]

The practice act defines a "patient" as any animal for which the veterinarian practices veterinary medicine.[8]

The practice act defines a "veterinarian/client/patient relationship" (VCPR) as one in which a veterinarian has assumed responsibility for making medical judgments regarding the health of an animal and its need for medical treatment.[9]

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[1] S. 474.201, F.S.
[2] S. 474.202(11), F.S.
[3] Ss. 474.213 & 474.214, F.S.
[4] S. 474.215(1), F.S.
[5] S. 474.211, F.S.
[6] *See* s. 474.202(13), F.S. Section 474.202(1), F.S., defines "animal" as "any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead."
[7] *See* s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.
[8] S. 474.202(8), F.S.

Prescription Authority

Veterinarians are authorized to prescribe drugs in the course of veterinary practice, but may be disciplined by the Board for certain related violations, including for ordering, prescribing, or making available medicinal drugs or drugs[10] or controlled substances[11] for use other than for the specific treatment of animal patients for which there is a documented VCPR.[12]

The practice act also makes the following prescription related violations grounds for disciplinary action:

- Performing or prescribing unnecessary or unauthorized treatment;[13]
- Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in chapter 465, controlled substances as defined in chapter 893, or any material, chemical, or substance used exclusively for animal treatment;[14]
- Prescribing or dispensing a legend drug as defined in chapter 499, including any controlled substance, inappropriately or in excessive or inappropriate quantities;[15]
- Presigning blank prescription forms; or[16]
- Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.[17]

Veterinarians are required to give the owner of a patient, before dispensing any drug, a written prescription when requested.[18]

According to the American Veterinary Medical Association, "many states require that a prescription be provided **upon client request**, and the majority of states prohibit veterinarians from prescribing animal medications outside of a VCPR. Clearly written prescriptions help prevent misunderstandings and misinterpretations that can harm patient health."[19]

Controlled Substances

Federal law specifically prohibits prescribing controlled substances via the Internet without an in-person evaluation, but the Ryan Haight Online Pharmacy Consumer Protection Act (Haight Act),[20] signed into law in October 2008[21] created a pathway for telehealth practitioners to dispense controlled substances via telehealth.

The practitioner is still subject to the requirement that all controlled substance prescriptions be issued for a legitimate purpose by a practitioner acting in the usual course of professional practice. But, **once an in-person**

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[9] S. 474.202(12), F.S.
[10] S. 465.003(15), F.S.
[11] S. 893.02(4), F.S.
[12] S. 474.214(1)(y), F.S.
[13] S. 474.214(1)(l), F.S.
[14] S. 474.214(1)(z), F.S.
[15] S. 474.214(1)(ff), F.S.
[16] S. 474.214(1)(ii), F.S.
[17] S. 474.214(1)(mm), F.S.
[18] S. 474.214(1)(pp), F.S.
[19] American Veterinary Medical Association, *Pharmacy and prescription issues*, https://www.avma.org/resources-tools/animal-health-and-welfare/animal-health/pharmacy (last visited November 4, 2025).
[20] Ryan Haight Online Consumer Protection Act of 2008, Public Law 110-425 (H.R. 6353).
[21] 21 CFR s. 829, the in-person medical evaluation requires that the patient be in the physical presence of the provider without regard to the presence or conduct of other professionals.

evaluation of the patient has occurred, the practitioner may provide future prescriptions for **controlled substances** for that patient using telehealth services.[22]

Florida law currently prohibits a telehealth provider (human) from using telehealth services to prescribe a controlled substance except when treating a psychiatric disorder, an inpatient at a licensed hospital, a patient receiving hospice services, or a resident of a nursing home facility.[23]

Federal Prescription Authority

In order to purchase, prescribe, administer or dispense controlled substances in Florida, veterinarians must obtain a license from the DEA. According to the federal Controlled Substances Act, a veterinarian is considered a "practitioner," and is authorized to "distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research."[24] Florida does not require any additional licensure for veterinarians to purchase and prescribe controlled drugs.

Unless otherwise exempted, every practitioner who dispenses, which includes administering and prescribing, controlled substances in schedules II through V, must be registered with the DEA.[25] A state license must also be obtained.[26]

A practitioner's registration must be renewed every three years.[27]

Veterinary Telehealth

Florida allows veterinarians to prescribe certain medications under certain conditions via telehealth.[28] Telehealth based prescriptions are limited to timeframes of up to 1 month for flea and tick control drugs and 14 days for other animal drugs.[29] Veterinarians are prohibited from prescribing certain drugs and controlled substances unless the veterinarian has conducted an in-person physical examination, or made medically appropriate and timely visits to the premises where the animal is kept.

Veterinarians are prohibited from using telehealth to:

- Prescribe a controlled substance as defined in chapter 893, F.S., unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits **within the past year** to the premises where the animal is kept.[30]
    - Penalties for violations are punishable by the Board and include:[31]
        - Administrative fine from $2,000 to $5,000 and one to two years probation.
        - For a second or subsequent offense, two years probation up to one year suspension, and an administrative fine of $4,000 to $5,000.
- Prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C. ss. 3051 et seq.[32]
    - Penalties for violations are punishable by the Board and include:[33]

[22] *Id*.
[23] S. 456.47(2)(c), F.S.
[24] 21 U.S.C. s. 802(21).
[25] 21 U.S.C. s. 822(a)(2), and 21 CFR 1301.11(a).
[26] 21 U.S.C. s. 823(f).
[27] 21 CFR 1301.13(e)(1)(iv).
[28] S. 474.2021, F.S.
[29] S. 474.2021(4)(e)1., F.S.
[30] S. 474.2021(4)(e) 3., F.S.
[31] 61G18-30.001(rr), F.A.C.
[32] s. 474.2021(4)(e) 4, F.S.
[33] 61G18-30.001(ss), F.A.C.

        - Reprimand and an administrative fine of $2,000 to $3,000.
        - For a second or subsequent offense, two years probation up to two years suspension followed by two years probation and an administrative fine of $4,000 to $5,000.
- Issue an international or interstate travel certificate or a certificate of veterinary inspection.[34]
    - Penalties for violations are punishable by the Board and include:[35]
        - Up to one year suspension followed by one year probation an administrative fine of $3,000 up to revocation and a fine of $5,000.
        - For a second or subsequent offense, three year suspension and an administrative fine of five thousand dollars up to revocation and a fine of five thousand dollars.

Veterinary Medical Records

Individual medical records are required to be maintained on every patient examined or administered to by the veterinarian, except for clients owning or leasing 10 or more animals of the same species. The records must be kept for at least three years after date of last entry, and must contain all clinical information pertaining to the patient with sufficient information to justify the diagnosis or determination of health status and warrant any treatment recommended or administered.[36]

Medical records must be created as treatment is provided or within 24 hours from the time of treatment, include the date of each service performed, and contain the following information:[37]

- Name of owner or agent.
- Patient identification.
- Record of any vaccinations administered.
- Complaint or reason for provision of services.
- History.
- Physical examination to include, but not limited to patient weight, temperature, pulse, and respiration, or noted exceptions to the collection of said information.
- A telehealth provider shall make notation that the examination was conducted by telehealth. If the telehealth the provider is unable to obtain any of the required information the record should state reason for deficiency.
- Any present illness or injury noted.
- Provisional diagnosis or health status determination.

Medical records must also contain the following information if the services are provided or occur during examination or treatment:[38]

- Clinical laboratory reports.
- Radiographs and their interpretation.
- Consultation.
- Treatment – medical, surgical.
- Hospitalization.
- Drugs prescribed, administered, or dispensed along with the route, strength, and dosage of the drug and time said drug was administered if not otherwise discernible from the record.
- Tissue examination report.
- Necropsy findings.

[34] S. 474.2021(4)(h) , F.S.
[35] 61G18-30.001(tt), F.A.C.
[36] 61G18-18.002(1), F.A.C.
[37] 61G18-18.002(3), F.A.C.
[38] 61G18-18.002(4), F.A.C.

Veterinarians are required to maintain confidentiality of all patient records in their possession or control, and may not be disclosed without the consent of the client. Appropriate disclosure may be made without consent:[39]

- In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the client or his/her legal representative.
- When required by the Board's rules.

Veterinarians are required, upon a written request, to furnish, in a timely manner without delays for legal reviews, a true and correct copy of all of the patient records to the client, or to anyone designated by the client. The veterinarian is not allowed to charge a fee for such records, except for the reasonable cost of duplication.[40]

Medical records may be maintained in an easily retrievable electronic data format.[41]

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/*SENATE* SPONSOR(S)	OTHER INFORMATION
2024	HB 849 - Veterinary Practices	Killebrew, Buchanan/ *Bradley*	Became law on July 1, 2024.

OTHER RESOURCES:

Florida Department of Business & Professional Regulation – VETERINARY MEDICINE

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee			Anstead	Thompson
Commerce Committee				

[39] 61G18-18.002(5), F.A.C.
[40] 61G18-18.002(6), F.A.C.
[41] 61G18-18.002(9), F.A.C.

A bill to be entitled

An act relating to veterinary prescription disclosure; creating s. 474.224, F.S.; requiring a veterinarian to inform a client of the right to receive a written prescription and to provide certain options to the client regarding the filling of such prescription; providing requirements therefor; providing exceptions; providing an effective date.

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

Section 1. Section 474.224, Florida Statutes, is created to read:

474.224 Veterinary prescription disclosure.—

(1)(a) Before dispensing a prescription medication, a licensed veterinarian must clearly inform a client of the client's right to receive a written prescription for the medication.

(b) The veterinarian, or an authorized member of the veterinary staff, must provide the client with the option to have the prescription filled at the veterinary clinic or to obtain a written prescription that may be filled at a pharmacy of the client's choice.

(c) Each disclosure required under this subsection shall be made:

1. Verbally, if the consultation with the client is in person; or

2. Electronically, if the consultation with the client is through veterinary telehealth.

(d) The option chosen by the client under paragraph (b) must be documented in the patient's medical record.

(2) This section does not apply if:

(a) Immediate dispensing of medication is necessary to preserve life or prevent suffering; or

(b) The prescription is for a controlled substance, the dispensing of which is restricted by federal or state law.

Section 2. This act shall take effect July 1, 2026.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

HB 89 by Rep. Brackett
Veterinary Prescription Disclosure

AMENDMENT SUMMARY
November 18, 2025

Amendment 897339 by Rep. Brackett (line 21):

- Makes a technical change correcting terminology.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Brackett offered the following:

Amendment

Remove line 21 and insert:

have the prescription filled at the veterinary establishment or to

PCS for HB 189

FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: PCS for HB 189	**COMPANION BILL:** None
TITLE: Gambling	**LINKED BILLS:** None
SPONSOR(S): Industries & Professional Activities Subcommittee	**RELATED BILLS:** None

Committee References

Orig. Comm.: Industries & Professional Activities

SUMMARY

Effect of the Bill:

The bill strengthens penalties for illegal gambling, authorizes the operation of fantasy sports contests, clarifies employee prohibitions governing the Florida Gaming Control Commission, revises reporting requirements related to changes in ownership for pari-mutuel wagering permitholders, and preempts local governments from regulating gaming activities unless expressly provided in Florida law.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government and the private sector.

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

Florida Gaming Control Commission

The bill requires the Florida Gaming Control Commission (Commission) to include the following information in its annual report: the number of investigations that led to criminal charges being filed and the resolution of such criminal case; the number of complaints received by the Commission and a summary of the action taken on each complaint by the Commission; and a list of property seized by the Commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions. (Section 1)

Commissioner and Commission Employee Restrictions

The bill revises the restrictions on Commissioners and Commission employees that prohibit certain types of employment and business activities immediately before and for 2 years after service with the Commission, to prohibit being an employee, owner, or contractor for any entity that conducts an activity regulated, enforced, or investigated by the Commission, including fantasy sports contests and other betting activities. (Sections 2 and 3)

Pari-Mutuel Wagering

The bill removes the 5 percent ownership interest threshold for inclusion as an "ultimate equitable owner," which must be reported to the Commission based on a change in ownership of a pari-mutuel permit, so that all changes in ownership will now require reporting. (Sections 4 and 5)

Escheated Harness Horse and Thoroughbred Horse Permits

The bill removes the authority of the Commission to reissue escheated harness horse and thoroughbred horse permits for failure of the permitholder to pay the required tax on handle for live performances. (Sections 6 and 7)

Bribery in Athletic Contests

The bill makes it a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S., for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any professional or

amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined. (Section 8)

Keeping Gambling Houses
The bill increases penalties from a second degree misdemeanor to a third degree felony for violations related to keeping a gambling house, and adds penalties for habitual offenders. (Section 9)

Agents or Employees of Keepers of Gambling Houses
The bill increases the penalty for violations of being an agent or employee of a keeper of a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a misdemeanor of the first degree, punishable by up to one year in county jail and a $1,000 fine (first degree misdemeanor).
- **For a second offense**, a felony of the third degree, punishable by up to five years in prison and a $5,000 fine (third degree felony).
- **For a third or subsequent offense**, a felony of the second degree, punishable by up to 15 years in prison and a $5,000 fine (second degree felony). (Section 10)

Renting a Gambling House
The bill increases the penalties for renting a gambling house from a second degree misdemeanor, to:

- **For a first offense**, a third degree felony.
- **For a second or subsequent offense**, a second degree felony. (Section 11)

Cardrooms
The bill prohibits manipulating or attempting to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means. It also makes it a felony of the third degree punishable by up to five years in prison and a $5,000 fine. (Section 12)

Fantasy Sports Contests
The bill authorizes fantasy sports contests to operate in Florida if they meet certain requirements, and provides civil and criminal penalties for violations. Specifically, the bill:

- Defines "fantasy sports contest" as a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the opportunity to win a cash prize. The term includes a simulation sports game.
- Requires fantasy sports contests to meet the following requirements:
    - Prizes and awards for the winning participants are established and disclosed to contest participants before entry.
    - All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.
    - All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.
    - A winning outcome may not be based on:
        - The score, point spread, or performance of a team or combination of teams.
        - The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, F.S., as of January 1, 2026.
        - A game of poker or other card game.
        - The performance of participants in collegiate, high school, or youth sporting events.
    - Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, may not be displayed or depicted.
- Makes violations punishable by a fine of $1,000 in addition to civil and criminal penalties.
- Provides that an operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.
- Requires the Commission to investigate and refer violations for prosecution.
- Authorizes the Attorney General or state attorney to institute proceedings to enjoin any person found to be violating this section.

- Makes certain willful and knowing violations a first degree misdemeanor.
- Makes it a third degree felony for an operator or owner of any website, platform, or application to offer fantasy sports contests in violation of this section. (Section 13)

Games of Chance by Lot

The bill makes it a third degree felony, to:

- Set up, operate, conduct, promote, or receive in any manner whatsoever any money or other thing of value offered for the purpose of conducting games of chance by lot;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any of such acts. (Section 14)

Exempted Activities

The bill repeals a redundant section of law that exempts certain types of gaming from criminal violations and penalties under the state gambling law. These activities – conduct approved in the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games - are authorized separately in Florida laws. (Section 15)

Subsequent Lottery Offenses

The bill revises the first degree misdemeanor penalty for subsequent offenses of lottery convictions to specify that second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first degree misdemeanor, and adds penalties for habitual offenders. (Section 16)

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022 or s. 921.0023, F.S., of the felony offense committed. (Section 16)

Betting on Trials or Contests of Skill

The bill revises the third degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to adds penalties for habitual offenders. (Section 17)

Slot Machines

The bill increases penalties for operators of businesses that manufacture, sell, or possess illegal slot machines, as follows:

- Creates the following graduated scale of criminal penalties:
  - **Makes it a first degree misdemeanor,** for general violations.
  - **Makes it a third degree felony**, for violations if:
    - At the time of the violation, the person was a person of authority; or
    - The person has one prior conviction for a violation.
  - **Makes it a second degree felony**, for violations that also include:
    - At the time of the violation, the person was a person of authority; and
    - The violation involves five or more slot machines or devices; or
    - The person has two or more prior convictions for a violation. (Section 18)
- Defines:
  - "Conviction" as a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.
  - "Ownership interest" as being an officer, director, or managing member of a business, establishment, premises, or other location at which a slot machine or device is offered for play.
  - "Person of authority" as a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:
    - Actual authority to act on behalf of the business, establishment, premises, or other location; or
    - Any ownership interest in the business, establishment, premises, or other location. (Section 18)

Trafficking Slot Machines
The bill prohibits trafficking in slot machines or devices. Specifically, the bill creates a first degree felony for knowingly selling, purchasing, manufacturing, transporting, delivering, or bringing into this state more than 15 slot machines or devices or any part thereof, and provides the following schedule of fines for violations:

- $100,000 fine, if the offense involved more than 15, but less than 25 slot machines or devices or any parts thereof.
- $250,000 fine, if the offense involved 25 or more, but less than 50 slot machines or devices or any parts thereof.
- $500,000 fine, if the offense involved 50 or more slot machines or devices or any parts thereof. (Section 19)

The bill directs all fines imposed and collected pursuant to this section to be deposited into the Pari-mutuel Wagering Trust Fund and used by the Commission for the enforcement of chapters 546, 550, 551, and 849, F.S. (Section 19)

Making False or Misleading Statements Regarding Legality of Slot Machines
The bill makes it a third-degree felony to knowingly and willfully make a materially false or misleading statement or disseminating 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. (Section 20)

The bill makes it a second degree felony for violations that involve five or more slot machines or devices. (Section 20)

Catchall Criminal Penalties
The bill repeals a catchall provision for many of the crimes related to gambling because the bill creates penalties in each individual criminal section. (Section 21)

Transporting Persons to Facilitate Illegal Gambling
The bill creates the following penalties for transporting certain persons to facilitate illegal gambling:

- **First degree misdemeanor,** for knowingly and willfully transporting, or procuring the transportation of, five or more other persons into or within this state when a person knows or reasonably should know such transportation is for the purpose of facilitating illegal gambling.
- **Third degree felony**, if the violation includes:
  - The transport, or procurement of transportation of:
    - A minor or a person 65 years of age or older; or
    - 12 or more persons.
  - Second or subsequent violations. (Section 22)

The bill defines the term "illegal gambling" as any criminal violation of chapters 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location. (Section 22)

Preemption
The bill prohibits a county, municipality, or other political subdivision of the state from enacting or enforcing any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law. (Section 23)

Criminal Punishment Code
The bill amends the criminal punishment code to increase the offense severity ranking chart (OSRC) ranking for specified gaming offenses. (Section 24)

Effective Date
The effective date of the bill is October 1, 2026. (Section 27)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The fiscal impact to state government is indeterminate. Creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, may result in:

- An increase in state expenditures related to:
  - Additional admissions to jail and prison facilities and offenders serving longer terms of incarceration in such facilities.
  - Administration and enforcement, which can likely be handled within existing resources.
- An increase in state revenues for the state governmental entities that receive proceeds from the collection of fines.

The Commission may experience an increase in revenues resulting from increased confiscation of contraband. The bill requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the Commission for the enforcement of certain gaming chapters 546, 550, 551, and 849, F.S.

LOCAL GOVERNMENT:

The fiscal impact to local government is indeterminate. The bill may have an indeterminate positive impact on the jail bed population by creating new gaming offenses, increasing penalties for specified current gaming offenses, and listing specified gaming offenses on the OSRC, which may result in increased admissions to jail facilities and offenders serving longer terms of incarceration in such facilities.

The bill also creates new criminal fines for specified violations relating to illegal gambling. This may create a positive fiscal impact to local governmental entities that receive proceeds from the related fines. This may also create a negative fiscal impact to those entities relating to administration of enforcement.

PRIVATE SECTOR:

The bill may help to prevent or reduce illegal gambling, which may protect vulnerable populations and reduce secondary criminal activity, including money laundering, drug trafficking, and violent crime.

Requiring fantasy sports contest operators to meet certain requirements in order to operate, and subjecting them to civil and criminal penalties for violations, may result in a negative fiscal impact to such operators.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Gambling in Florida

Gambling is generally prohibited in Florida, unless specifically authorized. Gambling is defined in Florida law as playing or engaging in any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value.[1] The standard jury instructions for criminal cases in Florida provide that in order to prove the crime of gambling, the state must prove the following three elements beyond a reasonable doubt:[2]

- Playing or engaging in a game of chance.
- Risking money or property on the outcome of the game.
- Expecting to gain or lose money or property as a result of the game.

Gambling in Florida is highly regulated, and wagers on games that are not specifically authorized by law are considered illegal.

[1] S. 849.08, F.S.

[2] The Florida Bar, Criminal Jury Instructions Chapter 22, 22.1 Gambling, https://www.floridabar.org/rules/florida-standard-jury-instructions/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-22/ (last visited Feb. 21, 2024).

Section 7, Art. X, of the Florida Constitution prohibits lotteries, other than pari-mutuel pools, from being conducted in Florida.

Slot machines that are not operated by a licensed pari-mutuel facility or in accordance with a tribal compact or specific law are illegal in Florida.

Chapter 849, F.S., includes prohibitions against slot machines, keeping a gambling house, engaging in bookmaking, and running a lottery. However, a constitutional amendment approved by voters in 1986 authorized state-operated lotteries, and a constitutional amendment in 2004 authorized slot machines in Miami-Dade and Broward Counties.

The following gaming activities are also authorized by law and regulated by the state:

- Pari-mutuel[3] wagering;[4]
- Gaming on tribal reservations in accordance with the federal Indian Gaming Regulatory Act and the 2021 Gaming Compact with the Seminole Tribe of Florida;
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[5] and
- Cardrooms[6] at certain pari-mutuel facilities.

Under the Florida Contraband Forfeiture Act,[7] gambling proceeds, paraphernalia, and property may be seized as contraband. For example, a vehicle used for transporting an illegal slot machine is subject to seizure.[8]

Chapter 849, F.S., also authorizes, under specific and limited conditions, the conduct of penny-ante games,[9] bingo,[10] charitable drawings,[11] game promotions (sweepstakes),[12] bowling tournaments,[13] and skill-based amusement games and machines at specified locations.[14]

Florida Gaming Control Commission

The Commission is a five-member regulatory body that is responsible for exercising all regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts, and other forms of gambling authorized by the State Constitution or law, excluding the state lottery.[15] The Commission is also the State Compliance Agency responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.[16]

The Division of Gaming Enforcement (Division) is a criminal justice agency[17] tasked with the enforcement of Florida's gambling laws to combat illegal gambling activities.[18] While every law enforcement officer in the state of

[3] "Pari-mutuel" is defined in Florida law 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. *See* s. 550.002(22), F.S.
[4] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.
[5] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[6] S. 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."
[7] Ss. 932.701-932.706, F.S., comprise the Florida Contraband Forfeiture Act.
[8] S. 849.36, F.S.
[9] S. 849.085, F.S.
[10] S. 849.0931, F.S.
[11] S. 849.0935, F.S.
[12] S. 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[13] S. 849.141, F.S.
[14] S. 546.10, F.S.
[15] *See* ss. 16.71-16.716, F.S.
[16] S. 285.710, F.S.
[17] S. 16.711(1), F.S.
[18] Florida Gaming Control Commission, *Annual Report Fiscal Year 2022-2023*, pg. 6, https://flgaming.gov/pmw/annual-reports/docs/2022-2023%20FGCC%20Annual%20Report.pdf (last visited Nov. 6, 2025).

Florida has the authority to make arrests for violations of Florida's gambling laws, the Division is the first law enforcement agency whose primary responsibility is investigating illegal gambling.[19]

Illegal Gambling

According to reports, illegal gambling operations targeting vulnerable aging populations in Florida are increasing. The activity has especially grown since the pandemic with an "explosion of illegal gambling lounges opening up with unregulated slot machines."[20]

According to the Commission, "some of them register as amusement arcades through the Department of Revenue, which means they're acting like a Dave and Buster's or a Chuck E. Cheese, but in reality, they're offering illegal gambling devices such as slot machines. If the game has any element of chance built into it, under Florida statute, it's considered an illegal gambling device. They have the ability to dial up the winnings to entice play. Once they get a packed house, they dial down the winnings to almost zero. Then at that point, they're just stealing and using predatory practices and taking money from Florida's senior population."[21]

In 2023, the Commission investigated several illegal slot machine businesses operating in the state, and found that:[22]

- The scope of the problem is much larger than initially anticipated.
- There are significant adverse harms associated with the activity.
- Successfully shutting down such businesses will require collaborative and coordinated efforts.
- Obstacles will continue to evolve but can be overcome.

According to the Commission, during the 2023-2024 fiscal year, the Commission received over 2,000 complaints of unauthorized, illegal, or otherwise criminal gaming activities. These illegal gaming activities include backroom poker games, illegal slot machines and casinos, and illegal sports betting websites that fail to pay out wagers.[23]

The Commission participated in the following enforcement activities from the past fiscal year:[24]

- Nearly 1,000 illegal slot machines seized (with nearly 1,200 more to date in FY 2024-2025);
- More than $3.3 million of illicit funds seized (with nearly $700,000 more to date in FY 2024-2025);
- More than a dozen illegal casinos closed; and
- Outreach and ongoing collaboration with dozens of local, state, and federal law enforcement agencies.

Commission Annual Report

By December 1 of each year, the Commission 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 Commission.[25]

Commission Appointment and Employment Restrictions

Commissioners and Commission employees are restricted from certain activities for two years before and after their appointment or employment with the Commission. The restricted activities include:[26]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner[27] of such permitholder or licensee.

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[19] Florida Gaming Control Commission, *Gaming Enforcement*, https://flgaming.gov/enforcement/ (last visited Nov. 6, 2025).
[20] Jordan Brown, *Florida seniors warned to be cautious of shady slot machines*, FOX 13 Tampa Bay (May 23, 2023), https://www.fox13news.com/news/illegal-gambling-operations-in-florida-re-targeting-aging-populations (last visited Nov. 6, 2025).
[21] *Id*.
[22] Florida Gaming Control Commission, Presentation to the House Regulatory Reform & Economic Development Subcommittee, (Oct. 17, 2023).
[23] Florida Gaming Control Commission, *Gaming Enforcement Investigations and Actions*, *Annual Report 2023-2024*, at pg. 8, https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Nov. 6, 2025).
[24] *Id*.
[25] S. 16.712(3)(h), F.S.
[26] S. 16.713(2)(a), F.S.
[27] S. 550.002(37), F.S., defines "ultimate equitable owner" as a "natural person who, directly or indirectly, owns or controls 5 percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such

- Being an officer, official, employee, other person with duties or responsibilities, contractor, or ultimate equitable owner relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- Being a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or while employed by a state agency during the normal course of employment; or
- Being a bingo game operator or an employee of a bingo game operator.

Commission Standards of Conduct

Commissioners, Commission employees, and certain family members are restricted from certain activities during service or employment and for 2 years after service or employment. The restricted activities, in part, include:[28]

- **Employment or business activities**: While employed, and for 2 years after service as a Commissioner or for 2 years after employment with the Commission, a Commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; any person regulated by the Commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the Commission.
- **Financial interests**: While employed, and for 2 years after service as a commissioner or for 2 years after employment with the Commission, a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the Commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the Commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the Commission. If a Commissioner, an employee, or a relative living in the same household as a Commissioner or an employee acquires any financial interest prohibited by this subsection during the Commissioner's term of office or the employee's employment with the Commission as a result of events or actions beyond the Commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest.

Former Commissioners and Employees

Commissioners are prohibited, for the 2 years immediately following the date of resignation or termination, from:[29]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being employed or compensated by anyone regulated by the Commission or by a business entity or trade association that has been a party to a Commission proceeding within the 2 years preceding the member's resignation or termination of service on the Commission; or
- Being a bingo game operator or an employee of a bingo game operator.

Commission employees are also prohibited from, for the 2 years immediately following the date of termination or resignation from employment with the Commission, the following activities:[30]

- Being permitted or licensed to conduct pari-mutuel wagering, slot machine gaming, a cardroom, other authorized gaming, or an officer, official, employee, or equitable owner of such permitholder or licensee.
- Being a bingo game operator or an employee of a bingo game operator.

Pari-mutuel Wagering

The Florida Pari-mutuel Wagering Act (Act)[31] provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.[32] Pari-mutuel wagering activities are limited to operators who have received a permit from the Division, which is then subject to ratification by county referendum.[33] Permitholders apply for an

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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."

[28] S. 16.715(1)(b), F.S.
[29] S. 16.715(2)(b), F.S.
[30] S. 16.715(3)(c), F.S.
[31] Ch. 550, F.S.
[32] S. 550.054(1), F.S.
[33] S. 550.054(2), F.S.

operating license annually to conduct pari-mutuel wagering activities.[34] Certain permitholders are also authorized to operate cardrooms[35] and slot machines at their facility.[36]

The Act generally requires that any transfer or assignment of a permit receive prior approval[37] by the Commission, which must determine the eligibility[38] of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of ten percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the Commission.[39]

Ultimate Equitable Owner

"Ultimate equitable owner" is defined as "a natural person who, directly or indirectly, owns or controls 5 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."[40]

Changes in Ownership Requirements

A pari-mutuel wagering permit may not be transferred or assigned except upon written approval by the Commission, except that the holder of any permit that has been converted to a jai alai permit may lease or build anywhere within the county in which its permit is located.[41] The requirements are based on percentages of changes in ownership interest, as follows:

- If a permit is held by a corporation or business entity other than an individual, the transfer of 10 percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the Commission.[42]
- Changes in ownership or interest of a pari-mutuel permit of 5 percent or more of the stock or other evidence of ownership or equity in the permitholder must be approved by the Commission prior to such change, unless the owner is an existing owner of that permit who was previously approved by the Commission.[43]
- Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the Commission within 20 days of the change. The Commission may then conduct an investigation to ensure that the permit is properly updated to show the change in ownership or interest.[44]

Escheated Harness Horse Permits

Currently, the tax on handle for live harness horse performances is 0.5 percent of handle per performance.[45] The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[46]

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[34] S. 550.0115, F.S.
[35] S. 849.086, F.S.
[36] S. 551.104, F.S.
[37] There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. *See* s. 550.054(15)(d), F.S.
[38] *See* s. 550.1815, F.S.
[39] S. 550.054(11)(b), F.S.
[40] S. 550.002(37), F.S.
[41] S. 550.054(11)(a), F.S.
[42] S. 550.054(11)(b), F.S.
[43] S. 550.054(12), F.S.
[44] *Id*.
[45] S. 550.09512(2)(a), F.S.
[46] S. 550.09512(3)(a), F.S.

The Commission is authorized to reissue an escheated harness horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[47]

Escheated Thoroughbred Permits

Currently, the tax on handle for thoroughbred horserace performances is 0.5 percent of handle per performance.[48] The permit of a thoroughbred permitholder who is conducting thoroughbred performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years is void and may not be reissued unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship does not constitute just cause for failure to operate and pay tax on handle.[49]

The Commission is authorized to reissue an escheated thoroughbred horse permit to a qualified applicant for the issuance of an initial permit without having to satisfy the referendum requirements for a pari-mutuel permit. As specified in the application and upon approval by the Commission, the new permitholder is authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2), F.S., relating to mileage limitations.[50]

Bribery in Athletic Contests

Currently, bribery in athletic contests is a third degree felony. The law applies to:[51]

- Anyone who gives, promises, or offers a bribe, money, goods, or any valuable thing with the intent to influence a participant, official, owner, manager, coach, trainer, or relative of a participant to lose or cause to be lost any game, contest, match, race, or sport, or to limit the margin of victory, or to fix or throw any game;
- Any participant or prospective participant in any professional or amateur game, contest, match, race or sport, including officials, owners, coaches, trainers, or their relatives.

Keeping a Gambling House

Currently, it is a second degree misdemeanor[52] to keep a gambling house.[53] Specifically, a person is guilty of this offense if he or she:

- Habitually keeps, exercises, or maintains, for the purpose of gaming or gambling:[54]
  - A gaming table or room;
  - Gaming implements;
  - Gaming apparatus; or
  - A house, booth, tent, shelter, or other place.

Such penalty also applies to:

- Agents or employees of a keeper of a gambling house.[55]
- Anyone renting a house for gambling purposes.[56]

Cardrooms

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[47] S. 550.09512(3)(b), F.S.
[48] S. 550.09515(2)(a), F.S.
[49] S. 550.09515(3)(a), F.S.
[50] S. 550.09515(3)(b), F.S.
[51] S. 838.12, F.S.
[52] *See* ss. 775.082 and 775.083, F.S.
[53] s. 849.01, F.S. (A second degree misdemeanor is punishable by up to 60 days in jail and a fine up to $500).
[54] s. 849.01, F.S.; *Ferguson v. State*, 377 So. 2d 709, 711 (Fla. 1979) (requiring an element of "habitualness" for a conviction under s. 849.01, F.S.).
[55] S. 849.02, F.S.
[56] S. 849.03, F.S.

Currently, cardrooms are authorized at certain pari-mutuel facilities.[57] 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.[58] 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 live racing or games.[59]

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.[60] An authorized game is a game or series of games of poker or dominoes.[61] Such games must be played in a non-banking manner,[62] where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:[63]

- 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.

Fantasy Sports Contests

Generally, fantasy sports contests are any of a number of games that permit a person to pay an entry fee and play either a virtual game or a virtual season of a sport based on the performance statistics of real sports players. The player acts as both general manager and field manager of their team by building a roster through a draft and trades. Players make lineups in pursuit of statistically beating other players. The term "commissioner" has been used in the context of fantasy leagues to denote a person who manages a fantasy league, establishes league rules, resolves disputes over rule interpretations, publishes league standings, or selects the Internet service for publication of league standings.[64]

Daily fantasy sports contests are an accelerated version of fantasy sports contests, which are played across a shorter period of time. For example, daily fantasy contests may be played over a single week in a season, rather than the entire season. Daily fantasy contests are typically played as "contests" which require an entry fee. The fee funds an advertised prize pool from which the fantasy contest operator (such as FanDuel or DraftKings) takes a percentage as revenue.[65] The legality of daily fantasy contests has been challenged in many states and jurisdictions, with some critics arguing that the contests more closely resemble proposition wagering on athlete performance than traditional fantasy contests.

Legality of Fantasy Sports Contests in Florida

Florida law does not specifically address fantasy sports contests. Currently, there is no constitutional, statutory, or regulatory framework expressly allowing for fantasy contests to be conducted in Florida. Moreover, Florida courts have not addressed whether Florida's constitutional and statutory prohibitions on gambling apply to fantasy

[57] S. 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.
[58] S. 849.086(5), F.S.
[59] *Id*.
[60] Ss. 849.086(5) and (6), F.S.
[61] *See* s. 849.086(2)(a), F.S.
[62] *Id*.
[63] S. 849.086(12), F.S.
[64] *See* Bernhard & Eade, *Gambling in a Fantasy World: An Exploratory Study of Rotisserie Baseball Games*, 9 UNLV Gaming Research & Review Journal Issue 1, at 30, at http://digitalscholarship.unlv.edu/grrj/vol9/iss1/3/ (last visited Nov. 6, 2025).
[65] Adam Kilgore, The Washington Post, *Daily fantasy sports Web sites find riches in Internet gaming law loophole*, (Mar. 27, 2015) https://www.washingtonpost.com/sports/daily-fantasy-sports-web-sites-find-riches-in-internet-gaming-law-loophole/2015/03/27/92988444-d172-11e4-a62f-ee745911a4ff_story.html, (last visited Nov. 6, 2025).

contests. Florida's Attorney General has opined in the past that certain fantasy contests appear to violate state gambling laws.[66]

Current law provides that a stake, bet, or wager of money or another thing of value placed "upon the result of any trial or contest of skill, speed, power, or endurance of human or beast" is unlawful. Receiving money or acting as the custodian or depositary of money as part of such a stake, bet, or wager is also unlawful.[67]

Florida's anti-bookmaking law, defines bookmaking as "the act of taking or receiving, while engaged in the business or profession of gambling, any bet or wager upon the result of any trial or contest of skill, speed, power, or endurance of human, beast, fowl, motor vehicle, or mechanical apparatus or upon the result of any chance, casualty, unknown, or contingent event whatsoever."[68] The law includes factors that are to be considered evidence of bookmaking, including charging a percentage on accepted wagers, receiving more than five wagers in a day, and receiving over $500 in total wagers in a single day or over $1500 in a single week.[69]

On January 8th, 1991, Florida Attorney General (AG) provided an advisory legal opinion[70] regarding whether participation in a fantasy sports league violated Florida's gambling laws. The opinion concluded that the operation of a fantasy league would violate s. 849.14, F.S., and that since the fantasy sports league's entry fee was used to make up the prizes, it qualified as a "stake, bet, or wager" under Florida law.[71] The AG stated that, "while the skill of the individual contestant picking the members of the fantasy team is involved, the prizes are paid to the contestants based upon the performance of the individual professional football players in actual games."[72]

The AG concluded that contests in which the skill of the contestant predominates over the element of chance, such as in certain sports contests, are not prohibited lotteries. As an example, he noted that golf and bowling tournaments were contests of skill and were not prohibited. He considered that "it might well be argued that skill is involved in the selection of a successful fantasy team by requiring knowledge of the varying abilities and skills of the professional football players who will be selected to make up the fantasy team."[73]

Recently, the Commission has 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.[74]

Legality of Fantasy Sports in Federal Law

The federal Unlawful Internet Gambling Enforcement Act of 2006[75] (UIGEA) prohibits the processing of certain online financial wagering to prevent payment systems from being used in illegal online gambling. The UIGEA prohibits gambling businesses from knowingly accepting payments in connection with a "bet or wager" that involves the use of the Internet and that is unlawful under any federal or state law.

The UIGEA expressly states that participation in fantasy or simulation sports contests is not included in the definition of "bet or wager"[76] when certain conditions are met. For purposes of the UIGEA, participation in a fantasy or simulation sports contest is not a bet or wager when:

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[66] 91-03 Fla. Op. Att'y Gen. (1991).
[67] S. 849.14, F.S.
[68] S. 849.25, F.S.
[69] S. 849.25(1)(b), F.S.
[70] 91-03 Fla. Op. Att'y Gen. (1991).
[71] *Creash v. State*, 131 Fla. 111, 118 (Fla. 1938).
[72] 91-03 Fla. Op. Att'y Gen. (1991).
[73] *Id.* Also, a 1990 Florida Attorney General advisory legal opinion provides that a golf hole-in-one contest, which is an exercise of skill, with an entry fee where such fee does not go toward the purse or prize does not violate the state's gambling laws. 90-58 Fla. Op. Att'y Gen. (1990).
[74] Florida Trend, *Questions Swirl Around Fantasy Sports*, https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports (last visited Nov. 6, 2025).
[75] 31 U.S.C. § 5361-5366 (2006).
[76] 31 U.S.C. § 5362(1) (2006).

- Prizes and awards offered to winning participants are established and made known in advance of the game or contest and the value is not determined by the number of participants or amount of fees paid by the participants.
- Winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals.
- Winning outcomes are not based on the score, point spread, or any performance of any single sports team or combination of such teams or solely on a single performance of an individual athlete in a single sporting event.

Contest operators argue that they are legal under the UIGEA. In *Humphrey v. Viacom, Inc.*, the court determined that because the entry fee was paid "unconditionally," the owner did not participate, and the prizes were guaranteed and determined in advance, the fantasy contest entry fees were not "wagers" under the act.[77] However, although the UIGEA exempts fantasy and simulation sports contests from the application of the UIGEA, it does not make such contests legal generally. The UIGEA does not change or preempt any other federal or state law. As expressed in the Rule of Construction in the UIGEA, "no provision of this subchapter shall be construed as altering, limiting, or extending any federal or state law or tribal-state compact prohibiting, permitting, or regulating gambling within the United States."[78] Therefore, any other state or federal law could apply.

The federal Illegal Gambling Business Act of 1970 (IGBA)[79] defines an "illegal gambling business" as a gambling business that is in violation of the law of the state in which it is conducted, involves five or more persons who conduct or manage all or part of such business, and that has been in continuous operation for a period of more than 30 days or has a gross revenue of $2000 in a single day. The IGBA specifically exempts savings promotion raffles and bingo games, lotteries, or other games of chance operated by certain non-profit corporations.[80] An employee or company that has violated the IGBA is subject to penalties including fines, forfeiture of profits and assets, and imprisonment for up to 5 years.

Fantasy Sports Contests in the 2021 Gaming Compact

The Seminole Indian Tribe of Florida (the Tribe) is a federally recognized Indian tribe whose reservations and trust lands are located in the State. A Gaming Compact between the Tribe and the State of Florida was executed by Governor Ron DeSantis and the Tribe on April 23, 2021 (the 2021 Compact). The 2021 Compact was approved by the U.S. Department of the Interior on August 6, 2021, and became effective upon the publication of notice in the Federal Register on August 11, 2021.[81]

Under the 2021 Compact, "fantasy sports contest" means a fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulation sports team composed of athletes from a professional sports organization and that meets each of the following requirements:

- All prizes and awards offered to winning contest participants are established and made known to the contest participants in advance of the game or contest.
- All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
- No winning outcome is based on the score, point spread, or any performance or performances of any single actual team or combination of such teams, solely on any single performance of an individual athlete or player in any single actual event, on a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002, Florida Statutes, as of January 1, 2021, on a game of poker or other card game, or on the performances of participants in collegiate, high school, or youth sporting events.
- No casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are displayed or depicted.

[77] *Humphrey v. Viacom, Inc.*, 2007 WL 1797648 (D.N.J. June 20, 2007).
[78] 31 U.S..C. § 5361(b) (2006).
[79] 18 U.S.C. § 1995 (1970).
[80] *See* 26 U.S.C. § 501.
[81] Fed. Register, Vol. 86, No. 153 at 44037.

The 2021 Compact allows the Tribe to offer fantasy sports contests at all their facilities. However, the 2021 Compact does not include fantasy sports contests in the games for which the Tribe is granted exclusivity to conduct in the state.

Games of Chance by Lot

Currently, it is a second degree misdemeanor to set up, promote or play any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest.[82]

Exempted Activities

Currently, gaming conducted under the 2021 Compact, amusement games, pari-mutuel games, slot machine games, cardroom games, and bingo games, are exempt from violations and penalties under the state gambling law.[83]

Subsequent Lottery Offenses

Currently, it is a first degree misdemeanor to be convicted of a subsequent offense forbidden by law in connection with lotteries.[84]

Betting on Trials or Contests of Skill

Currently, it is a third degree felony for anyone who:[85]

- Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;
- Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;
- Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result; or
- Aids, assists, abets, or influences in any manner in any of such acts.

Slot Machines

In Florida, a slot machine is defined as a machine or device that:[86]

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

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.[87]

Slot machines are only authorized in licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.[88] At any location other than licensed pari-mutuel facilities, 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."[89]

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[82] S. 849.11, F.S.
[83] S. 849.142, F.S.
[84] S. 849.13, F.S.
[85] S. 849.14, F.S.
[86] S. 849.16(1), F.S.
[87] S. 849.16(3), F.S.
[88] S. 551.101, F.S.
[89] S. 849.15(1)(a), F.S.

A person who violates the prohibitions[90] against manufacturing, selling, or possessing slot machines or devices commits a:[91]

- Second degree misdemeanor upon a first conviction.[92]
- First degree misdemeanor upon a second conviction.[93]
- Third degree felony upon a third or subsequent conviction, and the person is deemed a "common offender."[94]

Unlicensed slot machines are illegal in Florida and are considered "contraband." Relating to contraband, Florida law specifies, "the right of property in and to any [illegal slot machine or device] and to all money and other things of value therein, is declared not to exist in any person, and…shall be forfeited…to the county in which the seizure was made."[95]

Florida law also provides that all sums of money and other value used, displayed in, or connected with illegal gambling or an illegal gambling device contrary to the laws of this state shall be forfeited.[96]

Pursuant to the federal Johnson Act, Florida law allows the shipment of gaming devices including slot machines into this state provided the destination of the shipment is an eligible slot machine facility, or the facility of a slot machine manufacturer or slot machine distributor.[97]

Preemption

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.[98] To expressly preempt a subject area, the Legislature must use clear statutory language stating its intention to do so.[99] Implied preemption occurs when the Legislature has demonstrated an intent to preempt an area, though not expressly. Florida courts find implied preemption when "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."[100]

Where state preemption applies, a local government may not exercise authority in that area.[101] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[102]

Criminal Punishment Code

The Criminal Punishment Code (Code) applies to all felony offenses, except capital felonies, committed on or after October 1, 1998.[103] Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10), either by being specifically listed in the OSRC[104] or by default.[105] Judges must use the Code worksheet to compute a sentence score for each felony offender.[106]

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[90] Ss. 849.15, F.S. – 849.22, F.S.
[91] S. 849.23, F.S.
[92] A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Ss. 775.082 or 775.083, F.S.
[93] A first degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Ss. 775.082 or 775.083, F.S.
[94] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.
[95] S. 849.19, F.S.
[96] S. 849.12, F.S.
[97] S. 849.15(2), F.S.
[98] *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005).
[99] *Mulligan*, 934 So. 2d at 1243.
[100] *Tallahassee Mem. Reg. Med. Ctr., Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996).
[101] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[102] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami,* 812 So. 2d 504 (Fla. 3d DCA 2002).
[103] S. 921.002, F.S.
[104] S. 921.0022, F.S.

Sentence points are assigned and accrue based on the level ranking assigned to the primary offense, additional offenses, and prior offenses.[107] Sentence points increase as the offense severity level increases from Level 1 (least severe) to Level 10 (most severe). Sentence points may be added for victim injury, and increase based on the type of injury and severity.[108] Sentence points may also be added or multiplied for other factors including possession of a firearm or the commission of certain offenses, such as drug trafficking.[109] If an offense is unlisted on the OSRC, the Code provides a ranking based on felony level.[110] For example, an unranked third degree felony is a level 1 offense.[111]

If total sentence points equal or are less than 44 points, the lowest permissible sentence is any nonstate prison sanction, unless the court determines that a prison sentence is appropriate. If total sentence points exceed 44 points, the lowest permissible sentence in prison months is calculated by subtracting 28 points from the total sentence points and decreasing the remaining total by 25 percent.[112] Absent mitigation,[113] the permissible range under the Code is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S.[114]

The OSRC ranks the following third degree felony gaming violations as a Level 1 offense:[115]

- Set up, promote, or conduct any lottery for money or for anything of value;[116]
- Dispose of any money or other property of any kind whatsoever by means of any lottery;[117]
- Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise; [118]
- Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing; [119] and
- Engaging in bookmaking.[120]

OTHER RESOURCES:

Florida Gaming Control Commission

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[105] S. 921.0023, F.S., addresses ranking unlisted felony offenses. For example, an unlisted felony of the third degree is ranked within offense level 1.
[106] S. 921.0024, F.S.
[107] *Id*.
[108] *Id*.
[109] *Id*.
[110] S. 921.0023, F.S.
[111] *Id*.
[112] S. 921.0022(2), F.S.
[113] The court may "mitigate" or "depart downward" from the scored lowest permissible sentence if the court finds a mitigating circumstance. Section 921.0026, F.S., provides a list of mitigating circumstances.
[114] S. 921.0022(2), F.S.
[115] S. 921.022(3)(a), F.S.
[116] S. 849.09(1)(a)-(d), F.S.
[117] *Id*.
[118] *Id*.
[119] *Id*.
[120] S. 849.25(2), F.S.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Industries & Professional Activities Subcommittee			Anstead	Thompson

A bill to be entitled

An act relating to gambling; amending s. 16.712, F.S.; revising the contents of an annual report by the Florida Gaming Control Commission; amending s. 16.713, F.S.; prohibiting certain employment for a period before or during service with the commission; amending s. 16.715, F.S.; revising standards of conduct for the commission; prohibiting certain post-employment activities for former commissioners and employees for a specified period; amending s. 550.002, F.S.; revising the definition of the term "ultimate equitable owner"; amending s. 550.054, F.S.; revising when commission approval is needed for transfers of stock or other evidence of ownership of certain pari-mutuel permitholders; amending s. 550.09512, F.S.; removing provisions requiring reissuance of escheated harness horse permits; amending s. 550.09515, F.S.; prohibiting reissuance of horse permits to certain permitholders who do not pay tax on handle for live races for a specified period; removing provisions requiring reissuance of escheated horse permits; amending s. 838.12, F.S.; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; providing criminal penalties; amending s. 849.01, F.S.; revising criminal

penalties for offenses involving keeping a gambling house; amending s. 849.02, F.S.; increasing criminal penalties for specified offenses by agents or employees of a keeper of a gambling house; amending s. 849.03, F.S.; revising criminal penalties for offenses involving renting a house for gambling purposes; amending s. 849.086, F.S.; prohibiting specified actions relating to manipulation of card games; providing criminal penalties; creating s. 849.0932, F.S.; defining the term "fantasy sports contest"; requiring such contests to meet specified requirements; providing penalties for violations; authorizing the commission to investigate and refer violations for prosecution; authorizing enforcement actions by the Attorney General and state attorneys; providing criminal penalties for certain violations; amending s. 849.11, F.S.; prohibiting certain offenses related to games of chance; providing criminal penalties; repealing s. 849.142, F.S., relating to exempted activities; amending s. 849.13, F.S.; providing enhanced criminal penalties for second or subsequent violations of certain provisions; amending s. 849.14, F.S.; revising criminal penalties for betting or wagering on certain activities; amending s. 849.15, F.S.; providing definitions; providing

criminal penalties for specified offenses relating to the manufacture, possession, and sale of slot machines or devices; creating s. 849.155, F.S.; prohibiting trafficking in slot machines, devices, or parts thereof; providing criminal penalties; providing for the deposit of fines into a specified trust fund for specified purposes; creating s. 849.157, F.S.; prohibiting the making of a false or misleading statement regarding the legality of slot machines or devices for specified purposes; providing criminal penalties; repealing s. 849.23, F.S., relating to penalties for violations of specified provisions; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting the transportation of specified numbers of persons or persons of certain ages for the purpose of facilitating illegal gambling; providing criminal penalties; creating s. 849.49, F.S.; preempting to the state the regulation of gaming, gambling, lotteries, or specified activities; amending s. 921.0022, F.S.; ranking offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102 and 895.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (i) of subsection (3) of section 16.712, Florida Statutes, is redesignated as paragraph (k), paragraph (h) of that subsection is amended, and new paragraphs (i) and (j) are added to that subsection, to read:

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that led to criminal charges or any information being filed and the resolution of such criminal case.

(i) The number of complaints received by the commission categorized by subject matter or type of complaint and a summary of the action taken on each complaint by the commission.

(j) A list of property seized by the commission during the course of investigations, and the disposition of such property, including a list of forfeiture actions.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 16.713, Florida Statutes, are amended to read:

16.713 Florida Gaming Control Commission; appointment and

employment restrictions.—

(2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE COMMISSION.—

(a) A person may not, for the 2 years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission:

1. Hold a permit or license issued under chapter 550 or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee;

2. 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), of such entity;

3. Be a registered lobbyist for the executive or legislative branch, except while a commissioner or employee of the commission when officially representing the commission or unless the person registered as a lobbyist for the executive or legislative branch while employed by a state agency as defined

in s. 110.107 during the normal course of his or her employment with such agency and he or she has not lobbied on behalf of any entity other than a state agency during the 2 years immediately preceding the date of his or her appointment to or employment with the commission; ~~or~~

4. Be a bingo game operator or an employee of a bingo game operator; or

5. Be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

(b) A person is ineligible for appointment to or employment with the commission if, within the 2 years immediately preceding such appointment or employment, he or she violated paragraph (a) or solicited or accepted employment with, acquired any direct or indirect interest in, or had any direct or indirect business association, partnership, or financial relationship with, or is a relative of:

1. Any person or entity who is an applicant, licensee, or registrant with the commission; ~~or~~

2. Any 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; any contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or any

ultimate equitable owner, as defined in s. 550.002(37), of such entity; or

3. Any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

For the purposes of this subsection, 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.

Section 3. Paragraph (b) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

16.715 Florida Gaming Control Commission standards of conduct; ex parte communications.—

(1) STANDARDS OF CONDUCT.—

(b)1. A commissioner or employee of the commission may not accept anything from any business entity that, either directly or indirectly, owns or controls any person regulated by the commission or from any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

2. A commissioner or an employee may attend conferences,

along with associated meals and events that are generally available to all conference participants, without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner or an employee may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any person regulated by the commission and that are limited to commissioners or employees only, committee members, or speakers if the commissioner or employee is a member of a committee of the association of regulatory agencies which organized the conference or is a speaker at the conference. It is not a violation of this subparagraph for a commissioner or an employee to attend a conference for which conference participants who are employed by a person regulated by the commission have paid a higher conference registration fee than the commissioner or employee, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person

regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a

result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she shall immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in s. 16.713(2)(b).

5. A commissioner or an employee may not accept anything from a party in a proceeding currently pending before the commission.

6. A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

7. A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

8. A commissioner or an employee may not act in an unprofessional manner at any time during the performance of official duties.

9. A commissioner or an employee must avoid impropriety in all activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

11. A commissioner may not lobby the Governor or any agency of the state, members or employees of the Legislature, or any county or municipal government or governmental agency except to represent the commission in an official capacity.

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(b) A commissioner, the executive director, and an employee of the commission may not, for the 2 years immediately following the date of resignation or termination from the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; ~~or~~ be an ultimate equitable owner, as defined in s. 550.002(37), of such permitholder or licensee; or be an employee, associate, owner,

or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities;

2. Accept employment by or compensation from a business entity that, directly or indirectly, owns or controls a person regulated by the commission; from a person regulated by the commission; from a business entity which, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; ~~or~~ from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's resignation or termination of service on the commission; from any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

3. Be a bingo game operator or an employee of a bingo game operator.

(c) A person employed by the commission may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

1. Hold a permit or license issued under chapter 550, or a license issued under chapter 551 or chapter 849; be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), of such

permitholder or licensee; or be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities; or

2. Be a bingo game operator or an employee of a bingo game operator.

Section 4. Subsection (37) of section 550.002, Florida Statutes, is amended to read:

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

(37) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls ~~5 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.

Section 5. Paragraph (b) of subsection (11) and subsection (12) of section 550.054, Florida Statutes, are amended to read:

550.054 Application for permit to conduct pari-mutuel wagering.—

(11)

(b) If a permit to conduct pari-mutuel wagering is held by

a corporation or business entity other than an individual, the transfer of any ~~10 percent or more~~ of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission pursuant to s. 550.1815.

(12) Changes in ownership or interest of a pari-mutuel permit of any ~~5 percent or more~~ of the stock or other evidence of ownership or equity in the permitholder shall be approved by the commission before ~~prior to~~ such change~~, unless the owner is an existing owner of that permit who was previously approved by the commission~~. ~~Changes in ownership or interest of a pari-mutuel permit of less than 5 percent shall be reported to the commission within 20 days of the change.~~ The commission may ~~then~~ conduct an investigation related to a request for ~~to ensure that the permit is properly updated to show~~ the change in ownership or interest.

Section 6. Subsection (3) of section 550.09512, Florida Statutes, is amended to read:

550.09512 Harness horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a harness horse permitholder who is conducting live harness horse performances and who does not pay tax on handle for any such performances conducted during any 2 consecutive state fiscal years shall be void and may not be reissued unless such failure to operate and pay tax on handle

was the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated harness horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated harness horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a harness horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 7. Subsection (3) of section 550.09515, Florida Statutes, is amended to read:

550.09515 Thoroughbred horse taxes; abandoned interest in a permit for nonpayment of taxes.—

(3)~~(a)~~ The permit of a thoroughbred horse permitholder who does not pay tax on handle for live thoroughbred horse performances for a full schedule of live races during any 2 consecutive state fiscal years shall be void and shall not be

reissued ~~escheat to and become the property of the state~~ unless such failure to operate and pay tax on handle was the direct result of fire, strike, war, or other disaster or event beyond the ability of the permitholder to control. Financial hardship to the permitholder shall not, in and of itself, constitute just cause for failure to operate and pay tax on handle.

~~(b) In order to maximize the tax revenues to the state, the commission shall reissue an escheated thoroughbred horse permit to a qualified applicant pursuant to the provisions of this chapter as for the issuance of an initial permit. However, the provisions of this chapter relating to referendum requirements for a pari-mutuel permit shall not apply to the reissuance of an escheated thoroughbred horse permit. As specified in the application and upon approval by the commission of an application for the permit, the new permitholder shall be authorized to operate a thoroughbred horse facility anywhere in the same county in which the escheated permit was authorized to be operated, notwithstanding the provisions of s. 550.054(2) relating to mileage limitations.~~

Section 8. Section 838.12, Florida Statutes, is amended to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or conspires to give, promise or offer, to anyone who participates or expects to participate in any professional or amateur game,

contest, match, race or sport; or to any umpire, referee, judge or other official of such game, contest, match, race or sport; or to any owner, manager, coach or trainer of, or to any relative of, or to any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to influence him or her or them to lose or cause to be lost any game, contest, match, race or sport, or to limit his or her or their or any person's or any team's margin of victory in any game, contest, match, race, or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or

accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or any valuable thing whatsoever, or any promise, contract or agreement whatsoever, with intent to lose or cause to be lost any game, contest, match, race or sport, or to limit his, her, their or any person's or any team's margin of victory in any game, contest, match, race or sport, or to fix or throw any game, contest, match, race or sport, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined as described in subsection (1) or subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—A person who ~~Whoever~~ by herself or himself, her or his servant, clerk or agent, or in any other manner has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or

gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever, whether heretofore prohibited or not, commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 10. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—A person who ~~Whoever~~ acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 commits:

(1) For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) For a second offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For a third or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent therein mentioned~~.

Section 11. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting house for gambling purposes.—A person who ~~Whoever~~, whether as owner or agent, knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of

gaming commits:

(1) For a first offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 ~~shall be punished in the manner and to the extent mentioned in s. 849.01~~.

(2) For a second or subsequent offense, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

(e) A person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 849.0932, Florida Statutes, is created to read:

849.0932 Fantasy sports contests; conditions for conduct.—

(1) As used in this section, the term "fantasy sports contest" means a contest in which a participant pays an entry fee and manages a fantasy or simulation sports team composed of athletes from a professional sports organization with the

opportunity to win a cash prize. The term includes a simulation sports game.

(2) Fantasy sports contests must meet all of the following requirements:

(a) Prizes and awards for the winning participants are established and disclosed to contest participants before entry.

(b) All winning outcomes reflect the relative knowledge and skill of the fantasy sports contest participant.

(c) All winning outcomes are determined predominantly by accumulated statistical results of the performance of more than one individual.

(d) A winning outcome may not be based on:

1. The score, point spread, or performance of a team or combination of teams.

2. The single performance of an individual in a single event or a pari-mutuel event, as the term "pari-mutuel" is defined in s. 550.002 as of January 1, 2026.

3. A game of poker or other card game.

4. The performance of participants in collegiate, high school, or youth sporting events.

(e) Casino graphics, themes, or titles, including, but not limited to, depictions of slot machine-style symbols, cards, dice, craps, roulette, or lotto, are not displayed or depicted.

(3)(a) A violation of this section is punishable by a fine of $1,000 in addition to civil and criminal penalties.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is punishable by a fine of up to $100,000 per violation.

(4) The Florida Gaming Control Commission shall investigate and refer violations of this section for prosecution. The Attorney General or state attorney may also institute proceedings to enjoin any person found to be violating this section.

(5)(a) A person who willfully and knowingly violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein, commits ~~shall be guilty of~~ a misdemeanor of the second

degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who:

(a) Sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in subsection (1);

(b) Knowingly becomes the custodian or depositary of any money or other thing of value so offered; or

(c) Aids, assists, abets, or influences in any manner in any of such acts,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Section 849.142, Florida Statutes, is repealed.

Section 16. Section 849.13, Florida Statutes, is amended to read:

849.13 ~~Punishment on~~ Second or subsequent offense ~~conviction~~.—A person who commits a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent offense shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of

sentencing under chapter 921, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 17. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who: ~~Whoever~~

(1) Stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast;

(2) ~~, or whoever~~ Receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result;

(3) ~~, or whoever~~ Knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result;~~,~~ or

(4) ~~whoever~~ Aids, or assists, or abets, or influences in any manner in any of such acts,

~~all of which are hereby forbidden,~~ commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 18. Section 849.15, Florida Statutes, is amended

to read:

849.15 Manufacture, sale, possession, etc., of slot machines or devices prohibited.—

(1) As used in this section, the term:

(a) "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(b) "Ownership interest" means being an officer, director, or managing member of a business, establishment, premises, or other location at which a slot machine or device is offered for play.

(c) "Person of authority" means a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

1. Actual authority to act on behalf of the business, establishment, premises, or other location; or

2. Any ownership interest in the business, establishment, premises, or other location.

(2) ~~(1)~~ It is unlawful:

(a) 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, or for any person to permit to be placed, maintained, or used or kept

in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(3)(a) Except as provided in paragraphs (b) and (c), a person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (2) and:

1. At the time of the violation, the person was a person of authority; or

2. The person has one prior conviction for a violation of subsection (2).

(c) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

if he or she violates subsection (2) and:

1.a. At the time of the violation, the person was a person of authority; and

b. The violation involves five or more slot machines or devices; or

2. The person has two or more prior convictions for a violation of subsection (2).

(4) ~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering,

recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

Section 19. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts.—A person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity of slot machines or devices or any parts thereof involved is:

(1) More than 15 slot machines or devices or any parts thereof, but less than 25 slot machines or devices or any parts thereof, such person shall be fined $100,000.

(2) Twenty-five slot machines or devices or any parts thereof or more, but less than 50 slot machines or devices or

any parts thereof, such person shall be fined $250,000.

(3) Fifty slot machines or devices or any parts thereof or more, such person shall be fined $500,000.

Notwithstanding any other law, all fines imposed and collected pursuant to this section must be deposited into the Pari-mutuel Wagering Trust Fund and may be used for the enforcement of chapters 546, 550, and 551 and this chapter by the Florida Gaming Control Commission.

Section 20. Section 849.157, Florida Statutes, is created to read:

849.157 Making a false or misleading statement regarding the legality of slot machines or devices to facilitate sale.—

(1) Except as provided in subsection (2), a person who knowingly and willfully makes a materially false or misleading statement or who knowingly and willfully disseminates false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1) when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices commits a felony of the second degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084.

Section 21. Section 849.23, Florida Statutes, is repealed.

Section 22. Section 849.47, Florida Statutes, is created to read:

849.47 Transporting or procuring the transportation of persons to facilitate illegal gambling.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of chapter 546, chapter 550, chapter 551, or this chapter that occurs at any business, establishment, premises, or other location.

(2) Except as provided in subsection (3), a person who knowingly and willfully transports, or procures the transportation of, five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older in violation of subsection (2) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who transports, or procures the transportation of, 12 or more persons in violation of subsection (2) commits a felony of the third degree, punishable as provided

in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who commits a second or subsequent violation of subsection (2) within a 2-year period commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10 or this chapter, except as otherwise expressly provided by the State Constitution, general law, or special law.

Section 24. **Paragraphs (a), (c), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:**

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state

			lottery ticket.
773			
	104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
774			
	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
775			
	212.15(2)(b)	3rd	Failure to remit sales taxes, amount $1,000 or more but less than $20,000.
776			
	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
777			
	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
778			
	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.

320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
322.212(5)(a)	3rd	False application for driver license or identification card.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.
443.071(1)	3rd	False statement or representation to obtain or

		increase reemployment assistance benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value $1,000 or more.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
713.69	3rd	Tenant removes property upon which lien has accrued, value $1,000 or more.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.

817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud $150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks $150 or more

		or obtaining property in return for worthless check $150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
~~849.09(1)(a)-(d)~~	~~3rd~~	~~Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.~~
~~849.23~~	~~3rd~~	~~Gambling-related machines; "common offender" as to property rights.~~

~~849.25(2)~~	~~3rd~~	~~Engaging in bookmaking.~~
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained

			title or registration.
821			
	327.35(2)(b)	3rd	Felony BUI.
822			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
823			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
824			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
825			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle

		Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or

			retaliation for making such a report.
831			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
832			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
833			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
834			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
835			
	697.08	3rd	Equity skimming.
836			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
837			

794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
800.045(3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of

			age or older.
843			
	812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
844			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
845			
	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
846			
	812.081(2)	3rd	Theft of a trade secret.
847			
	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
848			
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
849			
	817.233	3rd	Burning to defraud insurer.
850			
	817.234	3rd	Unlawful solicitation of

(8)(b) & (c)		persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to

			defraud or possessing a counterfeit payment instrument with intent to defraud.
857			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
858			
	836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
859			
	836.13(4)	3rd	Promoting, or possessing with intent to promote, an altered sexual depiction of an identifiable person without consent.
860			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
861			
	838.12(3)	3rd	Betting on predetermined or prearranged professional or amateur game, contest, match, race, or sport.

849.01	3rd	Keeping gambling house.
849.02(2)	3rd	Agents or employees of keeper of gambling house.
849.03(1)	3rd	Renting house for gambling purposes.
849.086(12)(e)	3rd	Tampering with cards or card games.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.09(1)(e), (f), (g), (i), or (k)	3rd	Conducting unlawful lottery; second or subsequent offense.
849.09(1)(h) or (j)	3rd	Conducting unlawful lottery; second or subsequent offense.

849.11(2)	3rd	Offenses relating to games of chance.
849.14	3rd	Betting on result of trial or contest of skill, etc.
849.15(3)(b)	3rd	Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.
849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
849.25(2)	3rd	Engaging in bookmaking.
849.47(3)(a) & (b)	3rd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.
847.01385	3rd	Harmful communication to a

			minor.
874			
	860.15(3)	3rd	Overcharging for repairs and parts.
875			
	870.01(2)	3rd	Riot.
876			
	870.01(4)	3rd	Inciting a riot.
877			
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
878			
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
879			
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver

			s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
880			
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
881			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
882			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
883			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
884			

893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment

facility).

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious

			bodily injury.
901			
	327.30(5)(a)2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
902			
	365.172 (14)(b)2.	2nd	Misuse of emergency communications system resulting in death.
903			
	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone

			crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
904			
	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
905			
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
906			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
907			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
908			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
909			
	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of

			avoiding or reducing workers' compensation premiums.
910			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
911			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
912			
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
913			
	790.162	2nd	Threat to throw or discharge destructive device.
914			
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
915			
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
916			

790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.

810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or

			trafficking in.
930			
	812.081(3)	2nd	Trafficking in trade secrets.
931			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
932			
	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
933			
	817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
934			
	817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
935			
	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
936			
	817.568(2)(b)	2nd	Fraudulent use of personal identification information;

			value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
937			
	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
938			
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
939			
	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
940			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
941			

836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by

		electronic device or equipment.
849.02(3)	2nd	Agents or employees of keeper of gambling house, third or subsequent offense.
849.03(2)	2nd	Renting house for gambling purposes; second or subsequent offense.
849.15(3)(c)	2nd	Manufacture, sale, or possession of slot machine; by person of authority of five or more machines or two or more prior convictions.
849.157(2)	2nd	False or misleading statement to facilitate sale of slot machines or devices; five or more machines.
849.25(3)	2nd	Bookmaking; second or subsequent offense.
874.05(1)(b)	2nd	Encouraging or recruiting

			another to join a criminal gang; second or subsequent offense.
953			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
954			
	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
955			
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

			community center.
893.13(1)(d)1.		1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.		2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.		1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of

		public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety

			while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
967			
	327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
968			
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
969			
	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
970			
	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
971			
	456.065(2)	3rd	Practicing a health care profession without a license.
972			
	456.065(2)	2nd	Practicing a health care

			profession without a license which results in serious bodily injury.
973			
	458.327(1)	3rd	Practicing medicine without a license.
974			
	459.013(1)	3rd	Practicing osteopathic medicine without a license.
975			
	460.411(1)	3rd	Practicing chiropractic medicine without a license.
976			
	461.012(1)	3rd	Practicing podiatric medicine without a license.
977			
	462.17	3rd	Practicing naturopathy without a license.
978			
	463.015(1)	3rd	Practicing optometry without a license.
979			
	464.016(1)	3rd	Practicing nursing without a license.
980			

465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.

494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

			driver license or identification card; other registration violations.
993			
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
994			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
995			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
996			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
997			
	782.071	2nd	Killing of a human being or unborn child by the operation

			of a motor vehicle in a reckless manner (vehicular homicide).
998			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
999			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1000			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
1001			
	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1002			
	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
1003			
	784.048(7)	3rd	Aggravated stalking; violation of court order.
1004			

784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.

787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or

			attempting to commit a felony.
790.166(3)		2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)		2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23		1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)		3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)		1st	Live on earnings of a prostitute; 2nd offense.

796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.

810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand

			theft in 2nd degree.
1034			
	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1035			
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1036			
	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
1037			
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
1038			
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1039			
	812.131(2)(a)	2nd	Robbery by sudden snatching.
1040			

812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.

827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.

838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
849.155	1st	Trafficking in slot machines or devices or any parts thereof.

872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver

			cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
1072			
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1073			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1074			
	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1075			
	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1076			
	893.135	1st	Trafficking in hydrocodone, 28

	(1)(c)2.a.		grams or more, less than 50 grams.
1077			
	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1078			
	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1079			
	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1080			
	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
1081			
	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1082			
	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5

			kilograms.
1083			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1084			
	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1085			
	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1086			
	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1087			
	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1088			
	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or

			more, less than 500 grams.
1089			
	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1090			
	893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1091			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1092			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
1093			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
1094			
	943.0435(4)(c)	2nd	Sexual offender vacating

			permanent residence; failure to comply with reporting requirements.
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
	944.607(9)	3rd	Sexual offender; failure to

			comply with reporting requirements.
1100			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1101			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1102			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1103			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1104			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

		conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 25. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing

and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related

crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 26. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 27. This act shall take effect October 1, 2026.

INDUSTRIES & PROFESSIONAL ACTIVITIES SUBCOMMITTEE

PCS for HB 189 by Rep. Trabulsy
Gambling

AMENDMENT SUMMARY
November 18, 2025

PCS for HB 189 a1 by Rep. Trabulsy (between lines 542 and 562):

- Removes the live racing requirement for the 0.5 percent tax on handle category for certain intertrack wagering.
- Provides definitions and criminal penalties for “Internet gambling” and “Internet sports wagering,” and defines certain crimes to include “internet” related activity.
- Creates a crime for certain illegal gambling advertisements and associated criminal penalties.
- Allows certain veterans’ service organizations to petition the Florida Gaming Control Commission for a declaratory statement on the legality of certain games or machines.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Industries & Professional Activities Subcommittee

Representative Trabulsy offered the following:

Amendment (with title amendment)

Remove lines 542-562 and insert:

Section 14. Subsections (8) and (9) of section 546.10, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

546.10 Amusement games or machines.—

(8)(a)1. Before purchasing or installing a game or machine on the premises of any veterans' service organization 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, and the veterans'

service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the Florida Gaming Control Commission for a declaratory statement under s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. A game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.

2. If there is a game or machine currently on the premises of any veterans' service organization 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 and the veterans' service organization is in doubt about whether a machine meets the definition of an amusement machine under this section, the organization may petition the commission for a declaratory statement pursuant to s. 120.565 on whether the operation of the game or machine would be authorized under this section or would be a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission shall issue a declaratory statement pursuant to this subsection within 60 days after receiving a

petition requesting such statement. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) The declaratory statement is binding on the commission and may be introduced in any subsequent proceedings as evidence of a good faith effort to comply with this section or chapter 849.

(d) This subsection does not prevent the commission or any other criminal justice agency as defined in s. 943.045 from detecting, apprehending, and arresting a person for any alleged violation of this chapter, chapter 24, part II of chapter 285, chapter 550, chapter 551, or chapter 849, or any rule adopted pursuant thereto, or of any law of this state.

(e) This subsection does not require an owner or an operator of an amusement game or machine under this section to request or obtain a declaratory statement in order to operate pursuant to this section.

Section 15. Paragraph (c) of subsection (3) of section 550.0951, Florida Statutes, is amended to read:

550.0951 Payment of daily license fee and taxes; penalties.—

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance. If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.

(c)1. The tax on handle for intertrack wagering is 2.0 percent of the handle if the host track is a horse track, 3.3 percent if the host track is a harness track, 5.5 percent if the host track is a dog track, and 7.1 percent if the host track is a jai alai fronton. The tax on handle for intertrack wagering is 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder ~~currently conducting a live race meet~~. The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces. The

tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

2. The tax on handle for intertrack wagers accepted by any dog track located in an area of the state in which there are only three permitholders, all of which are greyhound permitholders, located in three contiguous counties, from any greyhound permitholder also located within such area or any dog track or jai alai fronton located as specified in s. 550.615(6) or (9), on races or games received from the same class of permitholder located within the same market area is 3.9 percent if the host facility is a greyhound permitholder and, if the host facility is a jai alai permitholder, the rate shall be 6.1 percent except that it shall be 2.3 percent on handle at such time as the total tax on intertrack handle paid to the commission by the permitholder during the current state fiscal year exceeds the total tax on intertrack handle paid to the commission by the permitholder during the 1992-1993 state fiscal year.

Section 16. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

(1) As used in this section, the term:

(a) "Internet gambling" means to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device,

computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.

(b) "Internet sports wagering" means to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device. The term does not include fantasy sports contests as defined in s. 849.0932, or any activity conducted pursuant to chapter 550.

(2) A person who Whoever plays or engages in Internet gambling, or any game at cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who plays or engages in Internet sports wagering commits:

(a) For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) For a second or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who operates, conducts, or promotes illegal gambling, Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of illegal gambling, Internet gambling or Internet sports wagering, or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, all of which are hereby forbidden, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) This section does not apply to participation in, or the conduct of, any gaming activities authorized under s. 285.710(13) and conducted pursuant to a gaming compact ratified and approved under s. 285.710(3), or any gaming activities authorized under chapter 550.

Section 17. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

(1) A person who ~~Whoever sets up, promotes or~~ plays in person or in any other manner, including, but not limited to, by the use, at least in part, of the Internet, at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein,

commits ~~shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who sets up, operates, conducts, promotes, or receives in any manner whatsoever any money or other thing of value offered for the purpose of conduct prohibited in subsection (1), or who knowingly becomes the custodian or depositary of any money or other thing of value so offered, or who aids, assists, abets, or influences in any manner in any of such acts, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 18. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" means any criminal violation of this chapter, chapter 546, chapter 550, or chapter 551 which occurs at any business, establishment, premises, or other location.

(2)(a) Except as otherwise specifically authorized by law, a person may not knowingly and intentionally make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in any manner, whether in person or by the use, at least in part, of the Internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the

purpose of promoting or facilitating illegal gambling.

(b) Except as otherwise specifically authorized by law, a person may not set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

(c) A person who violates this subsection commits:

1. For a first offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. For a second or subsequent offense, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

T I T L E A M E N D M E N T

Remove line 44 and insert:

penalties; amending s. 546.10, F.S.; authorizing certain organizations to petition the commission before purchasing, installing, or operating a game or machine on their premises before petitioning for and being issued a specified declaratory statement from the commission if the organizations are unsure if such game or machine is an amusement machine; prohibiting such organizations from purchasing or installing a game or machine until an outstanding declaratory statement is issued; prohibiting such organizations from seeking a declaratory statement if the game or machine in question is the subject of a criminal investigation; requiring the commission to issue a declaratory statement within a specified timeframe; prohibiting the commission from denying a petition if it was validly requested; specifying the information that must be included in a request for a declaratory statement; providing that the declaratory statement is valid only for the game or machine for which it is requested; providing that the declaratory statement is invalid if the specifications for the game or machine have been changed; providing that the declaratory statement is binding on the commission and may be introduced as evidence in subsequent proceedings; providing construction; amending s. 550.0951, F.S.;

removing a requirement for live racing for purposes of certain taxes; amending s. 849.08, F.S.; defining the terms "Internet gambling" and "Internet sports wagering"; prohibiting Internet gambling and Internet sports wagering and related offenses; providing criminal penalties; providing an exception; amending s. 849.11, F.S.; prohibiting certain offenses relating to games of chance involving the Internet; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting specified gambling or gaming advertisements; providing criminal penalties; providing construction; repealing s. 849.142, F.S., relating to