

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 1467](#)

TITLE: Gambling

SPONSOR(S): Snyder

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Industries & Professional
Activities](#)
17 Y, 1 N



[Budget](#)
23 Y, 4 N



[Commerce](#)

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 (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 positive impact on jail and prison beds and may have a positive fiscal impact on the Commission which may see an increase in revenues resulting from confiscation of contraband and receipt of fines levied pursuant to the bill.

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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 employment certain types of employment immediately before and for 2 years after employment 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

STORAGE NAME: h1467c.BUC

DATE: 4/8/2025

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 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, 2025.
 - 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 depository 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 add 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 provides an exemption for the transportation of slot machines as provided for in 15 U.S.C. SS. 1171-1177. 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 also amends the criminal punishment code to increase the OSRC ranking for specified gaming offenses. (Section [24](#))

Effective Date

The effective date of the bill is October 1, 2025. (Section [27](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The fiscal impact to state government is indeterminate. The bill may have an indeterminate positive impact on the prison 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 and prison facilities and offenders serving longer terms of incarceration in such facilities.

The Criminal Justice Impact Conference has not yet adopted an estimate for this bill.

The bill also creates new criminal fines for specified violations relating to illegal gambling and fantasy sports contests. This may create a positive fiscal impact to state governmental entities that receive proceeds from the related fines. This may also create an insignificant negative fiscal impact to those entities relating to administration of enforcement, which can likely be handled within existing resources.

The Commission may experience an increase in revenues resulting from increased confiscation of contraband under the bill. The bill also 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 of the enforcement of 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.

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).

- 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.

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-mutuel³ 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
- Cardrooms⁶ 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

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.

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 agency¹⁷ tasked with the enforcement of Florida's gambling laws to combat illegal gambling activities.¹⁸ While every law enforcement officer in the state of 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

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 Feb. 21, 2024).

¹⁹ Florida Gaming Control Commission, *Gaming Enforcement*, <https://flgaming.gov/enforcement/> (last visited Feb. 21, 2024).

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 Mar. 25, 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 Mar. 25, 2025).

²⁴ *Id.*

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 owner²⁷ of such permitholder or licensee.
- 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

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 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.](#)

- 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 operating license annually to conduct pari-mutuel wagering activities.³⁴ Certain permitholders are also authorized to operate cardrooms³⁵ and slot machines at their facility.³⁶

The Act generally requires that any transfer or assignment of a permit receive prior approval³⁷ by the Commission, which must determine the eligibility³⁸ 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

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.](#)

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.*

[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

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 misdemeanor⁵² 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;

⁴⁵ [S. 550.09512\(2\)\(a\), F.S.](#)

⁴⁶ [S. 550.09512\(3\)\(a\), F.S.](#)

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.](#)).

- 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

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

⁵⁵ S. [849.02, F.S.](#)

⁵⁶ S. [849.03, F.S.](#)

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/grri/vol9/iss1/3/> (last visited Mar. 25, 2025).

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 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 depository 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 opinion⁷⁰ 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

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 Mar. 25, 2025).

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 Mar. 25, 2025).

The federal Unlawful Internet Gambling Enforcement Act of 2006⁷⁵ (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:

- 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.

⁷⁵ 31 U.S.C. § 5361-5366 (2006).

⁷⁶ 31 U.S.C. § 5362(1) (2006).

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.

- 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.

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.

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.](#)

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

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

⁸⁷ S. [849.16\(3\), F.S.](#)

⁸⁸ S. [551.101, F.S.](#)

⁸⁹ S. [849.15\(1\)\(a\), F.S.](#)

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.](#)

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 offense severity ranking chart¹⁰⁴ (OSRC) or by default.¹⁰⁵ Judges must use the Code worksheet to compute a sentence score for each felony offender.¹⁰⁶

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

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.](#)

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.](#)

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](#)

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Industries & Professional Activities Subcommittee	17 Y, 1 N	4/1/2025	Anstead	Thompson
Budget Committee	23 Y, 4 N	4/8/2025	Pridgeon	Helping
Commerce Committee				

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.](#)