



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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SENATOR JOE GRUTERS

22nd District

December 18, 2023

Louis Trombetta
Executive Director
Florida Gaming Control Commission
4070 Esplanade Way, Suite 250
Tallahassee, FL 32311

Re: Fantasy Sports in Florida

Dear Mr. Trombetta,

I am writing to request clarification regarding the Florida Gaming Control Commission's position on the legality of fantasy sports contests in Florida. On September 19, 2023, the Commission sent letters to three fantasy sports contest operators demanding that they cease and desist from offering fantasy sports contests in Florida. Similar letters were not sent to the two largest operators of fantasy sports contests in Florida, DraftKings and FanDuel. The letters definitively state that "betting or wagering on the result of contests of skill...including fantasy sports betting, is strictly prohibited and constitutes a felony offense". Notably, however, the Commission's public position is less definitive. In the FAQs on the Commission's website, the Commission states that "wagering on fantasy sports" is "probably not" legal. I am concerned that the Commission is applying an interpretation that is not supported by law and that the Commission may be selectively enforcing its interpretation.

Fantasy sports contests have been played in Florida for over 30 years and have grown significantly over the last decade with the advent of daily fantasy sports. It is estimated that as many as 3 million Floridians participate in fantasy sports contests. While fantasy sports contests are not directly addressed in Florida law, the popularity of the contests suggests the public understands these contests to be legal in Florida. Relevant to this point, my colleague, Senator Hutson, the sponsor of the 2021 legislation that created the Commission, has gone on the record as stating that fantasy sports are games of skill and legal in Florida under current law. Courts in various other jurisdictions have likewise concluded that fantasy sports are games of skill. Additionally, fantasy sports contests conducted in conformance with the Unlawful Internet Gambling Enforcement Act are exempt from certain federal gambling laws. It is my understanding, and nothing in your cease-and-desist letters suggest otherwise, that the recipients of the letters conduct their fantasy sports contests in accordance with federal law. Finally, other

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 413 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

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than the Commission's cease-and-desist letters, I am unaware of any attempted enforcement of Florida's gambling laws against a participant in or operator of a fantasy sports contest.

It is against this backdrop that I seek clarification of the Commission's recent actions. Specifically, I am requesting the following clarification:

1. Please explain whether the Commission believes the payment of an entry fee by a participant in a fantasy sports contest for a prize is a bet or wager. If yes, please explain whether the Commission believes the payment of an entry fee by a participant in another game of skill for a prize, such as a golf tournament, is a bet or wager.
2. Please explain why the Commission has not sent cease-and-desist letters to the two largest fantasy sports operators in Florida.
3. Please explain why the Commission's public FAQs state that "wagering" on fantasy sports is "probably not" legal, yet the Commission's cease-and-desist letters to three fantasy sports contest operators state that such "wagering" is a felony and demand the operators to cease offering such contests.

I appreciate your attention to this matter, and I look forward to receiving the Commission's prompt response.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, slightly slanted style.

Joe Gruters