



FLORIDA
GAMING CONTROL
COMMISSION

JULIE I. BROWN, VICE CHAIR
CHUCK DRAGO, COMMISSIONER
JOHN D'AQUILA, COMMISSIONER
TINA REPP, COMMISSIONER

September 19, 2023

Underdog Sports, LLC¹
150 Waterbury Street
Brooklyn, NY 11026

Dear Underdog Sports, LLC:

The Florida Gaming Control Commission has received information that your company may be offering or accepting illegal bets or wagers from Florida residents. We have also received information that your company may be promoting and conducting an illegal lottery. This alleged conduct is strictly prohibited in Florida and constitutes criminal activity.

Under Florida law, betting or wagering on the result of contests of skill, such as sports betting, including fantasy sports betting, is strictly prohibited and constitutes a felony offense unless such activity is otherwise exempted by statute. *See* §§ 849.14, 849.142, Fla. Stat.; *see also* Op. Att'y Gen. Fla. 1991-03 (1991) (confirming Section 849.14 prohibits wagering activity in connection with fantasy sports). Accordingly, in Florida, sports betting may be lawfully conducted only pursuant to a gaming compact. *Id.*; *see also* § 287.710(13)(b), Fla. Stat. Further, receiving such illegal bets and wagers and aiding or abetting such criminal activities constitute separate felony offenses. § 849.14, Fla. Stat.

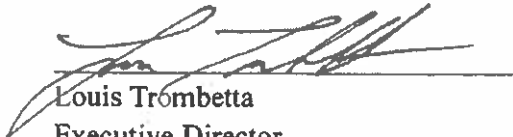
Lotteries are also strictly prohibited in Florida. *See* Art. X, § 7, Fla. Const.; *see also* § 849.09, Fla. Stat. (spelling out precisely what type of activities are prohibited). This prohibition includes disposing of any money or property of any kind whatsoever by means of any lottery. § 849.09(1)(b), Fla. Stat. Such activity constitutes a felony offense. § 849.09(2), Fla. Stat. This means that giveaways of cash or other prizes, designed to induce Florida residents to sign up for and make otherwise illegal bets or wagers on your platform, are felony offenses. § 849.09(1)(b), Fla. Stat. Advertising for or otherwise aiding and abetting such illegal lotteries constitute separate felony offenses. §§ 849.09(1)(c) & (d); 849.09(2), Fla. Stat.

¹ Neither "Underdog Sports, LLC" nor "Underdog Sports, Inc." nor "Underdog Sports Holdings, Inc." nor "Underdog Sports Wagering, LLC" appear to have been registered with the state of Florida. Accordingly, it is unclear which entity is conducting business in this state prior to registering with the state as required. *See* §§ 605.0902; 607.1501, Fla. Stat.

OFFICE OF THE EXECUTIVE DIRECTOR
4070 ESPLANADE WAY, SUITE 250
TALLAHASSEE, FLORIDA 32311

Accordingly, as Executive Director of the Florida Gaming Control Commission, I am hereby demanding you immediately cease and desist offering or accepting bets or wagers from residents of this state on the results of any contests of skill such as sports betting, including, but not limited to, bets or wagers made in connection with fantasy sports. Additionally, I am hereby demanding you immediately cease and desist promoting or conducting any illegal lotteries. This includes, but is not limited to, giveaways of cash or other prizes designed to induce Florida residents to sign up for or place otherwise illegal bets or wagers on your platform. Your failure to comply will result in the Florida Gaming Control Commission taking any and all appropriate action, including referring this matter to the Attorney General's Office of Statewide Prosecution.

Sincerely,



Louis Trombetta
Executive Director
Florida Gaming Control Commission

cc: Ross Marshman, General Counsel, Florida Gaming Control Commission