

By Senator Ring

32-00167B-11

2011666__

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 transferring and reassigning certain functions and
4 responsibilities, including records, personnel,
5 property, and unexpended balances of appropriations
6 and other resources, from the Division of Pari-mutuel
7 Wagering of the Department of Business and
8 Professional Regulation to the Department of Gaming
9 Control; transferring certain trust funds from the
10 Department of Business and Professional Regulation to
11 the Department of Gaming Control; amending s. 11.905,
12 F.S.; providing for the review of the Department of
13 Gaming Control; amending s. 20.165, F.S.; deleting the
14 Division of Pari-mutuel Wagering within the Department
15 of Business and Professional Regulation; creating s.
16 20.318, F.S.; establishing the Department of Gaming
17 Control; designating the Governor and Cabinet as the
18 Gaming Commission and head of the department; defining
19 terms; specifying powers and duties of the department;
20 requiring the department to issue advisory opinions
21 under certain circumstances; authorizing the
22 department to employ law enforcement officers;
23 requiring the department to assist the Department of
24 Revenue for the benefit of financially dependent
25 children; amending s. 120.80, F.S.; deleting certain
26 exceptions and special requirements regarding hearings
27 applicable to the Department of Business and
28 Professional Regulation; creating certain exceptions
29 and special requirements regarding hearings within the

32-00167B-11

2011666

30 Department of Gaming Control; amending s. 285.710,
31 F.S.; providing that the Commission on Gaming is the
32 state compliance agency for purposes of the Indian
33 Gaming Compact; amending s. 455.116, F.S.; removing a
34 trust fund from the Department of Business and
35 Professional Regulation; amending ss. 550.002,
36 550.0115, 550.01215, 550.0235, 550.0251, 550.0351,
37 550.054, 550.0555, 550.0651, 550.0745, 550.0951,
38 550.09511, 550.09512, 550.09514, 550.09515, 550.105,
39 550.1155, 550.125, 550.135, 550.155, 550.1648,
40 550.175, 550.1815, 550.24055, 550.2415, 550.2614,
41 550.26165, 550.2625, 550.26352, 550.2704, 550.334,
42 550.3345, 550.3355, 550.3551, 550.3615, 550.375,
43 550.495, 550.505, 550.5251, 550.625, 550.6305,
44 550.6308, 550.70, 550.902, and 550.907, F.S.;

45 conforming provisions to the transfer of the
46 regulation of pari-mutuel wagering from the Department
47 of Business and Professional Regulation to the
48 Department of Gaming Control; deleting obsolete
49 provisions; conforming cross-references; amending ss.
50 551.102, 551.103, 551.104, 551.1045, 551.105, 551.106,
51 551.107, 551.108, 551.109, 551.112, 551.114, 551.117,
52 551.118, 551.121, 551.122, and 551.123, F.S.;

53 conforming provisions to the transfer of the
54 regulation of slot machines from the Department of
55 Business and Professional Regulation to the Department
56 of Gaming Control; deleting obsolete provisions;
57 conforming cross-references; amending s. 565.02, F.S.;

58 providing for the licensure of caterers at a horse or

32-00167B-11

2011666

59 dog racetrack or jai alai fronton by the Department of
60 Gaming Control; amending s. 616.09, F.S.; providing
61 for the Department of Gaming Control, rather than the
62 Department of Legal Affairs, to prosecute a fair
63 association for illegal gambling activities; amending
64 s. 616.241, F.S.; adding the Department of Gaming
65 Control to the list of entities authorized to enforce
66 the prohibitions against having certain games at
67 interstate fairs and specialized shows; amending s.
68 817.37, F.S.; providing for the enforcement of
69 prohibitions against touting by the Department of
70 Gaming Control; amending s. 849.086, F.S.; providing
71 for the regulation of cardrooms by the Department of
72 Gaming Control; amending s. 849.094, F.S.; providing
73 for the regulation of game promotions by the
74 Department of Gaming Control, rather than the
75 Department of Agriculture and Consumer Services;
76 deleting the limit on the number of authorized game
77 promotions; increasing the criminal penalties for
78 violations of laws regulating game promotions;
79 deleting a reference to the Department of Business and
80 Professional Regulation to conform to changes made by
81 the act; amending s. 849.161, F.S.; authorizing games
82 or machines at an arcade amusement center to use other
83 currency in addition to coins; specifying that
84 authorized prizes for playing a game may include
85 Florida Lottery products; correcting cross-references
86 to Federal law; defining terms; providing for the
87 regulation of skill-based games by the Department of

32-00167B-11

2011666

88 Gaming Control; requiring the department to adopt
89 rules relating to licenses, testing of machines,
90 revenues from machines, recordkeeping by a licensee,
91 and security of facilities; authorizing the department
92 and local law enforcement agencies to investigate
93 criminal violations of law relating to the regulation
94 of skill-based games; providing that the department
95 and local law enforcement agencies have unrestricted
96 access to a licensee's facility; providing that the
97 act does not expand or authorize new forms of gaming;
98 requiring a skill-based machine operator to apply to
99 the department for a license; requiring the department
100 to provide a report to the Legislature recommending
101 the optimum licensing fee for a skill-based machine
102 operator; specifying a tax applicable to gross
103 receipts of a skill-based machine operator; providing
104 for the deposit of taxes and penalties into the
105 Florida Gaming Trust Fund; imposing a monetary penalty
106 on a skill-based machine operator that fails to make
107 required tax payments; providing a contingent
108 effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Transfers.—

113 (1) All of the statutory powers, duties and functions,
114 records, personnel, property, and unexpended balances of
115 appropriations, allocations, or other funds for the
116 administration of chapter 550, Florida Statutes, are transferred

32-00167B-11

2011666

117 by a type two transfer, as defined in s. 20.06(2), Florida
118 Statutes, from the Division of Pari-mutuel Wagering of the
119 Department of Business and Professional Regulation to the
120 Department of Gaming Control.

121 (2) All of the statutory powers, duties and functions,
122 records, personnel, property, and unexpended balances of
123 appropriations, allocations, or other funds for the
124 administration of chapter 551, Florida Statutes, are transferred
125 by a type two transfer, as defined in s. 20.06(2), Florida
126 Statutes, from the Division of Pari-mutuel Wagering of the
127 Department of Business and Professional Regulation to the
128 Department of Gaming Control.

129 (3) All of the statutory powers, duties and functions,
130 records, personnel, property, and unexpended balances of
131 appropriations, allocations, or other funds for the
132 administration of s. 849.086, Florida Statutes, are transferred
133 by a type two transfer, as defined in s. 20.06(2), Florida
134 Statutes, from the Division of Pari-mutuel Wagering of the
135 Department of Business and Professional Regulation to the
136 Department of Gaming Control.

137 (4) The following trust funds are transferred from the
138 Division of Pari-mutuel Wagering of the Department of Business
139 and Professional Regulation to the Department of Gaming Control:

140 (a) Pari-mutuel Wagering Trust Fund.

141 (b) Racing Scholarship Trust Fund.

142 Section 2. Paragraph (c) is added to subsection (8) of
143 section 11.905, Florida Statutes, to read:

144 11.905 Schedule for reviewing state agencies and advisory
145 committees.—The following state agencies, including their

32-00167B-11

2011666__

146 advisory committees, or the following advisory committees of
147 agencies shall be reviewed according to the following schedule:

148 (8) Reviewed by July 1, 2022:

149 (c) Department of Gaming Control.

150

151 Upon completion of this cycle, each agency shall again be
152 subject to sunset review 10 years after its initial review.

153 Section 3. Subsection (2) of section 20.165, Florida
154 Statutes, is amended to read:

155 20.165 Department of Business and Professional Regulation.—
156 There is created a Department of Business and Professional
157 Regulation.

158 (2) The following divisions of the Department of Business
159 and Professional Regulation are established:

160 (a) Division of Administration.

161 (b) Division of Alcoholic Beverages and Tobacco.

162 (c) Division of Certified Public Accounting.

163 1. The director of the division shall be appointed by the
164 secretary of the department, subject to approval by a majority
165 of the Board of Accountancy.

166 2. The offices of the division shall be located in
167 Gainesville.

168 (d) Division of Florida Condominiums, Timeshares, and
169 Mobile Homes.

170 (e) Division of Hotels and Restaurants.

171 ~~(f) Division of Pari-mutuel Wagering.~~

172 (f) ~~(g)~~ Division of Professions.

173 (g) ~~(h)~~ Division of Real Estate.

174 1. The director of the division shall be appointed by the

32-00167B-11

2011666__

175 secretary of the department, subject to approval by a majority
176 of the Florida Real Estate Commission.

177 2. The offices of the division shall be located in Orlando.

178 (h)~~(i)~~ Division of Regulation.

179 (i)~~(j)~~ Division of Technology.

180 (j)~~(k)~~ Division of Service Operations.

181 Section 4. Section 20.318, Florida Statutes, is created to
182 read:

183 20.318 Department of Gaming Control.—There is created a
184 Department of Gaming Control.

185 (1) GAMING COMMISSION.—There is created the Gaming
186 Commission, composed of the Governor and Cabinet. The commission
187 members shall serve as agency head of the Department of Gaming
188 Control. The commission shall be responsible for appointing and
189 removing the executive director and general counsel.

190 (2) DIVISIONS.—The Department of Gaming Control shall
191 consist of the following divisions:

192 (a) The Division Licensing.

193 (b) The Division of Revenue and Audits.

194 (c) The Division of Investigation.

195 (d) The Division of Law Enforcement.

196 (e) The Division of Prosecution.

197 (3) DEFINITIONS.—As used in this section, the term:

198 (a) "Commission" means the Gaming Commission.

199 (b) "Department" means the Department of Gaming Control.

200 (c) "Gaming control" means any gaming activity, occupation,
201 or profession regulated by the department.

202 (d) "License" means any permit, registration, certificate,
203 or license issued by the department.

32-00167B-11

2011666

204 (e) "Licensee" means any person issued a permit,
205 registration, certificate, or license by the department.

206 (4) POWERS AND DUTIES.—

207 (a) License renewals.—The department shall adopt rules
208 establishing a procedure for the renewal of licenses.

209 (b) Annual budget.—The department shall submit an annual
210 budget to the Legislature at a time and in the manner provided
211 by law.

212 (c) Rulemaking.—The department shall adopt rules to
213 administer the laws under its authority.

214 (d) Advisory opinions.—The department shall provide
215 advisory opinions when requested by any law enforcement
216 official, state attorney, or entity licensed by the department
217 relating to the application of state gaming laws with respect to
218 whether a particular act or device constitutes legal or illegal
219 gambling under state laws and administrative rules adopted
220 thereunder. A written record shall be retained of all such
221 opinions issued by the department, which shall be sequentially
222 numbered, dated, and indexed by subject matter. Any person or
223 entity acting in good faith upon an advisory opinion that such
224 person or entity requested and received is not subject to any
225 criminal penalty provided for under state law for illegal
226 gambling. The opinion, until amended or revoked, is binding on
227 any person or entity who sought the opinion, or with reference
228 to whom the opinion was sought, unless material facts were
229 omitted or misstated in the request for the advisory opinion.
230 The department may adopt rules regarding the process for
231 securing an advisory opinion and may require in those rules the
232 submission of any potential gaming apparatus for testing by a

32-00167B-11

2011666

233 licensed testing laboratory to prove or disprove its compliance
234 with state law before the issuance of an opinion by the
235 department.

236 (e) Law enforcement officers.—The department may employ
237 sworn law enforcement officers as defined in s. 943.10 to
238 enforce the provisions of any statute or any other laws of this
239 state related to gambling within the Division of Law Enforcement
240 and to enforce any other criminal law or to conduct any criminal
241 investigation.

242 1. Each law enforcement officer shall meet the
243 qualifications for law enforcement officers under s. 943.13 and
244 shall be certified as a law enforcement officer by the
245 Department of Law Enforcement under chapter 943. Upon
246 certification, each law enforcement officer is subject to and
247 shall have authority provided for law enforcement officers
248 generally in chapter 901 and shall have statewide jurisdiction.
249 Each officer shall also have full law enforcement powers.

250 2. The department may also appoint part-time, reserve, or
251 auxiliary law enforcement officers under chapter 943.

252 3. Each law enforcement officer of the department, upon
253 certification pursuant to s. 943.1395, has the same right and
254 authority to carry arms as do the sheriffs of this state.

255 4. Each law enforcement officer in the state who is
256 certified pursuant to chapter 943 has the same authority as law
257 enforcement officers designated in this section to enforce the
258 laws of this state as described in this paragraph.

259 (5) FINANCIALLY DEPENDENT CHILDREN; SUPPORT.—The department
260 shall work cooperatively with the Department of Revenue to
261 implement an automated method for periodically disclosing

32-00167B-11

2011666

262 information relating to current licensees to the Department of
 263 Revenue. The purpose of this subsection is to promote the public
 264 policy of this state as established in s. 409.2551. The
 265 department shall, when directed by the court or the Department
 266 of Revenue pursuant to s. 409.2598, suspend or deny the license
 267 of any licensee found not to be in compliance with a support
 268 order, subpoena, order to show cause, or written agreement
 269 entered into by the licensee with the Department of Revenue. The
 270 department shall issue or reinstate the license without
 271 additional charge to the licensee when notified by the court or
 272 the Department of Revenue that the licensee has complied with
 273 the terms of the support order. The department is not liable for
 274 any license denial or suspension resulting from the discharge of
 275 its duties under this subsection.

276 (6) LICENSING.—The department may:

277 (a) Close and terminate deficient license application files
 278 2 years after the board or the department notifies the applicant
 279 of the deficiency; and

280 (b) Approve gaming-related licenses that meet all statutory
 281 and rule requirements for licensure.

282 Section 5. Subsection (4) of section 120.80, Florida
 283 Statutes, is amended, and subsection (18) is added to that
 284 section to read:

285 120.80 Exceptions and special requirements; agencies.—

286 (4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

287 ~~(a) Business regulation. The Division of Pari-mutuel~~
 288 ~~Wagering is exempt from the hearing and notice requirements of~~
 289 ~~ss. 120.569 and 120.57(1)(a), but only for stewards, judges, and~~
 290 ~~boards of judges when the hearing is to be held for the purpose~~

32-00167B-11

2011666

291 ~~of the imposition of fines or suspensions as provided by rules~~
292 ~~of the Division of Pari-mutuel Wagering, but not for~~
293 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~
294 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~
295 ~~alternative procedures, including a hearing upon reasonable~~
296 ~~notice, for the following violations:~~

297 ~~1. Horse riding, harness riding, greyhound interference,~~
298 ~~and jai alai game actions in violation of chapter 550.~~

299 ~~2. Application and usage of drugs and medication to horses,~~
300 ~~greyhounds, and jai alai players in violation of chapter 550.~~

301 ~~3. Maintaining or possessing any device which could be used~~
302 ~~for the injection or other infusion of a prohibited drug to~~
303 ~~horses, greyhounds, and jai alai players in violation of chapter~~
304 ~~550.~~

305 ~~4. Suspensions under reciprocity agreements between the~~
306 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~
307 ~~other states.~~

308 ~~5. Assault or other crimes of violence on premises licensed~~
309 ~~for pari-mutuel wagering.~~

310 ~~6. Prearranging the outcome of any race or game.~~

311 ~~(b) Professional regulation.~~Notwithstanding s.

312 120.57(1) (a), formal hearings may not be conducted by the
313 Secretary of Business and Professional Regulation or a board or
314 member of a board within the Department of Business and
315 Professional Regulation for matters relating to the regulation
316 of professions, as defined by chapter 455.

317 (18) DEPARTMENT OF GAMING CONTROL.—The department is exempt
318 from the hearing and notice requirements of ss. 120.569 and
319 120.57(1) (a) as it applies to stewards, judges, and boards of

32-00167B-11

2011666

320 judges if the hearing is to be held for the purpose of the
321 imposition of fines or suspension as provided by rules of the
322 department, but not for revocations, and only to consider
323 violations of paragraphs (a)-(f). The department shall adopt
324 rules establishing alternative procedures, including a hearing
325 upon reasonable notice, for the following violations:

326 (a) Horse riding, harness riding, greyhound interference,
327 and jai alai game actions in violation of chapter 550.

328 (b) Application and administration of drugs and medication
329 to horses, greyhounds, and jai alai players in violation of
330 chapter 550.

331 (c) Maintaining or possessing any device that could be used
332 for the injection or other infusion of a prohibited drug into
333 horses, greyhounds, and jai alai players in violation of chapter
334 550.

335 (d) Suspensions under reciprocity agreements between the
336 department and regulatory agencies of other states.

337 (e) Assault or other crimes of violence on premises
338 licensed for pari-mutuel wagering.

339 (f) Prearranging the outcome of any race or game.

340 Section 6. Paragraph (f) of subsection (1) and subsection
341 (7) of section 285.710, Florida Statutes, are amended to read:
342 285.710 Compact authorization.—

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

344 (f) "State compliance agency" means the ~~Division of Pari-~~
345 ~~mutuel Wagering of the~~ Department of Gaming Control, ~~Business~~
346 ~~and Professional Regulation~~ which is designated as the state
347 agency having the authority to carry out the state's oversight
348 responsibilities under the compact.

32-00167B-11

2011666

349 (7) The ~~Division of Pari-mutuel Wagering of the~~ Department
 350 of Gaming Control ~~Business and Professional Regulation~~ is
 351 designated as the state compliance agency having the authority
 352 to carry out the state's oversight responsibilities under the
 353 compact authorized by this section.

354 Section 7. Section 455.116, Florida Statutes, is amended to
 355 read:

356 455.116 Regulation trust funds.—The following trust funds
 357 shall be placed in the department:

- 358 (1) Administrative Trust Fund.
- 359 (2) Alcoholic Beverage and Tobacco Trust Fund.
- 360 (3) Cigarette Tax Collection Trust Fund.
- 361 (4) Hotel and Restaurant Trust Fund.
- 362 (5) Division of Florida Condominiums, Timeshares, and
 363 Mobile Homes Trust Fund.

364 ~~(6) Pari-mutuel Wagering Trust Fund.~~

365 (6)~~(7)~~ Professional Regulation Trust Fund.

366 Section 8. Subsections (6), (7), and (11) of section
 367 550.002, Florida Statutes, are amended, and present subsections
 368 (8) through (39) of that section are renumbered as subsections
 369 (7) through (38), respectively, to read:

370 550.002 Definitions.—As used in this chapter, the term:

371 (6) "Department" means the Department of Gaming Control
 372 ~~Business and Professional Regulation.~~

373 ~~(7) "Division" means the Division of Pari-mutuel Wagering~~
 374 ~~within the Department of Business and Professional Regulation.~~

375 (10)~~(11)~~ "Full schedule of live racing or games" means, for
 376 a greyhound or jai alai permitholder, the conduct of a
 377 combination of at least 100 live evening or matinee performances

32-00167B-11

2011666__

378 during the preceding year; for a permitholder who has a
379 converted permit or filed an application on or before June 1,
380 1990, for a converted permit, the conduct of a combination of at
381 least 100 live evening and matinee wagering performances during
382 either of the 2 preceding years; for a jai alai permitholder who
383 does not operate slot machines in its pari-mutuel facility, who
384 has conducted at least 100 live performances per year for at
385 least 10 years after December 31, 1992, and whose handle on live
386 jai alai games conducted at its pari-mutuel facility has been
387 less than \$4 million per state fiscal year for at least 2
388 consecutive years after June 30, 1992, the conduct of a
389 combination of at least 40 live evening or matinee performances
390 during the preceding year; for a jai alai permitholder who
391 operates slot machines in its pari-mutuel facility, the conduct
392 of a combination of at least 150 performances during the
393 preceding year; for a harness permitholder, the conduct of at
394 least 100 live regular wagering performances during the
395 preceding year; for a quarter horse permitholder at its facility
396 unless an alternative schedule of at least 20 live regular
397 wagering performances is agreed upon by the permitholder and
398 either the Florida Quarter Horse Racing Association or the
399 horsemen's association representing the majority of the quarter
400 horse owners and trainers at the facility and filed with the
401 department ~~division~~ along with its annual date application, in
402 the 2010-2011 fiscal year, the conduct of at least 20 regular
403 wagering performances, in the 2011-2012 and 2012-2013 fiscal
404 years, the conduct of at least 30 live regular wagering
405 performances, and for every fiscal year after the 2012-2013
406 fiscal year, the conduct of at least 40 live regular wagering

32-00167B-11

2011666

407 performances; for a quarter horse permitholder leasing another
408 licensed racetrack, the conduct of 160 events at the leased
409 facility; and for a thoroughbred permitholder, the conduct of at
410 least 40 live regular wagering performances during the preceding
411 year. For a permitholder that ~~which~~ is restricted by statute to
412 certain operating periods within the year when other members of
413 its same class of permit are authorized to operate throughout
414 the year, the specified number of live performances that ~~which~~
415 constitute a full schedule of live racing or games shall be
416 adjusted pro rata in accordance with the relationship between
417 its authorized operating period and the full calendar year and
418 the resulting specified number of live performances shall
419 constitute the full schedule of live games for such permitholder
420 and all other permitholders of the same class within 100 air
421 miles of such permitholder. A live performance must consist of
422 no fewer than eight races or games conducted live for each of a
423 minimum of three performances each week at the permitholder's
424 licensed facility under a single admission charge.

425 Section 9. Section 550.0115, Florida Statutes, is amended
426 to read:

427 550.0115 Permitholder license.—After a permit has been
428 issued by the department ~~division~~, and after the permit has been
429 approved by election, the department ~~division~~ shall issue to the
430 permitholder an annual license to conduct pari-mutuel operations
431 at the location specified in the permit pursuant to the
432 provisions of this chapter.

433 Section 10. Section 550.01215, Florida Statutes, is amended
434 to read:

435 550.01215 License application; periods of operation; bond,

32-00167B-11

2011666__

436 conversion of permit.—

437 (1) Each permitholder shall annually, during the period
438 between December 15 and January 4, file in writing with the
439 department ~~division~~ its application for a license to conduct
440 performances during the next state fiscal year. Each application
441 shall specify the number, dates, and starting times of all
442 performances that ~~which~~ the permitholder intends to conduct. It
443 shall also specify which performances will be conducted as
444 charity or scholarship performances. In addition, each
445 application for a license shall include, for each permitholder
446 that ~~which~~ elects to operate a cardroom, the dates and periods
447 of operation the permitholder intends to operate the cardroom
448 or, for each thoroughbred permitholder that ~~which~~ elects to
449 receive or rebroadcast out-of-state races after 7 p.m., the
450 dates for all performances that ~~which~~ the permitholder intends
451 to conduct. Permitholders shall be entitled to amend their
452 applications through February 28.

453 (2) After the first license has been issued to a
454 permitholder, all subsequent annual applications for a license
455 shall be accompanied by proof, in such form as the department
456 ~~division~~ may by rule require, that the permitholder continues to
457 possess the qualifications prescribed by this chapter, and that
458 the permit has not been disapproved at a later election.

459 (3) The department ~~division~~ shall issue each license no
460 later than March 15. Each permitholder shall operate all
461 performances at the date and time specified on its license. The
462 department ~~may division shall have the authority to~~ approve
463 minor changes in racing dates after a license has been issued.
464 The department ~~division~~ may approve changes in racing dates

32-00167B-11

2011666

465 after a license has been issued when there is no objection from
466 any operating permitholder located within 50 miles of the
467 permitholder requesting the changes in operating dates. In the
468 event of an objection, the department ~~division~~ shall approve or
469 disapprove the change in operating dates based upon the impact
470 on operating permitholders located within 50 miles of the
471 permitholder requesting the change in operating dates. In making
472 the determination to change racing dates, the department
473 ~~division~~ shall consider ~~take into consideration~~ the impact of
474 such changes on state revenues.

475 (4) ~~If In the event that~~ a permitholder fails to operate
476 all performances specified on its license at the date and time
477 specified, the department ~~division~~ shall hold a hearing to
478 determine whether to fine or suspend the permitholder's license,
479 unless such failure was the direct result of fire, strike, war,
480 or other disaster or event beyond the ability of the
481 permitholder to control. Financial hardship to the permitholder
482 does ~~shall~~ not, in and of itself, constitute just cause for
483 failure to operate all performances on the dates and at the
484 times specified.

485 (5) ~~If In the event that~~ performances licensed to be
486 operated by a permitholder are vacated, abandoned, or will not
487 be used for any reason, any permitholder shall be entitled,
488 pursuant to rules adopted by the department ~~division~~, to apply
489 to conduct performances on the dates for which the performances
490 have been abandoned. The department ~~division~~ shall issue an
491 amended license for all such replacement performances that ~~which~~
492 have been requested in compliance with the provisions of this
493 chapter and department ~~division~~ rules.

32-00167B-11

2011666__

494 (6) Any permit that ~~which~~ was converted from a jai alai
495 permit to a greyhound permit may be converted to a jai alai
496 permit at any time if the permitholder never conducted greyhound
497 racing or if the permitholder has not conducted greyhound racing
498 for a period of 12 consecutive months.

499 Section 11. Section 550.0235, Florida Statutes, is amended
500 to read:

501 550.0235 Limitation of civil liability.—A ~~No~~ permittee
502 conducting a racing meet pursuant to the provisions of this
503 chapter; the executive director, a ~~no~~ division director, bureau
504 chief, or an employee of the department ~~division~~; or a ~~and no~~
505 steward, judge, or other person appointed to act pursuant to
506 this chapter is not ~~shall be held~~ liable to any person,
507 partnership, association, corporation, or other business entity
508 for any cause whatsoever arising out of, or from, the
509 performance by such permittee, director, employee, steward,
510 judge, or other person of her or his duties and the exercise of
511 her or his discretion with respect to the implementation and
512 enforcement of the statutes and rules governing the conduct of
513 pari-mutuel wagering, so long as she or he acted in good faith.
514 This section does ~~shall~~ not limit liability in any situation in
515 which the negligent maintenance of the premises or the negligent
516 conduct of a race contributed to an accident and does not, ~~nor~~
517 ~~shall it~~ limit any contractual liability.

518 Section 12. Section 550.0251, Florida Statutes, is amended
519 to read:

520 550.0251 The powers and duties of the Department of Gaming
521 Control ~~Division of Pari-mutuel Wagering of the Department of~~
522 ~~Business and Professional Regulation.~~—The department ~~division~~

32-00167B-11

2011666

523 shall administer this chapter and regulate the pari-mutuel
524 industry under this chapter and the rules adopted pursuant
525 thereto, and:

526 (1) The department ~~division~~ shall make an annual report to
527 the President of the Senate and the Speaker of the House of
528 Representatives ~~Governor~~ showing its own actions, receipts
529 derived under the provisions of this chapter, the practical
530 effects of the application of this chapter, and any suggestions
531 it may approve for the more effectual accomplishments of the
532 purposes of this chapter.

533 (2) The department ~~division~~ shall require an oath on
534 application documents as required by rule, which oath must state
535 that the information contained in the document is true and
536 complete.

537 (3) The department ~~division~~ shall adopt reasonable rules
538 for the control, supervision, and direction of all applicants,
539 permittees, and licensees and for the holding, conducting, and
540 operating of all racetracks, race meets, and races held in this
541 state. Such rules must be uniform in their application and
542 effect, and the duty of exercising this control and power is
543 made mandatory upon the department ~~division~~.

544 (4) The department ~~division~~ may take testimony concerning
545 any matter within its jurisdiction and issue summons and
546 subpoenas for any witness and subpoenas duces tecum in
547 connection with any matter within the jurisdiction of the
548 department ~~division~~ under its seal and signed by the director.

549 (5) The department ~~division~~ may adopt rules establishing
550 procedures for testing occupational licenseholders officiating
551 at or participating in any race or game at any pari-mutuel

32-00167B-11

2011666__

552 facility under the jurisdiction of the department ~~division~~ for a
553 controlled substance or alcohol and may prescribe procedural
554 matters not in conflict with s. 120.80(18) ~~s. 120.80(4)(a)~~.

555 (6) In addition to the power to exclude certain persons
556 from any pari-mutuel facility in this state, the department
557 ~~division~~ may exclude any person from any and all pari-mutuel
558 facilities in this state for conduct that would constitute, if
559 the person were a licensee, a violation of this chapter or the
560 rules of the department ~~division~~. The department ~~division~~ may
561 exclude from any pari-mutuel facility within this state any
562 person who has been ejected from a pari-mutuel facility in this
563 state or who has been excluded from any pari-mutuel facility in
564 another state by the governmental department, agency,
565 commission, or authority exercising regulatory jurisdiction over
566 pari-mutuel facilities in such other state. The department
567 ~~division~~ may authorize any person who has been ejected or
568 excluded from pari-mutuel facilities in this state or another
569 state to attend the pari-mutuel facilities in this state upon a
570 finding that the attendance of such person at pari-mutuel
571 facilities would not be adverse to the public interest or to the
572 integrity of the sport or industry; however, this subsection
573 does ~~shall not be construed to~~ abrogate the common-law right of
574 a pari-mutuel permitholder to exclude absolutely a patron in
575 this state.

576 (7) The department ~~division~~ may oversee the making of, and
577 distribution from, all pari-mutuel pools.

578 (8) The department ~~department~~ may collect taxes and require
579 compliance with reporting requirements for financial information
580 as authorized by this chapter. In addition, the ~~secretary of the~~

32-00167B-11

2011666__

581 department may require permitholders conducting pari-mutuel
582 operations within the state to remit taxes, including fees, by
583 electronic funds transfer if the taxes and fees amounted to
584 \$50,000 or more in the prior reporting year.

585 (9) The department ~~division~~ may conduct investigations in
586 enforcing this chapter, except that all information obtained
587 pursuant to an investigation by the department ~~division~~ for an
588 alleged violation of this chapter or rules of the department
589 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I
590 of the State Constitution until an administrative complaint is
591 issued or the investigation is closed or ceases to be active.
592 This subsection does not prohibit the department ~~division~~ from
593 providing such information to any law enforcement agency or to
594 any other regulatory agency. For the purposes of this
595 subsection, an investigation is considered to be active while it
596 is being conducted with reasonable dispatch and with a
597 reasonable, good faith belief that it could lead to an
598 administrative, civil, or criminal action by the department
599 ~~division~~ or another administrative or law enforcement agency.
600 Except for active criminal intelligence or criminal
601 investigative information, as defined in s. 119.011, and any
602 other information that, if disclosed, would jeopardize the
603 safety of an individual, all information, records, and
604 transcriptions become public when the investigation is closed or
605 ceases to be active.

606 (10) The department ~~division~~ may impose an administrative
607 fine for a violation under this chapter of not more than \$1,000
608 for each count or separate offense, except as otherwise provided
609 in this chapter, and may suspend or revoke a permit, a pari-

32-00167B-11

2011666__

610 mutuel license, or an occupational license for a violation under
611 this chapter. All fines imposed and collected under this
612 subsection must be deposited with the Chief Financial Officer to
613 the credit of the General Revenue Fund.

614 (11) The department ~~division~~ shall supervise and regulate
615 the welfare of racing animals at pari-mutuel facilities.

616 (12) The department ~~may division shall have full authority~~
617 ~~and power to make,~~ adopt, amend, or repeal rules relating to
618 cardroom operations, to enforce and to carry out the provisions
619 of s. 849.086, and to regulate the authorized cardroom
620 activities in the state.

621 (13) The department ~~may division shall have the authority~~
622 ~~to~~ suspend a permitholder's permit or license, if such
623 permitholder is operating a cardroom facility and such
624 permitholder's cardroom license has been suspended or revoked
625 pursuant to s. 849.086.

626 Section 13. Section 550.0351, Florida Statutes, is amended
627 to read:

628 550.0351 Charity racing days.—

629 (1) The department ~~division~~ shall, upon the request of a
630 permitholder, authorize each horseracing permitholder, dogracing
631 permitholder, and jai alai permitholder up to five charity or
632 scholarship days in addition to the regular racing days
633 authorized by law.

634 (2) The proceeds of charity performances shall be paid to
635 qualified beneficiaries selected by the permitholders from an
636 authorized list of charities on file with the department
637 ~~division~~. Eligible charities include any charity that provides
638 evidence of compliance with the provisions of chapter 496 and

32-00167B-11

2011666__

639 evidence of possession of a valid exemption from federal
640 taxation issued by the Internal Revenue Service. In addition,
641 the authorized list must include the Racing Scholarship Trust
642 Fund, the Historical Resources Operating Trust Fund, major state
643 and private institutions of higher learning, and Florida
644 community colleges.

645 (3) The permitholder shall, within 120 days after the
646 conclusion of its fiscal year, pay to the authorized charities
647 the total of all profits derived from the operation of the
648 charity day performances conducted. If charity days are operated
649 on behalf of another permitholder pursuant to law, the
650 permitholder entitled to distribute the proceeds shall
651 distribute the proceeds to charity within 30 days after the
652 actual receipt of the proceeds.

653 (4) The total of all profits derived from the conduct of a
654 charity day performance must include all revenues derived from
655 the conduct of that racing performance, including all state
656 taxes that would otherwise be due to the state, except that the
657 daily license fee as provided in s. 550.0951(1) and the breaks
658 for the promotional trust funds as provided in s. 550.2625(3),
659 (4), (5), (7), and (8) shall be paid to the department ~~division~~.
660 All other revenues from the charity racing performance,
661 including the commissions, breaks, and admissions and the
662 revenues from parking, programs, and concessions, shall be
663 included in the total of all profits.

664 (5) In determining profit, the permitholder may elect to
665 distribute as proceeds only the amount equal to the state tax
666 that would otherwise be paid to the state if the charity day
667 were conducted as a regular or matinee performance.

32-00167B-11

2011666

668 (6) (a) The department ~~division~~ shall authorize one
669 additional scholarship day for horseracing in addition to the
670 regular racing days authorized by law and any additional days
671 authorized by this section, to be conducted at all horse
672 racetracks located in Hillsborough County. The permit holder
673 shall conduct a full schedule of racing on the scholarship day.

674 (b) The funds derived from the operation of the additional
675 scholarship day shall be allocated as provided in this section
676 and paid to Pasco-Hernando Community College.

677 (c) When a charity or scholarship performance is conducted
678 as a matinee performance, the department ~~division~~ may authorize
679 the permit holder to conduct the evening performances of that
680 operation day as a regular performance in addition to the
681 regular operating days authorized by law.

682 (7) In addition to the charity days authorized by this
683 section, any dogracing permit holder may allow its facility to be
684 used for conducting "hound dog derbies" or "mutt derbies" on any
685 day during each racing season by any charitable, civic, or
686 nonprofit organization for the purpose of conducting "hound dog
687 derbies" or "mutt derbies" if only dogs other than those usually
688 used in dogracing (greyhounds) are permitted to race and if
689 adults and minors are allowed to participate as dog owners or
690 spectators. During these racing events, betting, gambling, and
691 the sale or use of alcoholic beverages is prohibited.

692 (8) In addition to the eligible charities that meet the
693 criteria set forth in this section, a jai alai permit holder is
694 authorized to conduct two additional charity performances each
695 fiscal year for a fund to benefit retired jai alai players. This
696 performance shall be known as the "Retired Jai Alai Players

32-00167B-11

2011666__

697 Charity Day." The administration of this fund shall be
698 determined by rule by the department ~~division~~.

699 Section 14. Section 550.054, Florida Statutes, is amended
700 to read:

701 550.054 Application for permit to conduct pari-mutuel
702 wagering.—

703 (1) Any person who possesses the qualifications prescribed
704 in this chapter may apply to the department ~~division~~ for a
705 permit to conduct pari-mutuel operations under this chapter.
706 Applications for a pari-mutuel permit are exempt from the 90-day
707 licensing requirement of s. 120.60. Within 120 days after
708 receipt of a complete application, the department ~~division~~ shall
709 grant or deny the permit. A completed application that is not
710 acted upon within 120 days after receipt is deemed approved, and
711 the department ~~division~~ shall grant the permit.

712 (2) Upon each application filed and approved, a permit
713 shall be issued to the applicant setting forth the name of the
714 permitholder, the location of the pari-mutuel facility, the type
715 of pari-mutuel activity desired to be conducted, and a statement
716 showing qualifications of the applicant to conduct pari-mutuel
717 performances under this chapter; however, a permit is
718 ineffectual to authorize any pari-mutuel performances until
719 approved by a majority of the electors participating in a
720 ratification election in the county in which the applicant
721 proposes to conduct pari-mutuel wagering activities. In
722 addition, an application may not be considered, nor may a permit
723 be issued by the department ~~division~~ or be voted upon in any
724 county, to conduct horseraces, harness horse races, or dograces
725 at a location within 100 miles of an existing pari-mutuel

32-00167B-11

2011666

726 facility, or for jai alai within 50 miles of an existing pari-
727 mutuel facility; this distance shall be measured on a straight
728 line from the nearest property line of one pari-mutuel facility
729 to the nearest property line of the other facility.

730 (3) The department ~~division~~ shall require that each
731 applicant submit an application setting forth:

732 (a) The full name of the applicant.

733 (b) If a corporation, the name of the state in which
734 incorporated and the names and addresses of the officers,
735 directors, and shareholders holding 5 percent or more equity or,
736 if a business entity other than a corporation, the names and
737 addresses of the principals, partners, or shareholders holding 5
738 percent or more equity.

739 (c) The names and addresses of the ultimate equitable
740 owners for a corporation or other business entity, if different
741 from those provided under paragraph (b), unless the securities
742 of the corporation or entity are registered pursuant to s. 12 of
743 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and
744 if such corporation or entity files with the United States
745 Securities and Exchange Commission the reports required by s. 13
746 of that act or if the securities of the corporation or entity
747 are regularly traded on an established securities market in the
748 United States.

749 (d) The exact location where the applicant will conduct
750 pari-mutuel performances.

751 (e) Whether the pari-mutuel facility is owned or leased
752 and, if leased, the name and residence of the fee owner or, if a
753 corporation, the names and addresses of the directors and
754 stockholders thereof. However, this chapter does not prevent a

32-00167B-11

2011666

755 person from applying to the department ~~division~~ for a permit to
756 conduct pari-mutuel operations, regardless of whether the pari-
757 mutuel facility has been constructed or not, and having an
758 election held in any county at the same time that elections are
759 held for the ratification of any permit in that county.

760 (f) A statement of the assets and liabilities of the
761 applicant.

762 (g) The names and addresses of any mortgagee of any pari-
763 mutuel facility and any financial agreement between the parties.
764 The department ~~division~~ may require the names and addresses of
765 the officers and directors of the mortgagee, and of those
766 stockholders who hold more than 10 percent of the stock of the
767 mortgagee.

768 (h) A business plan for the first year of operation.

769 (i) For each individual listed in the application as an
770 owner, partner, officer, or director, a complete set of
771 fingerprints that has been taken by an authorized law
772 enforcement officer. These sets of fingerprints must be
773 submitted to the Federal Bureau of Investigation for processing.
774 Applicants who are foreign nationals shall submit such documents
775 as necessary to allow the department ~~division~~ to conduct
776 criminal history records checks in the applicant's home country.
777 The applicant must pay the cost of processing. The department
778 ~~division~~ may charge a \$2 handling fee for each set of
779 fingerprint records.

780 (j) The type of pari-mutuel activity to be conducted and
781 the desired period of operation.

782 (k) Other information the department ~~division~~ requires.

783 (4) The department ~~division~~ shall require each applicant to

32-00167B-11

2011666

784 deposit with the board of county commissioners of the county in
785 which the election is to be held, a sufficient sum, in currency
786 or by check certified by a bank licensed to do business in the
787 state to pay the expenses of holding the election provided in s.
788 550.0651.

789 (5) Upon receiving an application and any amendments
790 properly made thereto, the department ~~division~~ shall further
791 investigate the matters contained in the application. If the
792 applicant meets all requirements, conditions, and qualifications
793 set forth in this chapter and the rules of the department
794 ~~division~~, the department ~~division~~ shall grant the permit.

795 (6) After initial approval of the permit and the source of
796 financing, the terms and parties of any subsequent refinancing
797 must be disclosed by the applicant or the permitholder to the
798 department ~~division~~.

799 (7) If the department ~~division~~ refuses to grant the permit,
800 the money deposited with the board of county commissioners for
801 holding the election must be refunded to the applicant. If the
802 department ~~division~~ grants the permit applied for, the board of
803 county commissioners shall order an election in the county to
804 decide whether the permit will be approved, as provided in s.
805 550.0651.

806 (8) (a) The department ~~division~~ may charge the applicant for
807 reasonable, anticipated costs incurred by the department
808 ~~division~~ in determining the eligibility of any person or entity
809 specified in s. 550.1815(1) (a) to hold any pari-mutuel permit,
810 against such person or entity.

811 (b) The department ~~division~~ may, by rule, determine the
812 manner of paying its anticipated costs associated with

32-00167B-11

2011666

813 determination of eligibility and the procedure for filing
814 applications for determination of eligibility.

815 (c) The department ~~division~~ shall furnish to the applicant
816 an itemized statement of actual costs incurred during the
817 investigation to determine eligibility.

818 (d) If unused funds remain at the conclusion of such
819 investigation, they must be returned to the applicant within 60
820 days after the determination of eligibility has been made.

821 (e) If the actual costs of investigation exceed anticipated
822 costs, the department ~~division~~ shall assess the applicant the
823 amount necessary to recover all actual costs.

824 (9) (a) After a permit has been granted by the department
825 ~~division~~ and has been ratified and approved by the majority of
826 the electors participating in the election in the county
827 designated in the permit, the department ~~division~~ shall grant to
828 the lawful permitholder, subject to the conditions of this
829 chapter, a license to conduct pari-mutuel operations under this
830 chapter, and, except as provided in s. 550.5251, the department
831 ~~division~~ shall fix annually the time, place, and number of days
832 during which pari-mutuel operations may be conducted by the
833 permitholder at the location fixed in the permit and ratified in
834 the election. After the first license has been issued to the
835 holder of a ratified permit for racing in any county, all
836 subsequent annual applications for a license by that
837 permitholder must be accompanied by proof, in such form as the
838 department ~~division~~ requires, that the ratified permitholder
839 still possesses all the qualifications prescribed by this
840 chapter and that the permit has not been recalled at a later
841 election held in the county.

32-00167B-11

2011666

842 (b) The department ~~division~~ may revoke or suspend any
843 permit or license issued under this chapter upon the willful
844 violation by the permitholder or licensee of any provision of
845 this chapter or of any rule adopted under this chapter. In lieu
846 of suspending or revoking a permit or license, the department
847 ~~division~~ may impose a civil penalty against the permitholder or
848 licensee for a violation of this chapter or any rule adopted by
849 the department ~~division~~. The penalty so imposed may not exceed
850 \$1,000 for each count or separate offense. All penalties imposed
851 and collected must be deposited with the Chief Financial Officer
852 to the credit of the General Revenue Fund.

853 (10) If a permitholder has failed to complete construction
854 of at least 50 percent of the facilities necessary to conduct
855 pari-mutuel operations within 12 months after approval by the
856 voters of the permit, the department ~~division~~ shall revoke the
857 permit upon adequate notice to the permitholder. However, the
858 department ~~division~~, upon good cause shown by the permitholder,
859 may grant one extension of up to 12 months.

860 (11) (a) A permit granted under this chapter may not be
861 transferred or assigned except upon written approval by the
862 department ~~division~~ pursuant to s. 550.1815, except that the
863 holder of any permit that has been converted to a jai alai
864 permit may lease or build anywhere within the county in which
865 its permit is located.

866 (b) If a permit to conduct pari-mutuel wagering is held by
867 a corporation or business entity other than an individual, the
868 transfer of 10 percent or more of the stock or other evidence of
869 ownership or equity in the permitholder may not be made without
870 the prior approval of the transferee by the department ~~division~~

32-00167B-11

2011666__

871 pursuant to s. 550.1815.

872 (12) Changes in ownership or interest of a pari-mutuel
873 permit of 5 percent or more of the stock or other evidence of
874 ownership or equity in the permitholder must ~~shall~~ be approved
875 by the department before ~~division prior to~~ such change, unless
876 the owner is an existing owner of that permit who was previously
877 approved by the department ~~division~~. Changes in ownership or
878 interest of a pari-mutuel permit of less than 5 percent must
879 ~~shall~~ be reported to the department ~~division~~ within 20 days of
880 the change. The department ~~division~~ may then conduct an
881 investigation to ensure that the permit is properly updated to
882 show the change in ownership or interest.

883 (13) (a) Notwithstanding any provisions of this chapter, a
884 ~~ne~~ thoroughbred horse racing permit or license issued under this
885 chapter may not ~~shall~~ be transferred, or reissued if ~~when~~ such
886 reissuance is in the nature of a transfer so as to permit or
887 authorize a licensee to change the location of a thoroughbred
888 horse racetrack except upon proof in such form as the department
889 ~~division~~ may prescribe that a referendum election has been held:

890 1. If the proposed new location is within the same county
891 as the already licensed location, in the county where the
892 licensee desires to conduct the race meeting and that a majority
893 of the electors voting on that question in such election voted
894 in favor of the transfer of such license.

895 2. If the proposed new location is not within the same
896 county as the already licensed location, in the county where the
897 licensee desires to conduct the race meeting and in the county
898 where the licensee is already licensed to conduct the race
899 meeting and that a majority of the electors voting on that

32-00167B-11

2011666__

900 question in each such election voted in favor of the transfer of
901 such license.

902 (b) Each referendum held under ~~the provisions of this~~
903 subsection shall be held in accordance with the electoral
904 procedures for ratification of permits, as provided in s.
905 550.0651. The expense of each such referendum shall be borne by
906 the licensee requesting the transfer.

907 (14) (a) Any holder of a permit to conduct jai alai may
908 apply to the department ~~division~~ to convert such permit to a
909 permit to conduct greyhound racing in lieu of jai alai if:

910 1. Such permit is located in a county in which the
911 department ~~division~~ has issued only two pari-mutuel permits
912 pursuant to this section;

913 2. Such permit was not previously converted from any other
914 class of permit; and

915 3. The holder of the permit has not conducted jai alai
916 games during a period of 10 years immediately preceding his or
917 her application for conversion under this subsection.

918 (b) The department ~~division~~, upon application from the
919 holder of a jai alai permit meeting all conditions of this
920 section, shall convert the permit and shall issue to the
921 permitholder a permit to conduct greyhound racing. A
922 permitholder of a permit converted under this section shall ~~be~~
923 ~~required to~~ apply for and conduct a full schedule of live racing
924 each fiscal year to be eligible for any tax credit provided by
925 this chapter. The holder of a permit converted pursuant to this
926 subsection or any holder of a permit to conduct greyhound racing
927 located in a county in which it is the only permit issued
928 pursuant to this section who operates at a leased facility

32-00167B-11

2011666

929 pursuant to s. 550.475 may move the location for which the
930 permit has been issued to another location within a 30-mile
931 radius of the location fixed in the permit issued in that
932 county, provided the move does not cross the county boundary and
933 such location is approved under the zoning regulations of the
934 county or municipality in which the permit is located, and upon
935 such relocation may use the permit for the conduct of pari-
936 mutuel wagering and the operation of a cardroom. The provisions
937 of s. 550.6305(9)(d) and (f) ~~shall~~ apply to any permit converted
938 under this subsection and ~~shall~~ continue to apply to any permit
939 that ~~which~~ was previously included under and subject to such
940 provisions before a conversion pursuant to this section
941 occurred.

942 Section 15. Subsection (2) of section 550.0555, Florida
943 Statutes, is amended to read:

944 550.0555 Greyhound dogracing permits; relocation within a
945 county; conditions.—

946 (2) Any holder of a valid outstanding permit for greyhound
947 dogracing in a county in which there is only one dogracing
948 permit issued, as well as any holder of a valid outstanding
949 permit for jai alai in a county where only one jai alai permit
950 is issued, is authorized, without the necessity of an additional
951 county referendum required under s. 550.0651, to move the
952 location for which the permit has been issued to another
953 location within a 30-mile radius of the location fixed in the
954 permit issued in that county, if provided ~~if provided~~ the move does not
955 cross the county boundary, ~~that~~ such relocation is approved
956 under the zoning regulations of the county or municipality in
957 which the permit is to be located as a planned development use,

32-00167B-11

2011666

958 consistent with the comprehensive plan, and ~~that~~ such move is
959 approved by the department after it is determined at a
960 proceeding pursuant to chapter 120 in the county affected that
961 the move is necessary to ensure the revenue-producing capability
962 of the permittee without deteriorating the revenue-producing
963 capability of any other pari-mutuel permittee within 50 miles;
964 the distance shall be measured on a straight line from the
965 nearest property line of one racing plant or jai alai fronton to
966 the nearest property line of the other.

967 Section 16. Section 550.0651, Florida Statutes, is amended
968 to read:

969 550.0651 Elections for ratification of permits.—

970 (1) The holder of any permit may have submitted to the
971 electors of the county designated therein the question whether
972 or not such permit will be ratified or rejected. Such questions
973 shall be submitted to the electors for approval or rejection at
974 a special election to be called for that purpose only. The board
975 of county commissioners of the county designated, upon the
976 presentation to such board at a regular or special meeting of a
977 written application, accompanied by a certified copy of the
978 permit granted by the department ~~division~~, and asking for an
979 election in the county in which the application was made, shall
980 order a special election in the county for the particular
981 purpose of deciding whether such permit shall be approved and
982 license issued and race meetings permitted in such county by
983 such permittee and shall cause the clerk of such board to give
984 notice of the special election by publishing the same once each
985 week for 2 consecutive weeks in one or more newspapers of
986 general circulation in the county. Each permit covering each

32-00167B-11

2011666

987 track must be voted upon separately and in separate elections,
988 and an election may not be called more often than once every 2
989 years for the ratification of any permit covering the same
990 track.

991 (2) All elections ordered under this chapter must be held
992 within 90 days and not less than 21 days after the time of
993 presenting such application to the board of county
994 commissioners, and the inspectors of election shall be appointed
995 and qualified as in cases of general elections, and they shall
996 count the votes cast and make due returns of same to the board
997 of county commissioners without delay. The board of county
998 commissioners shall canvass the returns, declare the results,
999 and cause the same to be recorded as provided in the general law
1000 concerning elections so far as applicable.

1001 (3) When a permit has been granted by the department
1002 ~~division~~ and no application to the board of county commissioners
1003 has been made by the permittee within 6 months after the
1004 granting of the permit, the permit becomes void. The department
1005 ~~division~~ shall cancel the permit without notice to the
1006 permitholder, and the board of county commissioners holding the
1007 deposit for the election shall refund the deposit to the
1008 permitholder upon being notified by the department ~~division~~ that
1009 the permit has become void and has been canceled.

1010 (4) All electors duly registered and qualified to vote at
1011 the last preceding general election held in such county are
1012 qualified electors for such election, and in addition thereto
1013 the registration books for such county shall be opened on the
1014 10th day (if the 10th day is a Sunday or a holiday, then on the
1015 next day not a Sunday or holiday) after such election is ordered

32-00167B-11

2011666

1016 and called and must remain open for a period of 10 days for
1017 additional registrations of persons qualified for registration
1018 but not already registered. Electors for such special election
1019 have the same qualifications for and prerequisites to voting in
1020 elections as under the general election laws.

1021 (5) If at any such special election the majority of the
1022 electors voting on the question of ratification or rejection of
1023 any permit vote against such ratification, such permit is void.
1024 If a majority of the electors voting on the question of
1025 ratification or rejection of any permit vote for such
1026 ratification, such permit becomes effectual and the holder
1027 thereof may conduct racing upon complying with the other
1028 provisions of this chapter. The board of county commissioners
1029 shall immediately certify the results of the election to the
1030 department ~~division~~.

1031 Section 17. Subsections (1) and (4) of section 550.0745,
1032 Florida Statutes, are amended to read:

1033 550.0745 Conversion of pari-mutuel permit to summer jai
1034 alai permit.—

1035 (1) The owner or operator of a pari-mutuel permit who is
1036 authorized by the department ~~division~~ to conduct pari-mutuel
1037 pools on exhibition sports in any county having five or more
1038 such pari-mutuel permits and whose mutuel play from the
1039 operation of such pari-mutuel pools for the 2 consecutive years
1040 next prior to filing an application under this section has had
1041 the smallest play or total pool within the county may apply to
1042 the department ~~division~~ to convert its permit to a permit to
1043 conduct a summer jai alai fronton in such county during the
1044 summer season commencing on May 1 and ending on November 30 of

32-00167B-11

2011666__

1045 each year on such dates as may be selected by such permittee for
1046 the same number of days and performances as are allowed and
1047 granted to winter jai alai frontons within such county. If a
1048 permittee who is eligible under this section to convert a permit
1049 declines to convert, a new permit is hereby made available in
1050 that permittee's county to conduct summer jai alai games as
1051 provided by this section, notwithstanding mileage and permit
1052 ratification requirements. If a permittee converts a quarter
1053 horse permit pursuant to this section, nothing in this section
1054 prohibits the permittee from obtaining another quarter horse
1055 permit. Such permittee shall pay the same taxes as are fixed and
1056 required to be paid from the pari-mutuel pools of winter jai
1057 alai permittees and is bound by all of the rules and provisions
1058 of this chapter which apply to the operation of winter jai alai
1059 frontons. Such permittee shall only be permitted to operate a
1060 jai alai fronton after its application has been submitted to the
1061 department ~~division~~ and its license has been issued pursuant to
1062 the application. The license is renewable from year to year as
1063 provided by law.

1064 (4) The provisions of this chapter which prohibit the
1065 location and operation of jai alai frontons within a specified
1066 distance from the location of another jai alai fronton or other
1067 permittee and which prohibit the department ~~division~~ from
1068 granting any permit at a location within a certain designated
1069 area do not apply to the provisions of this section and do not
1070 prevent the issuance of a license under this section.

1071 Section 18. Section 550.0951, Florida Statutes, is amended
1072 to read:

1073 550.0951 Payment of daily license fee and taxes;

32-00167B-11

2011666__

1074 penalties.—

1075 (1) (a) DAILY LICENSE FEE.—Each person engaged in the
1076 business of conducting race meetings or jai alai games under
1077 this chapter, hereinafter referred to as the “permitholder,”
1078 “licensee,” or “permittee,” shall pay to the department
1079 ~~division~~, for the use of the department division, a daily
1080 license fee on each live or simulcast pari-mutuel event of \$100
1081 for each horserace and \$80 for each dograce and \$40 for each jai
1082 alai game conducted at a racetrack or fronton licensed under
1083 this chapter. In addition to the tax exemption specified in s.
1084 550.09514(1) of \$360,000 or \$500,000 per greyhound permitholder
1085 per state fiscal year, each greyhound permitholder shall receive
1086 in the current state fiscal year a tax credit equal to the
1087 number of live greyhound races conducted in the previous state
1088 fiscal year times the daily license fee specified for each
1089 dograce in this subsection applicable for the previous state
1090 fiscal year. This tax credit and the exemption in s.
1091 550.09514(1) shall be applicable to any tax imposed by this
1092 chapter or the daily license fees imposed by this chapter except
1093 during any charity or scholarship performances conducted
1094 pursuant to s. 550.0351. Each permitholder shall pay daily
1095 license fees not to exceed \$500 per day on any simulcast races
1096 or games on which such permitholder accepts wagers regardless of
1097 the number of out-of-state events taken or the number of out-of-
1098 state locations from which such events are taken. This license
1099 fee shall be deposited with the Chief Financial Officer to the
1100 credit of the Pari-mutuel Wagering Trust Fund.

1101 (b) Each permitholder that cannot utilize the full amount
1102 of the exemption of \$360,000 or \$500,000 provided in s.

32-00167B-11

2011666__

1103 550.09514(1) or the daily license fee credit provided in this
1104 section may, after notifying the department ~~division~~ in writing,
1105 elect once per state fiscal year on a form provided by the
1106 department ~~division~~ to transfer such exemption or credit or any
1107 portion thereof to any greyhound permitholder that ~~which~~ acts as
1108 a host track to such permitholder for the purpose of intertrack
1109 wagering. Once an election to transfer such exemption or credit
1110 is filed with the department ~~division~~, it may ~~shall~~ not be
1111 rescinded. The department ~~division~~ shall disapprove the transfer
1112 when the amount of the exemption or credit or portion thereof is
1113 unavailable to the transferring permitholder or when the
1114 permitholder who is entitled to transfer the exemption or credit
1115 or who is entitled to receive the exemption or credit owes taxes
1116 to the state pursuant to a deficiency letter or administrative
1117 complaint issued by the department ~~division~~. Upon approval of
1118 the transfer by the department ~~division~~, the transferred tax
1119 exemption or credit shall be effective for the first performance
1120 of the next payment period as specified in subsection (5). The
1121 exemption or credit transferred to such host track may be
1122 applied by such host track against any taxes imposed by this
1123 chapter or daily license fees imposed by this chapter. The
1124 greyhound permitholder host track to which such exemption or
1125 credit is transferred shall reimburse such permitholder the
1126 exact monetary value of such transferred exemption or credit as
1127 actually applied against the taxes and daily license fees of the
1128 host track. The department ~~division~~ shall ensure that all
1129 transfers of exemption or credit are made in accordance with
1130 this subsection, and the department may ~~shall have the authority~~
1131 ~~to~~ adopt rules to ensure the implementation of this section.

32-00167B-11

2011666__

1132 (2) ADMISSION TAX.—

1133 (a) An admission tax equal to 15 percent of the admission
1134 charge for entrance to the permitholder's facility and
1135 grandstand area, or 10 cents, whichever is greater, is imposed
1136 on each person attending a horserace, dograce, or jai alai game.
1137 The permitholder shall be responsible for collecting the
1138 admission tax.

1139 (b) No admission tax under this chapter or chapter 212
1140 shall be imposed on any free passes or complimentary cards
1141 issued to persons for which there is no cost to the person for
1142 admission to pari-mutuel events.

1143 (c) A permitholder may issue tax-free passes to its
1144 officers, officials, and employees or other persons actually
1145 engaged in working at the racetrack, including accredited press
1146 representatives such as reporters and editors, and may also
1147 issue tax-free passes to other permitholders for the use of
1148 their officers and officials. The permitholder shall file with
1149 the department ~~division~~ a list of all persons to whom tax-free
1150 passes are issued under this paragraph.

1151 (3) TAX ON HANDLE.—Each permitholder shall pay a tax on
1152 contributions to pari-mutuel pools, the aggregate of which is
1153 hereinafter referred to as "handle," on races or games conducted
1154 by the permitholder. The tax is imposed daily and is based on
1155 the total contributions to all pari-mutuel pools conducted
1156 during the daily performance. If a permitholder conducts more
1157 than one performance daily, the tax is imposed on each
1158 performance separately.

1159 (a) The tax on handle for quarter horse racing is 1.0
1160 percent of the handle.

32-00167B-11

2011666

1161 (b)1. The tax on handle for dogracing is 5.5 percent of the
1162 handle, except that for live charity performances held pursuant
1163 to s. 550.0351, and for intertrack wagering on such charity
1164 performances at a guest greyhound track within the market area
1165 of the host, the tax is 7.6 percent of the handle.

1166 2. The tax on handle for jai alai is 7.1 percent of the
1167 handle.

1168 (c)1. The tax on handle for intertrack wagering is 2.0
1169 percent of the handle if the host track is a horse track, 3.3
1170 percent if the host track is a harness track, 5.5 percent if the
1171 host track is a dog track, and 7.1 percent if the host track is
1172 a jai alai fronton. The tax on handle for intertrack wagering is
1173 0.5 percent if the host track and the guest track are
1174 thoroughbred permitholders or if the guest track is located
1175 outside the market area of the host track and within the market
1176 area of a thoroughbred permitholder currently conducting a live
1177 race meet. The tax on handle for intertrack wagering on
1178 rebroadcasts of simulcast thoroughbred horseraces is 2.4 percent
1179 of the handle and 1.5 percent of the handle for intertrack
1180 wagering on rebroadcasts of simulcast harness horseraces. The
1181 tax shall be deposited into the Pari-mutuel Wagering Trust Fund.

1182 2. The tax on handle for intertrack wagers accepted by any
1183 dog track located in an area of the state in which there are
1184 only three permitholders, all of which are greyhound
1185 permitholders, located in three contiguous counties, from any
1186 greyhound permitholder also located within such area or any dog
1187 track or jai alai fronton located as specified in s. 550.615(6)
1188 or (9), on races or games received from the same class of
1189 permitholder located within the same market area is 3.9 percent

32-00167B-11

2011666__

1190 if the host facility is a greyhound permitholder and, if the
1191 host facility is a jai alai permitholder, the rate shall be 6.1
1192 percent except that it shall be 2.3 percent on handle at such
1193 time as the total tax on intertrack handle paid to the
1194 department ~~division~~ by the permitholder during the current state
1195 fiscal year exceeds the total tax on intertrack handle paid to
1196 the department ~~division~~ by the permitholder during the 1992-1993
1197 state fiscal year.

1198 (d) Notwithstanding any other provision of this chapter, in
1199 order to protect the Florida jai alai industry, ~~effective July~~
1200 ~~1, 2000,~~ a jai alai permitholder may not be taxed on live handle
1201 at a rate higher than 2 percent.

1202 (4) BREAKS TAX. ~~Effective October 1, 1996,~~ Each
1203 permitholder conducting jai alai performances shall pay a tax
1204 equal to the breaks. The "breaks" represents that portion of
1205 each pari-mutuel pool which is not redistributed to the
1206 contributors or withheld by the permitholder as commission.

1207 (5) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments
1208 imposed by this section shall be paid to the department
1209 ~~division~~. The department ~~division~~ shall deposit these sums with
1210 the Chief Financial Officer, to the credit of the Pari-mutuel
1211 Wagering Trust Fund, hereby established. The permitholder shall
1212 remit to the department ~~division~~ payment for the daily license
1213 fee, the admission tax, the tax on handle, and the breaks tax.
1214 Such payments shall be remitted by 3 p.m. Wednesday of each week
1215 for taxes imposed and collected for the preceding week ending on
1216 Sunday. Beginning on July 1, 2012, such payments shall be
1217 remitted by 3 p.m. on the 5th day of each calendar month for
1218 taxes imposed and collected for the preceding calendar month. If

32-00167B-11

2011666__

1219 the 5th day of the calendar month falls on a weekend, payments
1220 shall be remitted by 3 p.m. the first Monday following the
1221 weekend. Permitholders shall file a report under oath by the 5th
1222 day of each calendar month for all taxes remitted during the
1223 preceding calendar month. Such payments shall be accompanied by
1224 a report under oath showing the total of all admissions, the
1225 pari-mutuel wagering activities for the preceding calendar
1226 month, and such other information as may be prescribed by the
1227 department ~~division~~.

1228 (6) PENALTIES.—

1229 (a) The failure of any permit holder to make payments as
1230 prescribed in subsection (5) is a violation of this section, and
1231 the permit holder may be subjected by the department ~~division~~ to
1232 a civil penalty of up to \$1,000 for each day the tax payment is
1233 not remitted. All penalties imposed and collected shall be
1234 deposited in the General Revenue Fund. If a permit holder fails
1235 to pay penalties imposed by order of the department ~~division~~
1236 under this subsection, the department ~~division~~ may suspend or
1237 revoke the license of the permit holder, cancel the permit of the
1238 permit holder, or deny issuance of any further license or permit
1239 to the permit holder.

1240 (b) In addition to the civil penalty prescribed in
1241 paragraph (a), any willful or wanton failure by any permit holder
1242 to make payments of the daily license fee, admission tax, tax on
1243 handle, or breaks tax constitutes sufficient grounds for the
1244 department ~~division~~ to suspend or revoke the license of the
1245 permit holder, to cancel the permit of the permit holder, or to
1246 deny issuance of any further license or permit to the
1247 permit holder.

32-00167B-11

2011666

1248 Section 19. Subsections (2) and (3) of section 550.09511,
1249 Florida Statutes, are amended to read:

1250 550.09511 Jai alai taxes; abandoned interest in a permit
1251 for nonpayment of taxes.—

1252 (2) Notwithstanding the provisions of s. 550.0951(3)(b),
1253 wagering on live jai alai performances shall be subject to the
1254 following taxes:

1255 (a)1. The tax on handle per performance for live jai alai
1256 performances is 4.25 percent of handle per performance. However,
1257 when the live handle of a permitholder during the preceding
1258 state fiscal year was less than \$15 million, the tax shall be
1259 paid on the handle in excess of \$30,000 per performance per day.

1260 2. The tax rate shall be applicable only until the
1261 requirements of paragraph (b) are met.

1262 (b) At such time as the total of admissions tax, daily
1263 license fee, and tax on handle for live jai alai performances
1264 paid to the department ~~division~~ by a permitholder during the
1265 current state fiscal year exceeds the total state tax revenues
1266 from wagering on live jai alai performances paid or due by the
1267 permitholder in fiscal year 1991-1992, the permitholder shall
1268 pay tax on handle for live jai alai performances at a rate of
1269 2.55 percent of the handle per performance for the remainder of
1270 the current state fiscal year. For purposes of this section,
1271 total state tax revenues on live jai alai wagering in fiscal
1272 year 1991-1992 shall include any admissions tax, tax on handle,
1273 surtaxes on handle, and daily license fees.

1274 (c) If no tax on handle for live jai alai performances were
1275 paid to the department ~~division~~ by a jai alai permitholder
1276 during the 1991-1992 state fiscal year, then at such time as the

32-00167B-11

2011666

1277 total of admissions tax, daily license fee, and tax on handle
1278 for live jai alai performances paid to the department ~~division~~
1279 by a permitholder during the current state fiscal year exceeds
1280 the total state tax revenues from wagering on live jai alai
1281 performances paid or due by the permitholder in the last state
1282 fiscal year in which the permitholder conducted a full schedule
1283 of live games, the permitholder shall pay tax on handle for live
1284 jai alai performances at a rate of 3.3 percent of the handle per
1285 performance for the remainder of the current state fiscal year.
1286 For purposes of this section, total state tax revenues on live
1287 jai alai wagering shall include any admissions tax, tax on
1288 handle, surtaxes on handle, and daily license fees. ~~This~~
1289 ~~paragraph shall take effect July 1, 1993.~~

1290 (d) A permitholder who obtains a new permit issued by the
1291 department ~~division~~ subsequent to the 1991-1992 state fiscal
1292 year and a permitholder whose permit has been converted to a jai
1293 alai permit under the provisions of this chapter, shall, at such
1294 time as the total of admissions tax, daily license fee, and tax
1295 on handle for live jai alai performances paid to the department
1296 ~~division~~ by the permitholder during the current state fiscal
1297 year exceeds the average total state tax revenues from wagering
1298 on live jai alai performances for the first 3 consecutive jai
1299 alai seasons paid to or due the department ~~division~~ by the
1300 permitholder and during which the permitholder conducted a full
1301 schedule of live games, pay tax on handle for live jai alai
1302 performances at a rate of 3.3 percent of the handle per
1303 performance for the remainder of the current state fiscal year.

1304 (e) The payment of taxes pursuant to paragraphs (b), (c),
1305 and (d) shall be calculated and commence beginning the day in

32-00167B-11

2011666__

1306 which the permitholder is first entitled to the reduced rate
1307 specified in this section and the report of taxes required by s.
1308 550.0951(5) is submitted to the department ~~division~~.

1309 (f) A jai alai permitholder paying taxes under this section
1310 shall retain the breaks and pay an amount equal to the breaks as
1311 special prize awards, which shall be in addition to the regular
1312 contracted prize money paid to jai alai players at the
1313 permitholder's facility. Payment of the special prize money
1314 shall be made during the permitholder's current meet.

1315 (g) For purposes of this section, "handle" has ~~shall have~~
1316 the same meaning as in s. 550.0951, and does ~~shall~~ not include
1317 handle from intertrack wagering.

1318 (3) (a) Notwithstanding the provisions of subsection (2) and
1319 s. 550.0951(3)(c)1., any jai alai permitholder that ~~which~~ is
1320 restricted under Florida law from operating live performances on
1321 a year-round basis is entitled to conduct wagering on live
1322 performances at a tax rate of 3.85 percent of live handle. Such
1323 permitholder is also entitled to conduct intertrack wagering as
1324 a host permitholder on live jai alai games at its fronton at a
1325 tax rate of 3.3 percent of handle at such time as the total tax
1326 on intertrack handle paid to the department ~~division~~ by the
1327 permitholder during the current state fiscal year exceeds the
1328 total tax on intertrack handle paid to the department ~~division~~
1329 by the permitholder during the 1992-1993 state fiscal year.

1330 (b) The payment of taxes pursuant to paragraph (a) shall be
1331 calculated and commence beginning the day in which the
1332 permitholder is first entitled to the reduced rate specified in
1333 this subsection.

1334 Section 20. Section 550.09512, Florida Statutes, is amended

32-00167B-11

2011666__

1335 to read:

1336 550.09512 Harness horse taxes; abandoned interest in a
1337 permit for nonpayment of taxes.—

1338 (1) Pari-mutuel wagering at harness horse racetracks in
1339 this state is an important business enterprise, and taxes
1340 derived therefrom constitute a part of the tax structure which
1341 funds operation of the state. Harness horse permitholders should
1342 pay their fair share of these taxes to the state. This business
1343 interest should not be taxed to such an extent as to cause any
1344 racetrack that ~~which~~ is operated under sound business principles
1345 to be forced out of business. Due to the need to protect the
1346 public health, safety, and welfare, the gaming laws of the state
1347 provide for the harness horse industry to be highly regulated
1348 and taxed. The state recognizes that there exist identifiable
1349 differences between harness horse permitholders based upon their
1350 ability to operate under such regulation and tax system.

1351 (2) (a) The tax on handle for live harness horse
1352 performances is 0.5 percent of handle per performance.

1353 (b) For purposes of this section, the term "handle" has
1354 ~~shall have~~ the same meaning as in s. 550.0951, and does ~~shall~~
1355 not include handle from intertrack wagering.

1356 (3) (a) The permit of a harness horse permitholder who does
1357 not pay tax on handle for live harness horse performances for a
1358 full schedule of live races during any 2 consecutive state
1359 fiscal years shall be void and shall escheat to and become the
1360 property of the state unless such failure to operate and pay tax
1361 on handle was the direct result of fire, strike, war, or other
1362 disaster or event beyond the ability of the permitholder to
1363 control. Financial hardship to the permitholder does ~~shall~~ not,

32-00167B-11

2011666

1364 in and of itself, constitute just cause for failure to operate
1365 and pay tax on handle.

1366 (b) In order to maximize the tax revenues to the state, the
1367 department ~~division~~ shall reissue an escheated harness horse
1368 permit to a qualified applicant pursuant to the provisions of
1369 this chapter as for the issuance of an initial permit. However,
1370 the provisions of this chapter relating to referendum
1371 requirements for a pari-mutuel permit do ~~shall~~ not apply to the
1372 reissuance of an escheated harness horse permit. As specified in
1373 the application and upon approval by the department ~~division~~ of
1374 an application for the permit, the new permitholder is ~~shall be~~
1375 authorized to operate a harness horse facility anywhere in the
1376 same county in which the escheated permit was authorized to be
1377 operated, notwithstanding the provisions of s. 550.054(2)
1378 relating to mileage limitations.

1379 (4) If ~~In the event that~~ a court of competent jurisdiction
1380 determines any of the provisions of this section to be
1381 unconstitutional, it is the intent of the Legislature that the
1382 provisions contained in this section shall be ~~null and~~ void and
1383 that the provisions of s. 550.0951 ~~shall~~ apply to all harness
1384 horse permitholders beginning on the date of such judicial
1385 determination. To this end, the Legislature declares that it
1386 would not have enacted any of the provisions of this section
1387 individually and, to that end, expressly finds them not to be
1388 severable.

1389 Section 21. Subsection (2) of section 550.09514, Florida
1390 Statutes, is amended to read:

1391 550.09514 Greyhound dogracing taxes; purse requirements.—

1392 (2) (a) ~~The division shall determine for each greyhound~~

32-00167B-11

2011666__

1393 ~~permitholder the annual purse percentage rate of live handle for~~
1394 ~~the state fiscal year 1993-1994 by dividing total purses paid on~~
1395 ~~live handle by the permitholder, exclusive of payments made from~~
1396 ~~outside sources, during the 1993-1994 state fiscal year by the~~
1397 ~~permitholder's live handle for the 1993-1994 state fiscal year.~~
1398 Each permitholder shall pay as purses for live races conducted
1399 during its current race meet at least the same ratio of purses
1400 paid on live handle excluding payments from outside sources
1401 divided by the permitholder's live handle as it paid during the
1402 ~~a percentage of its live handle not less than the percentage~~
1403 ~~determined under this paragraph, exclusive of payments made by~~
1404 ~~outside sources, for its 1993-1994 state fiscal year, as~~
1405 determined by the department.

1406 (b) Except as otherwise set forth herein, in addition to
1407 the minimum purse percentage required by paragraph (a), each
1408 permitholder shall pay as purses an annual amount equal to 75
1409 percent of the daily license fees paid by each permitholder for
1410 the 1994-1995 fiscal year. This purse supplement shall be
1411 disbursed weekly during the permitholder's race meet in an
1412 amount determined by dividing the annual purse supplement by the
1413 number of performances approved for the permitholder pursuant to
1414 its annual license and multiplying that amount by the number of
1415 performances conducted each week. For the greyhound
1416 permitholders in the county where there are two greyhound
1417 permitholders located as specified in s. 550.615(6), such
1418 permitholders shall pay in the aggregate an amount equal to 75
1419 percent of the daily license fees paid by such permitholders for
1420 the 1994-1995 fiscal year. These permitholders shall be jointly
1421 and severally liable for such purse payments. The additional

32-00167B-11

2011666

1422 purses provided by this paragraph must be used exclusively for
1423 purses other than stakes. The department ~~division~~ shall conduct
1424 audits necessary to ensure compliance with this section.

1425 (c)1. Each greyhound permitholder when conducting at least
1426 three live performances during any week shall pay purses in that
1427 week on wagers it accepts as a guest track on intertrack and
1428 simulcast greyhound races at the same rate as it pays on live
1429 races. Each greyhound permitholder when conducting at least
1430 three live performances during any week shall pay purses in that
1431 week, at the same rate as it pays on live races, on wagers
1432 accepted on greyhound races at a guest track that ~~which~~ is not
1433 conducting live racing and is located within the same market
1434 area as the greyhound permitholder conducting at least three
1435 live performances during any week.

1436 2. Each host greyhound permitholder shall pay purses on its
1437 simulcast and intertrack broadcasts of greyhound races to guest
1438 facilities that are located outside its market area in an amount
1439 equal to one quarter of an amount determined by subtracting the
1440 transmission costs of sending the simulcast or intertrack
1441 broadcasts from an amount determined by adding the fees received
1442 for greyhound simulcast races plus 3 percent of the greyhound
1443 intertrack handle at guest facilities that are located outside
1444 the market area of the host and that paid contractual fees to
1445 the host for such broadcasts of greyhound races.

1446 ~~(d) The division shall require sufficient documentation~~
1447 ~~from each greyhound permitholder regarding purses paid on live~~
1448 ~~racing to assure that the annual purse percentage rates paid by~~
1449 ~~each permitholder on the live races are not reduced below those~~
1450 ~~paid during the 1993-1994 state fiscal year. The division shall~~

32-00167B-11

2011666__

1451 ~~require sufficient documentation from each greyhound~~
1452 ~~permitholder to assure that the purses paid by each permitholder~~
1453 ~~on the greyhound intertrack and simulcast broadcasts are in~~
1454 ~~compliance with the requirements of paragraph (c).~~

1455 (d)~~(e)~~ In addition to the purse requirements of paragraphs
1456 (a)-(c), each greyhound permitholder shall pay as purses an
1457 amount equal to one-third of the amount of the tax reduction on
1458 live and simulcast handle applicable to such permitholder as a
1459 result of the reductions in tax rates on handle made by chapter
1460 2000-354, Laws of Florida, in ~~provided by this act through the~~
1461 ~~amendments to~~ s. 550.0951(3). With respect to intertrack
1462 wagering if ~~when~~ the host and guest tracks are greyhound
1463 permitholders not within the same market area, an amount equal
1464 to the tax reduction applicable to the guest track handle as a
1465 result of the reduction in tax rate on handle made by chapter
1466 2000-354, Laws of Florida, in ~~provided by this act through the~~
1467 ~~amendment to~~ s. 550.0951(3) shall be distributed to the guest
1468 track, one-third of which amount shall be paid as purses at the
1469 guest track. However, if the guest track is a greyhound
1470 permitholder within the market area of the host or if the guest
1471 track is not a greyhound permitholder, an amount equal to such
1472 tax reduction applicable to the guest track handle shall be
1473 retained by the host track, one-third of which amount shall be
1474 paid as purses at the host track. These purse funds shall be
1475 disbursed in the week received if the permitholder conducts at
1476 least one live performance during that week. If the permitholder
1477 does not conduct at least one live performance during the week
1478 in which the purse funds are received, the purse funds shall be
1479 disbursed weekly during the permitholder's next race meet in an

32-00167B-11

2011666__

1480 amount determined by dividing the purse amount by the number of
1481 performances approved for the permitholder pursuant to its
1482 annual license, and multiplying that amount by the number of
1483 performances conducted each week. The department ~~division~~ shall
1484 conduct audits necessary to ensure compliance with this
1485 paragraph.

1486 (e) ~~(f)~~ Each greyhound permitholder shall, during the
1487 permitholder's race meet, supply kennel operators and the
1488 department ~~Division of Pari-Mutuel Wagering~~ with a weekly report
1489 showing purses paid on live greyhound races and all greyhound
1490 intertrack and simulcast broadcasts, including both as a guest
1491 and a host together with the handle or commission calculations
1492 on which such purses were paid and the transmission costs of
1493 sending the simulcast or intertrack broadcasts, so that the
1494 kennel operators may determine statutory and contractual
1495 compliance.

1496 (f) ~~(g)~~ Each greyhound permitholder shall make direct
1497 payment of purses to the greyhound owners who have filed with
1498 such permitholder appropriate federal taxpayer identification
1499 information based on the percentage amount agreed upon between
1500 the kennel operator and the greyhound owner.

1501 (g) ~~(h)~~ At the request of a majority of kennel operators
1502 under contract with a greyhound permitholder, the permitholder
1503 shall make deductions from purses paid to each kennel operator
1504 electing such deduction and shall make a direct payment of such
1505 deductions to the local association of greyhound kennel
1506 operators formed by a majority of kennel operators under
1507 contract with the permitholder. The amount of the deduction
1508 shall be at least 1 percent of purses, as determined by the

32-00167B-11

2011666

1509 local association of greyhound kennel operators. No deductions
 1510 may be taken pursuant to this paragraph without a kennel
 1511 operator's specific approval ~~before or after the effective date~~
 1512 ~~of this act.~~

1513 Section 22. Subsection (3) of section 550.09515, Florida
 1514 Statutes, is amended to read:

1515 550.09515 Thoroughbred horse taxes; abandoned interest in a
 1516 permit for nonpayment of taxes.-

1517 (3) (a) The permit of a thoroughbred horse permitholder who
 1518 does not pay tax on handle for live thoroughbred horse
 1519 performances for a full schedule of live races during any 2
 1520 consecutive state fiscal years shall be void and shall escheat
 1521 to and become the property of the state unless such failure to
 1522 operate and pay tax on handle was the direct result of fire,
 1523 strike, war, or other disaster or event beyond the ability of
 1524 the permitholder to control. Financial hardship to the
 1525 permitholder does ~~shall~~ not, in and of itself, constitute just
 1526 cause for failure to operate and pay tax on handle.

1527 (b) In order to maximize the tax revenues to the state, the
 1528 department ~~division~~ shall reissue an escheated thoroughbred
 1529 horse permit to a qualified applicant pursuant to the provisions
 1530 of this chapter as for the issuance of an initial permit.
 1531 However, the provisions of this chapter relating to referendum
 1532 requirements for a pari-mutuel permit do ~~shall~~ not apply to the
 1533 reissuance of an escheated thoroughbred horse permit. As
 1534 specified in the application and upon approval by the department
 1535 ~~division~~ of an application for the permit, the new permitholder
 1536 shall be authorized to operate a thoroughbred horse facility
 1537 anywhere in the same county in which the escheated permit was

32-00167B-11

2011666

1538 authorized to be operated, notwithstanding the provisions of s.
1539 550.054(2) relating to mileage limitations.

1540 Section 23. Section 550.105, Florida Statutes, is amended
1541 to read:

1542 550.105 Occupational licenses of racetrack employees; fees;
1543 denial, suspension, and revocation of license; penalties and
1544 fines.—

1545 (1) Each person connected with a racetrack or jai alai
1546 fronton, as specified in paragraph (2) (a), shall purchase from
1547 the department ~~division~~ an occupational license. All moneys
1548 collected pursuant to this section each fiscal year shall be
1549 deposited into the Pari-mutuel Wagering Trust Fund. Pursuant to
1550 the rules adopted by the department ~~division~~, an occupational
1551 license may be valid for a period of up to 3 years for a fee
1552 that does not exceed the full occupational license fee for each
1553 of the years for which the license is purchased. The
1554 occupational license shall be valid during its specified term at
1555 any pari-mutuel facility.

1556 (2) (a) The following licenses shall be issued to persons or
1557 entities with access to the backside, racing animals, jai alai
1558 players' room, jockeys' room, drivers' room, totalisator room,
1559 the mutuels, or money room, or to persons who, by virtue of the
1560 position they hold, might be granted access to these areas or to
1561 any other person or entity in one of the following categories
1562 and with fees not to exceed the following amounts for any 12-
1563 month period:

1564 1. Business licenses: any business such as a vendor,
1565 contractual concessionaire, contract kennel, business owning
1566 racing animals, trust or estate, totalisator company, stable

32-00167B-11

2011666__

1567 name, or other fictitious name: \$50.

1568 2. Professional occupational licenses: professional persons
1569 with access to the backside of a racetrack or players' quarters
1570 in jai alai such as trainers, officials, veterinarians, doctors,
1571 nurses, emergency medical technicians ~~EMT's~~, jockeys and
1572 apprentices, drivers, jai alai players, owners, trustees, or any
1573 management or officer or director or shareholder or any other
1574 professional-level person who might have access to the jockeys'
1575 room, the drivers' room, the backside, racing animals, kennel
1576 compound, or managers or supervisors requiring access to mutuels
1577 machines, the money room, or totalisator equipment: \$40.

1578 3. General occupational licenses: general employees with
1579 access to the jockeys' room, the drivers' room, racing animals,
1580 the backside of a racetrack or players' quarters in jai alai,
1581 such as grooms, kennel helpers, leadouts, pelota makers, cesta
1582 makers, or ball boys, or a practitioner of any other occupation
1583 who would have access to the animals, the backside, or the
1584 kennel compound, or who would provide the security or
1585 maintenance of these areas, or mutuel employees, totalisator
1586 employees, money-room employees, or any employee with access to
1587 mutuels machines, the money room, or totalisator equipment or
1588 who would provide the security or maintenance of these areas:
1589 \$10.

1590
1591 The individuals and entities that are licensed under this
1592 paragraph require heightened state scrutiny, including the
1593 submission by the individual licensees or persons associated
1594 with the entities described in this chapter of fingerprints for
1595 a Federal Bureau of Investigation criminal records check.

32-00167B-11

2011666__

1596 (b) The department ~~division~~ shall adopt rules pertaining to
1597 pari-mutuel occupational licenses, licensing periods, and
1598 renewal cycles.

1599 (3) Certified public accountants and attorneys licensed to
1600 practice in this state are ~~shall~~ not be required to hold an
1601 occupational license under this section while providing
1602 accounting or legal services to a permitholder if the certified
1603 public accountant's or attorney's primary place of employment is
1604 not on the permitholder premises.

1605 (4) It is unlawful to take part in or officiate in any way
1606 at any pari-mutuel facility without first having secured a
1607 license and paid the occupational license fee.

1608 (5) (a) The department ~~division~~ may:

1609 1. Deny a license to or revoke, suspend, or place
1610 conditions upon or restrictions on a license of any person who
1611 has been refused a license by any other state racing commission
1612 or racing authority;

1613 2. Deny, suspend, or place conditions on a license of any
1614 person who is under suspension or has unpaid fines in another
1615 jurisdiction;

1616
1617 if the state racing commission or racing authority of such other
1618 state or jurisdiction extends to the department ~~division~~
1619 reciprocal courtesy to maintain the disciplinary control.

1620 (b) The department ~~division~~ may deny, suspend, revoke, or
1621 declare ineligible any occupational license if the applicant for
1622 or holder thereof has violated the provisions of this chapter or
1623 the rules of the department ~~division~~ governing the conduct of
1624 persons connected with racetracks and frontons. In addition, the

32-00167B-11

2011666__

1625 department ~~division~~ may deny, suspend, revoke, or declare
1626 ineligible any occupational license if the applicant for such
1627 license has been convicted in this state, in any other state, or
1628 under the laws of the United States of a capital felony, a
1629 felony, or an offense in any other state which would be a felony
1630 under the laws of this state involving arson; trafficking in,
1631 conspiracy to traffic in, smuggling, importing, conspiracy to
1632 smuggle or import, or delivery, sale, or distribution of a
1633 controlled substance; or a crime involving a lack of good moral
1634 character, or has had a pari-mutuel license revoked by this
1635 state or any other jurisdiction for an offense related to pari-
1636 mutuel wagering.

1637 (c) The department ~~division~~ may deny, declare ineligible,
1638 or revoke any occupational license if the applicant for such
1639 license has been convicted of a felony or misdemeanor in this
1640 state, in any other state, or under the laws of the United
1641 States, if such felony or misdemeanor is related to gambling or
1642 bookmaking, as contemplated in s. 849.25, or involves cruelty to
1643 animals. If the applicant establishes that she or he is of good
1644 moral character, that she or he has been rehabilitated, and that
1645 the crime she or he was convicted of is not related to pari-
1646 mutuel wagering and is not a capital offense, the restrictions
1647 excluding offenders may be waived by the director of the
1648 department ~~division~~.

1649 (d) For purposes of this subsection, the term "convicted"
1650 means having been found guilty, with or without adjudication of
1651 guilt, as a result of a jury verdict, nonjury trial, or entry of
1652 a plea of guilty or nolo contendere. However, the term
1653 "conviction" may ~~shall~~ not be applied to a crime committed prior

32-00167B-11

2011666

1654 to the effective date of this subsection in a manner that would
1655 invalidate any occupational license issued prior to the
1656 effective date of this subsection or subsequent renewal for any
1657 person holding such a license.

1658 (e) If an occupational license will expire by department
1659 ~~division~~ rule during the period of a suspension the department
1660 ~~division~~ intends to impose, or if a license would have expired
1661 but for pending administrative charges and the occupational
1662 licensee is found to be in violation of any of the charges, the
1663 license may be revoked and a time period of license
1664 ineligibility may be declared. The department ~~division~~ may bring
1665 administrative charges against any person not holding a current
1666 license for violations of statutes or rules which occurred while
1667 such person held an occupational license, and the department
1668 ~~division~~ may declare such person ineligible to hold a license
1669 for a period of time. The department ~~division~~ may impose a civil
1670 fine of up to \$1,000 for each violation of the rules of the
1671 department ~~division~~ in addition to or in lieu of any other
1672 penalty provided for in this section. In addition to any other
1673 penalty provided by law, the department ~~division~~ may exclude
1674 from all pari-mutuel facilities in this state, for a period not
1675 to exceed the period of suspension, revocation, or
1676 ineligibility, any person whose occupational license application
1677 has been denied by the department ~~division~~, who has been
1678 declared ineligible to hold an occupational license, or whose
1679 occupational license has been suspended or revoked by the
1680 department ~~division~~.

1681 (f) The department ~~division~~ may cancel any occupational
1682 license that has been voluntarily relinquished by the licensee.

32-00167B-11

2011666__

1683 (6) In order to promote the orderly presentation of pari-
1684 mutuel meets authorized in this chapter, the department ~~division~~
1685 may issue a temporary occupational license. The department
1686 ~~division~~ shall adopt rules to implement this subsection.
1687 However, no temporary occupational license shall be valid for
1688 more than 90 days, and no more than one temporary license may be
1689 issued for any person in any year.

1690 (7) The department ~~division~~ may deny, revoke, or suspend
1691 any occupational license if the applicant therefor or holder
1692 thereof accumulates unpaid obligations or defaults in
1693 obligations, or issues drafts or checks that are dishonored or
1694 for which payment is refused without reasonable cause, if such
1695 unpaid obligations, defaults, or dishonored or refused drafts or
1696 checks directly relate to the sport of jai alai or racing being
1697 conducted at a pari-mutuel facility within this state.

1698 (8) The department ~~division~~ may fine, or suspend or revoke,
1699 or place conditions upon, the license of any licensee who under
1700 oath knowingly provides false information regarding an
1701 investigation by the department ~~division~~.

1702 (9) The tax imposed by this section is in lieu of all
1703 license, excise, or occupational taxes to the state or any
1704 county, municipality, or other political subdivision, except
1705 that, if a race meeting or game is held or conducted in a
1706 municipality, the municipality may assess and collect an
1707 additional tax against any person conducting live racing or
1708 games within its corporate limits, which tax may not exceed \$150
1709 per day for horseracing or \$50 per day for dogracing or jai
1710 alai. Except as provided in this chapter, a municipality may not
1711 assess or collect any additional excise or revenue tax against

32-00167B-11

2011666

1712 any person conducting race meetings within the corporate limits
1713 of the municipality or against any patron of any such person.

1714 (10) (a) Upon application for an occupational license, the
1715 department ~~division~~ may require the applicant's full legal name;
1716 any nickname, alias, or maiden name for the applicant; name of
1717 the applicant's spouse; the applicant's date of birth, residence
1718 address, mailing address, residence address and business phone
1719 number, and social security number; disclosure of any felony or
1720 any conviction involving bookmaking, illegal gambling, or
1721 cruelty to animals; disclosure of any past or present
1722 enforcement or actions by any racing or gaming agency against
1723 the applicant; and any information the department ~~division~~
1724 determines is necessary to establish the identity of the
1725 applicant or to establish that the applicant is of good moral
1726 character. Fingerprints shall be taken in a manner approved by
1727 the department ~~division~~ and then shall be submitted to the
1728 Federal Bureau of Investigation, or to the association of state
1729 officials regulating pari-mutuel wagering pursuant to the
1730 Federal Pari-mutuel Licensing Simplification Act of 1988. The
1731 cost of processing fingerprints shall be borne by the applicant
1732 and paid to the association of state officials regulating pari-
1733 mutuel wagering from the trust fund to which the processing fees
1734 are deposited. The department ~~division~~, by rule, may require
1735 additional information from licensees which is reasonably
1736 necessary to regulate the industry. The department ~~division~~ may,
1737 by rule, exempt certain occupations or groups of persons from
1738 the fingerprinting requirements.

1739 (b) All fingerprints required by this section which ~~that~~
1740 are submitted to the Department of Law Enforcement shall be

32-00167B-11

2011666

1741 retained by the Department of Law Enforcement and entered into
1742 the statewide automated fingerprint identification system as
1743 authorized by s. 943.05(2)(b) and shall be available for all
1744 purposes and uses authorized for arrest fingerprint cards
1745 entered into the statewide automated fingerprint identification
1746 system pursuant to s. 943.051.

1747 (c) The Department of Law Enforcement shall search all
1748 arrest fingerprints received pursuant to s. 943.051 against the
1749 fingerprints retained in the statewide automated fingerprint
1750 identification system under paragraph (b). Any arrest record
1751 that is identified with the retained fingerprints of a person
1752 subject to the criminal history screening requirements of this
1753 section shall be reported to the department ~~division~~. Each
1754 licensee shall pay a fee to the department ~~division~~ for the cost
1755 of retention of the fingerprints and the ongoing searches under
1756 this paragraph. The department ~~division~~ shall forward the
1757 payment to the Department of Law Enforcement. The amount of the
1758 fee to be imposed for performing these searches and the
1759 procedures for the retention of licensee fingerprints shall be
1760 as established by rule of the Department of Law Enforcement. The
1761 department ~~division~~ shall inform the Department of Law
1762 Enforcement of any change in the license status of licensees
1763 whose fingerprints are retained under paragraph (b).

1764 (d) The department ~~division~~ shall request the Department of
1765 Law Enforcement to forward the fingerprints to the Federal
1766 Bureau of Investigation for a national criminal history records
1767 check at least once every 5 years following issuance of a
1768 license. If the fingerprints of a person who is licensed have
1769 not been retained by the Department of Law Enforcement, the

32-00167B-11

2011666

1770 person must file a complete set of fingerprints as provided in
1771 paragraph (a). The department ~~division~~ shall collect the fees
1772 for the cost of the national criminal history records check
1773 under this paragraph and forward the payment to the Department
1774 of Law Enforcement. The cost of processing fingerprints and
1775 conducting a criminal history records check under this paragraph
1776 for a general occupational license shall be borne by the
1777 applicant. The cost of processing fingerprints and conducting a
1778 criminal history records check under this paragraph for a
1779 business or professional occupational license shall be borne by
1780 the person being checked. The Department of Law Enforcement may
1781 send an invoice to the department ~~division~~ for the fingerprints
1782 submitted each month. Under penalty of perjury, each person who
1783 is licensed or who is fingerprinted as required by this section
1784 must agree to inform the department ~~division~~ within 48 hours if
1785 he or she is convicted of or has entered a plea of guilty or
1786 nolo contendere to any disqualifying offense, regardless of
1787 adjudication.

1788 Section 24. Subsection (1) of section 550.1155, Florida
1789 Statutes, is amended to read:

1790 550.1155 Authority of stewards, judges, panel of judges, or
1791 player's manager to impose penalties against occupational
1792 licensees; disposition of funds collected.—

1793 (1) The stewards at a horse racetrack; the judges at a dog
1794 track; or the judges, a panel of judges, or a player's manager
1795 at a jai alai fronton may impose a civil penalty against any
1796 occupational licensee for violation of the pari-mutuel laws or
1797 any rule adopted by the department ~~division~~. The penalty may not
1798 exceed \$1,000 for each count or separate offense or exceed 60

32-00167B-11

2011666__

1799 days of suspension for each count or separate offense.

1800 Section 25. Subsections (2) and (3) of section 550.125,
1801 Florida Statutes, are amended to read:

1802 550.125 Uniform reporting system; bond requirement.—

1803 (2)(a) Each permitholder that conducts race meetings or jai
1804 alai exhibitions under this chapter shall keep records that
1805 clearly show the total number of admissions and the total amount
1806 of money contributed to each pari-mutuel pool on each race or
1807 exhibition separately and the amount of money received daily
1808 from admission fees and, within 120 days after the end of its
1809 fiscal year, shall submit to the division a complete annual
1810 report of its accounts, audited by a certified public accountant
1811 licensed to practice in the state.

1812 (b) The department ~~division~~ shall adopt rules specifying
1813 the form and content of such reports, including, but not limited
1814 to, requirements for a statement of assets and liabilities,
1815 operating revenues and expenses, and net worth, which statement
1816 must be audited by a certified public accountant licensed to
1817 practice in this state, and any supporting informational
1818 schedule found necessary by the department ~~division~~ to verify
1819 the foregoing financial statement, which informational schedule
1820 must be attested to under oath by the permitholder or an officer
1821 of record, to permit the division to:

1822 1. Assess the profitability and financial soundness of
1823 permitholders, both individually and as an industry;

1824 2. Plan and recommend measures necessary to preserve and
1825 protect the pari-mutuel revenues of the state; and

1826 3. Completely identify the holdings, transactions, and
1827 investments of permitholders with other business entities.

32-00167B-11

2011666

1828 (c) The Auditor General and the Office of Program Policy
1829 Analysis and Government Accountability may, pursuant to their
1830 own authority or at the direction of the Legislative Auditing
1831 Committee, audit, examine, and check the books and records of
1832 any permitholder. These audit reports shall become part of, and
1833 be maintained in, the division files.

1834 (d) The department ~~division~~ shall annually review the books
1835 and records of each permitholder and verify that the breaks and
1836 unclaimed ticket payments made by each permitholder are true and
1837 correct.

1838 (3) (a) Each permitholder to which a license is granted
1839 under this chapter, at its own cost and expense, must, before
1840 the license is delivered, give a bond in the penal sum of
1841 \$50,000 payable to the Governor of the state and her or his
1842 successors in office, with a surety or sureties to be approved
1843 by the department ~~division~~ and the Chief Financial Officer,
1844 conditioned to faithfully make the payments to the Chief
1845 Financial Officer in her or his capacity as treasurer of the
1846 department ~~division~~; to keep its books and records and make
1847 reports as provided; and to conduct its racing in conformity
1848 with this chapter. When the greatest amount of tax owed during
1849 any month in the prior state fiscal year, in which a full
1850 schedule of live racing was conducted, is less than \$50,000, the
1851 department ~~division~~ may assess a bond in a sum less than
1852 \$50,000. The department ~~division~~ may review the bond for
1853 adequacy and require adjustments each fiscal year. The division
1854 ~~may have the authority to~~ adopt rules to implement this paragraph
1855 and establish guidelines for such bonds.

1856 (b) The provisions of this chapter concerning bonding do

32-00167B-11

2011666__

1857 not apply to nonwagering licenses issued pursuant to s. 550.505.

1858 Section 26. Subsections (1) and (3) of section 550.135,
1859 Florida Statutes, are amended to read:

1860 550.135 Division of moneys derived under this law.—All
1861 moneys that are deposited with the Chief Financial Officer to
1862 the credit of the Pari-mutuel Wagering Trust Fund shall be
1863 distributed as follows:

1864 (1) The daily license fee revenues collected pursuant to s.
1865 550.0951(1) shall be used to fund the operating cost of the
1866 department division and to provide a proportionate share of the
1867 ~~operation of the office of the secretary and the Division of~~
1868 ~~Administration of the Department of Business and Professional~~
1869 ~~Regulation; however, other collections in the Pari-mutuel~~
1870 ~~Wagering Trust Fund may also be used to fund the operation of~~
1871 ~~the division in accordance with authorized appropriations.~~

1872 (3) The slot machine license fee, the slot machine
1873 occupational license fee, and the compulsive or addictive
1874 gambling prevention program fee collected pursuant to ss.
1875 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the
1876 direct and indirect operating expenses of the department's
1877 ~~division's~~ slot machine regulation operations and to provide
1878 funding for relevant enforcement activities in accordance with
1879 authorized appropriations. Funds deposited into the Pari-mutuel
1880 Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1.,
1881 and 551.118 shall be reserved in the trust fund for slot machine
1882 regulation operations. On June 30, any unappropriated funds in
1883 excess of those necessary for incurred obligations and
1884 subsequent year cash flow for slot machine regulation operations
1885 shall be deposited with the Chief Financial Officer to the

32-00167B-11

2011666__

1886 credit of the General Revenue Fund.

1887 Section 27. Subsection (1) of section 550.155, Florida
1888 Statutes, is amended to read:

1889 550.155 Pari-mutuel pool within track enclosure; takeouts;
1890 breaks; penalty for purchasing part of a pari-mutuel pool for or
1891 through another in specified circumstances.—

1892 (1) Wagering on the results of a horserace, dograce, or on
1893 the scores or points of a jai alai game and the sale of tickets
1894 or other evidences showing an interest in or a contribution to a
1895 pari-mutuel pool are allowed within the enclosure of any pari-
1896 mutuel facility licensed and conducted under this chapter but
1897 are not allowed elsewhere in this state, must be supervised by
1898 the department ~~division~~, and are subject to such reasonable
1899 rules that the department ~~division~~ prescribes.

1900 Section 28. Subsection (2) and paragraph (a) of subsection
1901 (3) of section 550.1648, Florida Statutes, are amended to read:

1902 550.1648 Greyhound adoptions.—

1903 (2) In addition to the charity days authorized under s.
1904 550.0351, a greyhound permitholder may fund the greyhound
1905 adoption program by holding a charity racing day designated as
1906 "Greyhound Adopt-A-Pet Day." All profits derived from the
1907 operation of the charity day must be placed into a fund used to
1908 support activities at the racing facility which promote the
1909 adoption of greyhounds. The department ~~division~~ may adopt rules
1910 for administering the fund. Proceeds from the charity day
1911 authorized in this subsection may not be used as a source of
1912 funds for the purposes set forth in s. 550.1647.

1913 (3) (a) Upon a violation of this section by a permitholder
1914 or licensee, the department ~~division~~ may impose a penalty as

32-00167B-11

2011666__

1915 provided in s. 550.0251(10) and require the permitholder to take
1916 corrective action.

1917 Section 29. Section 550.175, Florida Statutes, is amended
1918 to read:

1919 550.175 Petition for election to revoke permit.—Upon
1920 petition of 20 percent of the qualified electors of any county
1921 wherein any racing has been licensed and conducted under this
1922 chapter, the county commissioners of such county shall provide
1923 for the submission to the electors of such county at the then
1924 next succeeding general election the question of whether any
1925 permit or permits theretofore granted shall be continued or
1926 revoked, and if a majority of the electors voting on such
1927 question in such election vote to cancel or recall the permit
1928 theretofore given, the department ~~division~~ may not thereafter
1929 grant any license on the permit so recalled. Every signature
1930 upon every recall petition must be signed in the presence of the
1931 clerk of the board of county commissioners at the office of the
1932 clerk of the circuit court of the county, and the petitioner
1933 must present at the time of such signing her or his registration
1934 receipt showing the petitioner's qualification as an elector of
1935 the county at the time of the signing of the petition. Not more
1936 than one permit may be included in any one petition; and, in all
1937 elections in which the recall of more than one permit is voted
1938 on, the voters shall be given an opportunity to vote for or
1939 against the recall of each permit separately. ~~Nothing in~~ This
1940 chapter does not ~~shall be construed to~~ prevent the holding of
1941 later referendum or recall elections.

1942 Section 30. Section 550.1815, Florida Statutes, is amended
1943 to read:

32-00167B-11

2011666

1944 550.1815 Certain persons prohibited from holding racing or
1945 jai alai permits; suspension and revocation.—

1946 (1) A corporation, general or limited partnership, sole
1947 proprietorship, business trust, joint venture, or unincorporated
1948 association, or other business entity may not hold any
1949 horseracing or dogracing permit or jai alai fronton permit in
1950 this state if any one of the persons or entities specified in
1951 paragraph (a) has been determined by the department ~~division~~ not
1952 to be of good moral character or has been convicted of any
1953 offense specified in paragraph (b).

1954 (a)1. The permitholder;

1955 2. An employee of the permitholder;

1956 3. The sole proprietor of the permitholder;

1957 4. A corporate officer or director of the permitholder;

1958 5. A general partner of the permitholder;

1959 6. A trustee of the permitholder;

1960 7. A member of an unincorporated association permitholder;

1961 8. A joint venturer of the permitholder;

1962 9. The owner of more than 5 percent of any equity interest
1963 in the permitholder, whether as a common shareholder, general or
1964 limited partner, voting trustee, or trust beneficiary; or

1965 10. An owner of any interest in the permit or permitholder,
1966 including any immediate family member of the owner, or holder of
1967 any debt, mortgage, contract, or concession from the
1968 permitholder, who by virtue thereof is able to control the
1969 business of the permitholder.

1970 (b)1. A felony in this state;

1971 2. Any felony in any other state which would be a felony if
1972 committed in this state under the laws of this state;

32-00167B-11

2011666__

1973 3. Any felony under the laws of the United States;
1974 4. A felony under the laws of another state if related to
1975 gambling which would be a felony under the laws of this state if
1976 committed in this state; or
1977 5. Bookmaking as defined in s. 849.25.

1978 (2) (a) If the applicant for permit as specified under
1979 subsection (1) or a permitholder as specified in paragraph
1980 (1) (a) has received a full pardon or a restoration of civil
1981 rights with respect to the conviction specified in paragraph
1982 (1) (b), the conviction does not constitute an absolute bar to
1983 the issuance or renewal of a permit or a ground for the
1984 revocation or suspension of a permit.

1985 (b) A corporation that has been convicted of a felony is
1986 entitled to apply for and receive a restoration of its civil
1987 rights in the same manner and on the same grounds as an
1988 individual.

1989 (3) After notice and hearing, the department ~~division~~ shall
1990 refuse to issue or renew or shall suspend, as appropriate, any
1991 permit found in violation of subsection (1). The order shall
1992 become effective 120 days after service of the order upon the
1993 permitholder and shall be amended to constitute a final order of
1994 revocation unless the permitholder has, within that period of
1995 time, either caused the divestiture, or agreed with the
1996 convicted person upon a complete immediate divestiture, of her
1997 or his holding, or has petitioned the circuit court as provided
1998 in subsection (4) or, in the case of corporate officers or
1999 directors of the holder or employees of the holder, has
2000 terminated the relationship between the permitholder and those
2001 persons mentioned. The department ~~division~~ may, by order, extend

32-00167B-11

2011666

2002 the 120-day period for divestiture, upon good cause shown, to
2003 avoid interruption of any jai alai or race meeting or to
2004 otherwise effectuate this section. If no action has been taken
2005 by the permitholder within the 120-day period following the
2006 issuance of the order of suspension, the department ~~division~~
2007 shall, without further notice or hearing, enter a final order of
2008 revocation of the permit. When any permitholder or sole
2009 proprietor of a permitholder is convicted of an offense
2010 specified in paragraph (1)(b), the department may approve a
2011 transfer of the permit to a qualified applicant, upon a finding
2012 that revocation of the permit would impair the state's revenue
2013 from the operation of the permit or otherwise be detrimental to
2014 the interests of the state in the regulation of the industry of
2015 pari-mutuel wagering. In such approval, no public referendum is
2016 required, notwithstanding any other provision of law. A petition
2017 for transfer after conviction must be filed with the department
2018 within 30 days after service upon the permitholder of the final
2019 order of revocation. The timely filing of such a petition
2020 automatically stays any revocation order until further order of
2021 the department.

2022 (4) The circuit courts have jurisdiction to decide a
2023 petition brought by a holder of a pari-mutuel permit that shows
2024 that its permit is in jeopardy of suspension or revocation under
2025 subsection (3) and that it is unable to agree upon the terms of
2026 divestiture of interest with the person specified in
2027 subparagraphs (1)(a)3.-9. who has been convicted of an offense
2028 specified in paragraph (1)(b). The court shall determine the
2029 reasonable value of the interest of the convicted person and
2030 order a divestiture upon such terms and conditions as it finds

32-00167B-11

2011666

2031 just. In determining the value of the interest of the convicted
2032 person, the court may consider, among other matters, the value
2033 of the assets of the permitholder, its good will and value as a
2034 going concern, recent and expected future earnings, and other
2035 criteria usual and customary in the sale of like enterprises.

2036 (5) The department ~~division~~ shall adopt ~~make~~ such rules for
2037 the photographing, fingerprinting, and obtaining of personal
2038 data of individuals described in paragraph (1)(a) and the
2039 obtaining of such data regarding the business entities described
2040 in paragraph (1)(a) as ~~is~~ necessary to effectuate the provisions
2041 of this section.

2042 Section 31. Subsection (2), paragraph (c) of subsection
2043 (3), and subsections (4) and (6) of section 550.24055, Florida
2044 Statutes, are amended to read:

2045 550.24055 Use of controlled substances or alcohol
2046 prohibited; testing of certain occupational licensees; penalty;
2047 evidence of test or action taken and admissibility for criminal
2048 prosecution limited.—

2049 (2) The occupational licensees, by applying for and holding
2050 such licenses, are deemed to have given their consents to submit
2051 to an approved chemical test of their breath for the purpose of
2052 determining the alcoholic content of their blood and to a urine
2053 or blood test for the purpose of detecting the presence of
2054 controlled substances. Such tests shall ~~only~~ be conducted only
2055 upon reasonable cause that a violation has occurred as shall be
2056 determined solely by the stewards at a horseracing meeting or
2057 the judges or board of judges at a dogtrack or jai alai meet.
2058 The failure to submit to such test may result in a suspension of
2059 the person's occupational license for a period of 10 days or

32-00167B-11

2011666

2060 until this section has been complied with, whichever is longer.

2061 (a) If there was at the time of the test 0.05 percent or
2062 less by weight of alcohol in the person's blood, the person is
2063 presumed not to have been under the influence of alcoholic
2064 beverages to the extent that the person's normal faculties were
2065 impaired, and no action of any sort may be taken by the
2066 stewards, judges, or board of judges or the department ~~division~~.

2067 (b) If there was at the time of the test an excess of 0.05
2068 percent but less than 0.08 percent by weight of alcohol in the
2069 person's blood, that fact does not give rise to any presumption
2070 that the person was or was not under the influence of alcoholic
2071 beverages to the extent that the person's faculties were
2072 impaired, but the stewards, judges, or board of judges may
2073 consider that fact in determining whether or not the person will
2074 be allowed to officiate or participate in any given race or jai
2075 alai game.

2076 (c) If there was at the time of the test 0.08 percent or
2077 more by weight of alcohol in the person's blood, that fact is
2078 prima facie evidence that the person was under the influence of
2079 alcoholic beverages to the extent that the person's normal
2080 faculties were impaired, and the stewards or judges may take
2081 action as set forth in this section, but the person may not
2082 officiate at or participate in any race or jai alai game on the
2083 day of such test.

2084
2085 All tests relating to alcohol must be performed in a manner
2086 substantially similar, or identical, to the provisions of s.
2087 316.1934 and rules adopted pursuant to that section. Following a
2088 test of the urine or blood to determine the presence of a

32-00167B-11

2011666

2089 controlled substance as defined in chapter 893, if a controlled
2090 substance is found to exist, the stewards, judges, or board of
2091 judges may take such action as is permitted in this section.

2092 (3) A violation of subsection (2) is subject to the
2093 following penalties:

2094 (c) If the second violation occurred within 1 year after
2095 the first violation, then upon the finding of a third violation
2096 of this section within 1 year after the second violation, the
2097 stewards, judges, or board of judges may suspend the licensee
2098 for up to 120 days; and the stewards, judges, or board of judges
2099 shall forward the results of the tests under paragraphs (a) and
2100 (b) and this violation to the department ~~division~~. In addition
2101 to the action taken by the stewards, judges, or board of judges,
2102 the department ~~division~~, after a hearing, may deny, suspend, or
2103 revoke the occupational license of the licensee and may impose a
2104 civil penalty of up to \$5,000 in addition to, or in lieu of, a
2105 suspension or revocation, it being the intent of the Legislature
2106 that the department ~~division~~ shall have no authority over the
2107 enforcement of this section until a licensee has committed the
2108 third violation within 2 years after the first violation.

2109 (4) Section 120.80(18) applies ~~The provisions of s.~~
2110 ~~120.80(4)(a) apply~~ to all actions taken by the stewards, judges,
2111 or board of judges pursuant to this section without regard to
2112 the limitation contained therein.

2113 (6) Evidence of any test or actions taken by the stewards,
2114 judges, or board of judges or the department ~~division~~ under this
2115 section is inadmissible for any purpose in any court for
2116 criminal prosecution, it being the intent of the Legislature to
2117 provide a method and means by which the health, safety, and

32-00167B-11

2011666

2118 welfare of those officiating at or participating in a race meet
2119 or a jai alai game are sufficiently protected. However, this
2120 subsection does not prohibit any person so authorized from
2121 pursuing an independent investigation as a result of a ruling
2122 made by the stewards, judges, or board of judges, or the
2123 department ~~division~~.

2124 Section 32. Section 550.2415, Florida Statutes, is amended
2125 to read:

2126 550.2415 Racing of animals under certain conditions
2127 prohibited; penalties; exceptions.—

2128 (1) (a) The racing of an animal with any drug, medication,
2129 stimulant, depressant, hypnotic, narcotic, local anesthetic, or
2130 drug-masking agent is prohibited. It is a violation of this
2131 section for a person to administer or cause to be administered
2132 any drug, medication, stimulant, depressant, hypnotic, narcotic,
2133 local anesthetic, or drug-masking agent to an animal which will
2134 result in a positive test for such substance based on samples
2135 taken from the animal immediately prior to or immediately after
2136 the racing of that animal. Test results and the identities of
2137 the animals being tested and of their trainers and owners of
2138 record are confidential and exempt from s. 119.07(1) and from s.
2139 24(a), Art. I of the State Constitution for 10 days after
2140 testing of all samples collected on a particular day has been
2141 completed and any positive test results derived from such
2142 samples have been reported to the director of the department
2143 ~~division~~ or administrative action has been commenced.

2144 (b) It is a violation of this section for a race-day
2145 specimen to contain a level of a naturally occurring substance
2146 that ~~which~~ exceeds normal physiological concentrations. The

32-00167B-11

2011666__

2147 department ~~division~~ may adopt rules that specify normal
2148 physiological concentrations of naturally occurring substances
2149 in the natural untreated animal and rules that specify
2150 acceptable levels of environmental contaminants and trace levels
2151 of substances in test samples.

2152 (c) The finding of a prohibited substance in a race-day
2153 specimen constitutes prima facie evidence that the substance was
2154 administered and was carried in the body of the animal while
2155 participating in the race.

2156 (2) Administrative action may be taken by the department
2157 ~~division~~ against an occupational licensee responsible pursuant
2158 to rule of the department ~~division~~ for the condition of an
2159 animal that has been impermissibly medicated or drugged in
2160 violation of this section.

2161 (3) (a) Upon the finding of a violation of this section, the
2162 department ~~division~~ may revoke or suspend the license or permit
2163 of the violator or deny a license or permit to the violator;
2164 impose a fine against the violator in an amount not exceeding
2165 \$5,000; require the full or partial return of the purse,
2166 sweepstakes, and trophy of the race at issue; or impose against
2167 the violator any combination of such penalties. The finding of a
2168 violation of this section in no way prohibits a prosecution for
2169 criminal acts committed.

2170 (b) The department ~~division~~, notwithstanding the ~~provisions~~
2171 ~~of~~ chapter 120, may summarily suspend the license of an
2172 occupational licensee responsible under this section or
2173 department ~~division~~ rule for the condition of a race animal if
2174 the department's ~~division~~ laboratory reports the presence of an
2175 impermissible substance in the animal or its blood, urine,

32-00167B-11

2011666__

2176 saliva, or any other bodily fluid, either before a race in which
2177 the animal is entered or after a race the animal has run.

2178 (c) If an occupational licensee is summarily suspended
2179 under this section, the department ~~division~~ shall offer the
2180 licensee a prompt postsuspension hearing within 72 hours, at
2181 which the department ~~division~~ shall produce the laboratory
2182 report and documentation that ~~which~~, on its face, establishes
2183 the responsibility of the occupational licensee. Upon production
2184 of the documentation, the occupational licensee has the burden
2185 of proving his or her lack of responsibility.

2186 (d) Any proceeding for administrative action against a
2187 licensee or permittee, other than a proceeding under paragraph
2188 (c), shall be conducted in compliance with chapter 120.

2189 (4) A prosecution pursuant to this section for a violation
2190 of this section must be commenced within 2 years after the
2191 violation was committed. Service of an administrative complaint
2192 marks the commencement of administrative action.

2193 (5) The department ~~division~~ shall implement a split-sample
2194 procedure for testing animals under this section.

2195 (a) Upon finding a positive drug test result, the
2196 department shall notify the owner or trainer of the results. The
2197 owner may request that each urine and blood sample be split into
2198 a primary sample and a secondary (split) sample. Such splitting
2199 must be accomplished in the laboratory under rules approved by
2200 the department ~~division~~. Custody of both samples must remain
2201 with the department ~~division~~. However, upon request by the
2202 affected trainer or owner of the animal from which the sample
2203 was obtained, the department ~~division~~ shall send the split
2204 sample to an approved independent laboratory for analysis. The

32-00167B-11

2011666__

2205 department ~~division~~ shall establish standards and rules for
2206 uniform enforcement and shall maintain a list of at least five
2207 approved independent laboratories for an owner or trainer to
2208 select from in the event of a positive test sample.

2209 (b) If the state laboratory's findings are not confirmed by
2210 the independent laboratory, no further administrative or
2211 disciplinary action under this section may be pursued. The
2212 department ~~division~~ may adopt rules identifying substances that
2213 diminish in a blood or urine sample due to passage of time and
2214 that must be taken into account in applying this section.

2215 (c) If the independent laboratory confirms the state
2216 laboratory's positive result, or if there is an insufficient
2217 quantity of the secondary (split) sample for confirmation of the
2218 state laboratory's positive result, the department ~~division~~ may
2219 commence administrative proceedings as prescribed in this
2220 chapter and consistent with chapter 120. For purposes of this
2221 subsection, the department shall in good faith attempt to obtain
2222 a sufficient quantity of the test fluid to allow both a primary
2223 test and a secondary test to be made.

2224 (6) (a) It is the intent of the Legislature that animals
2225 that participate in races in this state on which pari-mutuel
2226 wagering is conducted and animals that are bred and trained in
2227 this state for racing be treated humanely, both on and off
2228 racetracks, throughout the lives of the animals.

2229 (b) The department ~~division~~ shall, by rule, adopt ~~establish~~
2230 the procedures for euthanizing greyhounds. However, a greyhound
2231 may not be put to death by any means other than by lethal
2232 injection of the drug sodium pentobarbital. A greyhound may not
2233 be removed from this state for the purpose of being destroyed.

32-00167B-11

2011666

2234 (c) It is a violation of this chapter for an occupational
2235 licensee to train a greyhound using live or dead animals. A
2236 greyhound may not be taken from this state for the purpose of
2237 being trained through the use of live or dead animals.

2238 (d) Any act committed by any licensee that would constitute
2239 cruelty to animals as defined in s. 828.02 involving any animal
2240 constitutes a violation of this chapter. Imposition of any
2241 penalty by the department ~~division~~ for violation of this chapter
2242 or any rule adopted by the department ~~division~~ pursuant to this
2243 chapter does ~~shall~~ not prohibit a criminal prosecution for
2244 cruelty to animals.

2245 (e) The department ~~division~~ may inspect any area at a pari-
2246 mutuel facility where racing animals are raced, trained, housed,
2247 or maintained, including any areas where food, medications, or
2248 other supplies are kept, to ensure the humane treatment of
2249 racing animals and compliance with this chapter and the rules of
2250 the department ~~division~~.

2251 (7) Under no circumstances may any medication be
2252 administered closer than 24 hours prior to the officially
2253 scheduled post time of a race except as provided for in this
2254 section.

2255 (a) The department ~~division~~ shall adopt rules setting
2256 conditions for the use of furosemide to treat exercise-induced
2257 pulmonary hemorrhage.

2258 (b) The department ~~division~~ shall adopt rules setting
2259 conditions for the use of prednisolone sodium succinate, but
2260 under no circumstances may furosemide or prednisolone sodium
2261 succinate be administered closer than 4 hours prior to the
2262 officially scheduled post time for the race.

32-00167B-11

2011666

2263 (c) The department ~~division~~ shall adopt rules setting
2264 conditions for the use of phenylbutazone and synthetic
2265 corticosteroids; in no case, except as provided in paragraph
2266 (b), shall these substances be given closer than 24 hours prior
2267 to the officially scheduled post time of a race. Oral
2268 corticosteroids are prohibited except when prescribed by a
2269 licensed veterinarian and reported to the department ~~division~~ on
2270 forms prescribed by the department ~~division~~.

2271 (d) ~~Nothing in~~ This section does not ~~shall be interpreted~~
2272 ~~to~~ prohibit the use of vitamins, minerals, or naturally
2273 occurring substances so long as they do not exceed ~~none exceeds~~
2274 the normal physiological concentration in a race-day specimen.

2275 (e) The department ~~division~~ may, by rule, establish
2276 acceptable levels of permitted medications and shall select the
2277 appropriate biological specimens by which the administration of
2278 permitted medication is monitored.

2279 (8) (a) Under no circumstances may any medication be
2280 administered within 24 hours before the officially scheduled
2281 post time of the race except as provided in this section.

2282 (b) As an exception to this section, if the department
2283 ~~division~~ first determines that the use of furosemide,
2284 phenylbutazone, or prednisolone sodium succinate in horses is in
2285 the best interest of racing, the department ~~division~~ may adopt
2286 rules allowing such use. Any rules allowing the use of
2287 furosemide, phenylbutazone, or prednisolone sodium succinate in
2288 racing must set the conditions for such use. Under no
2289 circumstances may a rule be adopted which allows the
2290 administration of furosemide or prednisolone sodium succinate
2291 within 4 hours before the officially scheduled post time for the

32-00167B-11

2011666

2292 race. Under no circumstances may a rule be adopted which allows
2293 the administration of phenylbutazone or any other synthetic
2294 corticosteroid within 24 hours before the officially scheduled
2295 post time for the race. Any administration of synthetic
2296 corticosteroids is limited to parenteral routes. Oral
2297 administration of synthetic corticosteroids is expressly
2298 prohibited. If this paragraph is unconstitutional, it is
2299 severable from the remainder of this section.

2300 (c) The department ~~division~~ shall, by rule, establish
2301 acceptable levels of permitted medications and shall select the
2302 appropriate biological specimen by which the administration of
2303 permitted medications is monitored.

2304 (9) (a) The department ~~division~~ may conduct a postmortem
2305 examination of any animal that is injured at a permitted
2306 racetrack while in training or in competition and that
2307 subsequently expires or is destroyed. The department ~~division~~
2308 may conduct a postmortem examination of any animal that expires
2309 while housed at a permitted racetrack, association compound, or
2310 licensed kennel or farm. Trainers and owners shall be requested
2311 to comply with this paragraph as a condition of licensure.

2312 (b) The department ~~division~~ may take possession of the
2313 animal upon death for postmortem examination. The department
2314 ~~division~~ may submit blood, urine, other bodily fluid specimens,
2315 or other tissue specimens collected during a postmortem
2316 examination for testing by the department ~~division~~ laboratory or
2317 its designee. Upon completion of the postmortem examination, the
2318 carcass must be returned to the owner or disposed of at the
2319 owner's option.

2320 (10) The presence of a prohibited substance in an animal,

32-00167B-11

2011666__

2321 found by the department's ~~division~~ laboratory in a bodily fluid
2322 specimen collected during the postmortem examination of the
2323 animal, which breaks down during a race constitutes a violation
2324 of this section.

2325 (11) The cost of postmortem examinations, testing, and
2326 disposal must be borne by the department ~~division~~.

2327 (12) The department ~~division~~ shall adopt rules to implement
2328 this section. The rules may include a classification system for
2329 prohibited substances and a corresponding penalty schedule for
2330 violations.

2331 (13) Except as specifically modified by statute or by rules
2332 of the department ~~division~~, the Uniform Classification
2333 Guidelines for Foreign Substances, revised February 14, 1995, as
2334 promulgated by the Association of Racing Commissioners
2335 International, Inc., is hereby adopted by reference as the
2336 uniform classification system for class IV and V medications.

2337 (14) The department ~~division~~ shall utilize only the thin
2338 layer chromatography (TLC) screening process to test for the
2339 presence of class IV and V medications in samples taken from
2340 racehorses except when thresholds of a class IV or class V
2341 medication have been established and are enforced by rule. Once
2342 a sample has been identified as suspicious for a class IV or
2343 class V medication by the TLC screening process, the sample will
2344 be sent for confirmation by and through additional testing
2345 methods. All other medications not classified by rule as a class
2346 IV or class V agent are ~~shall be~~ subject to all forms of testing
2347 available to the department ~~division~~.

2348 (15) The department ~~division~~ may implement by rule
2349 medication levels recommended by the University of Florida

32-00167B-11

2011666__

2350 College of Veterinary Medicine developed pursuant to an
2351 agreement between the department ~~Division of Pari-mutuel~~
2352 ~~Wagering~~ and the University of Florida College of Veterinary
2353 Medicine. The University of Florida College of Veterinary
2354 Medicine may provide written notification to the department
2355 ~~division~~ that it has completed research or review on a
2356 particular drug pursuant to the agreement and when the College
2357 of Veterinary Medicine has completed a final report of its
2358 findings, conclusions, and recommendations to the department
2359 ~~division~~.

2360 (16) The testing medium for phenylbutazone in horses shall
2361 be serum, and the department ~~division~~ may collect up to six full
2362 15-milliliter blood tubes for each horse being sampled.

2363 Section 33. Section 550.2614, Florida Statutes, is amended
2364 to read:

2365 550.2614 Distribution of certain funds to a horsemen's
2366 association.—

2367 (1) Each licensee that holds a permit for thoroughbred
2368 horse racing in this state shall deduct from the purses required
2369 by s. 550.2625, an amount of money equal to 1 percent of the
2370 total purse pool and shall pay that amount to a horsemen's
2371 association representing the majority of the thoroughbred
2372 racehorse owners and trainers for its use in accordance with the
2373 stated goals of its articles of association filed with the
2374 Department of State.

2375 (2) The funds are payable to the horsemen's association
2376 only upon presentation of a sworn statement by the officers of
2377 the association that the horsemen's association represents a
2378 majority of the owners and trainers of thoroughbred horses

32-00167B-11

2011666__

2379 stabled in the state.

2380 (3) Upon receiving a state license, each thoroughbred owner
2381 and trainer shall receive automatic membership in the horsemen's
2382 association as defined in subsection (1) and be counted on the
2383 membership rolls of that association, unless, within 30 calendar
2384 days after receipt of license from the state, the individual
2385 declines membership in writing, to the association as defined in
2386 subsection (1).

2387 (4) The department ~~division~~ shall adopt rules to facilitate
2388 the orderly transfer of funds in accordance with this section.
2389 The department ~~division~~ shall also monitor the membership rolls
2390 of the horsemen's association to ensure that complete, accurate,
2391 and timely listings are maintained for the purposes specified in
2392 this section.

2393 Section 34. Subsection (3) of section 550.26165, Florida
2394 Statutes, is amended to read:

2395 550.26165 Breeders' awards.—

2396 (3) Breeders' associations shall submit their plans to the
2397 department ~~division~~ at least 60 days before the beginning of the
2398 payment year. The payment year may be a calendar year or any 12-
2399 month period, but once established, the yearly base may not be
2400 changed except for compelling reasons. Once a plan is approved,
2401 the department ~~division~~ may not allow the plan to be amended
2402 during the year, except for the most compelling reasons.

2403 Section 35. Section 550.2625, Florida Statutes, is amended
2404 to read:

2405 550.2625 Horseracing; minimum purse requirement, Florida
2406 breeders' and owners' awards.—

2407 (1) The purse structure and the availability of breeder

32-00167B-11

2011666__

2408 awards are important factors in attracting the entry of well-
2409 bred horses in racing meets in this state which in turn helps to
2410 produce maximum racing revenues for the state and the counties.

2411 (2) Each permitholder conducting a horserace meet is
2412 required to pay from the takeout withheld on pari-mutuel pools a
2413 sum for purses in accordance with the type of race performed.

2414 (a) A permitholder conducting a thoroughbred horse race
2415 meet under this chapter must pay from the takeout withheld a sum
2416 not less than 7.75 percent of all contributions to pari-mutuel
2417 pools conducted during the race meet as purses. In addition to
2418 the 7.75 percent minimum purse payment, permitholders conducting
2419 live thoroughbred performances shall be required to pay as
2420 additional purses .625 percent of live handle for performances
2421 conducted during the period beginning on January 3 and ending
2422 March 16; .225 percent for performances conducted during the
2423 period beginning March 17 and ending May 22; and .85 percent for
2424 performances conducted during the period beginning May 23 and
2425 ending January 2. Except that any thoroughbred permitholder
2426 whose total handle on live performances during the 1991-1992
2427 state fiscal year was not greater than \$34 million is not
2428 subject to this additional purse payment. A permitholder
2429 authorized to conduct thoroughbred racing may withhold from the
2430 handle an additional amount equal to 1 percent on exotic
2431 wagering for use as owners' awards, and may withhold from the
2432 handle an amount equal to 2 percent on exotic wagering for use
2433 as overnight purses. A ~~No~~ permitholder may not withhold in
2434 excess of 20 percent from the handle without withholding the
2435 amounts set forth in this subsection.

2436 (b)1. A permitholder conducting a harness horse race meet

32-00167B-11

2011666

2437 under this chapter must pay to the purse pool from the takeout
2438 withheld a purse requirement that totals an amount not less than
2439 8.25 percent of all contributions to pari-mutuel pools conducted
2440 during the race meet. An amount not less than 7.75 percent of
2441 the total handle shall be paid from this purse pool as purses.

2442 2. An amount not to exceed 0.5 percent of the total handle
2443 on all harness horse races that are subject to the purse
2444 requirement of subparagraph 1., must be available for use to
2445 provide medical, dental, surgical, life, funeral, or disability
2446 insurance benefits for occupational licensees who work at tracks
2447 in this state at which harness horse races are conducted. Such
2448 insurance benefits must be paid from the purse pool specified in
2449 subparagraph 1. An annual plan for payment of insurance benefits
2450 from the purse pool, including qualifications for eligibility,
2451 must be submitted by the Florida Standardbred Breeders and
2452 Owners Association for approval to the department ~~division~~. An
2453 annual report of the implemented plan shall be submitted to the
2454 department ~~division~~. All records of the Florida Standardbred
2455 Breeders and Owners Association concerning the administration of
2456 the plan must be available for audit at the discretion of the
2457 department ~~division~~ to determine that the plan has been
2458 implemented and administered as authorized. If the department
2459 ~~division~~ finds that the Florida Standardbred Breeders and Owners
2460 Association has not complied with the provisions of this
2461 section, the department ~~division~~ may order the association to
2462 cease and desist from administering the plan and shall appoint
2463 the department ~~division~~ as temporary administrator of the plan
2464 until the department ~~division~~ reestablishes administration of
2465 the plan with the association.

32-00167B-11

2011666__

2466 (c) A permitholder conducting a quarter horse race meet
2467 under this chapter shall pay from the takeout withheld a sum not
2468 less than 6 percent of all contributions to pari-mutuel pools
2469 conducted during the race meet as purses.

2470 (d) The department ~~division~~ shall adopt reasonable rules to
2471 ensure the timely and accurate payment of all amounts withheld
2472 by horserace permitholders regarding the distribution of purses,
2473 owners' awards, and other amounts collected for payment to
2474 owners and breeders. Each permitholder that fails to pay out all
2475 moneys collected for payment to owners and breeders shall,
2476 within 10 days after the end of the meet during which the
2477 permitholder underpaid purses, deposit an amount equal to the
2478 underpayment into a separate interest-bearing account to be
2479 distributed to owners and breeders in accordance with department
2480 ~~division~~ rules.

2481 (e) An amount equal to 8.5 percent of the purse account
2482 generated through intertrack wagering and interstate
2483 simulcasting will be used for Florida Owners' Awards as set
2484 forth in subsection (3). Any thoroughbred permitholder with an
2485 average blended takeout that ~~which~~ does not exceed 20 percent
2486 and with an average daily purse distribution excluding
2487 sponsorship, entry fees, and nominations exceeding \$225,000 is
2488 exempt from the provisions of this paragraph.

2489 (3) Each horseracing permitholder conducting any
2490 thoroughbred race under this chapter, including any intertrack
2491 race taken pursuant to ss. 550.615-550.6305 or any interstate
2492 simulcast taken pursuant to s. 550.3551(3) shall pay a sum equal
2493 to 0.955 percent on all pari-mutuel pools conducted during any
2494 such race for the payment of breeders', stallion, or special

32-00167B-11

2011666

2495 racing awards as authorized in this chapter. This subsection
2496 also applies to all Breeder's Cup races conducted outside this
2497 state taken pursuant to s. 550.3551(3). On any race originating
2498 live in this state which is broadcast out-of-state to any
2499 location at which wagers are accepted pursuant to s.
2500 550.3551(2), the host track is required to pay 3.475 percent of
2501 the gross revenue derived from such out-of-state broadcasts as
2502 breeders', stallion, or special racing awards. The Florida
2503 Thoroughbred Breeders' Association is authorized to receive
2504 these payments from the permitholders and make payments of
2505 awards earned. The Florida Thoroughbred Breeders' Association
2506 has the right to withhold up to 10 percent of the permitholder's
2507 payments under this section as a fee for administering the
2508 payments of awards and for general promotion of the industry.
2509 The permitholder shall remit these payments to the Florida
2510 Thoroughbred Breeders' Association by the 5th day of each
2511 calendar month for such sums accruing during the preceding
2512 calendar month and shall report such payments to the department
2513 ~~division~~ as prescribed by the department ~~division~~. With the
2514 exception of the 10-percent fee, the moneys paid by the
2515 permitholders shall be maintained in a separate, interest-
2516 bearing account, and such payments together with any interest
2517 earned shall be used exclusively for the payment of breeders',
2518 stallion, or special racing awards in accordance with the
2519 following provisions:

2520 (a) The breeder of each Florida-bred thoroughbred horse
2521 winning a thoroughbred horse race is entitled to an award of up
2522 to, but not exceeding, 20 percent of the announced gross purse,
2523 including nomination fees, eligibility fees, starting fees,

32-00167B-11

2011666

2524 supplementary fees, and moneys added by the sponsor of the race.

2525 (b) The owner or owners of the sire of a Florida-bred
2526 thoroughbred horse that wins a stakes race is entitled to a
2527 stallion award of up to, but not exceeding, 20 percent of the
2528 announced gross purse, including nomination fees, eligibility
2529 fees, starting fees, supplementary fees, and moneys added by the
2530 sponsor of the race.

2531 (c) The owners of thoroughbred horses participating in
2532 thoroughbred stakes races, nonstakes races, or both may receive
2533 a special racing award in accordance with the agreement
2534 established pursuant to s. 550.26165(1).

2535 (d) In order for a breeder of a Florida-bred thoroughbred
2536 horse to be eligible to receive a breeder's award, the horse
2537 must have been registered as a Florida-bred horse with the
2538 Florida Thoroughbred Breeders' Association, and the Jockey Club
2539 certificate for the horse must show that it has been duly
2540 registered as a Florida-bred horse as evidenced by the seal and
2541 proper serial number of the Florida Thoroughbred Breeders'
2542 Association registry. The Florida Thoroughbred Breeders'
2543 Association shall be permitted to charge the registrant a
2544 reasonable fee for this verification and registration.

2545 (e) In order for an owner of the sire of a thoroughbred
2546 horse winning a stakes race to be eligible to receive a stallion
2547 award, the stallion must have been registered with the Florida
2548 Thoroughbred Breeders' Association, and the breeding of the
2549 registered Florida-bred horse must have occurred in this state.
2550 The stallion must be standing permanently in this state during
2551 the period of time between February 1 and June 15 of each year
2552 or, if the stallion is dead, must have stood permanently in this

32-00167B-11

2011666

2553 state for a period of not less than 1 year immediately prior to
2554 its death. The removal of a stallion from this state during the
2555 period of time between February 1 and June 15 of any year for
2556 any reason, other than exclusively for prescribed medical
2557 treatment, as approved by the Florida Thoroughbred Breeders'
2558 Association, renders the owner or owners of the stallion
2559 ineligible to receive a stallion award under any circumstances
2560 for offspring sired prior to removal; however, if a removed
2561 stallion is returned to this state, all offspring sired
2562 subsequent to the return make the owner or owners of the
2563 stallion eligible for the stallion award but only for those
2564 offspring sired subsequent to such return to this state. The
2565 Florida Thoroughbred Breeders' Association shall maintain
2566 complete records showing the date the stallion arrived in this
2567 state for the first time, whether or not the stallion remained
2568 in the state permanently, the location of the stallion, and
2569 whether the stallion is still standing in this state and
2570 complete records showing awards earned, received, and
2571 distributed. The association may charge the owner, owners, or
2572 breeder a reasonable fee for this service.

2573 (f) A permitholder conducting a thoroughbred horse race
2574 under the provisions of this chapter shall, within 30 days after
2575 the end of the race meet during which the race is conducted,
2576 certify to the Florida Thoroughbred Breeders' Association such
2577 information relating to the thoroughbred horses winning a stakes
2578 or other horserace at the meet as may be required to determine
2579 the eligibility for payment of breeders', stallion, and special
2580 racing awards.

2581 (g) The Florida Thoroughbred Breeders' Association shall

32-00167B-11

2011666

2582 maintain complete records showing the starters and winners in
2583 all races conducted at thoroughbred tracks in this state; shall
2584 maintain complete records showing awards earned, received, and
2585 distributed; and may charge the owner, owners, or breeder a
2586 reasonable fee for this service.

2587 (h) The Florida Thoroughbred Breeders' Association shall
2588 annually establish a uniform rate and procedure for the payment
2589 of breeders' and stallion awards and shall make breeders' and
2590 stallion award payments in strict compliance with the
2591 established uniform rate and procedure plan. The plan may set a
2592 cap on winnings and may limit, exclude, or defer payments to
2593 certain classes of races, such as the Florida stallion stakes
2594 races, in order to assure that there are adequate revenues to
2595 meet the proposed uniform rate. Such plan must include proposals
2596 for the general promotion of the industry. Priority shall be
2597 placed upon imposing such restrictions in lieu of allowing the
2598 uniform rate to be less than 15 percent of the total purse
2599 payment. The uniform rate and procedure plan must be approved by
2600 the department ~~division~~ before implementation. In the absence of
2601 an approved plan and procedure, the authorized rate for
2602 breeders' and stallion awards is 15 percent of the announced
2603 gross purse for each race. Such purse must include nomination
2604 fees, eligibility fees, starting fees, supplementary fees, and
2605 moneys added by the sponsor of the race. If the funds in the
2606 account for payment of breeders' and stallion awards are not
2607 sufficient to meet all earned breeders' and stallion awards,
2608 those breeders and stallion owners not receiving payments have
2609 first call on any subsequent receipts in that or any subsequent
2610 year.

32-00167B-11

2011666__

2611 (i) The Florida Thoroughbred Breeders' Association shall
2612 keep accurate records showing receipts and disbursements of such
2613 payments and shall annually file a full and complete report to
2614 the department ~~division~~ showing such receipts and disbursements
2615 and the sums withheld for administration. The department
2616 ~~division~~ may audit the records and accounts of the Florida
2617 Thoroughbred Breeders' Association to determine that payments
2618 have been made to eligible breeders and stallion owners in
2619 accordance with this section.

2620 (j) If the department ~~division~~ finds that the Florida
2621 Thoroughbred Breeders' Association has not complied with any
2622 provision of this section, the department ~~division~~ may order the
2623 association to cease and desist from receiving funds and
2624 administering funds received under this section. If the
2625 department ~~division~~ enters such an order, the permitholder shall
2626 make the payments authorized in this section to the department
2627 ~~division~~ for deposit into the Pari-mutuel Wagering Trust Fund;
2628 and any funds in the Florida Thoroughbred Breeders' Association
2629 account shall be immediately paid to the department ~~Division of~~
2630 ~~Pari-mutuel Wagering~~ for deposit to the Pari-mutuel Wagering
2631 Trust Fund. The department ~~division~~ shall authorize payment from
2632 these funds to any breeder or stallion owner entitled to an
2633 award that has not been previously paid by the Florida
2634 Thoroughbred Breeders' Association in accordance with the
2635 applicable rate.

2636 (4) Each permitholder conducting a harness horse race under
2637 this chapter shall pay a sum equal to the breaks on all pari-
2638 mutuel pools conducted during that race for the payment of
2639 breeders' awards, stallion awards, and stallion stakes and for

32-00167B-11

2011666__

2640 additional expenditures as authorized in this section. The
2641 Florida Standardbred Breeders and Owners Association is
2642 authorized to receive these payments from the permitholders and
2643 make payments as authorized in this subsection. The Florida
2644 Standardbred Breeders and Owners Association has the right to
2645 withhold up to 10 percent of the permitholder's payments under
2646 this section and under s. 550.2633 as a fee for administering
2647 these payments. The permitholder shall remit these payments to
2648 the Florida Standardbred Breeders and Owners Association by the
2649 5th day of each calendar month for such sums accruing during the
2650 preceding calendar month and shall report such payments to the
2651 department ~~division~~ as prescribed by the department ~~division~~.
2652 With the exception of the 10-percent fee for administering the
2653 payments and the use of the moneys authorized by paragraph (j),
2654 the moneys paid by the permitholders shall be maintained in a
2655 separate, interest-bearing account; and such payments together
2656 with any interest earned shall be allocated for the payment of
2657 breeders' awards, stallion awards, stallion stakes, additional
2658 purses, and prizes for, and the general promotion of owning and
2659 breeding of, Florida-bred standardbred horses. Payment of
2660 breeders' awards and stallion awards shall be made in accordance
2661 with the following provisions:

2662 (a) The breeder of each Florida-bred standardbred horse
2663 winning a harness horse race is entitled to an award of up to,
2664 but not exceeding, 20 percent of the announced gross purse,
2665 including nomination fees, eligibility fees, starting fees,
2666 supplementary fees, and moneys added by the sponsor of the race.

2667 (b) The owner or owners of the sire of a Florida-bred
2668 standardbred horse that wins a stakes race is entitled to a

32-00167B-11

2011666

2669 stallion award of up to, but not exceeding, 20 percent of the
2670 announced gross purse, including nomination fees, eligibility
2671 fees, starting fees, supplementary fees, and moneys added by the
2672 sponsor of the race.

2673 (c) In order for a breeder of a Florida-bred standardbred
2674 horse to be eligible to receive a breeder's award, the horse
2675 winning the race must have been registered as a Florida-bred
2676 horse with the Florida Standardbred Breeders and Owners
2677 Association and a registration certificate under seal for the
2678 winning horse must show that the winner has been duly registered
2679 as a Florida-bred horse as evidenced by the seal and proper
2680 serial number of the United States Trotting Association
2681 registry. The Florida Standardbred Breeders and Owners
2682 Association shall be permitted to charge the registrant a
2683 reasonable fee for this verification and registration.

2684 (d) In order for an owner of the sire of a standardbred
2685 horse winning a stakes race to be eligible to receive a stallion
2686 award, the stallion must have been registered with the Florida
2687 Standardbred Breeders and Owners Association, and the breeding
2688 of the registered Florida-bred horse must have occurred in this
2689 state. The stallion must be standing permanently in this state
2690 or, if the stallion is dead, must have stood permanently in this
2691 state for a period of not less than 1 year immediately prior to
2692 its death. The removal of a stallion from this state for any
2693 reason, other than exclusively for prescribed medical treatment,
2694 renders the owner or the owners of the stallion ineligible to
2695 receive a stallion award under any circumstances for offspring
2696 sired prior to removal; however, if a removed stallion is
2697 returned to this state, all offspring sired subsequent to the

32-00167B-11

2011666

2698 return make the owner or owners of the stallion eligible for the
2699 stallion award but only for those offspring sired subsequent to
2700 such return to this state. The Florida Standardbred Breeders and
2701 Owners Association shall maintain complete records showing the
2702 date the stallion arrived in this state for the first time,
2703 whether or not the stallion remained in the state permanently,
2704 the location of the stallion, and whether the stallion is still
2705 standing in this state and complete records showing awards
2706 earned, received, and distributed. The association may charge
2707 the owner, owners, or breeder a reasonable fee for this service.

2708 (e) A permitholder conducting a harness horse race under
2709 this chapter shall, within 30 days after the end of the race
2710 meet during which the race is conducted, certify to the Florida
2711 Standardbred Breeders and Owners Association such information
2712 relating to the horse winning a stakes or other horserace at the
2713 meet as may be required to determine the eligibility for payment
2714 of breeders' awards and stallion awards.

2715 (f) The Florida Standardbred Breeders and Owners
2716 Association shall maintain complete records showing the starters
2717 and winners in all races conducted at harness horse racetracks
2718 in this state; shall maintain complete records showing awards
2719 earned, received, and distributed; and may charge the owner,
2720 owners, or breeder a reasonable fee for this service.

2721 (g) The Florida Standardbred Breeders and Owners
2722 Association shall annually establish a uniform rate and
2723 procedure for the payment of breeders' awards, stallion awards,
2724 stallion stakes, additional purses, and prizes for, and for the
2725 general promotion of owning and breeding of, Florida-bred
2726 standardbred horses and shall make award payments and

32-00167B-11

2011666

2727 allocations in strict compliance with the established uniform
2728 rate and procedure. The plan may set a cap on winnings, and may
2729 limit, exclude, or defer payments to certain classes of races,
2730 such as the Florida Breeders' stakes races, in order to assure
2731 that there are adequate revenues to meet the proposed uniform
2732 rate. Priority shall be placed on imposing such restrictions in
2733 lieu of allowing the uniform rate allocated to payment of
2734 breeder and stallion awards to be less than 10 percent of the
2735 total purse payment. The uniform rate and procedure must be
2736 approved by the department ~~division~~ before implementation. In
2737 the absence of an approved plan and procedure, the authorized
2738 rate for breeders' and stallion awards is 10 percent of the
2739 announced gross purse for each race. Such purse must include
2740 nomination fees, eligibility fees, starting fees, supplementary
2741 fees, and moneys added by the sponsor of the race. If the funds
2742 in the account for payment of breeders' and stallion awards are
2743 not sufficient to meet all earned breeders' and stallion awards,
2744 those breeders and stallion owners not receiving payments have
2745 first call on any subsequent receipts in that or any subsequent
2746 year.

2747 (h) The Florida Standardbred Breeders and Owners
2748 Association shall keep accurate records showing receipts and
2749 disbursements of such payments and shall annually file a full
2750 and complete report to the department ~~division~~ showing such
2751 receipts and disbursements and the sums withheld for
2752 administration. The department ~~division~~ may audit the records
2753 and accounts of the Florida Standardbred Breeders and Owners
2754 Association to determine that payments have been made to
2755 eligible breeders, stallion owners, and owners of Florida-bred

32-00167B-11

2011666

2756 standardbred horses in accordance with this section.

2757 (i) If the department ~~division~~ finds that the Florida
2758 Standardbred Breeders and Owners Association has not complied
2759 with any provision of this section, the department ~~division~~ may
2760 order the association to cease and desist from receiving funds
2761 and administering funds received under this section and under s.
2762 550.2633. If the department ~~division~~ enters such an order, the
2763 permitholder shall make the payments authorized in this section
2764 and s. 550.2633 to the department ~~division~~ for deposit into the
2765 Pari-mutuel Wagering Trust Fund; and any funds in the Florida
2766 Standardbred Breeders and Owners Association account shall be
2767 immediately paid to the department ~~division~~ for deposit to the
2768 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall
2769 authorize payment from these funds to any breeder, stallion
2770 owner, or owner of a Florida-bred standardbred horse entitled to
2771 an award that has not been previously paid by the Florida
2772 Standardbred Breeders and Owners Association in accordance with
2773 the applicable rate.

2774 (j) The board of directors of the Florida Standardbred
2775 Breeders and Owners Association may authorize the release of up
2776 to 25 percent of the funds available for breeders' awards,
2777 stallion awards, stallion stakes, additional purses, and prizes
2778 for, and for the general promotion of owning and breeding of,
2779 Florida-bred standardbred horses to be used for purses for, and
2780 promotion of, Florida-bred standardbred horses at race meetings
2781 at which there is no pari-mutuel wagering unless, and to the
2782 extent that, such release would render the funds available for
2783 such awards insufficient to pay the breeders' and stallion
2784 awards earned pursuant to the annual plan of the association.

32-00167B-11

2011666__

2785 Any such funds so released and used for purses are not
2786 considered to be an "announced gross purse" as that term is used
2787 in paragraphs (a) and (b), and no breeders' or stallion awards,
2788 stallion stakes, or owner awards are required to be paid for
2789 standardbred horses winning races in meetings at which there is
2790 no pari-mutuel wagering. The amount of purses to be paid from
2791 funds so released and the meets eligible to receive such funds
2792 for purses must be approved by the board of directors of the
2793 Florida Standardbred Breeders and Owners Association.

2794 (5) (a) Except as provided in subsections (7) and (8), each
2795 permitholder conducting a quarter horse race meet under this
2796 chapter shall pay a sum equal to the breaks plus a sum equal to
2797 1 percent of all pari-mutuel pools conducted during that race
2798 for supplementing and augmenting purses and prizes and for the
2799 general promotion of owning and breeding of racing quarter
2800 horses in this state as authorized in this section. The Florida
2801 Quarter Horse Breeders and Owners Association is authorized to
2802 receive these payments from the permitholders and make payments
2803 as authorized in this subsection. The Florida Quarter Horse
2804 Breeders and Owners Association, Inc., referred to in this
2805 chapter as the Florida Quarter Horse Breeders and Owners
2806 Association, has the right to withhold up to 10 percent of the
2807 permitholder's payments under this section and under s. 550.2633
2808 as a fee for administering these payments. The permitholder
2809 shall remit these payments to the Florida Quarter Horse Breeders
2810 and Owners Association by the 5th day of each calendar month for
2811 such sums accruing during the preceding calendar month and shall
2812 report such payments to the department ~~division~~ as prescribed by
2813 the department ~~division~~. With the exception of the 5-percent fee

32-00167B-11

2011666

2814 for administering the payments, the moneys paid by the
2815 permitholders shall be maintained in a separate, interest-
2816 bearing account.

2817 (b) The Florida Quarter Horse Breeders and Owners
2818 Association shall use these funds solely for supplementing and
2819 augmenting purses and prizes and for the general promotion of
2820 owning and breeding of racing quarter horses in this state and
2821 for general administration of the Florida Quarter Horse Breeders
2822 and Owners Association, Inc., in this state.

2823 (c) In order for an owner or breeder of a Florida-bred
2824 quarter horse to be eligible to receive an award, the horse
2825 winning a race must have been registered as a Florida-bred horse
2826 with the Florida Quarter Horse Breeders and Owners Association
2827 and a registration certificate under seal for the winning horse
2828 must show that the winning horse has been duly registered prior
2829 to the race as a Florida-bred horse as evidenced by the seal and
2830 proper serial number of the Florida Quarter Horse Breeders and
2831 Owners Association registry. The Department of Agriculture and
2832 Consumer Services is authorized to assist the association in
2833 maintaining this registry. The Florida Quarter Horse Breeders
2834 and Owners Association may charge the registrant a reasonable
2835 fee for this verification and registration. Any person who
2836 registers unqualified horses or misrepresents information in any
2837 way shall be denied any future participation in breeders'
2838 awards, and all horses misrepresented will no longer be deemed
2839 to be Florida-bred.

2840 (d) A permitholder conducting a quarter horse race under a
2841 quarter horse permit under this chapter shall, within 30 days
2842 after the end of the race meet during which the race is

32-00167B-11

2011666__

2843 conducted, certify to the Florida Quarter Horse Breeders and
2844 Owners Association such information relating to the horse
2845 winning a stakes or other horserace at the meet as may be
2846 required to determine the eligibility for payment of breeders'
2847 awards under this section.

2848 (e) The Florida Quarter Horse Breeders and Owners
2849 Association shall maintain complete records showing the starters
2850 and winners in all quarter horse races conducted under quarter
2851 horse permits in this state; shall maintain complete records
2852 showing awards earned, received, and distributed; and may charge
2853 the owner, owners, or breeder a reasonable fee for this service.

2854 (f) The Florida Quarter Horse Breeders and Owners
2855 Association shall keep accurate records showing receipts and
2856 disbursements of payments made under this section and shall
2857 annually file a full and complete report to the department
2858 ~~division~~ showing such receipts and disbursements and the sums
2859 withheld for administration. The department ~~division~~ may audit
2860 the records and accounts of the Florida Quarter Horse Breeders
2861 and Owners Association to determine that payments have been made
2862 in accordance with this section.

2863 (g) The Florida Quarter Horse Breeders and Owners
2864 Association shall annually establish a plan for supplementing
2865 and augmenting purses and prizes and for the general promotion
2866 of owning and breeding Florida-bred racing quarter horses and
2867 shall make award payments and allocations in strict compliance
2868 with the annual plan. The annual plan must be approved by the
2869 department ~~division~~ before implementation. If the funds in the
2870 account for payment of purses and prizes are not sufficient to
2871 meet all purses and prizes to be awarded, those breeders and

32-00167B-11

2011666

2872 owners not receiving payments have first call on any subsequent
2873 receipts in that or any subsequent year.

2874 (h) If the department ~~division~~ finds that the Florida
2875 Quarter Horse Breeders and Owners Association has not complied
2876 with any provision of this section, the department ~~division~~ may
2877 order the association to cease and desist from receiving funds
2878 and administering funds received under this section and s.
2879 550.2633. If the department ~~division~~ enters such an order, the
2880 permitholder shall make the payments authorized in this section
2881 and s. 550.2633 to the department ~~division~~ for deposit into the
2882 Pari-mutuel Wagering Trust Fund, and any funds in the Florida
2883 Quarter Horse Breeders and Owners Association account shall be
2884 immediately paid to the department ~~division~~ for deposit to the
2885 Pari-mutuel Wagering Trust Fund. The department ~~division~~ shall
2886 authorize payment from these funds to any breeder or owner of a
2887 quarter horse entitled to an award that has not been previously
2888 paid by the Florida Quarter Horse Breeders and Owners
2889 Association pursuant to ~~in accordance with~~ this section.

2890 (6) (a) The takeout may be used for the payment of awards to
2891 owners of registered Florida-bred horses placing first in a
2892 claiming race, an allowance race, a maiden special race, or a
2893 stakes race in which the announced purse, exclusive of entry and
2894 starting fees and added moneys, does not exceed \$40,000.

2895 (b) The permitholder shall determine for each qualified
2896 race the amount of the owners' award for which a registered
2897 Florida-bred horse will be eligible. The amount of the available
2898 owners' award shall be established in the same manner in which
2899 purses are established and shall be published in the condition
2900 book for the period during which the race is to be conducted. No

32-00167B-11

2011666__

2901 single award may exceed 50 percent of the gross purse for the
2902 race won.

2903 (c) If the moneys generated under paragraph (a) during the
2904 meet exceed the owners' awards earned during the meet, the
2905 excess funds shall be held in a separate interest-bearing
2906 account, and the total interest and principal shall be used to
2907 increase the owners' awards during the permitholder's next meet.

2908 (d) Breeders' awards authorized by subsections (3) and (4)
2909 may not be paid on owners' awards.

2910 (e) This subsection governs owners' awards paid on
2911 thoroughbred horse races only in this state, unless a written
2912 agreement is filed with the department ~~division~~ establishing the
2913 rate, procedures, and eligibility requirements for owners'
2914 awards, including place of finish, class of race, maximum purse,
2915 and maximum award, and the agreement is entered into by the
2916 permitholder, the Florida Thoroughbred Breeders' Association,
2917 and the association representing a majority of the racehorse
2918 owners and trainers at the permitholder's location.

2919 (7) (a) Each permitholder that conducts race meets under
2920 this chapter and runs Appaloosa races shall pay to the
2921 department ~~division~~ a sum equal to the breaks plus a sum equal
2922 to 1 percent of the total contributions to each pari-mutuel pool
2923 conducted on each Appaloosa race. The payments shall be remitted
2924 to the department ~~division~~ by the 5th day of each calendar month
2925 for sums accruing during the preceding calendar month.

2926 (b) The department ~~division~~ shall deposit these collections
2927 to the credit of the General Inspection Trust Fund in a special
2928 account to be known as the "Florida Appaloosa Racing Promotion
2929 Account." The Department of Agriculture and Consumer Services

32-00167B-11

2011666__

2930 shall administer the funds and adopt suitable and reasonable
2931 rules for the administration thereof. The moneys in the Florida
2932 Appaloosa Racing Promotion Account shall be allocated solely for
2933 supplementing and augmenting purses and prizes and for the
2934 general promotion of owning and breeding of racing Appaloosas in
2935 this state; and the moneys may not be used to defray any expense
2936 of the Department of Agriculture and Consumer Services in the
2937 administration of this chapter.

2938 (8) (a) Each permitholder that conducts race meets under
2939 this chapter and runs Arabian horse races shall pay to the
2940 department ~~division~~ a sum equal to the breaks plus a sum equal
2941 to 1 percent of the total contributions to each pari-mutuel pool
2942 conducted on each Arabian horse race. The payments shall be
2943 remitted to the department ~~division~~ by the 5th day of each
2944 calendar month for sums accruing during the preceding calendar
2945 month.

2946 (b) The department ~~division~~ shall deposit these collections
2947 to the credit of the General Inspection Trust Fund in a special
2948 account to be known as the "Florida Arabian Horse Racing
2949 Promotion Account." The Department of Agriculture and Consumer
2950 Services shall administer the funds and adopt suitable and
2951 reasonable rules for the administration thereof. The moneys in
2952 the Florida Arabian Horse Racing Promotion Account shall be
2953 allocated solely for supplementing and augmenting purses and
2954 prizes and for the general promotion of owning and breeding of
2955 racing Arabian horses in this state; and the moneys may not be
2956 used to defray any expense of the Department of Agriculture and
2957 Consumer Services in the administration of this chapter, except
2958 that the moneys generated by Arabian horse registration fees

32-00167B-11

2011666__

2959 received pursuant to s. 570.382 may be used as provided in
2960 paragraph (5)(b) of that section.

2961 Section 36. Section 550.26352, Florida Statutes, is amended
2962 to read:

2963 550.26352 Breeders' Cup Meet; pools authorized; conflicts;
2964 taxes; credits; transmission of races; rules; application.—

2965 (1) Notwithstanding any provision of this chapter to the
2966 contrary, there is ~~hereby~~ created a special thoroughbred race
2967 meet that ~~which~~ shall be designated as the "Breeders' Cup Meet."
2968 The Breeders' Cup Meet shall be conducted at the facility of the
2969 Florida permitholder selected by Breeders' Cup Limited to
2970 conduct the Breeders' Cup Meet. The Breeders' Cup Meet shall
2971 consist of 3 days: the day on which the Breeders' Cup races are
2972 conducted, the preceding day, and the subsequent day. Upon the
2973 selection of the Florida permitholder as host for the Breeders'
2974 Cup Meet and application by the selected permitholder, the
2975 department ~~division~~ shall issue a license to the selected
2976 permitholder to operate the Breeders' Cup Meet. Notwithstanding
2977 s. 550.09515(2)(a), the Breeders' Cup Meet may be conducted on
2978 dates that ~~which~~ the selected permitholder is not otherwise
2979 authorized to conduct a race meet.

2980 (2) The permitholder conducting the Breeders' Cup Meet is
2981 specifically authorized to create pari-mutuel pools during the
2982 Breeders' Cup Meet by accepting pari-mutuel wagers on the
2983 thoroughbred horse races run during said meet.

2984 (3) If the permitholder conducting the Breeders' Cup Meet
2985 is located within 35 miles of one or more permitholders
2986 scheduled to conduct a thoroughbred race meet on any of the 3
2987 days of the Breeders' Cup Meet, then operation on any of those 3

32-00167B-11

2011666

2988 days by the other permitholders is prohibited. As compensation
2989 for the loss of racing days caused thereby, such operating
2990 permitholders shall receive a credit against the taxes otherwise
2991 due and payable to the state under ss. 550.0951 and 550.09515.
2992 This credit shall be in an amount equal to the operating loss
2993 determined to have been suffered by the operating permitholders
2994 as a result of not operating on the prohibited racing days, but
2995 may ~~shall~~ not exceed a total of \$950,000. The determination of
2996 the amount to be credited shall be made by the department
2997 ~~division~~ upon application by the operating permitholder. The tax
2998 credits provided in this subsection are ~~shall~~ not be available
2999 unless an operating permitholder is required to close a bona
3000 fide meet consisting in part of no fewer than 10 scheduled
3001 performances in the 15 days immediately preceding or 10
3002 scheduled performances in the 15 days immediately following the
3003 Breeders' Cup Meet. Such tax credit shall be in lieu of any
3004 other compensation or consideration for the loss of racing days.
3005 There shall be no replacement or makeup of any lost racing days.

3006 (4) Notwithstanding any provision of ss. 550.0951 and
3007 550.09515, the permitholder conducting the Breeders' Cup Meet
3008 shall pay no taxes on the handle included within the pari-mutuel
3009 pools of said permitholder during the Breeders' Cup Meet.

3010 (5) The permitholder conducting the Breeders' Cup Meet
3011 shall receive a credit against the taxes otherwise due and
3012 payable to the state under ss. 550.0951 and 550.09515 generated
3013 during said permitholder's next ensuing regular thoroughbred
3014 race meet. This credit shall be in an amount not to exceed
3015 \$950,000 and shall be used ~~utilized~~ by the permitholder to pay
3016 the purses offered by the permitholder during the Breeders' Cup

32-00167B-11

2011666

3017 Meet in excess of the purses that ~~which~~ the permitholder is
3018 otherwise required by law to pay. The amount to be credited
3019 shall be determined by the department ~~division~~ upon application
3020 of the permitholder which is subject to audit by the department
3021 division.

3022 (6) The permitholder conducting the Breeders' Cup Meet
3023 shall receive a credit against the taxes otherwise due and
3024 payable to the state under ss. 550.0951 and 550.09515 generated
3025 during said permitholder's next ensuing regular thoroughbred
3026 race meet. This credit shall be in an amount not to exceed
3027 \$950,000 and shall be utilized by the permitholder for such
3028 capital improvements and extraordinary expenses as may be
3029 necessary for operation of the Breeders' Cup Meet. The amount to
3030 be credited shall be determined by the department ~~division~~ upon
3031 application of the permitholder which is subject to audit by the
3032 department ~~division~~.

3033 (7) The permitholder conducting the Breeders' Cup Meet is
3034 ~~shall be~~ exempt from the payment of purses and other payments to
3035 horsemen on all on-track, intertrack, interstate, and
3036 international wagers or rights fees or payments arising
3037 therefrom for all races for which the purse is paid or supplied
3038 by Breeders' Cup Limited. The permitholder conducting the
3039 Breeders' Cup Meet is ~~shall~~ not, however, ~~be~~ exempt from
3040 breeders' awards payments for on-track and intertrack wagers as
3041 provided in ss. 550.2625(3) and 550.625(2) (a) for races in which
3042 the purse is paid or supplied by Breeders' Cup Limited.

3043 (8) (a) Pursuant to s. 550.3551(2), the permitholder
3044 conducting the Breeders' Cup Meet may ~~is authorized to~~ transmit
3045 broadcasts of the races conducted during the Breeders' Cup Meet

32-00167B-11

2011666

3046 to locations outside ~~of~~ this state for wagering purposes. The
3047 department division may approve broadcasts to pari-mutuel
3048 permitholders and other betting systems authorized under the
3049 laws of any other state or country. Wagers accepted by any out-
3050 of-state pari-mutuel permitholder or betting system on any races
3051 broadcast under this section may be, but are not required to be,
3052 commingled with the pari-mutuel pools of the permitholder
3053 conducting the Breeders' Cup Meet. The calculation of any payoff
3054 on national pari-mutuel pools with commingled wagers may be
3055 performed by the permitholder's totalisator contractor at a
3056 location outside ~~of~~ this state. Pool amounts from wagers placed
3057 at pari-mutuel facilities or other betting systems in foreign
3058 countries before being commingled with the pari-mutuel pool of
3059 the Florida permitholder conducting the Breeders' Cup Meet shall
3060 be calculated by the totalisator contractor and transferred to
3061 the commingled pool in United States currency in cycles
3062 customarily used by the permitholder. Pool amounts from wagers
3063 placed at any foreign pari-mutuel facility or other betting
3064 system may ~~shall~~ not be commingled with a Florida pool until a
3065 determination is made by the department division that the
3066 technology utilized by the totalisator contractor is adequate to
3067 assure commingled pools will result in the calculation of
3068 accurate payoffs to Florida bettors. Any totalisator contractor
3069 at a location outside ~~of~~ this state shall comply with the
3070 provisions of s. 550.495 relating to totalisator licensing.

3071 (b) The permitholder conducting the Breeders' Cup Meet may
3072 ~~is authorized to~~ transmit broadcasts of the races conducted
3073 during the Breeders' Cup Meet to other pari-mutuel facilities
3074 located in this state for wagering purposes; however, the

32-00167B-11

2011666

3075 permitholder conducting the Breeders' Cup Meet ~~is shall~~ not be
3076 required to transmit broadcasts to any pari-mutuel facility
3077 located within 25 miles of the facility at which the Breeders'
3078 Cup Meet is conducted.

3079 (9) The exemption from the tax credits provided in
3080 subsections (5) and (6) ~~may shall~~ not be granted and ~~may shall~~
3081 not be claimed by the permitholder until an audit is completed
3082 by the department ~~division~~. The department ~~division~~ is required
3083 to complete the audit within 30 days of receipt of the necessary
3084 documentation from the permitholder to verify the permitholder's
3085 claim for tax credits. If the documentation submitted by the
3086 permitholder is incomplete or is insufficient to document the
3087 permitholder's claim for tax credits, the department ~~division~~
3088 may request such additional documentation as is necessary to
3089 complete the audit. Upon receipt of the department's ~~division's~~
3090 written request for additional documentation, the 30-day time
3091 limitation will commence anew.

3092 (10) The department ~~may division is authorized to~~ adopt
3093 ~~such~~ rules ~~as are necessary~~ to facilitate the conduct of the
3094 Breeders' Cup Meet, including ~~as authorized in this section.~~
3095 ~~Included within this grant of authority shall be the adoption or~~
3096 ~~waiver of~~ rules regarding the overall conduct of racing during
3097 the Breeders' Cup Meet so as to ensure the integrity of the
3098 races, licensing for all participants, special stabling and
3099 training requirements for foreign horses, commingling of pari-
3100 mutuel pools, and audit requirements for tax credits and other
3101 benefits.

3102 (11) Any dispute between the department ~~division~~ and any
3103 permitholder regarding the tax credits authorized under

32-00167B-11

2011666__

3104 subsection (3), subsection (5), or subsection (6) shall be
3105 determined by a hearing officer of the Division of
3106 Administrative Hearings under the provisions of s. 120.57(1).

3107 (12) The provisions of this section shall prevail over any
3108 conflicting provisions of this chapter.

3109 Section 37. Section 550.2704, Florida Statutes, is amended
3110 to read:

3111 550.2704 Jai Alai Tournament of Champions Meet.-

3112 (1) Notwithstanding any provision of this chapter, there is
3113 ~~hereby~~ created a special jai alai meet that ~~which~~ shall be
3114 designated as the "Jai Alai Tournament of Champions Meet" and
3115 ~~which~~ shall be hosted by the Florida jai alai permitholders
3116 selected by the National Association of Jai Alai Frontons, Inc.,
3117 to conduct such meet. The meet shall consist of three qualifying
3118 performances and a final performance, each of which is to be
3119 conducted on different days. Upon the selection of the Florida
3120 permitholders for the meet, and upon application by the selected
3121 permitholders, the department ~~Division of Pari-mutuel Wagering~~
3122 shall issue a license to each of the selected permitholders to
3123 operate the meet. The meet may be conducted during a season in
3124 which the permitholders selected to conduct the meet are not
3125 otherwise authorized to conduct a meet. Notwithstanding anything
3126 herein to the contrary, any Florida permitholder who is to
3127 conduct a performance that ~~which~~ is a part of the Jai Alai
3128 Tournament of Champions Meet is ~~shall~~ not be required to apply
3129 for the license for said meet if it is to be run during the
3130 regular season for which such permitholder has a license.

3131 (2) Qualifying performances and the final performance of
3132 the tournament shall be held at different locations throughout

32-00167B-11

2011666

3133 the state, and the permitholders selected shall be under
3134 different ownership to the extent possible.

3135 (3) Notwithstanding any provision of this chapter, each of
3136 the permitholders licensed to conduct performances comprising
3137 the Jai Alai Tournament of Champions Meet shall pay no taxes on
3138 handle under s. 550.0951 or s. 550.09511 for any performance
3139 conducted by such permitholder as part of the Jai Alai
3140 Tournament of Champions Meet. The provisions of this subsection
3141 shall apply to a maximum of four performances.

3142 (4) The Jai Alai Tournament of Champions Meet permitholders
3143 shall also receive a credit against the taxes, otherwise due and
3144 payable under s. 550.0951 or s. 550.09511, generated during said
3145 permitholders' current regular meet. This credit shall be in the
3146 aggregate amount of \$150,000, shall be prorated equally between
3147 the permitholders, and shall be used ~~utilized~~ by the
3148 permitholders solely to supplement awards for the performance
3149 conducted during the Jai Alai Tournament of Champions Meet. All
3150 awards shall be paid to the tournament's participating players
3151 no later than 30 days following the conclusion of said Jai Alai
3152 Tournament of Champions Meet.

3153 (5) In addition to the credit authorized in subsection (4),
3154 the Jai Alai Tournament of Champions Meet permitholders shall
3155 receive a credit against the taxes, otherwise due and payable
3156 under s. 550.0951 or s. 550.09511, generated during said
3157 permitholders' current regular meet, in an amount not to exceed
3158 the aggregate amount of \$150,000, which shall be prorated
3159 equally between the permitholders, and shall be used ~~utilized~~ by
3160 the permitholders for such capital improvements and
3161 extraordinary expenses, including marketing expenses, as may be

32-00167B-11

2011666

3162 necessary for the operation of the meet. The determination of
3163 the amount to be credited shall be made by the department
3164 ~~division~~ upon application of said permitholders.

3165 (6) The permitholder is ~~shall be~~ entitled to said
3166 permitholder's pro rata share of the \$150,000 tax credit
3167 provided in subsection (5) without having to make application,
3168 so long as appropriate documentation to substantiate said
3169 expenditures thereunder is provided to the department ~~division~~
3170 within 30 days following said Jai Alai Tournament of Champions
3171 Meet.

3172 (7) A ~~No~~ Jai Alai Tournament of Champions Meet may not
3173 ~~shall~~ exceed 4 days in any state fiscal year, and only ~~no more~~
3174 ~~than~~ one performance may ~~shall~~ be conducted on any one day of
3175 the meet. ~~There shall be~~ Only one Jai Alai Tournament of
3176 Champions Meet may occur in any state fiscal year.

3177 (8) The department may ~~division is authorized to~~ adopt such
3178 rules ~~as are~~ necessary to facilitate the conduct of the Jai Alai
3179 Tournament of Champions Meet, including ~~as authorized in this~~
3180 ~~section. Included within this grant of authority shall be the~~
3181 ~~adoption of~~ rules regarding the overall conduct of the
3182 tournament so as to ensure the integrity of the event, licensing
3183 for participants, commingling of pari-mutuel pools, and audit
3184 requirements for tax credits and exemptions.

3185 (9) ~~The provisions of~~ This section prevails ~~shall prevail~~
3186 over any conflicting provisions of this chapter.

3187 Section 38. Subsections (3) and (5) of section 550.334,
3188 Florida Statutes, are amended to read:

3189 550.334 Quarter horse racing; substitutions.—

3190 (3) Quarter horses participating in such races must be duly

32-00167B-11

2011666__

3191 registered by the American Quarter Horse Association, and before
3192 each race such horses must be examined and declared in fit
3193 condition by a qualified person designated by the department
3194 ~~division~~.

3195 (5) Any quarter horse racing permitholder operating under a
3196 valid permit issued by the department ~~division~~ is authorized to
3197 substitute races of other breeds of horses which are,
3198 respectively, registered with the American Paint Horse
3199 Association, Appaloosa Horse Club, Arabian Horse Registry of
3200 America, Palomino Horse Breeders of America, United States
3201 Trotting Association, Florida Cracker Horse Association, or
3202 Jockey Club for no more than 50 percent of the quarter horse
3203 races during its meet.

3204 Section 39. Subsection (2) of section 550.3345, Florida
3205 Statutes, is amended to read:

3206 550.3345 Conversion of quarter horse permit to a limited
3207 thoroughbred permit.—

3208 (2) Notwithstanding any other provision of law, the holder
3209 of a quarter horse racing permit issued under s. 550.334 may,
3210 within 1 year after the effective date of this section, apply to
3211 the department ~~division~~ for a transfer of the quarter horse
3212 racing permit to a not-for-profit corporation formed under state
3213 law to serve the purposes of the state as provided in subsection
3214 (1). The board of directors of the not-for-profit corporation
3215 must be comprised of 11 members, 4 of whom shall be designated
3216 by the applicant, 4 of whom shall be designated by the Florida
3217 Thoroughbred Breeders' Association, and 3 of whom shall be
3218 designated by the other 8 directors, with at least 1 of these 3
3219 members being an authorized representative of another

32-00167B-11

2011666

3220 thoroughbred permitholder in this state. The not-for-profit
3221 corporation shall submit an application to the department
3222 ~~division~~ for review and approval of the transfer in accordance
3223 with s. 550.054. Upon approval of the transfer by the department
3224 ~~division~~, and notwithstanding any other provision of law to the
3225 contrary, the not-for-profit corporation may, within 1 year
3226 after its receipt of the permit, request that the department
3227 ~~division~~ convert the quarter horse racing permit to a permit
3228 authorizing the holder to conduct pari-mutuel wagering meets of
3229 thoroughbred racing. Neither the transfer of the quarter horse
3230 racing permit nor its conversion to a limited thoroughbred
3231 permit shall be subject to the mileage limitation or the
3232 ratification election as set forth under s. 550.054(2) or s.
3233 550.0651. Upon receipt of the request for such conversion, the
3234 department ~~division~~ shall timely issue a converted permit. The
3235 converted permit and the not-for-profit corporation shall be
3236 subject to the following requirements:

3237 (a) All net revenues derived by the not-for-profit
3238 corporation under the thoroughbred horse racing permit, after
3239 the funding of operating expenses and capital improvements,
3240 shall be dedicated to the enhancement of thoroughbred purses and
3241 breeders', stallion, and special racing awards under this
3242 chapter; the general promotion of the thoroughbred horse
3243 breeding industry; and the care in this state of thoroughbred
3244 horses retired from racing.

3245 (b) From December 1 through April 30, no live thoroughbred
3246 racing may be conducted under the permit on any day during which
3247 another thoroughbred permitholder is conducting live
3248 thoroughbred racing within 125 air miles of the not-for-profit

32-00167B-11

2011666__

3249 corporation's pari-mutuel facility unless the other thoroughbred
3250 permitholder gives its written consent.

3251 (c) After the conversion of the quarter horse racing permit
3252 and the issuance of its initial license to conduct pari-mutuel
3253 wagering meets of thoroughbred racing, the not-for-profit
3254 corporation shall annually apply to the department ~~division~~ for
3255 a license pursuant to s. 550.5251(2)-(5).

3256 (d) Racing under the permit may take place only at the
3257 location for which the original quarter horse racing permit was
3258 issued, which may be leased by the not-for-profit corporation
3259 for that purpose; however, the not-for-profit corporation may,
3260 without the conduct of any ratification election pursuant to s.
3261 550.054(13) or s. 550.0651, move the location of the permit to
3262 another location in the same county provided that such
3263 relocation is approved under the zoning and land use regulations
3264 of the applicable county or municipality.

3265 (e) A ~~No~~ permit converted under this section may not be
3266 transferred ~~is eligible for transfer~~ to another person or
3267 entity.

3268 Section 40. Section 550.3355, Florida Statutes, is amended
3269 to read:

3270 550.3355 Harness track licenses for summer quarter horse
3271 racing.—Any harness track licensed to operate under the
3272 provisions of s. 550.375 may make application for, and shall be
3273 issued by the department ~~division~~, a license to operate not more
3274 than 50 quarter horse racing days during the summer season,
3275 which shall extend from July 1 until October 1 of each year.
3276 However, this license to operate quarter horse racing for 50
3277 days is in addition to the racing days and dates provided in s.

32-00167B-11

2011666

3278 550.375 for harness racing during the winter seasons; and, it
3279 does not affect the right of such licensee to operate harness
3280 racing at the track as provided in s. 550.375 during the winter
3281 season. All provisions of this chapter governing quarter horse
3282 racing not in conflict herewith apply to the operation of
3283 quarter horse meetings authorized hereunder, except that all
3284 quarter horse racing permitted hereunder shall be conducted at
3285 night.

3286 Section 41. Paragraph (a) of subsection (6) and subsections
3287 (10) and (13) of section 550.3551, Florida Statutes, are amended
3288 to read:

3289 550.3551 Transmission of racing and jai alai information;
3290 commingling of pari-mutuel pools.—

3291 (6) (a) A maximum of 20 percent of the total number of races
3292 on which wagers are accepted by a greyhound permitholder not
3293 located as specified in s. 550.615(6) may be received from
3294 locations outside this state. A permitholder may not conduct
3295 fewer than eight live races or games on any authorized race day
3296 except as provided in this subsection. A thoroughbred
3297 permitholder may not conduct fewer than eight live races on any
3298 race day without the written approval of the Florida
3299 Thoroughbred Breeders' Association and the Florida Horsemen's
3300 Benevolent and Protective Association, Inc., unless it is
3301 determined by the department that another entity represents a
3302 majority of the thoroughbred racehorse owners and trainers in
3303 the state. A harness permitholder may conduct fewer than eight
3304 live races on any authorized race day, except that such
3305 permitholder must conduct a full schedule of live racing during
3306 its race meet consisting of at least eight live races per

32-00167B-11

2011666__

3307 authorized race day for at least 100 days. Any harness horse
3308 permitholder that during the preceding racing season conducted a
3309 full schedule of live racing may, at any time during its current
3310 race meet, receive full-card broadcasts of harness horse races
3311 conducted at harness racetracks outside this state at the
3312 harness track of the permitholder and accept wagers on such
3313 harness races. With specific authorization from the department
3314 ~~division~~ for special racing events, a permitholder may conduct
3315 fewer than eight live races or games when the permitholder also
3316 broadcasts out-of-state races or games. The department ~~division~~
3317 may not grant more than two such exceptions a year for a
3318 permitholder in any 12-month period, and those two exceptions
3319 may not be consecutive.

3320 (10) The department ~~division~~ may adopt rules necessary to
3321 facilitate commingling of pari-mutuel pools, to ensure the
3322 proper calculation of payoffs in circumstances in which
3323 different commission percentages are applicable and to regulate
3324 the distribution of net proceeds between the horse track and, in
3325 this state, the horsemen's associations.

3326 (13) This section does not prohibit the commingling of
3327 national pari-mutuel pools by a totalisator company that is
3328 licensed under this chapter. Such commingling of national pools
3329 is subject to department ~~division~~ review and approval and must
3330 be performed pursuant to ~~in accordance with~~ rules adopted by the
3331 department ~~division~~ to ensure accurate calculation and
3332 distribution of the pools.

3333 Section 42. Subsections (3), (4), and (5) of section
3334 550.3615, Florida Statutes, are amended to read:

3335 550.3615 Bookmaking on the grounds of a permitholder;

32-00167B-11

2011666__

3336 penalties; reinstatement; duties of track employees; penalty;
3337 exceptions.-

3338 (3) Any person who has been convicted of bookmaking in this
3339 state or any other state of the United States or any foreign
3340 country shall be denied admittance to and may ~~shall~~ not attend
3341 any racetrack or fronton in this state during its racing seasons
3342 or operating dates, including any practice or preparational
3343 days, for a period of 2 years after the date of conviction or
3344 the date of final appeal. Following the conclusion of the period
3345 of ineligibility, the department ~~director of the division~~ may
3346 authorize the reinstatement of an individual following a hearing
3347 on readmittance. Any such person who knowingly violates this
3348 subsection commits ~~is guilty of~~ a misdemeanor of the first
3349 degree, punishable as provided in s. 775.082 or s. 775.083.

3350 (4) If the activities of a person show that this law is
3351 being violated, and such activities are either witnessed or are
3352 common knowledge by any track or fronton employee, it is the
3353 duty of that employee to bring the matter to the immediate
3354 attention of the permitholder, manager, or her or his designee,
3355 who shall notify a law enforcement agency having jurisdiction.
3356 Willful failure on the part of any track or fronton employee to
3357 comply with ~~the provisions of~~ this subsection is a ground for
3358 the department ~~division~~ to suspend or revoke that employee's
3359 license for track or fronton employment.

3360 (5) Each permittee shall display, in conspicuous places at
3361 a track or fronton and in all race and jai alai daily programs,
3362 a warning to all patrons concerning the prohibition and
3363 penalties of bookmaking contained in this section and s. 849.25.
3364 The department ~~division~~ shall adopt rules concerning the uniform

32-00167B-11

2011666

3365 size of all warnings and the number of placements throughout a
3366 track or fronton. Failure on the part of the permittee to
3367 display such warnings may result in the imposition of a \$500
3368 fine by the department ~~division~~ for each offense.

3369 Section 43. Subsections (2) and (3) of section 550.375,
3370 Florida Statutes, are amended to read:

3371 550.375 Operation of certain harness tracks.—

3372 (2) Any permittee or licensee authorized under this section
3373 to transfer the location of its permit may conduct harness
3374 racing only between the hours of 7 p.m. and 2 a.m. A permit so
3375 transferred applies only to the locations provided in this
3376 section. The provisions of this chapter which prohibit the
3377 location and operation of a licensed harness track permittee and
3378 licensee within 100 air miles of the location of a racetrack
3379 authorized to conduct racing under this chapter and which
3380 prohibit the department ~~division~~ from granting any permit to a
3381 harness track at a location in the area in which there are three
3382 horse tracks located within 100 air miles thereof do not apply
3383 to a licensed harness track that is required by the terms of
3384 this section to race between the hours of 7 p.m. and 2 a.m.

3385 (3) A permit may not be issued by the department ~~division~~
3386 for the operation of a harness track within 75 air miles of a
3387 location of a harness track licensed and operating under this
3388 chapter.

3389 Section 44. Section 550.495, Florida Statutes, is amended
3390 to read:

3391 550.495 Totalisator licensing.—

3392 (1) A totalisator may not be operated at a pari-mutuel
3393 facility in this state, or at a facility located in or out of

32-00167B-11

2011666

3394 this state which is used as the primary totalisator for a race
3395 or game conducted in this state, unless the totalisator company
3396 possesses a business license issued by the department ~~division~~.

3397 (2) (a) Each totalisator company must apply to the
3398 department ~~division~~ for an annual business license. The
3399 application must include such information as the department
3400 ~~division~~ by rule requires.

3401 (b) As a part of its license application, each totalisator
3402 company must agree in writing to pay to the department ~~division~~
3403 an amount equal to the loss of any state revenues from missed or
3404 canceled races, games, or performances due to acts of the
3405 totalisator company or its agents or employees or failures of
3406 the totalisator system, except for circumstances beyond the
3407 control of the totalisator company or agent or employee, as
3408 determined by the department ~~division~~.

3409 (c) Each totalisator company must file with the department
3410 ~~division~~ a performance bond, acceptable to the department
3411 ~~division~~, in the sum of \$250,000 issued by a surety approved by
3412 the department ~~division~~ or must file proof of insurance,
3413 acceptable to the department ~~division~~, against financial loss in
3414 the amount of \$250,000, insuring the state against such a
3415 revenue loss.

3416 (d) In the event of a loss of state tax revenues, the
3417 department ~~division~~ shall determine:

3418 1. The estimated revenue lost as a result of missed or
3419 canceled races, games, or performances;

3420 2. The number of races, games, or performances which is
3421 practicable for the permitholder to conduct in an attempt to
3422 mitigate the revenue loss; and

32-00167B-11

2011666

3423 3. The amount of the revenue loss which the makeup races,
3424 games, or performances will not recover and for which the
3425 totalisator company is liable.

3426 (e) Upon the making of such determinations, the department
3427 ~~division~~ shall issue to the totalisator company and to the
3428 affected permitholder an order setting forth the determinations
3429 of the department ~~division~~.

3430 (f) If the order is contested by either the totalisator
3431 company or any affected permitholder, ~~the provisions of~~ chapter
3432 120 applies ~~apply~~. If the totalisator company contests the order
3433 on the grounds that the revenue loss was due to circumstances
3434 beyond its control, the totalisator company has the burden of
3435 proving that circumstances vary in fact beyond its control. For
3436 purposes of this paragraph, strikes and acts of God are beyond
3437 the control of the totalisator company.

3438 (g) Upon the failure of the totalisator company to make the
3439 payment found to be due the state, the department ~~division~~ may
3440 cause the forfeiture of the bond or may proceed against the
3441 insurance contract, and the proceeds of the bond or contract
3442 shall be deposited into the Pari-mutuel Wagering Trust Fund. If
3443 that bond was not posted or insurance obtained, the department
3444 ~~division~~ may proceed against any assets of the totalisator
3445 company to collect the amounts due under this subsection.

3446 (3) If the applicant meets the requirements of this section
3447 and department ~~division~~ rules and pays the license fee, the
3448 department ~~division~~ shall issue the license.

3449 (4) Each totalisator company shall conduct operations in
3450 accordance with rules adopted by the department ~~division~~, in
3451 such form, content, and frequency as the department ~~division~~ by

32-00167B-11

2011666

3452 rule determines.

3453 (5) The department ~~division~~ and its representatives may
3454 enter and inspect any area of the premises of a licensed
3455 totalisator company, and may examine totalisator records, during
3456 the licensee's regular business or operating hours.

3457 Section 45. Section 550.505, Florida Statutes, is amended
3458 to read:

3459 550.505 Nonwagering permits.—

3460 (1) (a) Except as provided in this section, permits and
3461 licenses issued by the department ~~division~~ are intended to be
3462 used for pari-mutuel wagering operations in conjunction with
3463 horseraces, dograces, or jai alai performances.

3464 (b) Subject to the requirements of this section, the
3465 department may ~~division is authorized to~~ issue permits for the
3466 conduct of horseracing meets without pari-mutuel wagering or any
3467 other form of wagering being conducted in conjunction therewith.
3468 Such permits shall be known as nonwagering permits and may be
3469 issued only for horseracing meets. A horseracing permitholder
3470 need not obtain an additional permit from the department
3471 ~~division~~ for conducting nonwagering racing under this section,
3472 but must apply to the department ~~division~~ for the issuance of a
3473 license under this section. The holder of a nonwagering permit
3474 is prohibited from conducting pari-mutuel wagering or any other
3475 form of wagering in conjunction with racing conducted under the
3476 permit. ~~Nothing in~~ This subsection does not prohibit ~~prohibits~~
3477 horseracing for any stake, purse, prize, or premium.

3478 (c) The holder of a nonwagering permit is exempt from ~~the~~
3479 ~~provisions of~~ s. 550.105 and is exempt from the imposition of
3480 daily license fees and admission tax.

32-00167B-11

2011666

3481 (2) (a) Any person not prohibited from holding any type of
3482 pari-mutuel permit under s. 550.1815 may ~~shall be allowed to~~
3483 apply to the department ~~division~~ for a nonwagering permit. The
3484 applicant must demonstrate that the location or locations where
3485 the nonwagering permit will be used are available for such use
3486 and that the applicant has the financial ability to satisfy the
3487 reasonably anticipated operational expenses of the first racing
3488 year following final issuance of the nonwagering permit. If the
3489 racing facility is already built, the application must contain a
3490 statement, with reasonable supporting evidence, that the
3491 nonwagering permit will be used for horseracing within 1 year
3492 after the date on which it is granted. If the facility is not
3493 already built, the application must contain a statement, with
3494 reasonable supporting evidence, that substantial construction
3495 will be started within 1 year after the issuance of the
3496 nonwagering permit.

3497 (b) The department ~~division~~ may conduct an eligibility
3498 investigation to determine if the applicant meets the
3499 requirements of paragraph (a).

3500 (3) (a) Upon receipt of a nonwagering permit, the
3501 permitholder must apply to the department ~~division~~ before June 1
3502 of each year for an annual nonwagering license for the next
3503 succeeding calendar year. Such application must set forth the
3504 days and locations at which the permitholder will conduct
3505 nonwagering horseracing and must indicate any changes in
3506 ownership or management of the permitholder occurring since the
3507 date of application for the prior license.

3508 (b) On or before August 1 of each year, the department
3509 ~~division~~ shall issue a license authorizing the nonwagering

32-00167B-11

2011666__

3510 permitholder to conduct nonwagering horseracing during the
3511 succeeding calendar year during the period and for the number of
3512 days set forth in the application, subject to all other
3513 provisions of this section.

3514 (c) The department ~~division~~ may conduct an eligibility
3515 investigation to determine the qualifications of any new
3516 ownership or management interest in the permit.

3517 (4) Upon the approval of racing dates by the department
3518 ~~division~~, the department ~~division~~ shall issue an annual
3519 nonwagering license to the nonwagering permitholder.

3520 (5) Only horses registered with an established breed
3521 registration organization, which organization shall be approved
3522 by the department ~~division~~, shall be raced at any race meeting
3523 authorized by this section.

3524 (6) The department ~~division~~ may order any person
3525 participating in a nonwagering meet to cease and desist from
3526 participating in such meet if the department ~~division~~ determines
3527 the person to be not of good moral character in accordance with
3528 s. 550.1815. The department ~~division~~ may order the operators of
3529 a nonwagering meet to cease and desist from operating the meet
3530 if the department ~~division~~ determines the meet is being operated
3531 for any illegal purpose.

3532 Section 46. Subsection (1) of section 550.5251, Florida
3533 Statutes, is amended to read:

3534 550.5251 Florida thoroughbred racing; certain permits;
3535 operating days.—

3536 (1) Each thoroughbred permitholder shall annually, during
3537 the period commencing December 15 of each year and ending
3538 January 4 of the following year, file in writing with the

32-00167B-11

2011666

3539 department ~~division~~ its application to conduct one or more
3540 thoroughbred racing meetings during the thoroughbred racing
3541 season commencing on the following July 1. Each application
3542 shall specify the number and dates of all performances that the
3543 permitholder intends to conduct during that thoroughbred racing
3544 season. On or before March 15 of each year, the department
3545 ~~division~~ shall issue a license authorizing each permitholder to
3546 conduct performances on the dates specified in its application.
3547 Up to February 28 of each year, each permitholder may request
3548 and shall be granted changes in its authorized performances; but
3549 thereafter, as a condition precedent to the validity of its
3550 license and its right to retain its permit, each permitholder
3551 must operate the full number of days authorized on each of the
3552 dates set forth in its license.

3553 Section 47. Subsection (3) of section 550.625, Florida
3554 Statutes, is amended to read:

3555 550.625 Intertrack wagering; purses; breeders' awards.—If a
3556 host track is a horse track:

3557 (3) The payment to a breeders' organization shall be
3558 combined with any other amounts received by the respective
3559 breeders' and owners' associations as so designated. Each
3560 breeders' and owners' association receiving these funds shall be
3561 allowed to withhold the same percentage as set forth in s.
3562 550.2625 to be used for administering the payment of awards and
3563 for the general promotion of their respective industries. If the
3564 total combined amount received for thoroughbred breeders' awards
3565 exceeds 15 percent of the purse required to be paid under
3566 subsection (1), the breeders' and owners' association, as so
3567 designated, notwithstanding any other provision of law, shall

32-00167B-11

2011666

3568 submit a plan to the department ~~division~~ for approval which
3569 would use the excess funds in promoting the breeding industry by
3570 increasing the purse structure for Florida-breds. Preference
3571 shall be given to the track generating such excess.

3572 Section 48. Subsection (5) and paragraph (g) of subsection
3573 (9) of section 550.6305, Florida Statutes, are amended to read:

3574 550.6305 Intertrack wagering; guest track payments;
3575 accounting rules.-

3576 (5) The department ~~division~~ shall adopt rules providing an
3577 expedient accounting procedure for the transfer of the pari-
3578 mutuel pool in order to properly account for payment of state
3579 taxes, payment to the guest track, payment to the host track,
3580 payment of purses, payment to breeders' associations, payment to
3581 horsemen's associations, and payment to the public.

3582 (9) A host track that has contracted with an out-of-state
3583 horse track to broadcast live races conducted at such out-of-
3584 state horse track pursuant to s. 550.3551(5) may broadcast such
3585 out-of-state races to any guest track and accept wagers thereon
3586 in the same manner as is provided in s. 550.3551.

3587 (g)1. Any thoroughbred permitholder which accepts wagers on
3588 a simulcast signal must make the signal available to any
3589 permitholder that is eligible to conduct intertrack wagering
3590 under the provisions of ss. 550.615-550.6345.

3591 2. Any thoroughbred permitholder which accepts wagers on a
3592 simulcast signal received after 6 p.m. must make such signal
3593 available to any permitholder that is eligible to conduct
3594 intertrack wagering under the provisions of ss. 550.615-
3595 550.6345, including any permitholder located as specified in s.
3596 550.615(6). Such guest permitholders are authorized to accept

32-00167B-11

2011666

3597 wagers on such simulcast signal, notwithstanding any other
3598 provision of this chapter to the contrary.

3599 3. Any thoroughbred permitholder which accepts wagers on a
3600 simulcast signal received after 6 p.m. must make such signal
3601 available to any permitholder that is eligible to conduct
3602 intertrack wagering under the provisions of ss. 550.615-
3603 550.6345, including any permitholder located as specified in s.
3604 550.615(9). Such guest permitholders are authorized to accept
3605 wagers on such simulcast signals for a number of performances
3606 not to exceed that which constitutes a full schedule of live
3607 races for a quarter horse permitholder pursuant to s.
3608 550.002 (10) ~~(11)~~, notwithstanding any other provision of this
3609 chapter to the contrary, except that the restrictions provided
3610 in s. 550.615(9)(a) apply to wagers on such simulcast signals.

3611
3612 No thoroughbred permitholder shall be required to continue to
3613 rebroadcast a simulcast signal to any in-state permitholder if
3614 the average per performance gross receipts returned to the host
3615 permitholder over the preceding 30-day period were less than
3616 \$100. Subject to the provisions of s. 550.615(4), as a condition
3617 of receiving rebroadcasts of thoroughbred simulcast signals
3618 under this paragraph, a guest permitholder must accept
3619 intertrack wagers on all live races conducted by all then-
3620 operating thoroughbred permitholders.

3621 Section 49. Subsections (1) and (2) of section 550.6308,
3622 Florida Statutes, are amended to read:

3623 550.6308 Limited intertrack wagering license.—In
3624 recognition of the economic importance of the thoroughbred
3625 breeding industry to this state, its positive impact on tourism,

32-00167B-11

2011666__

3626 and of the importance of a permanent thoroughbred sales facility
3627 as a key focal point for the activities of the industry, a
3628 limited license to conduct intertrack wagering is established to
3629 ensure the continued viability and public interest in
3630 thoroughbred breeding in Florida.

3631 (1) Upon application to the department ~~division~~ on or
3632 before January 31 of each year, any person that is licensed to
3633 conduct public sales of thoroughbred horses pursuant to s.
3634 535.01, that has conducted at least 15 days of thoroughbred
3635 horse sales at a permanent sales facility in this state for at
3636 least 3 consecutive years, and that has conducted at least 1 day
3637 of nonwagering thoroughbred racing in this state, with a purse
3638 structure of at least \$250,000 per year for 2 consecutive years
3639 before such application, shall be issued a license, subject to
3640 the conditions set forth in this section, to conduct intertrack
3641 wagering at such a permanent sales facility during the following
3642 periods:

3643 (a) Up to 21 days in connection with thoroughbred sales;

3644 (b) Between November 1 and May 8;

3645 (c) Between May 9 and October 31 at such times and on such
3646 days as any thoroughbred, jai alai, or a greyhound permitholder
3647 in the same county is not conducting live performances; provided
3648 that any such permitholder may waive this requirement, in whole
3649 or in part, and allow the licensee under this section to conduct
3650 intertrack wagering during one or more of the permitholder's
3651 live performances; and

3652 (d) During the weekend of the Kentucky Derby, the
3653 Preakness, the Belmont, and a Breeders' Cup Meet that is
3654 conducted before November 1 and after May 8.

32-00167B-11

2011666__

3655
3656 No more than one such license may be issued, and no such license
3657 may be issued for a facility located within 50 miles of any
3658 thoroughbred permitholder's track.

3659 (2) If more than one application is submitted for such
3660 license, the department ~~division~~ shall determine which applicant
3661 shall be granted the license. In making its determination, the
3662 department ~~division~~ shall grant the license to the applicant
3663 demonstrating superior capabilities, as measured by the length
3664 of time the applicant has been conducting thoroughbred sales
3665 within this state or elsewhere, the applicant's total volume of
3666 thoroughbred horse sales, within this state or elsewhere, the
3667 length of time the applicant has maintained a permanent
3668 thoroughbred sales facility in this state, and the quality of
3669 the facility.

3670 Section 50. Subsection (2) of section 550.70, Florida
3671 Statutes, is amended to read:

3672 550.70 Jai alai general provisions; chief court judges
3673 required; extension of time to construct fronton; amateur jai
3674 alai contests permitted under certain conditions; playing days'
3675 limitations; locking of pari-mutuel machines.-

3676 (2) The time within which the holder of a ratified permit
3677 for jai alai or pelota has to construct and complete a fronton
3678 may be extended by the department ~~division~~ for a period of 24
3679 months after the date of the issuance of the permit, anything to
3680 the contrary in any statute notwithstanding.

3681 Section 51. Subsection (3) of section 550.902, Florida
3682 Statutes, is amended to read:

3683 550.902 Purposes.-The purposes of this compact are to:

32-00167B-11

2011666

3684 (3) Authorize the Department of Gaming Control ~~Business and~~
3685 ~~Professional Regulation~~ to participate in this compact.

3686 Section 52. Subsection (1) of section 550.907, Florida
3687 Statutes, is amended to read:

3688 550.907 Compact committee.—

3689 (1) There is created an interstate governmental entity to
3690 be known as the "compact committee," which shall be composed of
3691 one official from the racing commission, or the equivalent
3692 thereof, in each party state who shall be appointed, serve, and
3693 be subject to removal in accordance with the laws of the party
3694 state that she or he represents. The official from Florida shall
3695 be appointed by the Gaming Commission ~~Secretary of Business and~~
3696 ~~Professional Regulation~~. Pursuant to the laws of her or his
3697 party state, each official shall have the assistance of her or
3698 his state's racing commission, or the equivalent thereof, in
3699 considering issues related to licensing of participants in pari-
3700 mutuel wagering and in fulfilling her or his responsibilities as
3701 the representative from her or his state to the compact
3702 committee.

3703 Section 53. Subsections (1), (3), (10), and (11) of section
3704 551.102, Florida Statutes, are amended, present subsection (1)
3705 of that section is renumbered as subsection (3), and a new
3706 subsection (1) is added to that section, to read:

3707 551.102 Definitions.—As used in this chapter, the term:

3708 (1) "Department" means the Department of Gaming Control.

3709 (3)~~(1)~~ "Distributor" means any person who sells, leases, or
3710 offers or otherwise provides, distributes, or services any slot
3711 machine or associated equipment for use or play of slot machines
3712 in this state. A manufacturer may be a distributor within the

32-00167B-11

2011666

3713 state.

3714 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~
3715 ~~of the Department of Business and Professional Regulation.~~

3716 (10) "Slot machine license" means a license issued by the
3717 department ~~division~~ authorizing a pari-mutuel permitholder to
3718 place and operate slot machines as provided by s. 23, Art. X of
3719 the State Constitution, the provisions of this chapter, and
3720 department ~~division~~ rules.

3721 (11) "Slot machine licensee" means a pari-mutuel
3722 permitholder who holds a license issued by the department
3723 ~~division~~ pursuant to this chapter which ~~that~~ authorizes such
3724 person to possess a slot machine within facilities specified in
3725 s. 23, Art. X of the State Constitution and allows slot machine
3726 gaming.

3727 Section 54. Section 551.103, Florida Statutes, is amended
3728 to read:

3729 551.103 Powers and duties of the department ~~division~~ and
3730 law enforcement.—

3731 (1) The department ~~division~~ shall adopt, pursuant to the
3732 provisions of ss. 120.536(1) and 120.54, all rules necessary to
3733 implement, administer, and regulate slot machine gaming as
3734 authorized in this chapter. Such rules must include:

3735 (a) Procedures for applying for a slot machine license and
3736 renewal of a slot machine license.

3737 (b) Technical requirements and the qualifications contained
3738 in this chapter which ~~that~~ are necessary to receive a slot
3739 machine license or slot machine occupational license.

3740 (c) Procedures to scientifically test and technically
3741 evaluate slot machines for compliance with this chapter. The

32-00167B-11

2011666__

3742 department ~~division~~ may contract with an independent testing
3743 laboratory to conduct any necessary testing under this section.
3744 The independent testing laboratory must have a national
3745 reputation and be ~~which is~~ demonstrably competent and qualified
3746 to scientifically test and evaluate slot machines for compliance
3747 with this chapter and to otherwise perform the functions
3748 assigned to it in this chapter. An independent testing
3749 laboratory may ~~shall~~ not be owned or controlled by a licensee.
3750 The use of an independent testing laboratory for any purpose
3751 related to the conduct of slot machine gaming by a licensee
3752 under this chapter must ~~shall~~ be made from a list of one or more
3753 laboratories approved by the department ~~division~~.

3754 (d) Procedures relating to slot machine revenues, including
3755 verifying and accounting for such revenues, auditing, and
3756 collecting taxes and fees consistent with this chapter.

3757 (e) Procedures for regulating, managing, and auditing the
3758 operation, financial data, and program information relating to
3759 slot machine gaming which ~~that~~ allow the department ~~division~~ and
3760 the Department of Law Enforcement to audit the operation,
3761 financial data, and program information of a slot machine
3762 licensee, as required by the department ~~division~~ or the
3763 Department of Law Enforcement, and provide the department
3764 ~~division~~ and the Department of Law Enforcement with the ability
3765 to monitor, at any time on a real-time basis, wagering patterns,
3766 payouts, tax collection, and compliance with any rules adopted
3767 by the department ~~division~~ for the regulation and control of
3768 slot machines operated under this chapter. Such continuous and
3769 complete access, at any time on a real-time basis, shall include
3770 the ability of ~~either~~ the department ~~division~~ or the Department

32-00167B-11

2011666__

3771 of Law Enforcement to suspend play immediately on particular
3772 slot machines if monitoring of the facilities-based computer
3773 system indicates possible tampering or manipulation of those
3774 slot machines or the ability to suspend play immediately of the
3775 entire operation if the tampering or manipulation is of the
3776 computer system itself. The department ~~division~~ shall notify the
3777 Department of Law Enforcement or the Department of Law
3778 Enforcement shall notify the division, as appropriate, whenever
3779 there is a suspension of play under this paragraph. The
3780 department ~~division~~ and the Department of Law Enforcement shall
3781 exchange such information necessary for and cooperate in the
3782 investigation of the circumstances requiring suspension of play
3783 under this paragraph.

3784 (f) Procedures for requiring each licensee at his or her
3785 own cost and expense to supply the department ~~division~~ with a
3786 bond having the penal sum of \$2 million payable to the Governor
3787 and his or her successors in office for each year of the
3788 licensee's slot machine operations. Any bond shall be issued by
3789 a surety or sureties approved by the department ~~division~~ and the
3790 Chief Financial Officer, conditioned to faithfully make the
3791 payments to the Chief Financial Officer in his or her capacity
3792 as treasurer of the department ~~division~~. The licensee shall be
3793 required to keep its books and records and make reports as
3794 provided in this chapter and to conduct its slot machine
3795 operations in conformity with this chapter and all other
3796 provisions of law. Such bond shall be separate and distinct from
3797 the bond required in s. 550.125.

3798 (g) Procedures for requiring licensees to maintain
3799 specified records and submit any data, information, record, or

32-00167B-11

2011666__

3800 report, including financial and income records, required by this
3801 chapter or determined by the department ~~division~~ to be necessary
3802 to the proper implementation and enforcement of this chapter.

3803 (h) A requirement that the payout percentage of a slot
3804 machine be no less than 85 percent.

3805 (i) Minimum standards for security of the facilities,
3806 including floor plans, security cameras, and other security
3807 equipment.

3808 (j) Procedures for requiring slot machine licensees to
3809 implement and establish drug-testing programs for all slot
3810 machine occupational licensees.

3811 (2) The department ~~division~~ shall conduct such
3812 investigations necessary to fulfill its responsibilities under
3813 the provisions of this chapter.

3814 (3) The Department of Law Enforcement and local law
3815 enforcement agencies ~~shall~~ have concurrent jurisdiction to
3816 investigate criminal violations of this chapter and may
3817 investigate any other criminal violation of law occurring at the
3818 facilities of a slot machine licensee, and such investigations
3819 may be conducted in conjunction with the appropriate state
3820 attorney.

3821 (4) (a) The department ~~division~~, the Department of Law
3822 Enforcement, and local law enforcement agencies shall have
3823 unrestricted access to the slot machine licensee's facility at
3824 all times and shall require of each slot machine licensee strict
3825 compliance with the laws of this state relating to the
3826 transaction of such business. The department ~~division~~, the
3827 Department of Law Enforcement, and local law enforcement
3828 agencies may:

32-00167B-11

2011666__

3829 1. Inspect and examine premises where slot machines are
3830 offered for play.

3831 2. Inspect slot machines and related equipment and
3832 supplies.

3833 (b) In addition, the department ~~division~~ may:

3834 1. Collect taxes, assessments, fees, and penalties.

3835 2. Deny, revoke, suspend, or place conditions on the
3836 license of a person who violates any provision of this chapter
3837 or rule adopted pursuant thereto.

3838 (5) The department ~~division~~ shall revoke or suspend the
3839 license of any person who is no longer qualified or who is
3840 found, after receiving a license, to have been unqualified at
3841 the time of application for the license.

3842 (6) This section does not:

3843 (a) Prohibit the Department of Law Enforcement or any law
3844 enforcement authority whose jurisdiction includes a licensed
3845 facility from conducting investigations of criminal activities
3846 occurring at the facility of the slot machine licensee;

3847 (b) Restrict access to the slot machine licensee's facility
3848 by the Department of Law Enforcement or any local law
3849 enforcement authority whose jurisdiction includes the slot
3850 machine licensee's facility; or

3851 (c) Restrict access by the Department of Law Enforcement or
3852 local law enforcement authorities to information and records
3853 necessary to the investigation of criminal activity which ~~that~~
3854 are contained within the slot machine licensee's facility.

3855 Section 55. Section 551.104, Florida Statutes, is amended
3856 to read:

3857 551.104 License to conduct slot machine gaming.-

32-00167B-11

2011666__

3858 (1) Upon application and a finding by the department
3859 ~~division~~ after investigation that the application is complete
3860 and the applicant is qualified and payment of the initial
3861 license fee, the department ~~division~~ may issue a license to
3862 conduct slot machine gaming in the designated slot machine
3863 gaming area of the eligible facility. Once licensed, slot
3864 machine gaming may be conducted subject to the requirements of
3865 this chapter and rules adopted pursuant thereto.

3866 (2) An application may be approved by the department
3867 ~~division~~ only after the voters of the county where the
3868 applicant's facility is located have authorized by referendum
3869 slot machines within pari-mutuel facilities in that county as
3870 specified in s. 23, Art. X of the State Constitution.

3871 (3) A slot machine license may be issued only to a licensed
3872 pari-mutuel permitholder, and slot machine gaming may be
3873 conducted only at the eligible facility at which the
3874 permitholder is authorized under its valid pari-mutuel wagering
3875 permit to conduct pari-mutuel wagering activities.

3876 (4) As a condition of licensure and to maintain continued
3877 authority for the conduct of slot machine gaming, the slot
3878 machine licensee shall:

3879 (a) Continue to be in compliance with this chapter.

3880 (b) Continue to be in compliance with chapter 550, where
3881 applicable, and maintain the pari-mutuel permit and license in
3882 good standing pursuant to the provisions of chapter 550.

3883 ~~Notwithstanding any contrary provision of law and in order to~~
3884 ~~expedite the operation of slot machines at eligible facilities,~~
3885 ~~any eligible facility shall be entitled within 60 days after the~~
3886 ~~effective date of this act to amend its 2006-2007 pari-mutuel~~

32-00167B-11

2011666__

3887 ~~wagering operating license issued by the division under ss.~~
3888 ~~550.0115 and 550.01215. The division shall issue a new license~~
3889 ~~to the eligible facility to effectuate any approved change.~~

3890 (c) Conduct no fewer than a full schedule of live racing or
3891 games as defined in s. 550.002 (10) ~~(11)~~. A permitholder's
3892 responsibility to conduct such number of live races or games
3893 shall be reduced by the number of races or games that could not
3894 be conducted due to the direct result of fire, war, hurricane,
3895 or other disaster or event beyond the control of the
3896 permitholder.

3897 (d) Upon approval of any changes relating to the pari-
3898 mutuel permit by the department ~~division~~, be responsible for
3899 providing appropriate current and accurate documentation on a
3900 timely basis to the department ~~division~~ in order to continue the
3901 slot machine license in good standing. Changes in ownership or
3902 interest of a slot machine license of 5 percent or more of the
3903 stock or other evidence of ownership or equity in the slot
3904 machine license or any parent corporation or other business
3905 entity that in any way owns or controls the slot machine license
3906 shall be approved by the department ~~division~~ prior to such
3907 change, unless the owner is an existing holder of that license
3908 who was previously approved by the department ~~division~~. Changes
3909 in ownership or interest of a slot machine license of less than
3910 5 percent, unless such change results in a cumulative total of 5
3911 percent or more, shall be reported to the department ~~division~~
3912 within 20 days after the change. The department ~~division~~ may
3913 then conduct an investigation to ensure that the license is
3914 properly updated to show the change in ownership or interest. No
3915 reporting is required if the person is holding 5 percent or less

32-00167B-11

2011666

3916 equity or securities of a corporate owner of the slot machine
3917 licensee that has its securities registered pursuant to s. 12 of
3918 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and
3919 if such corporation or entity files with the United States
3920 Securities and Exchange Commission the reports required by s. 13
3921 of that act or if the securities of the corporation or entity
3922 are regularly traded on an established securities market in the
3923 United States. A change in ownership or interest of less than 5
3924 percent which results in a cumulative ownership or interest of 5
3925 percent or more must ~~shall~~ be approved by the department before
3926 ~~division prior to~~ such change unless the owner is an existing
3927 holder of the license who was previously approved by the
3928 department ~~division~~.

3929 (e) Allow the department ~~division~~ and the Department of Law
3930 Enforcement unrestricted access to and right of inspection of
3931 facilities of a slot machine licensee in which any activity
3932 relative to the conduct of slot machine gaming is conducted.

3933 (f) Ensure that the facilities-based computer system that
3934 the licensee will use for operational and accounting functions
3935 of the slot machine facility is specifically structured to
3936 facilitate regulatory oversight. The facilities-based computer
3937 system shall be designed to provide the department ~~division~~ and
3938 the Department of Law Enforcement with the ability to monitor,
3939 at any time on a real-time basis, the wagering patterns,
3940 payouts, tax collection, and such other operations as necessary
3941 to determine whether the facility is in compliance with
3942 statutory provisions and rules adopted by the department
3943 ~~division~~ for the regulation and control of slot machine gaming.
3944 The department ~~division~~ and the Department of Law Enforcement

32-00167B-11

2011666

3945 shall have complete and continuous access to this system. Such
3946 access shall include the ability of ~~either~~ the department
3947 ~~division~~ or the Department of Law Enforcement to suspend play
3948 immediately on particular slot machines if monitoring of the
3949 system indicates possible tampering or manipulation of those
3950 slot machines or the ability to suspend play immediately of the
3951 entire operation if the tampering or manipulation is of the
3952 computer system itself. The computer system shall be reviewed
3953 and approved by the department ~~division~~ to ensure necessary
3954 access, security, and functionality. The department ~~division~~ may
3955 adopt rules to provide for the approval process.

3956 (g) Ensure that each slot machine is protected from
3957 manipulation or tampering to affect the random probabilities of
3958 winning plays. The department ~~division~~ or the Department of Law
3959 Enforcement may ~~shall have the authority to~~ suspend play upon
3960 reasonable suspicion of any manipulation or tampering. When play
3961 has been suspended on any slot machine, the department ~~division~~
3962 or the Department of Law Enforcement may examine any slot
3963 machine to determine whether the machine has been tampered with
3964 or manipulated and whether the machine should be returned to
3965 operation.

3966 (h) Submit a security plan, including the facilities' floor
3967 plan, the locations of security cameras, and a listing of all
3968 security equipment that is capable of observing and
3969 electronically recording activities being conducted in the
3970 facilities of the slot machine licensee. The security plan must
3971 meet the minimum security requirements as determined by the
3972 department ~~division~~ under s. 551.103(1)(i) and be implemented
3973 prior to operation of slot machine gaming. The slot machine

32-00167B-11

2011666__

3974 licensee's facilities must adhere to the security plan at all
3975 times. Any changes to the security plan must be submitted by the
3976 licensee to the department before ~~division prior to~~
3977 implementation. The department ~~division~~ shall furnish copies of
3978 the security plan and changes in the plan to the Department of
3979 Law Enforcement.

3980 (i) Create and file with the department ~~division~~ a written
3981 policy for:

3982 1. Creating opportunities to purchase from vendors in this
3983 state, including minority vendors.

3984 2. Creating opportunities for employment of residents of
3985 this state, including minority residents.

3986 3. Ensuring opportunities for construction services from
3987 minority contractors.

3988 4. Ensuring that opportunities for employment are offered
3989 on an equal, nondiscriminatory basis.

3990 5. Training for employees on responsible gaming and working
3991 with a compulsive or addictive gambling prevention program to
3992 further its purposes as provided for in s. 551.118.

3993 6. The implementation of a drug-testing program that
3994 includes, but is not limited to, requiring each employee to sign
3995 an agreement that he or she understands that the slot machine
3996 facility is a drug-free workplace.

3997
3998 The slot machine licensee shall use the Internet-based job-
3999 listing system of the Agency for Workforce Innovation in
4000 advertising employment opportunities. ~~Beginning in June 2007,~~
4001 Each slot machine licensee shall provide an annual report to the
4002 department ~~division~~ containing information indicating compliance

32-00167B-11

2011666

4003 with this paragraph in regard to minority persons.

4004 (j) Ensure that the payout percentage of a slot machine
4005 gaming facility is at least 85 percent.

4006 (5) A slot machine license is not transferable.

4007 (6) A slot machine licensee shall keep and maintain
4008 permanent daily records of its slot machine operation and shall
4009 maintain such records for a period of not less than 5 years.
4010 These records must include all financial transactions and
4011 contain sufficient detail to determine compliance with the
4012 requirements of this chapter. All records shall be available for
4013 audit and inspection by the department ~~division~~, the Department
4014 of Law Enforcement, or other law enforcement agencies during the
4015 licensee's regular business hours.

4016 (7) A slot machine licensee shall file with the department
4017 ~~division~~ a monthly report containing the required records of
4018 such slot machine operation. The required reports shall be
4019 submitted on forms prescribed by the department ~~division~~ and
4020 shall be due at the same time as the monthly pari-mutuel reports
4021 are due to the department ~~division~~, and the reports shall be
4022 deemed public records once filed.

4023 (8) A slot machine licensee shall file with the department
4024 ~~division~~ an audit of the receipt and distribution of all slot
4025 machine revenues provided by an independent certified public
4026 accountant verifying compliance with all financial and auditing
4027 provisions of this chapter and the associated rules adopted
4028 under this chapter. The audit must include verification of
4029 compliance with all statutes and rules regarding all required
4030 records of slot machine operations. Such audit shall be filed
4031 within 60 days after the completion of the permitholder's pari-

32-00167B-11

2011666

4032 mutuel meet.

4033 (9) The department ~~division~~ may share any information with
4034 the Department of Law Enforcement, any other law enforcement
4035 agency having jurisdiction over slot machine gaming or pari-
4036 mutuel activities, or any other state or federal law enforcement
4037 agency the department ~~division~~ or the Department of Law
4038 Enforcement deems appropriate. Any law enforcement agency having
4039 jurisdiction over slot machine gaming or pari-mutuel activities
4040 may share any information obtained or developed by it with the
4041 department ~~division~~.

4042 (10) (a)1. No slot machine license or renewal thereof shall
4043 be issued to an applicant holding a permit under chapter 550 to
4044 conduct pari-mutuel wagering meets of thoroughbred racing unless
4045 the applicant has on file with the department ~~division~~ a binding
4046 written agreement between the applicant and the Florida
4047 Horsemen's Benevolent and Protective Association, Inc.,
4048 governing the payment of purses on live thoroughbred races
4049 conducted at the licensee's pari-mutuel facility. In addition,
4050 no slot machine license or renewal thereof shall be issued to
4051 such an applicant unless the applicant has on file with the
4052 department ~~division~~ a binding written agreement between the
4053 applicant and the Florida Thoroughbred Breeders' Association,
4054 Inc., governing the payment of breeders', stallion, and special
4055 racing awards on live thoroughbred races conducted at the
4056 licensee's pari-mutuel facility. The agreement governing purses
4057 and the agreement governing awards may direct the payment of
4058 such purses and awards from revenues generated by any wagering
4059 or gaming the applicant is authorized to conduct under Florida
4060 law. All purses and awards shall be subject to the terms of

32-00167B-11

2011666

4061 chapter 550. All sums for breeders', stallion, and special
4062 racing awards shall be remitted monthly to the Florida
4063 Thoroughbred Breeders' Association, Inc., for the payment of
4064 awards subject to the administrative fee authorized in s.
4065 550.2625(3).

4066 2. No slot machine license or renewal thereof shall be
4067 issued to an applicant holding a permit under chapter 550 to
4068 conduct pari-mutuel wagering meets of quarter horse racing
4069 unless the applicant has on file with the department ~~division~~ a
4070 binding written agreement between the applicant and the Florida
4071 Quarter Horse Racing Association or the association representing
4072 a majority of the horse owners and trainers at the applicant's
4073 eligible facility, governing the payment of purses on live
4074 quarter horse races conducted at the licensee's pari-mutuel
4075 facility. The agreement governing purses may direct the payment
4076 of such purses from revenues generated by any wagering or gaming
4077 the applicant is authorized to conduct under Florida law. All
4078 purses are ~~shall be~~ subject to the terms of chapter 550.

4079 (b) The department ~~division~~ shall suspend a slot machine
4080 license if one or more of the agreements required under
4081 paragraph (a) are terminated or otherwise cease to operate or if
4082 the department ~~division~~ determines that the licensee is
4083 materially failing to comply with the terms of such an
4084 agreement. Any such suspension shall take place in accordance
4085 with chapter 120.

4086 (c)1. If an agreement required under paragraph (a) cannot
4087 be reached before ~~prior to~~ the initial issuance of the slot
4088 machine license, either party may request arbitration or, in the
4089 case of a renewal, if an agreement required under paragraph (a)

32-00167B-11

2011666

4090 is not in place 120 days prior to the scheduled expiration date
4091 of the slot machine license, the applicant shall immediately ask
4092 the American Arbitration Association to furnish a list of 11
4093 arbitrators, each of whom shall have at least 5 years of
4094 commercial arbitration experience and no financial interest in
4095 or prior relationship with any of the parties or their
4096 affiliated or related entities or principals. Each required
4097 party to the agreement shall select a single arbitrator from the
4098 list provided by the American Arbitration Association within 10
4099 days of receipt, and the individuals so selected shall choose
4100 one additional arbitrator from the list within the next 10 days.

4101 2. If an agreement required under paragraph (a) is not in
4102 place 60 days after the request under subparagraph 1. in the
4103 case of an initial slot machine license or, in the case of a
4104 renewal, 60 days before ~~prior to~~ the scheduled expiration date
4105 of the slot machine license, the matter shall be immediately
4106 submitted to mandatory binding arbitration to resolve the
4107 disagreement between the parties. The three arbitrators selected
4108 pursuant to subparagraph 1. shall constitute the panel that
4109 shall arbitrate the dispute between the parties pursuant to the
4110 American Arbitration Association Commercial Arbitration Rules
4111 and chapter 682.

4112 3. At the conclusion of the proceedings, which shall be no
4113 later than 90 days after the request under subparagraph 1. in
4114 the case of an initial slot machine license or, in the case of a
4115 renewal, 30 days before ~~prior to~~ the scheduled expiration date
4116 of the slot machine license, the arbitration panel shall present
4117 to the parties a proposed agreement that the majority of the
4118 panel believes equitably balances the rights, interests,

32-00167B-11

2011666__

4119 obligations, and reasonable expectations of the parties. The
4120 parties shall immediately enter into such agreement, which shall
4121 satisfy the requirements of paragraph (a) and permit issuance of
4122 the pending annual slot machine license or renewal. The
4123 agreement produced by the arbitration panel under this
4124 subparagraph shall be effective until the last day of the
4125 license or renewal period or until the parties enter into a
4126 different agreement. Each party shall pay its respective costs
4127 of arbitration and shall pay one-half of the costs of the
4128 arbitration panel, unless the parties otherwise agree. If the
4129 agreement produced by the arbitration panel under this
4130 subparagraph remains in place 120 days prior to the scheduled
4131 issuance of the next annual license renewal, then the
4132 arbitration process established in this paragraph will begin
4133 again.

4134 4. ~~If In the event that neither of~~ the agreements required
4135 under subparagraph (a)1. or the agreement required under
4136 subparagraph (a)2. are not in place by the deadlines established
4137 in this paragraph, arbitration regarding each agreement shall
4138 ~~will~~ proceed independently, with separate lists of arbitrators,
4139 arbitration panels, arbitration proceedings, and resulting
4140 agreements.

4141 5. With respect to the agreements required under paragraph
4142 (a) governing the payment of purses, the arbitration and
4143 resulting agreement called for under this paragraph shall be
4144 limited to the payment of purses from slot machine revenues
4145 only.

4146 (d) If any provision of this subsection or its application
4147 to any person or circumstance is held invalid, the invalidity

32-00167B-11

2011666__

4148 does not affect other provisions or applications of this
4149 subsection or chapter which can be given effect without the
4150 invalid provision or application, and to this end the provisions
4151 of this subsection are severable.

4152 Section 56. Section 551.1045, Florida Statutes, is amended
4153 to read:

4154 551.1045 Temporary licenses.—

4155 (1) Notwithstanding any provision of s. 120.60 to the
4156 contrary, the department ~~division~~ may issue a temporary
4157 occupational license upon the receipt of a complete application
4158 from the applicant and a determination that the applicant has
4159 not been convicted of or had adjudication withheld on any
4160 disqualifying criminal offense. The temporary occupational
4161 license remains valid until such time as the department ~~division~~
4162 grants an occupational license or notifies the applicant of its
4163 intended decision to deny the applicant a license pursuant to
4164 the provisions of s. 120.60. The department ~~division~~ shall adopt
4165 rules to administer this subsection. However, not more than one
4166 temporary license may be issued for any person in any year.

4167 (2) A temporary license issued under this section is
4168 nontransferable.

4169 Section 57. Subsection (3) of section 551.105, Florida
4170 Statutes, is amended to read:

4171 551.105 Slot machine license renewal.—

4172 (3) Upon determination by the department ~~division~~ that the
4173 application for renewal is complete and qualifications have been
4174 met, including payment of the renewal fee, the slot machine
4175 license shall be renewed annually.

4176 Section 58. Section 551.106, Florida Statutes, is amended

32-00167B-11

2011666__

4177 to read:

4178 551.106 License fee; tax rate; penalties.—

4179 (1) LICENSE FEE.—

4180 ~~(a)~~ Upon submission of the initial application for a slot
4181 machine license and annually thereafter, on the anniversary date
4182 of the issuance of the initial license, the licensee must pay to
4183 the department ~~division~~ a nonrefundable license fee of \$3
4184 million for the succeeding 12 months of licensure. In the 2010-
4185 2011 fiscal year, the licensee must pay the department ~~division~~
4186 a nonrefundable license fee of \$2.5 million for the succeeding
4187 12 months of licensure. In the 2011-2012 fiscal year and for
4188 every fiscal year thereafter, the licensee must pay the
4189 department ~~division~~ a nonrefundable license fee of \$2 million
4190 for the succeeding 12 months of licensure. The license fee shall
4191 be deposited into the Pari-mutuel Wagering Trust Fund ~~of the~~
4192 ~~Department of Business and Professional Regulation~~ to be used by
4193 the department ~~division~~ and the Department of Law Enforcement
4194 for investigations, regulation of slot machine gaming, and
4195 enforcement of slot machine gaming provisions under this
4196 chapter. These payments shall be accounted for separately from
4197 taxes or fees paid pursuant to ~~the provisions of~~ chapter 550.

4198 ~~(b) Prior to January 1, 2007, the division shall evaluate~~
4199 ~~the license fee and shall make recommendations to the President~~
4200 ~~of the Senate and the Speaker of the House of Representatives~~
4201 ~~regarding the optimum level of slot machine license fees in~~
4202 ~~order to adequately support the slot machine regulatory program.~~

4203 (2) TAX ON SLOT MACHINE REVENUES.—

4204 (a) The tax rate on slot machine revenues at each facility
4205 shall be 35 percent. If, during any state fiscal year, the

32-00167B-11

2011666

4206 aggregate amount of tax paid to the state by all slot machine
4207 licensees in Broward and Miami-Dade Counties is less than the
4208 aggregate amount of tax paid to the state by all slot machine
4209 licensees in the 2008-2009 fiscal year, each slot machine
4210 licensee shall pay to the state within 45 days after the end of
4211 the state fiscal year a surcharge equal to its pro rata share of
4212 an amount equal to the difference between the aggregate amount
4213 of tax paid to the state by all slot machine licensees in the
4214 2008-2009 fiscal year and the amount of tax paid during the
4215 fiscal year. Each licensee's pro rata share shall be an amount
4216 determined by dividing the number 1 by the number of facilities
4217 licensed to operate slot machines during the applicable fiscal
4218 year, regardless of whether the facility is operating such
4219 machines.

4220 (b) The slot machine revenue tax imposed by this section
4221 shall be paid to the department ~~division~~ for deposit into the
4222 Pari-mutuel Wagering Trust Fund for immediate transfer by the
4223 Chief Financial Officer for deposit into the Educational
4224 Enhancement Trust Fund of the Department of Education. Any
4225 interest earnings on the tax revenues shall also be transferred
4226 to the Educational Enhancement Trust Fund.

4227 (c)1. Funds transferred to the Educational Enhancement
4228 Trust Fund under paragraph (b) shall be used to supplement
4229 public education funding statewide.

4230 2. If necessary to comply with any covenant established
4231 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),
4232 funds transferred to the Educational Enhancement Trust Fund
4233 under paragraph (b) shall first be available to pay debt service
4234 on lottery bonds issued to fund school construction in the event

32-00167B-11

2011666__

4235 lottery revenues are insufficient for such purpose or to satisfy
4236 debt service reserve requirements established in connection with
4237 lottery bonds. Moneys available pursuant to this subparagraph
4238 are subject to annual appropriation by the Legislature.

4239 (3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax
4240 on slot machine revenues imposed by this section shall be paid
4241 to the department ~~division~~. The department ~~division~~ shall
4242 deposit these sums with the Chief Financial Officer, to the
4243 credit of the Pari-mutuel Wagering Trust Fund. The slot machine
4244 licensee shall remit to the department ~~division~~ payment for the
4245 tax on slot machine revenues. Such payments shall be remitted by
4246 3 p.m. Wednesday of each week for taxes imposed and collected
4247 for the preceding week ending on Sunday. Beginning on July 1,
4248 2012, the slot machine licensee shall remit to the department
4249 ~~division~~ payment for the tax on slot machine revenues by 3 p.m.
4250 on the 5th day of each calendar month for taxes imposed and
4251 collected for the preceding calendar month. If the 5th day of
4252 the calendar month falls on a weekend, payments shall be
4253 remitted by 3 p.m. the first Monday following the weekend. The
4254 slot machine licensee shall file a report under oath by the 5th
4255 day of each calendar month for all taxes remitted during the
4256 preceding calendar month. Such payments shall be accompanied by
4257 a report under oath showing all slot machine gaming activities
4258 for the preceding calendar month and such other information as
4259 may be prescribed by the department ~~division~~.

4260 (4) TO PAY TAX; PENALTIES.—A slot machine licensee who
4261 fails to make tax payments as required under this section is
4262 subject to an administrative penalty of up to \$10,000 for each
4263 day the tax payment is not remitted. All administrative

32-00167B-11

2011666__

4264 penalties imposed and collected shall be deposited into the
4265 Pari-mutuel Wagering Trust Fund ~~of the Department of Business~~
4266 ~~and Professional Regulation~~. If any slot machine licensee fails
4267 to pay penalties imposed by order of the department ~~division~~
4268 under this subsection, the department ~~division~~ may suspend,
4269 revoke, or refuse to renew the license of the slot machine
4270 licensee.

4271 (5) SUBMISSION OF FUNDS.—The department ~~division~~ may
4272 require slot machine licensees to remit taxes, fees, fines, and
4273 assessments by electronic funds transfer.

4274 Section 59. Section 551.107, Florida Statutes, is amended
4275 to read:

4276 551.107 Slot machine occupational license; findings;
4277 application; fee.—

4278 (1) The Legislature finds that individuals and entities
4279 that are licensed under this section require heightened state
4280 scrutiny, including the submission by the individual licensees
4281 or persons associated with the entities described in this
4282 chapter of fingerprints for a criminal history record check.

4283 (2) (a) The following slot machine occupational licenses
4284 shall be issued to persons or entities that, by virtue of the
4285 positions they hold, might be granted access to slot machine
4286 gaming areas or to any other person or entity in one of the
4287 following categories:

4288 1. General occupational licenses for general employees,
4289 including food service, maintenance, and other similar service
4290 and support employees having access to the slot machine gaming
4291 area.

4292 2. Professional occupational licenses for any person,

32-00167B-11

2011666

4293 proprietorship, partnership, corporation, or other entity that
4294 is authorized by a slot machine licensee to manage, oversee, or
4295 otherwise control daily operations as a slot machine manager, a
4296 floor supervisor, security personnel, or any other similar
4297 position of oversight of gaming operations, or any person who is
4298 not an employee of the slot machine licensee and who provides
4299 maintenance, repair, or upgrades or otherwise services a slot
4300 machine or other slot machine equipment.

4301 3. Business occupational licenses for any slot machine
4302 management company or company associated with slot machine
4303 gaming, any person who manufactures, distributes, or sells slot
4304 machines, slot machine paraphernalia, or other associated
4305 equipment to slot machine licensees, or any company that sells
4306 or provides goods or services associated with slot machine
4307 gaming to slot machine licensees.

4308 (b) The department ~~division~~ may issue one license to
4309 combine licenses under this section with pari-mutuel
4310 occupational licenses and cardroom licenses pursuant to s.
4311 550.105(2)(b). The department ~~division~~ shall adopt rules
4312 pertaining to occupational licenses under this subsection. Such
4313 rules may specify, but need not be limited to, requirements and
4314 restrictions for licensed occupations and categories, procedures
4315 to apply for any license or combination of licenses,
4316 disqualifying criminal offenses for a licensed occupation or
4317 categories of occupations, and which types of occupational
4318 licenses may be combined into a single license under this
4319 section. The fingerprinting requirements of subsection (7) apply
4320 to any combination license that includes slot machine license
4321 privileges under this section. The department ~~division~~ may not

32-00167B-11

2011666__

4322 adopt a rule allowing the issuance of an occupational license to
4323 any person who does not meet the minimum background
4324 qualifications under this section.

4325 (c) Slot machine occupational licenses are not
4326 transferable.

4327 (3) A slot machine licensee may not employ or otherwise
4328 allow a person to work at a licensed facility unless such person
4329 holds the appropriate valid occupational license. A slot machine
4330 licensee may not contract or otherwise do business with a
4331 business required to hold a slot machine occupational license
4332 unless the business holds such a license. A slot machine
4333 licensee may not employ or otherwise allow a person to work in a
4334 supervisory or management professional level at a licensed
4335 facility unless such person holds a valid slot machine
4336 occupational license. All slot machine occupational licensees,
4337 while present in slot machine gaming areas, shall display on
4338 their persons their occupational license identification cards.

4339 (4) (a) A person seeking a slot machine occupational license
4340 or renewal thereof shall make application on forms prescribed by
4341 the department ~~division~~ and include payment of the appropriate
4342 application fee. Initial and renewal applications for slot
4343 machine occupational licenses must contain all information that
4344 the department ~~division~~, by rule, determines is required to
4345 ensure eligibility.

4346 (b) A slot machine license or combination license is valid
4347 for the same term as a pari-mutuel occupational license issued
4348 pursuant to s. 550.105(1).

4349 (c) Pursuant to rules adopted by the department ~~division~~,
4350 any person may apply for and, if qualified, be issued a slot

32-00167B-11

2011666

4351 machine occupational license valid for a period of 3 years upon
4352 payment of the full occupational license fee for each of the 3
4353 years for which the license is issued. The slot machine
4354 occupational license is valid during its specified term at any
4355 licensed facility where slot machine gaming is authorized to be
4356 conducted.

4357 (d) The slot machine occupational license fee for initial
4358 application and annual renewal shall be determined by rule of
4359 the department ~~division~~ but may not exceed \$50 for a general or
4360 professional occupational license for an employee of the slot
4361 machine licensee or \$1,000 for a business occupational license
4362 for nonemployees of the licensee providing goods or services to
4363 the slot machine licensee. License fees for general occupational
4364 licensees shall be paid by the slot machine licensee. Failure to
4365 pay the required fee constitutes grounds for disciplinary action
4366 by the department ~~division~~ against the slot machine licensee,
4367 but it is not a violation of this chapter or rules of the
4368 department ~~division~~ by the general occupational licensee and
4369 does not prohibit the initial issuance or the renewal of the
4370 general occupational license.

4371 (5) The department ~~division~~ may:

4372 (a) Deny an application for, or revoke, suspend, or place
4373 conditions or restrictions on, a license of a person or entity
4374 that has been refused a license by any other state gaming
4375 commission, governmental department, agency, or other authority
4376 exercising regulatory jurisdiction over the gaming of another
4377 state or jurisdiction; or

4378 (b) Deny an application for, or suspend or place conditions
4379 on, a license of any person or entity that is under suspension

32-00167B-11

2011666__

4380 or has unpaid fines in another state or jurisdiction.

4381 (6) (a) The department ~~division~~ may deny, suspend, revoke,
4382 or refuse to renew any slot machine occupational license if the
4383 applicant for such license or the licensee has violated the
4384 provisions of this chapter or the rules of the department
4385 ~~division~~ governing the conduct of persons connected with slot
4386 machine gaming. In addition, the department ~~division~~ may deny,
4387 suspend, revoke, or refuse to renew any slot machine
4388 occupational license if the applicant for such license or the
4389 licensee has been convicted in this state, in any other state,
4390 or under the laws of the United States of a capital felony, a
4391 felony, or an offense in any other state which ~~that~~ would be a
4392 felony under the laws of this state involving arson; trafficking
4393 in, conspiracy to traffic in, smuggling, importing, conspiracy
4394 to smuggle or import, or delivery, sale, or distribution of a
4395 controlled substance; racketeering; or a crime involving a lack
4396 of good moral character, or has had a gaming license revoked by
4397 this state or any other jurisdiction for any gaming-related
4398 offense.

4399 (b) The department ~~division~~ may deny, revoke, or refuse to
4400 renew any slot machine occupational license if the applicant for
4401 such license or the licensee has been convicted of a felony or
4402 misdemeanor in this state, in any other state, or under the laws
4403 of the United States if such felony or misdemeanor is related to
4404 gambling or bookmaking as described in s. 849.25.

4405 (c) For purposes of this subsection, the term "convicted"
4406 means having been found guilty, with or without adjudication of
4407 guilt, as a result of a jury verdict, nonjury trial, or entry of
4408 a plea of guilty or nolo contendere.

32-00167B-11

2011666

4409 (7) Fingerprints for all slot machine occupational license
4410 applications shall be taken in a manner approved by the
4411 department ~~division~~ and shall be submitted electronically to the
4412 Department of Law Enforcement for state processing and the
4413 Federal Bureau of Investigation for national processing for a
4414 criminal history record check. All persons as specified in s.
4415 550.1815(1)(a) employed by or working within a licensed premises
4416 shall submit fingerprints for a criminal history record check
4417 and may not have been convicted of any disqualifying criminal
4418 offenses specified in subsection (6). Department ~~Division~~
4419 employees and law enforcement officers assigned by their
4420 employing agencies to work within the premises as part of their
4421 official duties are excluded from the criminal history record
4422 check requirements under this subsection. For purposes of this
4423 subsection, the term "convicted" means having been found guilty,
4424 with or without adjudication of guilt, as a result of a jury
4425 verdict, nonjury trial, or entry of a plea of guilty or nolo
4426 contendere.

4427 (a) Fingerprints shall be taken in a manner approved by the
4428 department ~~division~~ upon initial application, or as required
4429 thereafter by rule of the department ~~division~~, and shall be
4430 submitted electronically to the Department of Law Enforcement
4431 for state processing. The Department of Law Enforcement shall
4432 forward the fingerprints to the Federal Bureau of Investigation
4433 for national processing. The results of the criminal history
4434 record check shall be returned to the department ~~division~~ for
4435 purposes of screening. Licensees shall provide necessary
4436 equipment approved by the Department of Law Enforcement to
4437 facilitate such electronic submission. The department ~~division~~

32-00167B-11

2011666__

4438 requirements under this subsection shall be instituted in
4439 consultation with the Department of Law Enforcement.

4440 (b) The cost of processing fingerprints and conducting a
4441 criminal history record check for a general occupational license
4442 shall be borne by the slot machine licensee. The cost of
4443 processing fingerprints and conducting a criminal history record
4444 check for a business or professional occupational license shall
4445 be borne by the person being checked. The Department of Law
4446 Enforcement may submit an invoice to the ~~department division~~ for
4447 the cost of fingerprints submitted each month.

4448 (c) All fingerprints submitted to the Department of Law
4449 Enforcement and required by this section shall be retained by
4450 the Department of Law Enforcement and entered into the statewide
4451 automated fingerprint identification system as authorized by s.
4452 943.05(2)(b) and shall be available for all purposes and uses
4453 authorized for arrest fingerprint cards entered into the
4454 statewide automated fingerprint identification system pursuant
4455 to s. 943.051.

4456 (d) The Department of Law Enforcement shall search all
4457 arrest fingerprints received pursuant to s. 943.051 against the
4458 fingerprints retained in the statewide automated fingerprint
4459 identification system under paragraph (c). Any arrest record
4460 that is identified with the retained fingerprints of a person
4461 subject to the criminal history screening requirements of this
4462 section shall be reported to the department ~~division~~. Each
4463 licensed facility shall pay a fee to the department ~~division~~ for
4464 the cost of retention of the fingerprints and the ongoing
4465 searches under this paragraph. The department ~~division~~ shall
4466 forward the payment to the Department of Law Enforcement. The

32-00167B-11

2011666__

4467 amount of the fee to be imposed for performing these searches
4468 and the procedures for the retention of licensee fingerprints
4469 shall be as established by rule of the Department of Law
4470 Enforcement. The department ~~division~~ shall inform the Department
4471 of Law Enforcement of any change in the license status of
4472 licensees whose fingerprints are retained under paragraph (c).

4473 (e) The department ~~division~~ shall request the Department of
4474 Law Enforcement to forward the fingerprints to the Federal
4475 Bureau of Investigation for a national criminal history records
4476 check every 3 years following issuance of a license. If the
4477 fingerprints of a person who is licensed have not been retained
4478 by the Department of Law Enforcement, the person must file a
4479 complete set of fingerprints as provided for in paragraph (a).
4480 The department ~~division~~ shall collect the fees for the cost of
4481 the national criminal history record check under this paragraph
4482 and shall forward the payment to the Department of Law
4483 Enforcement. The cost of processing fingerprints and conducting
4484 a criminal history record check under this paragraph for a
4485 general occupational license shall be borne by the slot machine
4486 licensee. The cost of processing fingerprints and conducting a
4487 criminal history record check under this paragraph for a
4488 business or professional occupational license shall be borne by
4489 the person being checked. The Department of Law Enforcement may
4490 submit an invoice to the ~~department division~~ for the cost of
4491 fingerprints submitted each month. Under penalty of perjury,
4492 each person who is licensed or who is fingerprinted as required
4493 by this section must agree to inform the department ~~division~~
4494 within 48 hours if he or she is convicted of or has entered a
4495 plea of guilty or nolo contendere to any disqualifying offense,

32-00167B-11

2011666__

4496 regardless of adjudication.

4497 (8) All moneys collected pursuant to this section shall be
4498 deposited into the Pari-mutuel Wagering Trust Fund.

4499 (9) The department ~~division~~ may deny, revoke, or suspend
4500 any occupational license if the applicant or holder of the
4501 license accumulates unpaid obligations, defaults in obligations,
4502 or issues drafts or checks that are dishonored or for which
4503 payment is refused without reasonable cause.

4504 (10) The department ~~division~~ may fine or suspend, revoke,
4505 or place conditions upon the license of any licensee who
4506 provides false information under oath regarding an application
4507 for a license or an investigation by the department ~~division~~.

4508 (11) The department ~~division~~ may impose a civil fine of up
4509 to \$5,000 for each violation of this chapter or the rules of the
4510 department ~~division~~ in addition to or in lieu of any other
4511 penalty provided for in this section. The department ~~division~~
4512 may adopt a penalty schedule for violations of this chapter or
4513 any rule adopted pursuant to this chapter for which it would
4514 impose a fine in lieu of a suspension and adopt rules allowing
4515 for the issuance of citations, including procedures to address
4516 such citations, to persons who violate such rules. In addition
4517 to any other penalty provided by law, the department ~~division~~
4518 may exclude from all licensed slot machine facilities in this
4519 state, for a period not to exceed the period of suspension,
4520 revocation, or ineligibility, any person whose occupational
4521 license application has been declared ineligible to hold an
4522 occupational license or whose occupational license has been
4523 suspended or revoked by the department ~~division~~.

4524 Section 60. Section 551.108, Florida Statutes, is amended

32-00167B-11

2011666

4525 to read:

4526 551.108 Prohibited relationships.-

4527 (1) A person employed by or performing any function on
4528 behalf of the department ~~division~~ may not:

4529 (a) Be an officer, director, owner, or employee of any
4530 person or entity licensed by the department ~~division~~.

4531 (b) Have or hold any interest, direct or indirect, in or
4532 engage in any commerce or business relationship with any person
4533 licensed by the department ~~division~~.

4534 (2) A manufacturer or distributor of slot machines may not
4535 enter into any contract with a slot machine licensee which ~~that~~
4536 provides for any revenue sharing of any kind or nature or which
4537 ~~that~~ is directly or indirectly calculated on the basis of a
4538 percentage of slot machine revenues. Any maneuver, shift, or
4539 device whereby this subsection is violated is a violation of
4540 this chapter and renders any such agreement void.

4541 (3) A manufacturer or distributor of slot machines or any
4542 equipment necessary for the operation of slot machines or an
4543 officer, director, or employee of any such manufacturer or
4544 distributor may not have any ownership or financial interest in
4545 a slot machine license or in any business owned by the slot
4546 machine licensee.

4547 (4) An employee of the department ~~division~~ or relative
4548 living in the same household as such employee of the department
4549 ~~division~~ may not wager at any time on a slot machine located at
4550 a facility licensed by the department ~~division~~.

4551 (5) An occupational licensee or relative living in the same
4552 household as such occupational licensee may not wager at any
4553 time on a slot machine located at a facility where that person

32-00167B-11

2011666__

4554 is employed.

4555 Section 61. Subsections (2) and (7) of section 551.109,
4556 Florida Statutes, are amended to read:

4557 551.109 Prohibited acts; penalties.—

4558 (2) Except as otherwise provided by law and in addition to
4559 any other penalty, any person who possesses a slot machine
4560 without the license required by this chapter or who possesses a
4561 slot machine at any location other than at the slot machine
4562 licensee's facility is subject to an administrative fine or
4563 civil penalty of up to \$10,000 per machine. The prohibition in
4564 this subsection does not apply to:

4565 (a) Slot machine manufacturers or slot machine distributors
4566 that hold appropriate licenses issued by the department ~~division~~
4567 who are authorized to maintain a slot machine storage and
4568 maintenance facility at any location in a county in which slot
4569 machine gaming is authorized by this chapter. The department
4570 ~~division~~ may adopt rules regarding security and access to the
4571 storage facility and inspections by the department ~~division~~.

4572 (b) Certified educational facilities that are authorized to
4573 maintain slot machines for the sole purpose of education and
4574 licensure, if any, of slot machine technicians, inspectors, or
4575 investigators. The department ~~division~~ and the Department of Law
4576 Enforcement may possess slot machines for training and testing
4577 purposes. The department ~~division~~ may adopt rules regarding the
4578 regulation of any such slot machines used for educational,
4579 training, or testing purposes.

4580 (7) All penalties imposed and collected under this section
4581 must be deposited into the Pari-mutuel Wagering Trust Fund ~~of~~
4582 ~~the Department of Business and Professional Regulation.~~

32-00167B-11

2011666

4583 Section 62. Section 551.112, Florida Statutes, is amended
4584 to read:

4585 551.112 Exclusions of certain persons.—In addition to the
4586 power to exclude certain persons from any facility of a slot
4587 machine licensee in this state, the department ~~division~~ may
4588 exclude any person from any facility of a slot machine licensee
4589 in this state for conduct that would constitute, if the person
4590 were a licensee, a violation of this chapter or the rules of the
4591 department ~~division~~. The department ~~division~~ may exclude from
4592 any facility of a slot machine licensee any person who has been
4593 ejected from a facility of a slot machine licensee in this state
4594 or who has been excluded from any facility of a slot machine
4595 licensee or gaming facility in another state by the governmental
4596 department, agency, commission, or authority exercising
4597 regulatory jurisdiction over the gaming in such other state.
4598 This section does not abrogate the common law right of a slot
4599 machine licensee to exclude a patron absolutely in this state.

4600 Section 63. Subsections (3) and (5) of section 551.114,
4601 Florida Statutes, are amended to read:

4602 551.114 Slot machine gaming areas.—

4603 (3) The department ~~division~~ shall require the posting of
4604 signs warning of the risks and dangers of gambling, showing the
4605 odds of winning, and informing patrons of the toll-free
4606 telephone number available to provide information and referral
4607 services regarding compulsive or problem gambling.

4608 (5) The permit holder shall provide adequate office space at
4609 no cost to the department ~~division~~ and the Department of Law
4610 Enforcement for the oversight of slot machine operations. The
4611 department ~~division~~ shall adopt rules establishing the criteria

32-00167B-11

2011666

4612 for adequate space, configuration, and location and needed
4613 electronic and technological requirements for office space
4614 required by this subsection.

4615 Section 64. Section 551.117, Florida Statutes, is amended
4616 to read:

4617 551.117 Penalties.—The department ~~division~~ may revoke or
4618 suspend any slot machine license issued under this chapter upon
4619 the willful violation by the slot machine licensee of any
4620 provision of this chapter or of any rule adopted under this
4621 chapter. In lieu of suspending or revoking a slot machine
4622 license, the department ~~division~~ may impose a civil penalty
4623 against the slot machine licensee for a violation of this
4624 chapter or any rule adopted by the department ~~division~~. Except
4625 as otherwise provided in this chapter, the penalty so imposed
4626 may not exceed \$100,000 for each count or separate offense. All
4627 penalties imposed and collected must be deposited into the Pari-
4628 mutuel Wagering Trust Fund ~~of the Department of Business and~~
4629 ~~Professional Regulation.~~

4630 Section 65. Section 551.118, Florida Statutes, is amended
4631 to read:

4632 551.118 Compulsive or addictive gambling prevention
4633 program.—

4634 (1) The slot machine licensee shall offer training to
4635 employees on responsible gaming and shall work with a compulsive
4636 or addictive gambling prevention program to recognize problem
4637 gaming situations and to implement responsible gaming programs
4638 and practices.

4639 (2) The department ~~division~~ shall, subject to competitive
4640 bidding, contract for provision of services related to the

32-00167B-11

2011666

4641 prevention of compulsive and addictive gambling. The contract
4642 shall provide for an advertising program to encourage
4643 responsible gaming practices and to publicize a gambling
4644 telephone help line. Such advertisements must be made both
4645 publicly and inside the designated slot machine gaming areas of
4646 the licensee's facilities. The terms of any contract for the
4647 provision of such services shall include accountability
4648 standards that must be met by any private provider. The failure
4649 of any private provider to meet any material terms of the
4650 contract, including the accountability standards, shall
4651 constitute a breach of contract or grounds for nonrenewal. The
4652 department ~~division~~ may consult with the Department of the
4653 Lottery in the development of the program and the development
4654 and analysis of any procurement for contractual services for the
4655 compulsive or addictive gambling prevention program.

4656 (3) The compulsive or addictive gambling prevention program
4657 shall be funded from an annual nonrefundable regulatory fee of
4658 \$250,000 paid by the licensee to the department ~~division~~.

4659 Section 66. Paragraph (c) of subsection (4) of section
4660 551.121, Florida Statutes, is amended to read:

4661 551.121 Prohibited activities and devices; exceptions.—

4662 (4)

4663 (c) Outside the designated slot machine gaming areas, a
4664 slot machine licensee or operator may accept or cash a check for
4665 an employee of the facility who is prohibited from wagering on a
4666 slot machine under s. 551.108(5), a check made directly payable
4667 to a person licensed by the department ~~division~~, or a check made
4668 directly payable to the slot machine licensee or operator from:

4669 1. A pari-mutuel patron; or

32-00167B-11

2011666__

4670 2. A pari-mutuel facility in this state or in another
4671 state.

4672 Section 67. Section 551.122, Florida Statutes, is amended
4673 to read:

4674 551.122 Rulemaking.—The department ~~division~~ may adopt rules
4675 pursuant to ss. 120.536(1) and 120.54 to administer the
4676 provisions of this chapter.

4677 Section 68. Section 551.123, Florida Statutes, is amended
4678 to read:

4679 551.123 Legislative authority; administration of chapter.—
4680 The Legislature finds and declares that it has exclusive
4681 authority over the conduct of all wagering occurring at a slot
4682 machine facility in this state. As provided by law, only the
4683 department ~~Division of Pari-mutuel Wagering~~ and other authorized
4684 state agencies shall administer this chapter and regulate the
4685 slot machine gaming industry, including operation of slot
4686 machine facilities, games, slot machines, and facilities-based
4687 computer systems authorized in this chapter and the rules
4688 adopted by the department ~~division~~.

4689 Section 69. Subsection (5) of section 565.02, Florida
4690 Statutes, is amended to read:

4691 565.02 License fees; vendors; clubs; caterers; and others.—

4692 (5) A caterer at a horse or dog racetrack or jai alai
4693 fronton may obtain a license upon the payment of an annual state
4694 license tax of \$675. Such caterer's license shall permit sales
4695 only within the enclosure in which such races or jai alai games
4696 are conducted, and such licensee shall be permitted to sell only
4697 during the period beginning 10 days before and ending 10 days
4698 after racing or jai alai under the authority of the ~~Division of~~

32-00167B-11

2011666

4699 ~~Pari-mutuel Wagering of the~~ Department of Gaming Control
4700 ~~Business and Professional Regulation~~ is conducted at such
4701 racetrack or jai alai fronton. Except as otherwise provided in
4702 this subsection ~~otherwise provided~~, caterers licensed hereunder
4703 shall be treated as vendors licensed to sell by the drink the
4704 beverages mentioned herein and shall be subject to all the
4705 provisions hereof relating to such vendors.

4706 Section 70. Section 616.09, Florida Statutes, is amended to
4707 read:

4708 616.09 Not authorized to carry on gambling, etc.;
4709 forfeiture of charter for violations; annulment proceedings.-
4710 ~~Nothing in This chapter~~ does not ~~shall be held or construed to~~
4711 authorize or permit any fair association to carry on, conduct,
4712 supervise, permit, or suffer any gambling or game of chance,
4713 lottery, betting, or other act in violation of the criminal laws
4714 of the state; and ~~nothing in this chapter~~ does not ~~shall~~ permit
4715 horseracing or dogracing or any other pari-mutuel wagering, for
4716 money or upon which money is placed. Any fair association that
4717 ~~which~~ violates any such law or that ~~which~~ knowingly permits the
4718 violation of any such law is subject to forfeiture of its
4719 charter; and if any citizen complains to the Department of Legal
4720 Affairs or the Department of Gaming Control that the association
4721 was organized for or is being used as a cover to evade any of
4722 the laws of Florida against crime, and submits prima facie
4723 evidence to sustain the charge, the Department of Gaming Control
4724 ~~Legal Affairs~~ shall institute, and in due time prosecute to
4725 final judgment, such proceedings as may be necessary to annul
4726 the charter and incorporation of the association. A writ of
4727 injunction or other extraordinary process shall be issued by a

32-00167B-11

2011666

4728 court of competent jurisdiction on the application of the
4729 Department of Gaming Control ~~Legal Affairs~~ on complaint pending
4730 the annulment proceeding and in aid thereof, and the case shall
4731 be given precedence over all civil cases pending in that court
4732 and shall be heard and disposed of with as little delay as
4733 practicable.

4734 Section 71. Subsection (9) of section 616.241, Florida
4735 Statutes, is amended to read:

4736 616.241 Trade standards for operation at public fairs and
4737 expositions.—Trade standards for the operation of shows or games
4738 in connection with public fairs and expositions are as follows:

4739 (9) VIOLATIONS; REPORTING.—Florida law forbids lotteries,
4740 gambling, raffles, and other games of chance at community,
4741 county, district, state, regional, or interstate fairs and
4742 specialized shows. Enforcement is the responsibility of the
4743 Department of Gaming Control, local boards, and authorities.

4744 Section 72. Section 817.37, Florida Statutes, is amended to
4745 read:

4746 817.37 Touting; defining; providing punishment; ejection
4747 from racetracks.—

4748 (1) Any person who knowingly and designedly by false
4749 representation attempts to, or does persuade, procure, or cause
4750 another person to wager on a horse in a race to be run in this
4751 state or elsewhere, and upon which money is wagered in this
4752 state, and who asks or demands compensation as a reward for
4753 information or purported information given in such case is a
4754 tout, and commits ~~is guilty of~~ touting.

4755 (2) Any person who is a tout, or who attempts or conspires
4756 to commit touting, commits ~~shall be guilty of~~ a misdemeanor of

32-00167B-11

2011666__

4757 the second degree, punishable as provided in s. 775.082 or s.
4758 775.083.

4759 (3) Any person who in the commission of touting falsely
4760 uses the name of any official of the Department of Gaming
4761 Control ~~Florida Division of Pari-mutuel Wagering~~, its inspectors
4762 or attaches, or of any official of any racetrack association, or
4763 the names of any owner, trainer, jockey, or other person
4764 licensed by the Department of Gaming Control ~~Florida Division of~~
4765 ~~Pari-mutuel Wagering~~, as the source of any information or
4766 purported information commits ~~shall be guilty of~~ a felony of the
4767 third degree, punishable as provided in s. 775.082, s. 775.083,
4768 or s. 775.084.

4769 (4) Any person who has been convicted of touting by any
4770 court, and the record of whose conviction on such charge is on
4771 file in the office of the Department of Gaming Control ~~Florida~~
4772 ~~Division of Pari-mutuel Wagering~~, any court of this state, or of
4773 the Federal Bureau of Investigation, or any person who has been
4774 ejected from any racetrack of this or any other state for
4775 touting or practices inimical to the public interest shall be
4776 excluded from all racetracks in this state and if such person
4777 returns to a racetrack he or she commits ~~shall be guilty of~~ a
4778 misdemeanor of the second degree, punishable as provided in s.
4779 775.082 or s. 775.083. Any such person who refuses to leave such
4780 track when ordered to do so by inspectors of the Department of
4781 Gaming Control ~~Florida Division of Pari-mutuel Wagering~~ or by
4782 any peace officer, or by an accredited attache of a racetrack or
4783 association commits ~~shall be guilty of~~ a separate offense that
4784 ~~which~~ shall be a misdemeanor of the second degree, punishable as
4785 provided in s. 775.083.

32-00167B-11

2011666

4786 Section 73. Section 849.086, Florida Statutes, is amended
4787 to read:

4788 849.086 Cardrooms authorized.—

4789 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
4790 to provide additional entertainment choices for the residents of
4791 and visitors to the state, promote tourism in the state, and
4792 provide additional state revenues through the authorization of
4793 the playing of certain games in the state at facilities known as
4794 cardrooms which are to be located at licensed pari-mutuel
4795 facilities. To ensure the public confidence in the integrity of
4796 authorized cardroom operations, this act is designed to strictly
4797 regulate the facilities, persons, and procedures related to
4798 cardroom operations. Furthermore, the Legislature finds that
4799 authorized games as herein defined are considered to be pari-
4800 mutuel style games and not casino gaming because the
4801 participants play against each other instead of against the
4802 house.

4803 (2) DEFINITIONS.—As used in this section:

4804 (a) "Authorized game" means a game or series of games of
4805 poker or dominoes which are played in a nonbanking manner.

4806 (b) "Banking game" means a game in which the house is a
4807 participant in the game, taking on players, paying winners, and
4808 collecting from losers or in which the cardroom establishes a
4809 bank against which participants play.

4810 (c) "Cardroom" means a facility where authorized games are
4811 played for money or anything of value and to which the public is
4812 invited to participate in such games and charged a fee for
4813 participation by the operator of such facility. Authorized games
4814 and cardrooms do not constitute casino gaming operations.

32-00167B-11

2011666

4815 (d) "Cardroom management company" means any individual not
4816 an employee of the cardroom operator, any proprietorship,
4817 partnership, corporation, or other entity that enters into an
4818 agreement with a cardroom operator to manage, operate, or
4819 otherwise control the daily operation of a cardroom.

4820 (e) "Cardroom distributor" means any business that
4821 distributes cardroom paraphernalia such as card tables, betting
4822 chips, chip holders, dominoes, dominoes tables, drop boxes,
4823 banking supplies, playing cards, card shufflers, and other
4824 associated equipment to authorized cardrooms.

4825 (f) "Cardroom operator" means a licensed pari-mutuel
4826 permit holder that ~~which~~ holds a valid permit and license issued
4827 by the department ~~division~~ pursuant to chapter 550 and that
4828 ~~which~~ also holds a valid cardroom license issued by the
4829 department ~~division~~ pursuant to this section which authorizes
4830 such person to operate a cardroom and to conduct authorized
4831 games in such cardroom.

4832 (g) "Department" "~~Division~~" means ~~the Division of Pari-~~
4833 ~~mutuel Wagering of the Department of~~ Gaming Control ~~Business and~~
4834 ~~Professional Regulation.~~

4835 (h) "Dominoes" means a game of dominoes typically played
4836 with a set of 28 flat rectangular blocks, called "bones," which
4837 are marked on one side and divided into two equal parts, with
4838 zero to six dots, called "pips," in each part. The term also
4839 includes larger sets of blocks that contain a correspondingly
4840 higher number of pips. The term also means the set of blocks
4841 used to play the game.

4842 (i) "Gross receipts" means the total amount of money
4843 received by a cardroom from any person for participation in

32-00167B-11

2011666__

4844 authorized games.

4845 (j) "House" means the cardroom operator and all employees
4846 of the cardroom operator.

4847 (k) "Net proceeds" means the total amount of gross receipts
4848 received by a cardroom operator from cardroom operations less
4849 direct operating expenses related to cardroom operations,
4850 including labor costs, admission taxes only if a separate
4851 admission fee is charged for entry to the cardroom facility,
4852 gross receipts taxes imposed on cardroom operators by this
4853 section, the annual cardroom license fees imposed by this
4854 section on each table operated at a cardroom, and reasonable
4855 promotional costs excluding officer and director compensation,
4856 interest on capital debt, legal fees, real estate taxes, bad
4857 debts, contributions or donations, or overhead and depreciation
4858 expenses not directly related to the operation of the cardrooms.

4859 (l) "Rake" means a set fee or percentage of the pot
4860 assessed by a cardroom operator for providing the services of a
4861 dealer, table, or location for playing the authorized game.

4862 (m) "Tournament" means a series of games that have more
4863 than one betting round involving one or more tables and where
4864 the winners or others receive a prize or cash award.

4865 (3) CARDROOM AUTHORIZED.—Notwithstanding any other
4866 provision of law, it is not a crime for a person to participate
4867 in an authorized game at a licensed cardroom or to operate a
4868 cardroom described in this section if such game and cardroom
4869 operation are conducted strictly in accordance with the
4870 provisions of this section.

4871 (4) AUTHORITY OF DEPARTMENT ~~DIVISION~~.—The department
4872 ~~Division of Pari-mutuel Wagering of the Department of Business~~

32-00167B-11

2011666

4873 ~~and Professional Regulation~~ shall administer this section and
4874 regulate the operation of cardrooms under this section and the
4875 rules adopted pursuant thereto, and is hereby authorized to:

4876 (a) Adopt rules, including, but not limited to: the
4877 issuance of cardroom and employee licenses for cardroom
4878 operations; the operation of a cardroom; recordkeeping and
4879 reporting requirements; and the collection of all fees and taxes
4880 imposed by this section.

4881 (b) Conduct investigations and monitor the operation of
4882 cardrooms and the playing of authorized games therein.

4883 (c) Review the books, accounts, and records of any current
4884 or former cardroom operator.

4885 (d) Suspend or revoke any license or permit, after hearing,
4886 for any violation of the provisions of this section or the
4887 administrative rules adopted pursuant thereto.

4888 (e) Take testimony, issue summons and subpoenas for any
4889 witness, and issue subpoenas duces tecum in connection with any
4890 matter within its jurisdiction.

4891 (f) Monitor and ensure the proper collection of taxes and
4892 fees imposed by this section. Permitholder internal controls are
4893 mandated to ensure no compromise of state funds. To that end, a
4894 roaming department ~~division~~ auditor will monitor and verify the
4895 cash flow and accounting of cardroom revenue for any given
4896 operating day.

4897 (5) LICENSE REQUIRED; APPLICATION; FEES.—A ~~No~~ person may
4898 not operate a cardroom in this state unless such person holds a
4899 valid cardroom license issued pursuant to this section.

4900 (a) Only those persons holding a valid cardroom license
4901 issued by the department ~~division~~ may operate a cardroom. A

32-00167B-11

2011666__

4902 cardroom license may ~~only~~ be issued only to a licensed pari-
4903 mutuel permitholder and an authorized cardroom may ~~only~~ be
4904 operated only at the same facility at which the permitholder is
4905 authorized under its valid pari-mutuel wagering permit to
4906 conduct pari-mutuel wagering activities. An initial cardroom
4907 license shall be issued to a pari-mutuel permitholder only after
4908 its facilities are in place and after it conducts its first day
4909 of live racing or games.

4910 (b) After the initial cardroom license is granted, the
4911 application for the annual license renewal shall be made in
4912 conjunction with the applicant's annual application for its
4913 pari-mutuel license. If a permitholder has operated a cardroom
4914 during any of the 3 previous fiscal years and fails to include a
4915 renewal request for the operation of the cardroom in its annual
4916 application for license renewal, the permitholder may amend its
4917 annual application to include operation of the cardroom. In
4918 order for a cardroom license to be renewed the applicant must
4919 have requested, as part of its pari-mutuel annual license
4920 application, to conduct at least 90 percent of the total number
4921 of live performances conducted by such permitholder during
4922 either the state fiscal year in which its initial cardroom
4923 license was issued or the state fiscal year immediately prior
4924 thereto if the permitholder ran at least a full schedule of live
4925 racing or games in the prior year. If the application is for a
4926 harness permitholder cardroom, the applicant must have requested
4927 authorization to conduct a minimum of 140 live performances
4928 during the state fiscal year immediately prior thereto. If more
4929 than one permitholder is operating at a facility, each
4930 permitholder must have applied for a license to conduct a full

32-00167B-11

2011666__

4931 schedule of live racing.

4932 (c) Persons seeking a license or a renewal thereof to
4933 operate a cardroom shall make application on forms prescribed by
4934 the department ~~division~~. Applications for cardroom licenses
4935 shall contain all of the information the department ~~division~~, by
4936 rule, may determine is required to ensure eligibility.

4937 (d) The annual cardroom license fee for each facility shall
4938 be \$1,000 for each table to be operated at the cardroom. The
4939 license fee shall be deposited by the department ~~division~~ with
4940 the Chief Financial Officer to the credit of the Pari-mutuel
4941 Wagering Trust Fund.

4942 (6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED;
4943 APPLICATION; FEES.—

4944 (a) A person employed or otherwise working in a cardroom as
4945 a cardroom manager, floor supervisor, pit boss, dealer, or any
4946 other activity related to cardroom operations while the facility
4947 is conducting card playing or games of dominoes must hold a
4948 valid cardroom employee occupational license issued by the
4949 department ~~division~~. Food service, maintenance, and security
4950 employees with a current pari-mutuel occupational license and a
4951 current background check will not be required to have a cardroom
4952 employee occupational license.

4953 (b) Any cardroom management company or cardroom distributor
4954 associated with cardroom operations must hold a valid cardroom
4955 business occupational license issued by the department ~~division~~.

4956 (c) A ~~No~~ licensed cardroom operator may not employ or allow
4957 to work in a cardroom any person unless such person holds a
4958 valid occupational license. A ~~No~~ licensed cardroom operator may
4959 not contract, or otherwise do business with, a business required

32-00167B-11

2011666

4960 to hold a valid cardroom business occupational license, unless
4961 the business holds such a valid license.

4962 (d) The department ~~division~~ shall establish, by rule, a
4963 schedule for the renewal of cardroom occupational licenses.
4964 Cardroom occupational licenses are not transferable.

4965 (e) Persons seeking cardroom occupational licenses, or
4966 renewal thereof, shall make application on forms prescribed by
4967 the department ~~division~~. Applications for cardroom occupational
4968 licenses shall contain all of the information the department
4969 ~~division~~, by rule, may determine is required to ensure
4970 eligibility.

4971 (f) The department ~~division~~ shall adopt rules regarding
4972 cardroom occupational licenses. The provisions specified in s.
4973 550.105(4), (5), (6), (7), (8), and (10) relating to licensure
4974 shall be applicable to cardroom occupational licenses.

4975 (g) The department ~~division~~ may deny, declare ineligible,
4976 or revoke any cardroom occupational license if the applicant or
4977 holder thereof has been found guilty or had adjudication
4978 withheld in this state or any other state, or under the laws of
4979 the United States of a felony or misdemeanor involving forgery,
4980 larceny, extortion, conspiracy to defraud, or filing false
4981 reports to a government agency, racing or gaming commission or
4982 authority.

4983 (h) Fingerprints for all cardroom occupational license
4984 applications shall be taken in a manner approved by the
4985 department ~~division~~ and ~~then~~ shall be submitted to the Florida
4986 Department of Law Enforcement and the Federal Bureau of
4987 Investigation for a criminal records check upon initial
4988 application and at least every 5 years thereafter. The

32-00167B-11

2011666

4989 department ~~division~~ may by rule require an annual record check
4990 of all renewal applications for a cardroom occupational license.
4991 The cost of processing fingerprints and conducting a record
4992 check shall be borne by the applicant.

4993 (i) The cardroom employee occupational license fee may
4994 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom
4995 business occupational license fee may ~~shall~~ not exceed \$250 for
4996 any 12-month period.

4997 (7) CONDITIONS FOR OPERATING A CARDROOM.—

4998 (a) A cardroom may be operated only at the location
4999 specified on the cardroom license issued by the department
5000 ~~division~~, and such location may only be the location at which
5001 the pari-mutuel permitholder is authorized to conduct pari-
5002 mutuel wagering activities pursuant to such permitholder's valid
5003 pari-mutuel permit or as otherwise authorized by law. Cardroom
5004 operations may not be allowed beyond the hours provided in
5005 paragraph (b) regardless of the number of cardroom licenses
5006 issued for permitholders operating at the pari-mutuel facility.

5007 (b) Any cardroom operator may operate a cardroom at the
5008 pari-mutuel facility daily throughout the year, if the
5009 permitholder meets the requirements under paragraph (5) (b). The
5010 cardroom may be open a cumulative amount of 18 hours per day on
5011 Monday through Friday and 24 hours per day on Saturday and
5012 Sunday and on the holidays specified in s. 110.117(1).

5013 (c) A cardroom operator must at all times employ and
5014 provide a nonplaying dealer for each table on which authorized
5015 card games that ~~which~~ traditionally use a dealer are conducted
5016 at the cardroom. Such dealers may not have a participatory
5017 interest in any game other than the dealing of cards and may not

32-00167B-11

2011666__

5018 have an interest in the outcome of the game. The providing of
5019 such dealers by a licensee does not constitute the conducting of
5020 a banking game by the cardroom operator.

5021 (d) A cardroom operator may award giveaways, jackpots, and
5022 prizes to a player who holds certain combinations of cards
5023 specified by the cardroom operator.

5024 (e) Each cardroom operator shall conspicuously post upon
5025 the premises of the cardroom a notice that ~~which~~ contains a copy
5026 of the cardroom license; a list of authorized games offered by
5027 the cardroom; the wagering limits imposed by the house, if any;
5028 any additional house rules regarding operation of the cardroom
5029 or the playing of any game; and all costs to players to
5030 participate, including any rake by the house. In addition, each
5031 cardroom operator shall post at each table a notice of the
5032 minimum and maximum bets authorized at such table and the fee
5033 for participation in the game conducted.

5034 (f) The cardroom facility is subject to inspection by the
5035 department ~~division~~ or any law enforcement agency during the
5036 licensee's regular business hours. The inspection must
5037 specifically include the permitholder internal control
5038 procedures approved by the department ~~division~~.

5039 (g) A cardroom operator may refuse entry to or refuse to
5040 allow any person who is objectionable, undesirable, or
5041 disruptive to play, but such refusal may not be on the basis of
5042 race, creed, color, religion, gender, national origin, marital
5043 status, physical handicap, or age, except as provided in this
5044 section.

5045 (8) METHOD OF WAGERS; LIMITATION.—

5046 (a) ~~No~~ Wagering may not be conducted using money or other

32-00167B-11

2011666__

5047 negotiable currency. Games may only be played utilizing a
5048 wagering system whereby all players' money is first converted by
5049 the house to tokens or chips that ~~which~~ shall be used for
5050 wagering only at that specific cardroom.

5051 (b) The cardroom operator may limit the amount wagered in
5052 any game or series of games.

5053 (c) A tournament shall consist of a series of games. The
5054 entry fee for a tournament may be set by the cardroom operator.
5055 Tournaments may be played only with tournament chips that are
5056 provided to all participants in exchange for an entry fee and
5057 any subsequent re-buys. All players must receive an equal number
5058 of tournament chips for their entry fee. Tournament chips have
5059 no cash value and represent tournament points only. There is no
5060 limitation on the number of tournament chips that may be used
5061 for a bet except as otherwise determined by the cardroom
5062 operator. Tournament chips may never be redeemed for cash or for
5063 any other thing of value. The distribution of prizes and cash
5064 awards must be determined by the cardroom operator before entry
5065 fees are accepted. For purposes of tournament play only, the
5066 term "gross receipts" means the total amount received by the
5067 cardroom operator for all entry fees, player re-buys, and fees
5068 for participating in the tournament less the total amount paid
5069 to the winners or others as prizes.

5070 (9) BOND REQUIRED.—The holder of a cardroom license shall
5071 be financially and otherwise responsible for the operation of
5072 the cardroom and for the conduct of any manager, dealer, or
5073 other employee involved in the operation of the cardroom. Prior
5074 to the issuance of a cardroom license, each applicant for such
5075 license shall provide evidence of a surety bond in the amount of

32-00167B-11

2011666__

5076 \$50,000, payable to the state, furnished by a corporate surety
5077 authorized to do business in the state or evidence that the
5078 licensee's pari-mutuel bond required by s. 550.125 has been
5079 expanded to include the applicant's cardroom operation. The bond
5080 shall guarantee that the cardroom operator will redeem, for
5081 cash, all tokens or chips used in games. Such bond shall be kept
5082 in full force and effect by the operator during the term of the
5083 license.

5084 (10) FEE FOR PARTICIPATION.—The cardroom operator may
5085 charge a fee for the right to participate in games conducted at
5086 the cardroom. Such fee may be either a flat fee or hourly rate
5087 for the use of a seat at a table or a rake subject to the posted
5088 maximum amount but may not be based on the amount won by
5089 players. The rake-off, if any, must be made in an obvious manner
5090 and placed in a designated rake area that ~~which~~ is clearly
5091 visible to all players. Notice of the amount of the
5092 participation fee charged shall be posted in a conspicuous place
5093 in the cardroom and at each table at all times.

5094 (11) RECORDS AND REPORTS.—

5095 (a) Each licensee operating a cardroom shall keep and
5096 maintain permanent daily records of its cardroom operation and
5097 shall maintain such records for a period of not less than 3
5098 years. These records shall include all financial transactions
5099 and contain sufficient detail to determine compliance with the
5100 requirements of this section. All records shall be available for
5101 audit and inspection by the department ~~division~~ or other law
5102 enforcement agencies during the licensee's regular business
5103 hours. The information required in such records shall be
5104 determined by department ~~division~~ rule.

32-00167B-11

2011666

5105 (b) Each licensee operating a cardroom shall file with the
5106 department ~~division~~ a report containing the required records of
5107 such cardroom operation. Such report shall be filed monthly by
5108 licensees. The required reports shall be submitted on forms
5109 prescribed by the department ~~division~~ and shall be due at the
5110 same time as the monthly pari-mutuel reports are due to the
5111 department ~~division~~, and such reports shall contain any
5112 additional information deemed necessary by the department
5113 ~~division~~, and the reports shall be deemed public records once
5114 filed.

5115 (12) PROHIBITED ACTIVITIES.—

5116 (a) A ~~No~~ person licensed to operate a cardroom may not
5117 conduct any banking game or any game not specifically authorized
5118 by this section.

5119 (b) A ~~No~~ person under 18 years of age may not be permitted
5120 to hold a cardroom or employee license, or engage in any game
5121 conducted therein.

5122 (c) With the exception of mechanical card shufflers, an ~~No~~
5123 electronic or mechanical device ~~devices, except mechanical card~~
5124 ~~shufflers,~~ may not be used to conduct any authorized game in a
5125 cardroom.

5126 (d) ~~No~~ Cards, game components, or game implements may not
5127 be used in playing an authorized game unless such has been
5128 furnished or provided to the players by the cardroom operator.

5129 (13) TAXES AND OTHER PAYMENTS.—

5130 (a) Each cardroom operator shall pay a tax to the state of
5131 10 percent of the cardroom operation's monthly gross receipts.

5132 (b) An admission tax equal to 15 percent of the admission
5133 charge for entrance to the licensee's cardroom facility, or 10

32-00167B-11

2011666

5134 cents, whichever is greater, is imposed on each person entering
5135 the cardroom. This admission tax applies ~~shall apply~~ only if a
5136 separate admission fee is charged for entry to the cardroom
5137 facility. If a single admission fee is charged which authorizes
5138 entry to both or either the pari-mutuel facility and the
5139 cardroom facility, the admission tax shall be payable only once
5140 and shall be payable pursuant to chapter 550. The cardroom
5141 licensee is ~~shall be~~ responsible for collecting the admission
5142 tax. An admission tax is imposed on any free passes or
5143 complimentary cards issued to guests by licensees in an amount
5144 equal to the tax imposed on the regular and usual admission
5145 charge for entrance to the licensee's cardroom facility. A
5146 cardroom licensee may issue tax-free passes to its officers,
5147 officials, and employees or other persons actually engaged in
5148 working at the cardroom, including accredited press
5149 representatives such as reporters and editors, and may also
5150 issue tax-free passes to other cardroom licensees for the use of
5151 their officers and officials. The licensee shall file with the
5152 department ~~division~~ a list of all persons to whom tax-free
5153 passes are issued.

5154 (c) Payment of the admission tax and gross receipts tax
5155 imposed by this section shall be paid to the department
5156 ~~division~~. The department ~~division~~ shall deposit these sums with
5157 the Chief Financial Officer, one-half being credited to the
5158 Pari-mutuel Wagering Trust Fund and one-half being credited to
5159 the General Revenue Fund. The cardroom licensee shall remit to
5160 the department ~~division~~ payment for the admission tax, the gross
5161 receipts tax, and the licensee fees. Such payments shall be
5162 remitted to the department ~~division~~ on the fifth day of each

32-00167B-11

2011666__

5163 calendar month for taxes and fees imposed for the preceding
5164 month's cardroom activities. Licensees shall file a report under
5165 oath by the fifth day of each calendar month for all taxes
5166 remitted during the preceding calendar month. Such report shall,
5167 under oath, indicate the total of all admissions, the cardroom
5168 activities for the preceding calendar month, and such other
5169 information as may be prescribed by the department ~~division~~.

5170 (d)1. Each greyhound and jai alai permitholder that
5171 operates a cardroom facility shall use at least 4 percent of
5172 such permitholder's cardroom monthly gross receipts to
5173 supplement greyhound purses or jai alai prize money,
5174 respectively, during the permitholder's next ensuing pari-mutuel
5175 meet.

5176 2. Each thoroughbred and harness horse racing permitholder
5177 that operates a cardroom facility shall use at least 50 percent
5178 of such permitholder's cardroom monthly net proceeds as follows:
5179 47 percent to supplement purses and 3 percent to supplement
5180 breeders' awards during the permitholder's next ensuing racing
5181 meet.

5182 3. No cardroom license or renewal thereof shall be issued
5183 to an applicant holding a permit under chapter 550 to conduct
5184 pari-mutuel wagering meets of quarter horse racing unless the
5185 applicant has on file with the department ~~division~~ a binding
5186 written agreement between the applicant and the Florida Quarter
5187 Horse Racing Association or the association representing a
5188 majority of the horse owners and trainers at the applicant's
5189 eligible facility, governing the payment of purses on live
5190 quarter horse races conducted at the licensee's pari-mutuel
5191 facility. The agreement governing purses may direct the payment

32-00167B-11

2011666__

5192 of such purses from revenues generated by any wagering or gaming
5193 the applicant is authorized to conduct under Florida law. All
5194 purses shall be subject to the terms of chapter 550.

5195 (e) The failure of any licensee to make payments as
5196 prescribed in paragraph (c) is a violation of this section, and
5197 the licensee may be subjected by the department ~~division~~ to a
5198 civil penalty of up to \$1,000 for each day the tax payment is
5199 not remitted. All penalties imposed and collected shall be
5200 deposited in the General Revenue Fund. If a licensee fails to
5201 pay penalties imposed by order of the department ~~division~~ under
5202 this subsection, the department ~~division~~ may suspend or revoke
5203 the license of the cardroom operator or deny issuance of any
5204 further license to the cardroom operator.

5205 (f) The cardroom shall be deemed an accessory use to a
5206 licensed pari-mutuel operation and, except as provided in
5207 chapter 550, a municipality, county, or political subdivision
5208 may not assess or collect any additional license tax, sales tax,
5209 or excise tax on such cardroom operation.

5210 (g) All of the moneys deposited in the Pari-mutuel Wagering
5211 Trust Fund, except as set forth in paragraph (h), shall be
5212 utilized and distributed in the manner specified in s.
5213 550.135(1) and (2). However, cardroom tax revenues shall be kept
5214 separate from pari-mutuel tax revenues and may ~~shall~~ not be used
5215 for making the disbursement to counties provided in former s.
5216 550.135(1).

5217 (h) One-quarter of the moneys deposited into the Pari-
5218 mutuel Wagering Trust Fund pursuant to paragraph (g) shall, by
5219 October 1 of each year, be distributed to the local government
5220 that approved the cardroom under subsection (16); however, if

32-00167B-11

2011666

5221 two or more pari-mutuel racetracks are located within the same
5222 incorporated municipality, the cardroom funds shall be
5223 distributed to the municipality. If a pari-mutuel facility is
5224 situated in such a manner that it is located in more than one
5225 county, the site of the cardroom facility shall determine the
5226 location for purposes of disbursement of tax revenues under this
5227 paragraph. The department ~~division~~ shall, by September 1 of each
5228 year, determine: the amount of taxes deposited into the Pari-
5229 mutuel Wagering Trust Fund pursuant to this section from each
5230 cardroom licensee; the location by county of each cardroom;
5231 whether the cardroom is located in the unincorporated area of
5232 the county or within an incorporated municipality; and, the
5233 total amount to be distributed to each eligible county and
5234 municipality.

5235 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

5236 (a) The department ~~division~~ may deny a license or the
5237 renewal thereof, or may suspend or revoke any license, when the
5238 applicant has: violated or failed to comply with the provisions
5239 of this section or any rules adopted pursuant thereto; knowingly
5240 caused, aided, abetted, or conspired with another to cause any
5241 person to violate this section or any rules adopted pursuant
5242 thereto; or obtained a license or permit by fraud,
5243 misrepresentation, or concealment; or if the holder of such
5244 license or permit is no longer eligible under this section.

5245 (b) If a pari-mutuel permitholder's pari-mutuel permit or
5246 license is suspended or revoked by the department ~~division~~
5247 pursuant to chapter 550, the department ~~division~~ may, but is not
5248 required to, suspend or revoke such permitholder's cardroom
5249 license. If a cardroom operator's license is suspended or

32-00167B-11

2011666

5250 revoked pursuant to this section, the department ~~division~~ may,
 5251 but is not required to, suspend or revoke such licensee's pari-
 5252 mutuel permit or license.

5253 (c) Notwithstanding any other provision of this section,
 5254 the department ~~division~~ may impose an administrative fine not to
 5255 exceed \$1,000 for each violation against any person who has
 5256 violated or failed to comply with the provisions of this section
 5257 or any rules adopted pursuant thereto.

5258 (15) CRIMINAL PENALTY; INJUNCTION.—

5259 (a)1. Any person who operates a cardroom without a valid
 5260 license issued as provided in this section commits a felony of
 5261 the third degree, punishable as provided in s. 775.082, s.
 5262 775.083, or s. 775.084.

5263 2. Any licensee or permitholder who violates any provision
 5264 of this section commits a misdemeanor of the first degree,
 5265 punishable as provided in s. 775.082 or s. 775.083. Any licensee
 5266 or permitholder who commits a second or subsequent violation of
 5267 the same paragraph or subsection within a period of 3 years from
 5268 the date of a prior conviction for a violation of such paragraph
 5269 or subsection commits a felony of the third degree, punishable
 5270 as provided in s. 775.082, s. 775.083, or s. 775.084.

5271 (b) The department ~~division~~, any state attorney, the
 5272 statewide prosecutor, or the Attorney General may apply for a
 5273 temporary or permanent injunction restraining further violation
 5274 of this section, and such injunction shall issue without bond.

5275 (16) LOCAL GOVERNMENT APPROVAL.—The department ~~may Division~~
 5276 ~~of Pari-mutuel Wagering shall~~ not issue any initial license
 5277 under this section except upon proof in such form as the
 5278 department ~~division~~ may prescribe that the local government

32-00167B-11

2011666__

5279 where the applicant for such license desires to conduct cardroom
5280 gaming has voted to approve such activity by a majority vote of
5281 the governing body of the municipality or the governing body of
5282 the county if the facility is not located in a municipality.

5283 (17) CHANGE OF LOCATION; REFERENDUM.—

5284 (a) Notwithstanding any provisions of this section, no
5285 cardroom gaming license issued under this section shall be
5286 transferred, or reissued when such reissuance is in the nature
5287 of a transfer, so as to permit or authorize a licensee to change
5288 the location of the cardroom except upon proof in such form as
5289 the department ~~division~~ may prescribe that a referendum election
5290 has been held:

5291 1. If the proposed new location is within the same county
5292 as the already licensed location, in the county where the
5293 licensee desires to conduct cardroom gaming and that a majority
5294 of the electors voting on the question in such election voted in
5295 favor of the transfer of such license. However, the department
5296 ~~division~~ shall transfer, without requirement of a referendum
5297 election, the cardroom license of any permit holder that
5298 relocated its permit pursuant to s. 550.0555.

5299 2. If the proposed new location is not within the same
5300 county as the already licensed location, in the county where the
5301 licensee desires to conduct cardroom gaming and that a majority
5302 of the electors voting on that question in each such election
5303 voted in favor of the transfer of such license.

5304 (b) The expense of each referendum held under the
5305 provisions of this subsection shall be borne by the licensee
5306 requesting the transfer.

5307 Section 74. Section 849.094, Florida Statutes, is amended

32-00167B-11

2011666

5308 to read:

5309 849.094 Game promotion in connection with sale of consumer
5310 products or services.-

5311 (1) As used in this section, the term:

5312 (a) "Department" means the Department of Gaming Control.

5313 (b) ~~(a)~~ "Game promotion" means, but is not limited to, a
5314 contest, game of chance, or gift enterprise, conducted within or
5315 throughout the state and other states in connection with the
5316 sale of consumer products or services, and in which the elements
5317 of chance and prize are present. However, the term does not
5318 ~~"game promotion" shall not be construed to~~ apply to bingo games
5319 conducted pursuant to s. 849.0931.

5320 (c) ~~(b)~~ "Operator" means any person, firm, corporation, or
5321 association or agent or employee thereof who promotes, operates,
5322 or conducts a game promotion, except any charitable nonprofit
5323 organization.

5324 (2) It is unlawful for any operator:

5325 (a) To design, engage in, promote, or conduct such a game
5326 promotion, in connection with the promotion or sale of consumer
5327 products or services, wherein the winner may be predetermined or
5328 the game may be manipulated or rigged so as to:

5329 1. Allocate a winning game or any portion thereof to
5330 certain lessees, agents, or franchises; or

5331 2. Allocate a winning game or part thereof to a particular
5332 period of the game promotion or to a particular geographic area;

5333 (b) Arbitrarily to remove, disqualify, disallow, or reject
5334 any entry;

5335 (c) To fail to award prizes offered;

5336 (d) To print, publish, or circulate literature or

32-00167B-11

2011666__

5337 advertising material used in connection with such game
5338 promotions which is false, deceptive, or misleading; or

5339 (e) To require an entry fee, payment, or proof of purchase
5340 as a condition of entering a game promotion.

5341 (3) The operator of a game promotion ~~in which the total~~
5342 ~~announced value of the prizes offered is greater than \$5,000~~
5343 shall file with the Department of Gaming Control ~~Agriculture and~~
5344 ~~Consumer Services~~ a copy of the rules and regulations of the
5345 game promotion and a list of all prizes and prize categories
5346 offered at least 7 days before the commencement of the game
5347 promotion. Such rules and regulations may not thereafter be
5348 changed, modified, or altered. The operator of a game promotion
5349 shall conspicuously post the rules and regulations of such game
5350 promotion in each and every retail outlet or place where such
5351 game promotion may be played or participated in by the public
5352 and shall also publish the rules and regulations in all
5353 advertising copy used in connection therewith. However, such
5354 advertising copy need only include the material terms of the
5355 rules and regulations if the advertising copy includes a website
5356 address, a toll-free telephone number, or a mailing address
5357 where the full rules and regulations may be viewed, heard, or
5358 obtained for the full duration of the game promotion. Such
5359 disclosures must be legible. Radio and television announcements
5360 may indicate that the rules and regulations are available at
5361 retail outlets or from the operator of the promotion. A
5362 nonrefundable filing fee of \$100 shall accompany each filing and
5363 shall be used to pay the costs incurred in administering and
5364 enforcing the provisions of this section.

5365 (4) (a) Every operator of ~~such~~ a game promotion ~~in which the~~

32-00167B-11

2011666

5366 ~~total announced value of the prizes offered is greater than~~
5367 ~~\$5,000~~ shall establish a trust account, in a national or state-
5368 chartered financial institution, with a balance sufficient to
5369 pay or purchase the total value of all prizes offered. On a form
5370 supplied by the Department of Gaming Control ~~Agriculture and~~
5371 ~~Consumer Services~~, an official of the financial institution
5372 holding the trust account shall set forth the dollar amount of
5373 the trust account, the identity of the entity or individual
5374 establishing the trust account, and the name of the game
5375 promotion for which the trust account has been established. Such
5376 form shall be filed with the Department of Gaming Control
5377 ~~Agriculture and Consumer Services~~ at least 7 days in advance of
5378 the commencement of the game promotion. In lieu of establishing
5379 such trust account, the operator may obtain a surety bond in an
5380 amount equivalent to the total value of all prizes offered; and
5381 such bond shall be filed with the Department of Gaming Control
5382 ~~Agriculture and Consumer Services~~ at least 7 days in advance of
5383 the commencement of the game promotion.

5384 1. The moneys held in the trust account may be withdrawn in
5385 order to pay the prizes offered only upon certification to the
5386 Department of Agriculture and Consumer Services of the name of
5387 the winner or winners and the amount of the prize or prizes and
5388 the value thereof.

5389 2. If the operator of a game promotion has obtained a
5390 surety bond in lieu of establishing a trust account, the amount
5391 of the surety bond shall equal at all times the total amount of
5392 the prizes offered.

5393 (b) The Department of Gaming Control ~~Agriculture and~~
5394 ~~Consumer Services~~ may waive the provisions of this subsection

32-00167B-11

2011666

5395 for any operator who has conducted game promotions in the state
5396 for not less than 5 consecutive years and who has not had any
5397 civil, criminal, or administrative action instituted against him
5398 or her by the state or an agency of the state for violation of
5399 this section within that 5-year period. Such waiver may be
5400 revoked upon the commission of a violation of this section by
5401 such operator, as determined by the Department of Gaming Control
5402 ~~Agriculture and Consumer Services~~.

5403 (5) Every operator of a game promotion ~~in which the total~~
5404 ~~announced value of the prizes offered is greater than \$5,000~~
5405 shall provide the Department of Gaming Control ~~Agriculture and~~
5406 ~~Consumer Services~~ with a certified list of the names and
5407 addresses of all persons, whether from this state or from
5408 another state, who have won prizes which have a value of more
5409 than \$25, the value of such prizes, and the dates when the
5410 prizes were won within 60 days after such winners have been
5411 finally determined. The operator shall provide a copy of the
5412 list of winners, without charge, to any person who requests it.
5413 In lieu of the foregoing, the operator of a game promotion may,
5414 at his or her option, publish the same information about the
5415 winners in a Florida newspaper of general circulation within 60
5416 days after such winners have been determined and shall provide
5417 to the Department of Gaming Control ~~Agriculture and Consumer~~
5418 ~~Services~~ a certified copy of the publication containing the
5419 information about the winners. The operator of a game promotion
5420 is not required to notify a winner by mail or by telephone when
5421 the winner is already in possession of a game card from which
5422 the winner can determine that he or she has won a designated
5423 prize. All winning entries shall be held by the operator for a

32-00167B-11

2011666

5424 period of 90 days after the close or completion of the game.

5425 (6) The Department of Gaming Control ~~Agriculture and~~
5426 ~~Consumer Services~~ shall keep the certified list of winners for a
5427 period of at least 6 months after receipt of the certified list.
5428 The department thereafter may dispose of all records and lists.

5429 (7) No operator shall force, directly or indirectly, a
5430 lessee, agent, or franchise dealer to purchase or participate in
5431 any game promotion. For the purpose of this section, coercion or
5432 force shall be presumed in these circumstances in which a course
5433 of business extending over a period of 1 year or longer is
5434 materially changed coincident with a failure or refusal of a
5435 lessee, agent, or franchise dealer to participate in such game
5436 promotions. Such force or coercion shall further be presumed
5437 when an operator advertises generally that game promotions are
5438 available at its lessee dealers or agent dealers.

5439 (8) (a) The Department of Gaming Control ~~Agriculture and~~
5440 ~~Consumer Services~~ shall have the power to promulgate such rules
5441 and regulations respecting the operation of game promotions as
5442 it may deem advisable.

5443 (b) Whenever the Department of Gaming Control ~~Agriculture~~
5444 ~~and Consumer Services~~ or the Department of Legal Affairs has
5445 reason to believe that a game promotion is being operated in
5446 violation of this section, it may bring an action in the circuit
5447 court of any judicial circuit in which the game promotion is
5448 being operated in the name and on behalf of the people of the
5449 state against any operator thereof to enjoin the continued
5450 operation of such game promotion anywhere within the state.

5451 (9) (a) Any person, firm, or corporation, or association or
5452 agent or employee thereof, who engages in any acts or practices

32-00167B-11

2011666

5453 stated in this section to be unlawful, or who violates any of
5454 the rules and regulations made pursuant to this section, commits
5455 ~~is guilty of a felony misdemeanor~~ of the third ~~second~~ degree,
5456 punishable as provided in s. 775.082 or s. 775.083.

5457 (b) Any person, firm, corporation, association, agent, or
5458 employee who violates any provision of this section or any of
5459 the rules and regulations made pursuant to this section shall be
5460 liable for a civil penalty of not more than \$1,000 for each such
5461 violation, which shall accrue to the state and may be recovered
5462 in a civil action brought by the Department of Gaming Control
5463 ~~Agriculture and Consumer Services~~ or the Department of Legal
5464 Affairs.

5465 (10) This section does not apply to actions or transactions
5466 regulated by the ~~Department of Business and Professional~~
5467 ~~Regulation or to the~~ activities of nonprofit organizations or to
5468 any other organization engaged in any enterprise other than the
5469 sale of consumer products or services. Subsections (3), (4),
5470 (5), (6), and (7) and paragraph (8) (a) and any of the rules made
5471 pursuant thereto do not apply to television or radio
5472 broadcasting companies licensed by the Federal Communications
5473 Commission.

5474 Section 75. Section 849.161, Florida Statutes, is amended
5475 to read:

5476 849.161 Amusement games or machines; when chapter
5477 inapplicable.—

5478 (1) (a) ~~1. Nothing contained in~~ This chapter does not apply
5479 ~~shall be taken or construed as applicable~~ to an arcade amusement
5480 center having ~~amusement~~ games or machines that ~~which~~ operate by
5481 means of the insertion of a coin or other currency and that

32-00167B-11

2011666

5482 ~~which~~ by application of skill entitles ~~may entitle~~ the person
5483 playing or operating the game or machine to receive points or
5484 coupons that ~~which~~ may be exchanged for merchandise, limited to
5485 prizes, toys, novelties, or Florida Lottery products ~~only,~~
5486 excluding cash and alcoholic beverages, if ~~provided~~ the cost
5487 value of the merchandise or prize awarded in exchange for such
5488 points or coupons does not exceed 75 cents on any game played.

5489 ~~(b)2. Nothing contained in This chapter does not apply~~
5490 ~~shall be taken or construed as applicable~~ to any retail dealer
5491 who operates as a truck stop, as defined in chapter 336, ~~and~~
5492 ~~which~~ operates a minimum of six ~~6~~ functional diesel fuel pumps,
5493 and has ~~having~~ amusement games or machines that ~~which~~ operate by
5494 means of the insertion of a coin or other currency and that
5495 ~~which~~ by application of skill entitles ~~may entitle~~ the person
5496 playing or operating the game or machine to receive points or
5497 coupons that ~~which~~ may be exchanged for merchandise limited to
5498 noncash prizes, toys, novelties, and Florida Lottery products,
5499 excluding alcoholic beverages, if ~~provided~~ the cost value of the
5500 merchandise or prize awarded in exchange for such points or
5501 coupons does not exceed 75 cents on any game played.

5502 (2) (a) This section ~~subparagraph~~ applies only to games and
5503 machines that ~~which~~ are operated for the entertainment of the
5504 general public and tourists as bona fide amusement games or
5505 machines. This subsection does ~~shall~~ not apply, however, to any
5506 game or device defined as a gambling device in 15 ~~24~~ U.S.C. s.
5507 1171, which requires identification of each device by
5508 permanently affixing seriatim numbering and name, trade name,
5509 and date of manufacture under s. 1173, and registration with the
5510 United States Attorney General, unless excluded from

32-00167B-11

2011666__

5511 applicability of the chapter under s. 1178. ~~This subsection~~
5512 ~~shall not be construed to authorize video poker games or any~~
5513 ~~other game or machine that may be construed as a gambling device~~
5514 ~~under Florida law.~~

5515 (b) ~~Nothing in This section does not apply subsection shall~~
5516 ~~be taken or construed as applicable~~ to a coin-operated game or
5517 device designed and manufactured only for bona fide amusement
5518 purposes which game or device may by application of skill
5519 entitle the player to replay the game or device at no additional
5520 cost, if the game or device: can accumulate and react to no more
5521 than 15 free replays; can be discharged of accumulated free
5522 replays only by reactivating the game or device for one
5523 additional play for such accumulated free replay; can make no
5524 permanent record, directly or indirectly, of free replays; and
5525 is not classified by the United States as a gambling device in
5526 15 ~~24~~ U.S.C. s. 1171, which requires identification of each
5527 device by permanently affixing seriatim numbering and name,
5528 trade name, and date of manufacture under s. 1173, and
5529 registration with the United States Attorney General, unless
5530 excluded from applicability of the chapter under s. 1178.

5531 (c) This section does not ~~subsection shall not be construed~~
5532 ~~to~~ authorize video poker games, or any other game or machine
5533 that may be construed as a gambling device under Florida law.

5534 (3) ~~(2)~~ As used in this section the term:

5535 (a) "Arcade amusement center" as used in this section means
5536 a place of business having at least 50 coin-operated amusement
5537 games or machines on premises which are operated for the
5538 entertainment of the general public and tourists as a bona fide
5539 amusement facility.

32-00167B-11

2011666

5540 (b) "Application of skill" means that the playing public
5541 may attain, through the exercise of skill or judgment, a better
5542 measure of success in playing the game than could be
5543 mathematically expected on the basis of random chance alone.

5544 (c) "Department" means the Department of Gaming Control.

5545 (4) The department shall adopt rules necessary to
5546 implement, administer, and regulate skill-based gaming as
5547 authorized in this section. Such rules must include:

5548 (a) Technical requirements, qualifications, and procedures
5549 necessary to receive a skill-based gaming license.

5550 (b) Procedures to scientifically test and technically
5551 evaluate skill-based machines for compliance with this chapter.
5552 The department may contract with an independent testing
5553 laboratory to conduct any necessary testing under this section.
5554 The independent testing laboratory must have a national
5555 reputation for testing skill-based machines, and be demonstrably
5556 competent and qualified to scientifically test and evaluate
5557 skill-based machines for compliance with this chapter and to
5558 otherwise perform the functions assigned to it in this chapter.
5559 A licensee may not own or control an independent testing
5560 laboratory. The use of an independent testing laboratory for any
5561 purpose related to the conduct of skill-based gaming by a
5562 licensee under this section shall be made from a list of one or
5563 more laboratories approved by the division.

5564 (c) Procedures relating to machine revenues, including
5565 verifying and accounting for such revenues, auditing, and
5566 collecting taxes and fees consistent with this section.

5567 (d) Procedures for regulating, managing, and auditing the
5568 operation, financial data, and program information relating to

32-00167B-11

2011666

5569 skill-based machine gaming which allow the department to audit
5570 the operation, financial data, and program information of a
5571 skill-based machine licensee, as required by the department, and
5572 provide the department with the ability to monitor, at any time
5573 on a real-time basis, wagering patterns, payouts, tax
5574 collection, and compliance with any rules adopted by the
5575 department for the regulation and control of machines operated
5576 under this section.

5577 (e) Procedures for requiring licensees to maintain
5578 specified records and submit any data, information, record, or
5579 report, including financial and income records, required by this
5580 chapter or determined by the division to be necessary to the
5581 proper implementation and enforcement of this chapter.

5582 (f) Minimum standards for security of the facilities.

5583 (5) The department shall conduct such investigations
5584 necessary to fulfill its responsibilities under the provisions
5585 of this section.

5586 (6) The department and local law enforcement agencies have
5587 concurrent jurisdiction to investigate criminal violations of
5588 this chapter and may investigate any other criminal violation of
5589 law occurring at the facilities of a licensee, and such
5590 investigations may be conducted in conjunction with the
5591 appropriate state attorney.

5592 (7) (a) The department and local law enforcement agencies
5593 have unrestricted access to a licensee's facility at all times
5594 and shall require of each licensee strict compliance with the
5595 laws of this state relating to the transaction of such business.
5596 The department and local law enforcement agencies may:

5597 1. Inspect and examine premises where skill-based machines

32-00167B-11

2011666

5598 are offered for play.

5599 2. Inspect skill-based machines and related equipment and
5600 supplies.

5601 (b) In addition, the department may:

5602 1. Collect taxes, assessments, fees, and penalties.

5603 2. Deny, revoke, suspend, or place conditions on the
5604 license of a person who violates any provision of this chapter
5605 or rule adopted pursuant thereto.

5606 3. Revoke or suspend the license of any person who is no
5607 longer qualified or who is found, after receiving a license, to
5608 have been unqualified at the time of application for the
5609 license.

5610 (8) This section does not:

5611 (a) Expand gaming or authorize any new form of gaming. This
5612 section ensures that the facilities operating as arcade
5613 amusement centers comply with the laws and rules of the
5614 department, are properly licensed by the department, and are
5615 properly taxed by the department.

5616 (b) Prohibit the department or any law enforcement
5617 authority from conducting investigations of criminal activities
5618 occurring at the facility of a licensee.

5619 (c) Restrict access to the licensee's facility by the
5620 department or any law enforcement authority.

5621 (d) Restrict access by the department or law enforcement
5622 authorities to information and records necessary to the
5623 investigation of criminal activity which are contained within
5624 the licensee's facility.

5625 (9) (a) Upon submission of the initial application for a
5626 skill-based machine operator and annually thereafter, on the

32-00167B-11

2011666

5627 anniversary date of the issuance of the initial license, the
5628 operator shall pay to the Division of Licensing a nonrefundable
5629 license fee to be determined by the department for the following
5630 12 months of licensure. The license fee shall be deposited into
5631 the Pari-mutuel Wagering Trust Fund to be used for
5632 investigations, regulation of the machines, and enforcement of
5633 the provisions under this chapter. These payments shall be
5634 accounted for separately from taxes or fees paid pursuant to
5635 chapter 550.

5636 (b) Before January 1, 2012, the department shall evaluate
5637 the license fee and shall make recommendations to the President
5638 of the Senate and the Speaker of the House of Representatives
5639 regarding the optimum level of operator license fees in order to
5640 adequately support the regulatory program.

5641 (10) (a) The tax rate on skill-based machine revenues at
5642 each facility shall be 15 percent of the skill-based machine
5643 operator's monthly gross receipts.

5644 (b) The tax imposed by this section shall be paid to the
5645 department for deposit into the Florida Gaming Trust Fund and
5646 subject to annual appropriation by the Legislature.

5647 (11) The skill-based machine licensee shall remit to the
5648 department payment for the tax on slot machine revenues. Such
5649 payments shall be remitted by 3 p.m. on the 5th day of each
5650 calendar month for taxes imposed and collected for the preceding
5651 calendar month. If the 5th day of the calendar month falls on a
5652 weekend, payments shall be remitted the first Monday following
5653 the weekend. The operator shall file a report under oath by the
5654 5th day of each calendar month for all taxes remitted during the
5655 preceding calendar month. Such payments shall be accompanied by

32-00167B-11

2011666__

5656 a report under oath showing all amusement arcade machine
5657 activities for the preceding calendar month and such other
5658 information as may be prescribed by the department.

5659 (12) An operator who fails to make tax payments as required
5660 under this section is subject to an administrative penalty of up
5661 to \$10,000 for each day the tax payment is not remitted. All
5662 administrative penalties imposed and collected shall be
5663 deposited into the Florida Gaming Trust Fund. If any amusement
5664 arcade licensee fails to pay penalties imposed by order of the
5665 department under this subsection, the department may suspend,
5666 revoke, or refuse to renew the license of the amusement arcade
5667 licensee.

5668 (13) The department may require operators to remit taxes,
5669 fees, fines, and assessments by electronic funds transfer.

5670 Section 76. This act shall take effect July 1, 2011, if SB
5671 ____ or similar legislation creating the Florida Gaming Trust
5672 Fund, is adopted in the same legislative session or an extension
5673 thereof and becomes law.