

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Select Committee on Gaming  
 2 Representative Schenck offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 11.93, Florida Statutes, is created to  
 7 read:

8 11.93 Joint Legislative Gaming Control Nominating  
 9 Committee.—

10 (1) The Joint Legislative Gaming Control Nominating  
 11 Committee is created consisting of six members.

12 (a) The committee shall be composed of three members of  
 13 the Senate appointed by the President of the Senate and three  
 14 members of the House of Representatives appointed by the Speaker  
 15 of the House of Representatives. Each member shall serve at the  
 16 pleasure of the presiding officer who appointed the member. A  
 17 committee vacancy shall be filled in the same manner as the

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18 original appointment.

19 (b) The President of the Senate shall appoint the chair of  
20 the committee in even-numbered years and the vice chair in odd-  
21 numbered years, and the Speaker of the House of Representatives  
22 shall appoint the chair of the committee in odd-numbered years  
23 and the vice chair in even-numbered years, from among the  
24 committee membership.

25 (c) The terms of committee members shall be for 2 years  
26 and coincide with the 2-year elected terms of members of the  
27 House of Representatives.

28 (2) The committee shall be governed by joint rules of the  
29 Senate and the House of Representatives and shall convene as  
30 necessary to carry out its responsibilities under this section.

31 (3) (a) The committee shall nominate to the Governor up to  
32 three persons for each of the five positions on the Gaming  
33 Control Commission and any vacancy occurring on the commission.  
34 The committee shall submit the nominations to the Governor by  
35 September 15 of those years in which the terms are to begin the  
36 following January, or within 60 days after a vacancy occurs for  
37 any reason other than expiration of the term.

38 (b) A person may not be nominated to the Governor for  
39 appointment to the Gaming Control Commission until after a  
40 background investigation of the person is conducted by the  
41 Department of Law Enforcement and the committee determines that  
42 the person is qualified to hold the position. The committee may  
43 not nominate to the Governor a person who holds any office in a

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44 political party, who has been convicted of a felony, or who has  
45 been convicted of a misdemeanor related to gambling within the  
46 previous 10 years. One member of the commission must be an  
47 attorney, one member must be a certified public accountant, and  
48 three members must be competent and knowledgeable in one or more  
49 of the following fields: economics, economic development, public  
50 health, technology, tourism, or another field substantially  
51 related to the duties and functions of the commission.

52 (4) Each appointment to the Gaming Control Commission is  
53 subject to confirmation by the Senate. If the Senate refuses to  
54 confirm or fails to consider the Governor's appointment at the  
55 next regular session of the Legislature after the appointment is  
56 made, the committee shall initiate the nominating process within  
57 30 days.

58 (5) The committee shall be staffed by legislative staff  
59 members as assigned by the President of the Senate and the  
60 Speaker of the House of Representatives.

61 Section 2. Effective October 1, 2014, paragraph (g) of  
62 subsection (2) of section 20.165, Florida Statutes, is amended  
63 to read:

64 20.165 Department of Business and Professional  
65 Regulation.—There is created a Department of Business and  
66 Professional Regulation.

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

69 ~~(g) Division of Pari-mutuel Wagering.~~

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70 Section 3. Effective July 1, 2014, section 20.222, Florida  
71 Statutes, is created to read:

72 20.222 Department of Gaming Control.—The Department of  
73 Gaming Control is created. The head of the department is the  
74 Gaming Control Commission created under s. 551.0011.

75 (1) Effective October 1, 2014, the department, under the  
76 Gaming Control Commission, is responsible for implementation,  
77 administration, and enforcement of chapters 551 and 849 and any  
78 other provisions as provided by law.

79 (2) (a) The Gaming Control Commission shall appoint an  
80 executive director of the department who shall serve at the  
81 pleasure of the commission. However, whenever necessary, the  
82 Governor may appoint an interim executive director of the  
83 department to serve until a permanent executive director is  
84 appointed by the Gaming Control Commission.

85 (b) The operations of the department shall be organized  
86 into six divisions as follows:

87 1. The Division of Administration.

88 2. The Division of Amusements.

89 3. The Division of Auditing and Tax Collections.

90 4. The Division of Enforcement.

91 5. The Division of Investigations.

92 6. The Division of Licensing and Permitting.

93 (c) Each division shall be headed by a director,  
94 appointed by the executive director, with approval by the  
95 commission.

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96 (d) The Gaming Control Commission may create bureaus  
97 within the divisions and allocate the various functions of the  
98 department among such divisions and bureaus.

99 Section 4. Effective July 1, 2014, paragraph (y) is added  
100 to subsection (2) of section 110.205, Florida Statutes, to read:

101 110.205 Career service; exemptions.—

102 (2) EXEMPT POSITIONS.—The exempt positions that are not  
103 covered by this part include the following:

104 (y) The executive director, any deputy executive  
105 directors, the general counsel, attorneys, official reporters,  
106 and division directors within the Department of Gaming Control  
107 and the Gaming Control Commission. Unless otherwise fixed by  
108 law, the salary and benefits of the executive director, deputy  
109 executive directors, general counsel, attorneys, and division  
110 directors shall be set by the department in accordance with the  
111 rules of the Senior Management Service.

112 Section 5. Effective October 1, 2014, subsection (4) of  
113 section 120.80, Florida Statutes, is amended, and subsection  
114 (19) is added to that section, to read:

115 120.80 Exceptions and special requirements; agencies.—

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

117 ~~(a) Business regulation. The Division of Pari-mutuel~~  
118 ~~Wagering is exempt from the hearing and notice requirements of~~  
119 ~~ss. 120.569 and 120.57(1) (a), but only for stewards, judges, and~~  
120 ~~boards of judges when the hearing is to be held for the purpose~~  
121 ~~of the imposition of fines or suspensions as provided by rules~~

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122 ~~of the Division of Pari-mutuel Wagering, but not for~~  
123 ~~revocations, and only upon violations of subparagraphs 1.-6. The~~  
124 ~~Division of Pari-mutuel Wagering shall adopt rules establishing~~  
125 ~~alternative procedures, including a hearing upon reasonable~~  
126 ~~notice, for the following violations:~~

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

129 ~~2. Application and usage of drugs and medication to~~  
130 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
131 ~~550.~~

132 ~~3. Maintaining or possessing any device which could be~~  
133 ~~used for the injection or other infusion of a prohibited drug to~~  
134 ~~horses, greyhounds, and jai alai players in violation of chapter~~  
135 ~~550.~~

136 ~~4. Suspensions under reciprocity agreements between the~~  
137 ~~Division of Pari-mutuel Wagering and regulatory agencies of~~  
138 ~~other states.~~

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

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

142 ~~(b) Professional regulation.—Notwithstanding s.~~

143 120.57(1) (a), formal hearings may not be conducted by the  
144 Secretary of Business and Professional Regulation or a board or  
145 member of a board within the Department of Business and  
146 Professional Regulation for matters relating to the regulation  
147 of professions, as defined by chapter 455.

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(19) DEPARTMENT OF GAMING CONTROL; PARI-MUTUEL WAGERING.-

(a) The Department of Gaming Control is exempt from the hearing and notice requirements of ss. 120.569 and 120.57(1)(a) as applied to stewards, judges, and boards of judges if the hearing is to be held for the purpose of imposing a fine or suspension as provided by rules of the Department of Gaming Control, but not for revocations, and only to consider violations specified under paragraph (b).

(b) The Department of Gaming Control shall adopt rules establishing alternative procedures, including a hearing upon reasonable notice, for the following:

1. Horse riding, harness riding, greyhound interference, and jai alai game actions in violation of part II of chapter 551.

2. Application and administration of drugs and medication to a horse, greyhound, or jai alai player in violation of part II of chapter 551.

3. Maintaining or possessing any device that could be used for the injection or other infusion of a prohibited drug into a horse, greyhound, or jai alai player in violation of part II of chapter 551.

4. Suspensions under reciprocity agreements between the department and regulatory agencies of other states.

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

6. Prearranging the outcome of any race or game.

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174 Section 6. Effective October 1, 2014, paragraph (f) of  
175 subsection (1) and subsection (7) of section 285.710, Florida  
176 Statutes, are amended to read:

177 285.710 Compact authorization.—

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

179 (f) "State compliance agency" means the Gaming Control  
180 Commission, Division of Pari-mutuel Wagering of the Department  
181 of Business and Professional Regulation which is designated as  
182 the state agency having the authority to carry out the state's  
183 oversight responsibilities under the compact.

184 (7) The Gaming Control Commission ~~Division of Pari-mutuel~~  
185 ~~Wagering of the Department of Business and Professional~~  
186 ~~Regulation~~ is designated as the state compliance agency having  
187 the authority to carry out the state's oversight  
188 responsibilities under the compact authorized by this section.

189 Section 7. Effective October 1, 2014, subsection (4) of  
190 section 285.712, Florida Statutes, is amended to read:

191 285.712 Tribal-state gaming compacts.—

192 (4) Upon receipt of an act ratifying a tribal-state  
193 compact, the Secretary of State shall forward a copy of the  
194 executed compact and the ratifying act to the United States  
195 Secretary of the Interior for his or her review and approval, in  
196 accordance with 25 U.S.C. s. 2710(d)(8) ~~s. 2710(8)(d)~~.

197 Section 8. (1) Effective October 1, 2014, all powers,  
198 duties, functions, records, offices, property, pending issues,  
199 existing contracts, administrative authority, administrative



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200 rules, and unexpended balance of appropriations, allocations,  
201 and other funds relating to the Division of Pari-mutuel Wagering  
202 within the Department of Business and Professional Regulation  
203 are transferred by a type two transfer, as defined in s. 20.06,  
204 Florida Statutes, to the Department of Gaming Control.  
205 Subsequent to the type two transfer, the Department of Gaming  
206 Control is permitted to use the licensing system maintained by  
207 the Department of Business and Professional Regulation.

208 (2) Effective October 1, 2014, the Pari-Mutuel Wagering  
209 Trust Fund within the Department of Business and Financial  
210 Regulation is transferred to the Department of Gaming Control  
211 and renamed the "Gaming Control Trust Fund."

212 (3) Effective October 1, 2014, all powers, duties,  
213 functions, records, offices, property, pending issues, existing  
214 contracts, administrative authority, administrative rules, and  
215 unexpended balance of appropriations, allocations, and other  
216 funds relating to game promotions under ss. 849.092 and 849.094,  
217 Florida Statutes, within the Department of Agriculture and  
218 Consumer Services are transferred by a type two transfer, as  
219 defined in s. 20.06, Florida Statutes, to the Department of  
220 Gaming Control.

221 Section 9. Effective October 1, 2014, sections 550.001,  
222 550.002, 550.0115, 550.01215, 550.0235, 550.0351, 550.0425,  
223 550.054, 550.0555, 550.0651, 550.0745, 550.0951, 550.09511,  
224 550.09512, 550.09514, 550.09515, 550.1155, 550.125, 550.135,  
225 550.155, 550.1625, 550.1645, 550.1646, 550.1647, 550.1648,

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226 550.175, 550.1815, 550.235, 550.24055, 550.2415, 550.255,  
227 550.2614, 550.26165, 550.2625, 550.2633, 550.26352, 550.2704,  
228 550.285, 550.334, 550.3345, 550.3355, 550.3551, 550.3615,  
229 550.375, 550.475, 550.495, 550.505, 550.5251, 550.615, 550.625,  
230 550.6305, 550.6308, 550.6315, 550.6325, 550.6335, 550.6345,  
231 550.70, and 550.71, Florida Statutes, are repealed.

232 Section 10. Effective July 1,, 2014, chapter 551, Florida  
233 Statutes, is redesignated as the "Florida Gaming Control Act."

234 Section 11. Effective July 1,, 2014, part I of chapter  
235 551, Florida Statutes, consisting of ss. 551.001-551.0017,  
236 Florida Statutes, is created and entitled "FLORIDA GAMING  
237 CONTROL."

238 Section 12. Effective July 1,, 2014, section 551.001,  
239 Florida Statutes, is created to read:

240 551.001 Definitions.—As used in this chapter, the term:

241 (1) "Chair" means the chair of the Gaming Control  
242 Commission.

243 (2) "Commission" means the Gaming Control Commission.

244 (3) "Department" means the Department of Gaming Control.

245 (4) "Executive director" means the executive director of  
246 the department.

247 (5) "Nominating committee" means the Joint Legislative  
248 Gaming Control Nominating Committee.

249 Section 13. Effective July 1, 2014, section 551.0011,  
250 Florida Statutes, is created to read:

251 551.0011 Gaming Control Commission.—

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252 (1) CREATION.— The Gaming Control Commission is created  
253 within the Department of Gaming Control. The commission's  
254 headquarters shall be located in Tallahassee.

255 (2) MEMBERS.— The Governor shall appoint, subject to  
256 confirmation by the Senate, each member of the commission from a  
257 list of nominees submitted to the Governor by the nominating  
258 committee pursuant to s. 11.93. The commission shall be composed  
259 of five members who are residents of the state and who shall  
260 serve on the commission on a part-time basis.

261 (a) One member shall be an attorney.

262 (b) One member shall be a certified public accountant.

263 (c) Three members shall have experience in economics,  
264 economic development, public health, technology, tourism, or  
265 another field substantially related to the duties and functions  
266 of the commission.

267 (3) TERMS.—Each commission member shall be appointed to a  
268 4-year term except that, initially, to achieve staggered terms,  
269 two members shall each be appointed to a term ending December  
270 31, 2018, and three members shall each be appointed to a term  
271 ending December 31, 2016. Before expiration of the term of a  
272 member, the Governor shall appoint a successor, subject to  
273 confirmation by the Senate, from a list of nominees submitted to  
274 the Governor by the nominating committee pursuant to s. 11.93 as  
275 provided in subsection (2). The Governor may remove a member for  
276 cause, including circumstances in which the member commits gross  
277 misconduct or malfeasance in office, substantially neglects or

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278 is unable to discharge his or her duties as a member, or is  
279 convicted of a felony or misdemeanor related to gambling. The  
280 Governor may remove a member without cause subject to approval  
281 by a majority of the nominating committee. Upon the resignation  
282 or removal from office of a member, the Governor shall appoint a  
283 successor pursuant to subsection (2) who, subject to  
284 confirmation by the Senate, shall serve the remainder of the  
285 unfinished term. A member may not serve more than two full 4-  
286 year terms, exclusive of service as an initial 2-year appointee  
287 or service during an unexpired portion of a term due to a  
288 vacancy.

289 (4) CHAIR AND VICE CHAIR.—

290 (a) The chair and vice chair of the commission shall be  
291 elected by the commission members during the first meeting of  
292 the commission and during the first meeting on or after January  
293 1 of each year. The chair shall set the agenda for each meeting  
294 and approve subpoenas. The chair may approve all notices and  
295 reports as required by this part. The chair shall preserve order  
296 and decorum and shall have general control of the commission  
297 meetings. The chair shall decide all questions of order. The  
298 chair may designate a member to perform the duties of the chair  
299 for a meeting if such substitution does not extend beyond that  
300 meeting.

301 (b) If the chair is absent, the vice chair shall assume  
302 the duties of the chair during the chair's absence. On the  
303 death, incapacitation, or resignation of the chair, the vice

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304 chair shall perform the duties of the office until a successor  
305 is elected at the next meeting of the commission.

306 (c) The administrative responsibilities of the chair are  
307 to plan, organize, and control administrative support services  
308 for the commission, with the assistance of the executive  
309 director.

310 (5) MEETINGS.—Three members of the commission constitute a  
311 quorum. Meetings of the commission shall be held in Tallahassee  
312 unless the chair determines that special circumstances warrant  
313 meeting at another location.

314 (6) LOBBYING.—A commission member may not lobby the  
315 Governor or any agency of the state, members or employees of the  
316 Legislature, or any county or municipal government or  
317 governmental agency except to represent the commission and  
318 department in his or her official capacity as a member.

319 (7) AGENCY HEAD.—The commission shall serve as the agency  
320 head of the department for purposes of chapter 120.

321 (8) EXECUTIVE DIRECTOR.—The commission shall appoint an  
322 executive director of the department, who shall:

323 (a) Serve at the pleasure of the commission.

324 (b) Subject to appropriation, receive a salary as may be  
325 determined by the commission.

326 (c) Have skills and experience in management and be  
327 responsible for administering and enforcing the provisions of  
328 law relative to the department, the commission, and each unit  
329 thereof.

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330 (d) Maintain oversight of operations of the department.

331 (e) Employ such personnel, consultants, agents, and  
332 advisors, including legal counsel, as necessary, subject to  
333 commission approval and appropriation.

334 (f) Attend meetings of the commission unless excused by  
335 the chair.

336 (9) FINANCIAL CONTROL.—The chief financial and accounting  
337 officer shall be in charge of department funds, books of  
338 account, and accounting records. Funds may not be transferred by  
339 the department without the approval of the commission and the  
340 signatures of the executive director and the chief financial and  
341 accounting officer.

342 (10) INSPECTOR GENERAL.—The commission shall appoint an  
343 inspector general pursuant to s. 20.055.

344 Section 14. Effective July 1,, 2014, section 551.0012,  
345 Florida Statutes, is created to read:

346 551.0012 Commission powers and duties.—

347 (1) The commission shall:

348 (a) Keep accurate and complete records of its proceedings  
349 and certify records as may be appropriate.

350 (b) Adopt rules providing for the practices and procedures  
351 of the commission within 180 days of the first meeting of the  
352 commission.

353 (c) Shall review all rules for approval before adoption.

354 (d) Review all actions taken against a permit or license  
355 issued by the commission with the exception of occupational

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356 licenses issued by the department under part V.

357 (2) The commission may:

358 (a) Investigate applicants for a license or permit,  
359 determine the applicants eligibility, and approve or deny the  
360 application as provided for in this chapter.

361 (b) Issue subpoenas for the attendance of witnesses and  
362 subpoenas duces tecum for the production of books, records, and  
363 other pertinent documents as provided by law, and to administer  
364 oaths and affirmations to the witnesses, if, in the judgment of  
365 the commission, it is necessary to enforce this chapter or  
366 department rules. If a person fails to comply with a subpoena,  
367 the commission may petition the circuit court of the county in  
368 which the person subpoenaed resides or has his or her principal  
369 place of business for an order requiring the subpoenaed person  
370 to appear and testify and to produce books, records, and  
371 documents as specified in the subpoena. The court may grant  
372 legal, equitable, or injunctive relief, as the court deems  
373 appropriate, until the person subpoenaed has fully complied with  
374 the subpoena and the commission has completed the audit,  
375 examination, or investigation. The commission is entitled to the  
376 summary procedure provided in s. 51.011, and the court shall  
377 advance the cause on its calendar. Costs incurred by the  
378 commission to obtain an order granting, in whole or in part,  
379 such petition for enforcement of a subpoena shall be charged  
380 against the subpoenaed person.

381 (c) Require or allow a person to file a statement in

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382 writing, under oath or otherwise as the commission or its  
383 designee requires, as to the facts and circumstances concerning  
384 the matter to be audited, examined, or investigated.

385 (d) Apply for injunctive or declaratory relief in a court  
386 of competent jurisdiction to enforce this chapter and department  
387 rules.

388 (e) Establish field offices of the department, as deemed  
389 necessary by the commission.

390 (d) Take any other action as may be reasonable or  
391 appropriate to enforce this chapter or department rule.

392 Section 15. Effective October 1, 2014, section 550.0251,  
393 Florida Statutes, is transferred, renumbered as section  
394 551.0013, Florida Statutes, and amended to read:

395 551.0013 ~~550.0251~~ The Powers and duties of the department  
396 ~~Division of Pari-mutuel Wagering of the Department of Business~~  
397 ~~and Professional Regulation.-~~

398 (1) The department, under the supervision of the  
399 commission, ~~division~~ shall administer this chapter and regulate  
400 the pari-mutuel industry under this chapter and the rules  
401 adopted pursuant thereto. The department, and:

402 (a) Shall supervise and regulate gaming activities  
403 authorized in this chapter, including:

404 1. The making of and distribution from all pari-mutuel  
405 pools.

406 2. The conduct of horseracing, greyhound racing, and jai  
407 alai.



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408 3. The welfare of racing animals and jai alai players at  
409 pari-mutuel facilities.

410 4. The conduct of intertrack wagering, including  
411 broadcasts of pari-mutuel events.

412 5. The conduct of authorized games at cardrooms.

413 6. The conduct of slot machine gaming.

414 7. The conduct of miscellaneous activities authorized by  
415 part VI.

416 (b)(8) ~~The department~~ May collect taxes, assessments,  
417 fees, and penalties.

418 (c) May deny, revoke, suspend, or place conditions on the  
419 license of a person who violates any provision of this chapter  
420 or a rule adopted pursuant to this chapter.

421 (d) Shall ~~and~~ require compliance with reporting  
422 requirements for financial information as authorized by this  
423 chapter. In addition, the ~~secretary of the~~ department may  
424 require licensees ~~permitholders~~ conducting pari-mutuel  
425 operations ~~within the state~~ to remit taxes, including fees, by  
426 electronic funds transfer if the taxes and fees amounted to  
427 \$50,000 or more in the prior reporting year.

428 (e)(1) ~~The division~~ Shall make an annual report to the  
429 Governor, the President of the Senate, and the Speaker of the  
430 House of Representatives. Such report shall include, at a  
431 minimum:

432 1. Recent events in the gaming industry, including pending  
433 litigation, pending facility license applications, and new and

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434 pending rules.

435 2. Actions of the commission and the department relative  
436 to the implementation and administration of this chapter.

437 3. The state revenues and expenses associated with each  
438 form of authorized gaming. Revenues and expenses associated with  
439 pari-mutuel wagering shall be further delineated by class of  
440 license.

441 4. The performance of each pari-mutuel wagering licensee,  
442 cardroom licensee, and slot licensee.

443 5. A summary of disciplinary actions taken by the  
444 department. ~~showing its own actions, receipts derived under the~~  
445 ~~provisions of this chapter, the practical effects of the~~  
446 ~~application of this chapter, and~~

447 6. Any suggestions to more effectively achieve it may  
448 ~~approve for the more effectual accomplishments of the purposes~~  
449 of this chapter.

450 (f)(2) ~~The division~~ Shall require an oath on application  
451 documents as required by rule, which oath must state that the  
452 information contained in the document is true and complete.

453 ~~(3) The division shall adopt reasonable rules for the~~  
454 ~~control, supervision, and direction of all applicants,~~  
455 ~~permittees, and licensees and for the holding, conducting, and~~  
456 ~~operating of all racetracks, race meets, and races held in this~~  
457 ~~state. Such rules must be uniform in their application and~~  
458 ~~effect, and the duty of exercising this control and power is~~  
459 ~~made mandatory upon the division.~~

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460       (g) May require each applicant for a permit or license to  
461 produce any statements or documentation necessary to establish  
462 the integrity of all financial backers, investors, mortgagees,  
463 bondholders, and holders of indentures, notes, or other  
464 evidences of indebtedness, either in effect or proposed. Any  
465 such banking or lending institution and institutional investors  
466 may be waived from qualification requirements. However, upon  
467 request by the commission, a banking or lending institution or  
468 institutional investor shall produce any document or information  
469 related to an application for a permit or license.

470       (h)(4) ~~The division~~ May take testimony concerning any  
471 matter within its jurisdiction and issue summons and subpoenas  
472 for any witness and subpoenas duces tecum in connection with any  
473 matter within the jurisdiction of the department ~~division~~ under  
474 its seal and signed by the executive director.

475       (i)(9) ~~Shall~~ ~~The division~~ may conduct investigations  
476 necessary to fulfill its responsibilities under this chapter. ~~in~~  
477 ~~enforcing this chapter, except that~~ All information obtained  
478 pursuant to an investigation by the department ~~division~~ for an  
479 alleged violation of this chapter or rules of the department  
480 ~~division~~ is exempt from s. 119.07(1) and from s. 24(a), Art. I  
481 of the State Constitution until an administrative complaint is  
482 issued or the investigation is closed or ceases to be active.  
483 This paragraph ~~subsection~~ does not prohibit the department  
484 ~~division~~ from providing such information to any law enforcement  
485 agency or to any other regulatory agency. For the purposes of

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486 this paragraph ~~subsection~~, an investigation is considered to be  
487 active while it is being conducted with reasonable dispatch and  
488 with a reasonable, good faith belief that it could lead to an  
489 administrative, civil, or criminal action by the department  
490 ~~division~~ or another administrative or law enforcement agency.  
491 Except for active criminal intelligence or criminal  
492 investigative information, as defined in s. 119.011, and any  
493 other information that, if disclosed, would jeopardize the  
494 safety of an individual, all information, records, and  
495 transcriptions become public when the investigation is closed or  
496 ceases to be active.

497 (j)(10) ~~The division~~ May impose an administrative fine for  
498 a violation under this chapter of not more than \$1,000 for each  
499 count or separate offense, except that the department may impose  
500 a fine of more than \$1,000 when as otherwise provided for in  
501 this chapter, and the department may suspend or revoke a permit  
502 or, a pari-mutuel license, or an occupational license for a  
503 violation under this chapter. If a permit holder or licensee  
504 fails to pay penalties imposed, the department may suspend or  
505 revoke the license of the licensee, cancel the permit of the  
506 licensee, or deny issuance of any further license or permit to  
507 the licensee. A penalty imposed under this paragraph does not  
508 exclude a prosecution for cruelty to animals or for any other  
509 criminal act. All fines imposed and collected under this  
510 paragraph shall be remitted to subsection must be deposited with  
511 the Chief Financial Officer for deposit into ~~to the credit of~~

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512 the General Revenue Fund.

513 ~~(k)(13) May The division shall have the authority to~~  
514 suspend a permitholder's permit or license, if such permitholder  
515 is operating a cardroom facility or slot machines and such  
516 permitholder's cardroom license or slot machine license has been  
517 suspended or revoked pursuant to s. 849.086.

518 ~~(l)(6) In addition to the power to exclude certain persons~~  
519 ~~from any pari-mutuel facility in this state, the division~~ May  
520 exclude any person from any and all pari-mutuel or gaming  
521 facilities in this state for conduct that, if the person were a  
522 licensee, would constitute, ~~if the person were a licensee~~, a  
523 violation of this chapter or the rules of the department  
524 ~~division~~. The department ~~division~~ may exclude from any pari-  
525 mutuel or gaming facility within this state any person who has  
526 been ejected from a pari-mutuel or gaming facility in this state  
527 or who has been excluded from any pari-mutuel or gaming facility  
528 in another state by the governmental department, agency,  
529 commission, or authority exercising regulatory jurisdiction over  
530 pari-mutuel or gaming facilities in such other state. The  
531 department ~~division~~ may authorize any person who has been  
532 ejected or excluded from pari-mutuel or gaming facilities in  
533 this state or another state to attend the pari-mutuel or gaming  
534 facilities in this state upon a finding by the commission that  
535 the attendance of such person at pari-mutuel or gaming  
536 facilities would not be adverse to the public interest or to the  
537 integrity of the sport or industry.; ~~however~~, this paragraph

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538 ~~does not subsection shall not be construed to~~ abrogate the  
539 common-law right of a licensee or pari-mutuel permitholder to  
540 exclude absolutely a patron in this state.

541 ~~(m)(5) The division~~ May adopt rules establishing  
542 procedures for testing occupational licensees ~~licenseholders~~  
543 officiating at or participating in any event ~~race or game~~ at any  
544 pari-mutuel or gaming facility under the jurisdiction of the  
545 department ~~division~~ for a controlled substance or alcohol and  
546 may prescribe procedural matters not in conflict with s.  
547 120.80(4)(a).

548 (n) Shall require sufficient documentation from each  
549 licensee to ensure that the purses paid by each licensee on live  
550 racing and intertrack and simulcast broadcasts are in compliance  
551 with this chapter and department rule.

552 (o) May conduct investigations and monitor the operation  
553 of cardrooms and the playing of games therein.

554 (p) May review the books, accounts, and records of any  
555 current or former cardroom operator.

556 (q) May monitor and ensure the proper collection of taxes  
557 and fees imposed by s. 551.20. Permitholder internal controls  
558 are mandated to ensure state funds are not compromised. To that  
559 end, a roaming department auditor will monitor and verify the  
560 cash flow and accounting of cardroom revenue for any given  
561 operating day.

562 (r) May revoke or suspend any permit or license issued  
563 under this part upon the willful violation by the permitholder

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564 or licensee of any provision of this part or of any rule adopted  
565 under this part. In lieu of suspending or revoking a permit or  
566 license, the commission may impose a civil penalty against the  
567 permitholder or licensee for a violation of this part or any  
568 rule adopted by the department. The penalty may not exceed  
569 \$1,000 for each count or separate offense. All penalties imposed  
570 and collected shall be remitted to the Chief Financial Officer  
571 for deposit into the General Revenue Fund.

572 (s) May suspend or revoke a license or permit, after a  
573 hearing, for a violation of s. 551.20 or the rules adopted  
574 pursuant thereto.

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

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

579 ~~(12) The division shall have full authority and power to~~  
580 ~~make, adopt, amend, or repeal rules relating to cardroom~~  
581 ~~operations, to enforce and to carry out the provisions of s.~~  
582 ~~849.086, and to regulate the authorized cardroom activities in~~  
583 ~~the state.~~

584 Section 16. Effective October 1, 2014, section 551.103,  
585 Florida Statutes, is transferred, renumbered as subsections (2)  
586 through (6) of section 551.0013, Florida Statutes, as created by  
587 this act, and amended to read:

588 551.0013 551.103 Powers and duties of the department  
589 division and law enforcement.-

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590        (2)~~(1)~~ The department division shall adopt, ~~pursuant to~~  
591 ~~the provisions of ss. 120.536(1) and 120.54,~~ all rules necessary  
592 to implement, administer, and enforce chapter 849 and regulate  
593 ~~slot machine gaming as authorized in this chapter.~~ Such rules  
594 must include:

595        (a) Procedures for applying for permits and licenses  
596 governed by this chapter and renewal of such licenses ~~a slot~~  
597 ~~machine license and renewal of a slot machine license.~~

598        (b) Technical requirements and the qualifications  
599 specified ~~contained~~ in this chapter which ~~that~~ are necessary to  
600 receive a permit, license, or ~~slot machine license or slot~~  
601 ~~machine~~ occupational license.

602        (c) Procedures relating to gaming revenues, including  
603 verifying and accounting for such revenues, auditing, and  
604 collecting taxes and fees consistent with this chapter.

605        (d) Procedures for requiring licensees to maintain  
606 specified records and submit any data, information, record, or  
607 report, including financial and income records, required under  
608 this chapter or determined by the department to be necessary to  
609 the proper implementation and enforcement of this chapter.

610        (e) Minimum standards for security of facilities,  
611 including floor plans, security cameras, and other security  
612 equipment.

613        (f) Procedures for requiring licensees to implement and  
614 establish drug-testing programs for all occupational licensees.

615        (g) Procedures for the control, supervision, and direction



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616 of applicants, permitholders, and licensees and for the conduct  
617 and operation of all aspects of pari-mutuel wagering, pari-  
618 mutuel facilities, meets, live events, and broadcasts of events  
619 held in this state. Such rules shall include, but are not  
620 limited to, rules ensuring races and events are conducted  
621 consistent with traditional industry practices.

622 (h)-(e) Procedures to scientifically test and technically  
623 evaluate slot machines and other gaming technology for  
624 compliance with this chapter and chapter 849. The department  
625 ~~division~~ may contract with ~~an~~ independent testing laboratories  
626 ~~laboratory~~ to conduct any necessary testing under this section.  
627 Any ~~The~~ independent testing laboratory must have a national  
628 reputation as being ~~which is demonstrably~~ competent and  
629 qualified to scientifically test and evaluate slot machines and  
630 other gaming technology for compliance with this chapter and to  
631 otherwise perform the functions assigned to it in this chapter.  
632 An independent testing laboratory may ~~shall~~ not be owned or  
633 controlled by a licensee. If an independent testing laboratory  
634 is used for a purpose related to the conduct of slot machine  
635 gaming by a licensee under this chapter, such laboratory shall  
636 be selected from a list of laboratories approved by the  
637 department ~~The use of an independent testing laboratory for any~~  
638 ~~purpose related to the conduct of slot machine gaming by a~~  
639 ~~licensee under this chapter shall be made from a list of one or~~  
640 ~~more laboratories approved by the division.~~

641 ~~(d) Procedures relating to slot machine revenues,~~

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642 ~~including verifying and accounting for such revenues, auditing,~~  
643 ~~and collecting taxes and fees consistent with this chapter.~~

644 (i)~~(e)~~ Procedures for regulating, managing, and auditing  
645 the operation, financial data, and program information relating  
646 to ~~slot machine~~ gaming. Such procedures shall allow the  
647 department ~~that allow the division~~ and the Department of Law  
648 Enforcement to audit the operation, financial data, and program  
649 information of a slot machine licensee, as required by the  
650 department ~~division~~ or the Department of Law Enforcement, and  
651 provide the department ~~division~~ and the Department of Law  
652 Enforcement with the ability to monitor, at any time on a real-  
653 time basis, wagering patterns, payouts, tax collection, and  
654 compliance with any rules adopted by the department ~~division~~ for  
655 the regulation and control of slot machines operated under this  
656 chapter. Such continuous and complete access, at any time on a  
657 real-time basis, shall include the ability of either the  
658 department ~~division~~ or the Department of Law Enforcement to  
659 suspend play immediately on particular slot machines if  
660 monitoring of the facilities-based computer system indicates  
661 possible tampering with or manipulation of those slot machines  
662 or the ability to suspend play immediately of the entire  
663 operation if ~~the tampering or manipulation is of~~ the computer  
664 system itself is tampered with or manipulated. The department  
665 ~~division~~ shall notify the Department of Law Enforcement or the  
666 Department of Law Enforcement shall notify the department  
667 ~~division~~, as appropriate, whenever there is a suspension of play

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668 under this paragraph. The department ~~division~~ and the Department  
669 of Law Enforcement shall exchange such information necessary for  
670 and cooperate in the investigation of the circumstances  
671 requiring suspension of play under this paragraph.

672 (j) ~~(f)~~ Procedures for requiring each slot machine licensee  
673 at his or her own cost and expense to supply the department  
674 ~~division~~ with a bond having the penal sum of \$2 million payable  
675 to the Governor and his or her successors in office for each  
676 year of the licensee's slot machine operations. A ~~Any~~ bond shall  
677 be issued by a surety or sureties approved by the department  
678 ~~division~~ and the Chief Financial Officer, conditioned to  
679 faithfully make the payments to the Chief Financial Officer in  
680 his or her capacity as treasurer of the department ~~division~~. The  
681 licensee shall be required to keep its books and records and  
682 make reports as provided in this chapter and to conduct its slot  
683 machine operations in conformity with this chapter and all other  
684 provisions of law. Such bond shall be separate and distinct from  
685 the bond required in s. 551.0321 ~~550.125~~.

686 ~~(g) Procedures for requiring licensees to maintain~~  
687 ~~specified records and submit any data, information, record, or~~  
688 ~~report, including financial and income records, required by this~~  
689 ~~chapter or determined by the division to be necessary to the~~  
690 ~~proper implementation and enforcement of this chapter.~~

691 (k) ~~(h)~~ A requirement that the payout percentage of a slot  
692 machine be at least ~~no less than~~ 85 percent.

693 (l) Rules relating to cardroom operations.

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694 (m) Rules for the issuance of cardroom and employee  
695 licenses for cardroom operations.

696 (n) Rules for the collection of all fees and taxes imposed  
697 by this chapter.

698 ~~(i) Minimum standards for security of the facilities,~~  
699 ~~including floor plans, security cameras, and other security~~  
700 ~~equipment.~~

701 ~~(j) Procedures for requiring slot machine licensees to~~  
702 ~~implement and establish drug testing programs for all slot~~  
703 ~~machine occupational licensees.~~

704 ~~(2) The division shall conduct such investigations~~  
705 ~~necessary to fulfill its responsibilities under the provisions~~  
706 ~~of this chapter.~~

707 (3) The Department of Law Enforcement and local law  
708 enforcement agencies shall have concurrent jurisdiction to  
709 investigate criminal violations of this chapter and may  
710 investigate any other criminal violation of law occurring at the  
711 facilities of a ~~slot machine licensee.~~ and Such investigations  
712 may be conducted in conjunction with the appropriate state  
713 attorney.

714 (4)~~(a)~~ The department division, the Department of Law  
715 Enforcement, and local law enforcement agencies shall have  
716 unrestricted access to the slot machine licensee's facility at  
717 all times and shall require of each slot machine licensee strict  
718 compliance with the laws of this state relating to the  
719 transaction of such business. The department division, the

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720 Department of Law Enforcement, and local law enforcement  
721 agencies may:

722 ~~(a)1.~~ Inspect and examine premises where slot machines are  
723 offered for play.

724 ~~(b)2.~~ Inspect slot machines and related equipment and  
725 supplies.

726 ~~(b) In addition, the division may:~~

727 ~~1. Collect taxes, assessments, fees, and penalties.~~

728 ~~2. Deny, revoke, suspend, or place conditions on the~~  
729 ~~license of a person who violates any provision of this chapter~~  
730 ~~or a rule adopted pursuant thereto.~~

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

735 (6) This section does not:

736 (a) Prohibit the Department of Law Enforcement or any law  
737 enforcement authority whose jurisdiction includes a licensed  
738 facility from conducting investigations of criminal activities  
739 occurring at the facility of the ~~slot machine~~ licensee;

740 (b) Restrict access to the ~~slot machine~~ licensee's  
741 facility by the Department of Law Enforcement or any local law  
742 enforcement authority whose jurisdiction includes the ~~slot~~  
743 ~~machine~~ licensee's facility; or

744 (c) Restrict access by the Department of Law Enforcement  
745 or local law enforcement authorities to information and records

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746 necessary to the investigation of criminal activity that are  
747 contained within the ~~slot machine~~ licensee's facility.

748 Section 17. Effective July 1, 2014, section 551.0014,  
749 Florida Statutes, is created to read:

750 551.0014 Code of ethics.—

751 (1) Members of the commission and employees of the  
752 department are subject to the code of ethics for public officers  
753 and employees as set forth in part III of chapter 112 and to the  
754 requirements of the public records law and public meetings law  
755 in chapters 119 and 286, respectively.

756 (2) A commission member or an employee of the department  
757 or a relative living in the same household as such member or  
758 employee may not hold a direct or indirect interest in, be  
759 employed by, or enter into a contract for services with an  
760 applicant or person licensed by the commission or department  
761 during the person's membership on the commission or employment  
762 and for a period of 2 years after the date of termination of the  
763 person's membership on the commission or employment.

764 (3) Employees of the department must obtain prior approval  
765 from the executive director before undertaking any outside  
766 employment or other work activity. The executive director may  
767 not approve outside employment requests if the proposed  
768 employment involves working for a licensee or could otherwise  
769 create a conflict of interest with the employee's  
770 responsibilities.

771 (4) A member of the commission or an employee of the

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772 department or a relative living in the same household as such  
773 member or employee may not place a wager in any facility  
774 licensed under this chapter or any facility in the state  
775 operated by an Indian tribe.

776 (5) (a) The department may not hire a prospective employee  
777 if the prospective employee has been convicted of a felony;  
778 convicted of a misdemeanor within 10 years of the date of his or  
779 her application which the commission determines bears a close  
780 relationship to the duties and responsibilities of the position  
781 for which employment is sought; or dismissed from prior  
782 employment for gross misconduct or incompetence or if he or she  
783 intentionally made a false statement concerning a material fact  
784 in connection with his or her application to the department. If  
785 an employee of the department is charged with a felony while  
786 employed by the department, the department shall suspend the  
787 employee, with or without pay, and terminate employment with the  
788 department upon conviction. If an employee of the department is  
789 charged with a misdemeanor while employed by the department, the  
790 department shall suspend the employee, with or without pay, and  
791 may terminate employment with the department upon conviction if  
792 the commission determines that the offense for which he or she  
793 has been convicted bears a close relationship to the duties and  
794 responsibilities of the position held with the department.

795 (b) A member of the commission or an employee of the  
796 department must immediately provide detailed written notice of  
797 the circumstances to the commission if the member or employee is

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798 indicted, charged with, convicted of, pleads guilty or nolo  
799 contendere to, or forfeits bail for:

800 1. A misdemeanor involving gambling, dishonesty, theft, or  
801 fraud;

802 2. A violation of any law in any state, or a law of the  
803 United States or any other jurisdiction, involving gambling,  
804 dishonesty, theft, or fraud which substantially corresponds to a  
805 misdemeanor in this state; or

806 3. A felony under the laws of this or any other state, the  
807 United States, or any other jurisdiction.

808 Section 18. Effective July 1, 2014, section 551.0016,  
809 Florida Statutes, is created to read:

810 551.0016 Ex parte communication.-

811 (1) As used in this section, the term "ex parte  
812 communication" means any communication that:

813 (a) If it is a written or printed communication or a  
814 communication in electronic form, is not served on all parties  
815 to a proceeding; or

816 (b) If it is an oral communication, is made without  
817 adequate notice to the parties and without an opportunity for  
818 the parties to be present and heard.

819 (2) Each commissioner shall accord to every person who is  
820 legally interested in a proceeding, or the person's lawyer, full  
821 right to be heard according to law, and, except as authorized by  
822 law, shall not initiate, solicit, or consider ex parte  
823 communications concerning a pending proposed agency action



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824 proceeding, pending application, license, or enforcement action,  
825 or a proceeding under s. 120.565, s. 120.569, or s. 120.57. An  
826 individual may not discuss ex parte with a commissioner the  
827 merits of any issue that he or she reasonably foresees will be  
828 filed with the commission. The provisions of this subsection  
829 shall not apply to department staff.

830 (3) If a commission member knowingly receives an ex parte  
831 communication prohibited by this section, he or she must place  
832 on the record of the proceeding copies of all written  
833 communication received, copies of all written responses to the  
834 communication, and a memorandum stating the substance of all  
835 oral communication received and all oral responses made, and  
836 shall give written notice to all parties to the communication  
837 that such matters have been placed on the record. Any party to  
838 the proceeding who desires to respond to the communication may  
839 do so. The response must be received by the commission within 10  
840 days after receiving notice that the ex parte communication has  
841 been placed on the record. If a commission member deems it  
842 necessary to eliminate the effect of an ex parte communication  
843 received by him or her, the member may withdraw from the  
844 proceeding potentially impacted by the ex parte communication.

845 (4) An individual who makes an ex parte communication  
846 prohibited by this section shall submit to the commission a  
847 written statement describing the nature of the communication,  
848 including the name of the person making the communication, the  
849 name of each commission member receiving the communication,

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850 copies of all written communication, all written responses to  
851 such communication, and a memorandum stating the substance of  
852 all oral communication received and all oral responses made. The  
853 commission shall place on the record of a proceeding all such  
854 communication.

855 (5) A commission member who knowingly fails to place any  
856 ex parte communication on the record within 15 days after the  
857 date of the communication in violation of this section is  
858 subject to removal and may be assessed a civil penalty not to  
859 exceed \$5,000. A person who knowingly fails to comply with  
860 subsection (3) may be assessed a civil penalty not to exceed  
861 \$5,000.

862 (6) The Commission on Ethics shall receive and investigate  
863 sworn complaints of violations of this section pursuant to ss.  
864 112.321-112.3241.

865 (7) If the Commission on Ethics finds that a commission  
866 member has violated this section, it shall provide the Governor  
867 and the nominating committee with a report of its findings and  
868 recommendations. The Governor may enforce the findings and  
869 recommendations of the Commission on Ethics pursuant to part III  
870 of chapter 112.

871 (8) If a commission member fails or refuses to pay the  
872 Commission on Ethics any civil penalties assessed pursuant to  
873 this section, the Commission on Ethics may bring an action in  
874 any circuit court to enforce such penalty.

875 (9) If, during the course of an investigation by the

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876 Commission on Ethics into an alleged violation of this section,  
877 allegations are made as to the identity of the person who  
878 participated in the ex parte communication, that person must be  
879 given notice and an opportunity to participate in the  
880 investigation and relevant proceedings to present a defense. If  
881 the Commission on Ethics determines that the person participated  
882 in the ex parte communication, the person may not appear before  
883 the commission or otherwise represent anyone before the  
884 commission for 2 years.

885 Section 19. Effective July 1, 2014, section 551.0017,  
886 Florida Statutes, is created to read:

887 551.0017 Penalties for misconduct by a member or  
888 employee.-

889 (1) A violation of this chapter by a commission member may  
890 constitute cause for removal by the Governor or other  
891 disciplinary action as determined by the commission.

892 (2) A violation of this chapter by an employee of the  
893 department may constitute cause for termination of employment as  
894 determined by the executive director.

895 Section 20. Effective October 1, 2014, part II of chapter  
896 551, Florida Statutes, consisting of sections 551.011-551.095,  
897 Florida Statutes, is created and entitled "PARI-MUTUEL  
898 WAGERING."

899 Section 21. Effective October 1, 2014, section 551.011,  
900 Florida Statutes, is created to read:

901 551.011 Short title.-This part may be cited as the

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902 "Florida Pari-mutuel Wagering Act."

903 Section 22. Effective October 1, 2014, section 551.012,  
904 Florida Statutes, is created to read:

905 551.012 Definitions.—As used in this chapter, the term:

906 (1) "Breaks" means the portion of a pari-mutuel pool  
907 computed by rounding down to the nearest multiple of 10 cents  
908 which is not distributed to the contributors or withheld by the  
909 permitholder as takeout.

910 (2) "Breeder and stallion awards" means financial  
911 incentives paid to encourage the agricultural industry of  
912 breeding racehorses in this state.

913 (3) "Broadcast" means an electronic transmission in any  
914 medium or manner, including, but not limited to, community  
915 antenna systems that receive and retransmit television or radio  
916 signals by wire, cable, or otherwise to televisions or radios,  
917 and cable origination networks or programmers that transmit  
918 programming to community antenna televisions or closed-circuit  
919 systems by wire, cable, satellite, or otherwise.

920 (4) "Contributor" means a person who contributes to a  
921 pari-mutuel pool by engaging in a pari-mutuel wager.

922 (5) "Current meet" or "current race meet" means the  
923 conduct of racing or games pursuant to a current year's  
924 operating license issued by the commission.

925 (6) "Event" means a single greyhound race, horserace, or  
926 jai alai game within a performance.

927 (7) "Exotic pools" means wagering pools into which a

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928 contributor may place a wager on more than one entry or on more  
929 than one event in the same bet, including, but not limited to,  
930 daily doubles, perfectas, quinielas, quiniela daily doubles,  
931 exactas, trifectas, and Big Q pools.

932 (8) "Fronton" means a building or enclosure that contains  
933 a playing court with three walls designed and constructed for  
934 playing the sport of jai alai.

935 (9) "Full schedule of live events" means the minimum  
936 number of live performances that must be conducted by a  
937 permitholder. A live performance, consisting of at least eight  
938 events, must be conducted at least three times each week during  
939 the licensed meet at the permitholder's licensed facility.

940 (10) "Guest facility" means a track or fronton receiving  
941 or accepting an intertrack wager.

942 (11) "Handle" means the aggregate contributions to pari-  
943 mutuel pools.

944 (12) "Horserace" or "horseracing" means a head-to-head  
945 contest between two or more thoroughbred, quarter horse, or  
946 standardbred horses racing with each other in the same event on  
947 a flat track with banked turns and a connecting straight chute  
948 at least 440 yards in length, which does not require a horse to  
949 change its course in response to any obstacles on the racing  
950 surface, and is further defined as follows:

951 (a) "Harness race" or "harness racing" means such a  
952 contest between two or more standardbred horses guided by state  
953 and U.S. Trotting Association-licensed standardbred drivers

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954 while pulling two-wheeled carts called sulkies and dispatched  
955 from a regulation moving barrier. Standardbred racing also  
956 includes monte racing, in which a state and U.S. Trotting  
957 Association-licensed standardbred monte race driver competes  
958 while astride the horse, rather than as a driver.

959 (b) "Quarter horse race" or "quarter horse racing" means  
960 such a contest between two or more quarter horses registered  
961 with the American Quarter Horse Association, at distances and  
962 under conditions, that qualify those races for race recognition  
963 pursuant to the Official Handbook of Rules and Regulations of  
964 the American Quarter Horse Association, as effective January 1,  
965 2014, dispatched from a regulation starting gate and mounted by  
966 state licensed jockeys.

967 (c) "Thoroughbred race" or "thoroughbred racing" means  
968 such a contest on such a track at least seven furlongs in  
969 circumference, between two or more thoroughbreds dispatched from  
970 a regulation starting gate and mounted by state licensed  
971 jockeys.

972  
973 The term "horseracing" does not include steeplechases or hurdle  
974 racers, nor does it include barrel racing, timed events, pole  
975 bending, or any other rodeo or gymkhana-style events.

976 (13) "Horseracing licensee" means:

977 (a) A thoroughbred racing permitholder licensed under this  
978 part to conduct pari-mutuel wagering meets of thoroughbred  
979 racing;

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980 (b) A harness racing permitholder licensed under this part  
981 to conduct pari-mutuel wagering meets of harness racing; or

982 (c) A quarter horse racing permitholder licensed under  
983 this part to conduct pari-mutuel wagering meets of quarter horse  
984 racing.

985 (14) "Host facility" means a track or fronton that  
986 broadcasts a live event or rebroadcasts a simulcast event that  
987 is the subject of an intertrack wager.

988 (15) "Intertrack wager" means a wager accepted at a pari-  
989 mutuel facility on a live event that is broadcast to the pari-  
990 mutuel facility or on a simulcast event that is rebroadcast to  
991 the pari-mutuel facility from an in-state pari-mutuel facility.

992 (16) "Jai alai" means a ball game of Spanish origin played  
993 on a court with three walls and includes the term "pelota."

994 (17) "Live event," "live game," "live race," or "live  
995 performance" means such event or performance conducted live at  
996 the referenced pari-mutuel facility and excludes broadcast and  
997 simulcast events.

998 (18) "Live handle" means the handle from wagers placed at  
999 a pari-mutuel facility on the live events conducted at that  
1000 facility and excludes intertrack wagering.

1001 (19) "Market area" means an area within 25 miles of a  
1002 permitholder's track or fronton.

1003 (20) "Meet" or "meeting" means live events for any stake,  
1004 purse, prize, or premium.

1005 (21) "Net pool pricing" means a method of calculating

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1006 prices awarded to winning wagers relative to the contribution,  
1007 net of takeouts, to a pool by each participating jurisdiction  
1008 or, as applicable, each site.

1009 (22) "Operating day" means a continuous period of 24 hours  
1010 which starts at the beginning of the first performance event. If  
1011 an operating day starts during one calendar day and extends past  
1012 midnight, a greyhound race or jai alai game may not begin after  
1013 1:30 a.m. on that operating day.

1014 (23) "Pari-mutuel facility" means a racetrack, fronton, or  
1015 other facility used by a permitholder for the conduct of pari-  
1016 mutuel wagering.

1017 (24) "Pari-mutuel pool" means the total amount wagered on  
1018 an event for a single possible result.

1019 (25) "Pari-mutuel wagering" means a system of betting on  
1020 events in which the winners divide the total amount bet, after  
1021 deducting management expenses and taxes, in proportion to the  
1022 sums they have wagered individually and with regard to the odds  
1023 assigned to particular outcomes.

1024 (26) "Performance" means a series of at least eight events  
1025 performed consecutively as one program.

1026 (27) "Post time" means the time set for the arrival at the  
1027 starting point of the horses or greyhounds in a race or the  
1028 beginning of a game in jai alai.

1029 (28) "Purse" means the cash portion of the prize for which  
1030 an event is contested.

1031 (29) "Quarter horse" means a breed of horse developed in



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1032 the western United States which is capable of high speed for a  
1033 short distance and used in quarter horse racing registered with  
1034 the American Quarter Horse Association.

1035 (30) "Racing greyhound" or "greyhound" means a greyhound  
1036 registered with the National Greyhound Association which is or  
1037 was used, or is being bred, raised, or trained to be used, in  
1038 racing at a pari-mutuel facility.

1039 (31) "Same class of races, games, or permit" means:

1040 (a) With respect to a jai alai permitholder, jai alai  
1041 games or other jai alai permitholders;

1042 (b) With respect to a greyhound racing permitholder,  
1043 greyhound races or other greyhound racing permitholders;

1044 (c) With respect to a thoroughbred racing permitholder,  
1045 thoroughbred races or other thoroughbred racing permitholders;

1046 (d) With respect to a harness racing permitholder, harness  
1047 races or other harness racing permitholders; and

1048 (e) With respect to a quarter horse racing permitholder,  
1049 quarter horse races or other quarter horse racing permitholders.

1050 (32) "Simulcasting" means the live broadcast of events  
1051 occurring live at an in-state location to an out-of-state  
1052 location, or receiving at an in-state location a live broadcast  
1053 of events occurring live at an out-of-state location.

1054 (33) "Standardbred horse" means a pacing or trotting horse  
1055 used in harness racing which has been registered as a  
1056 standardbred by the United States Trotting Association or by a  
1057 foreign registry whose stud book is recognized by the United

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1058 States Trotting Association.

1059 (34) "Takeout" means the percentage of the pari-mutuel  
1060 pools deducted by the permitholder before the distribution of  
1061 the pool.

1062 (35) "Thoroughbred" means a purebred horse whose ancestry  
1063 can be traced back to one of three foundation sires and whose  
1064 pedigree is registered in the American Stud Book or in a foreign  
1065 stud book that is recognized by the Jockey Club and the  
1066 International Stud Book Committee.

1067 (36) "Totalisator" means the computer system used to  
1068 accumulate wagers, record sales, calculate payoffs, and display  
1069 wagering data on a display device that is located at a pari-  
1070 mutuel facility.

1071 (37) "Ultimate equitable owner" means a natural person  
1072 who, directly or indirectly, owns or controls 5 percent or more  
1073 of an ownership interest in a corporation, foreign corporation,  
1074 or alien business organization, regardless of whether such  
1075 person owns or controls such ownership through one or more  
1076 natural persons or one or more proxies, powers of attorney,  
1077 nominees, corporations, associations, partnerships, trusts,  
1078 joint stock companies, or other entities or devices, or any  
1079 combination thereof.

1080 Section 23. Effective October 1, 2014, section 551.013,  
1081 Florida Statutes, is created to read:

1082 551.013 Pari-mutuel wagering authorized; distribution of  
1083 pool; prohibited purchase.-

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1084 (1) Wagering on the results of a horserace or greyhound  
1085 race or on the scores or points of a jai alai game and the sale  
1086 of tickets or other evidences showing an interest in or a  
1087 contribution to a pari-mutuel pool are allowed only within the  
1088 enclosure of a pari-mutuel facility licensed and operating under  
1089 this part, must be supervised by the department, are subject to  
1090 such reasonable rules adopted by the commission, and are  
1091 prohibited elsewhere in this state.

1092 (2) The permitholder's share of the takeout is that  
1093 portion of the takeout that remains after the pari-mutuel tax  
1094 imposed upon the contributions to the pari-mutuel pool is  
1095 deducted from the takeout and paid by the permitholder. The  
1096 takeout is deducted from all pari-mutuel pools but may be  
1097 different depending on the type of pari-mutuel pool. The  
1098 permitholder shall inform the patrons, either through the  
1099 official program or via the posting of signs at conspicuous  
1100 locations, as to the takeout currently being applied to handle  
1101 at the facility.

1102 (3) After deducting the takeout and the breaks, a pari-  
1103 mutuel pool must be redistributed to the contributors.

1104 (4) Redistribution of funds otherwise distributable to the  
1105 contributors of a pari-mutuel pool must be a sum equal to the  
1106 next lowest multiple of 10 on all races and games.

1107 (5) A distribution of a pari-mutuel pool may not be made  
1108 of the breaks.

1109 (6) A person or corporation may not directly or indirectly

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1110 purchase pari-mutuel tickets or participate in the purchase of  
1111 any part of a pari-mutuel pool for another for hire or for any  
1112 gratuity. A person may not purchase any part of a pari-mutuel  
1113 pool through another if she or he gives or pays directly or  
1114 indirectly such other person anything of value. Any person who  
1115 violates this subsection commits a misdemeanor of the second  
1116 degree, punishable as provided in s. 775.082 or s. 775.083.

1117 Section 24. Effective October 1, 2014, section 551.018,  
1118 Florida Statutes, is created to read:

1119 551.018 Local government taxes and fees on pari-mutuel  
1120 wagering.—The tax imposed by s. 551.301 is in lieu of all  
1121 license, excise, or occupational taxes to the state or any  
1122 county, municipality, or other political subdivision. However, a  
1123 municipality may assess and collect an additional tax against  
1124 any person conducting live events within its corporate limits,  
1125 which tax may not exceed \$150 per day for horseracing or \$50 per  
1126 day for greyhound racing or jai alai. Except as provided in this  
1127 part, a municipality may not assess or collect any additional  
1128 excise or revenue tax against any person conducting race  
1129 meetings within the corporate limits of the municipality or  
1130 against any patron of any such person.

1131 Section 25. Effective October 1, 2014, section 551.021,  
1132 Florida Statutes, is created to read:

1133 551.021 Application for permit to conduct pari-mutuel  
1134 wagering.—

1135 (1) Applications for a pari-mutuel wagering permit may be

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1136 made to the department in accordance with department rules.  
1137 Applications for a pari-mutuel permit are exempt from the 90-day  
1138 licensing requirement of s. 120.60. Within 120 days after  
1139 receipt of a complete application, the commission shall grant or  
1140 deny the permit. A completed application that is not acted upon  
1141 within 120 days after receipt is deemed approved, and the  
1142 commission shall grant the permit.

1143 (2) If the commission approves the application, it shall  
1144 issue a permit to the applicant setting forth the name of the  
1145 permitholder, the location of the pari-mutuel facility, the type  
1146 of pari-mutuel activity desired to be conducted, and a statement  
1147 showing qualifications of the applicant to conduct pari-mutuel  
1148 performances under this part. Such permit authorizes the county  
1149 in which the applicant seeks to operate to hold an election  
1150 ratifying such permit pursuant to s. 551.0221 and does not  
1151 authorize pari-mutuel wagering.

1152 (3) An application for a permit may not be considered, nor  
1153 may a permit be issued by the commission or be voted upon in any  
1154 county, to conduct horseraces, harness races, or greyhound races  
1155 at a location within 100 miles of an existing pari-mutuel  
1156 facility, or for jai alai within 50 miles of an existing pari-  
1157 mutuel facility. Such distance shall be measured on a straight  
1158 line from the nearest property line of one pari-mutuel facility  
1159 to the nearest property line of the other facility.

1160 (4) The commission shall require that each applicant  
1161 submit an application that includes, at a minimum:

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1162       (a) The full name, business address, e-mail address,  
1163 telephone number, social security number, and if applicable,  
1164 federal tax identification number of the applicant.

1165       (b) If a corporation, the name of the state in which  
1166 incorporated and the names and addresses of the officers,  
1167 directors, and shareholders holding 5 percent or more equity or,  
1168 if a business entity other than a corporation, the names and  
1169 addresses of the principals, partners, or shareholders holding 5  
1170 percent or more equity.

1171       (c) The names and addresses of the ultimate equitable  
1172 owners for a corporation or other business entity, if different  
1173 from those provided under paragraph (b), unless the securities  
1174 of the corporation or entity are registered pursuant to s. 12 of  
1175 the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and  
1176 if such corporation or entity files with the United States  
1177 Securities and Exchange Commission the reports required by s. 13  
1178 of that act or if the securities of the corporation or entity  
1179 are regularly traded on an established securities market in the  
1180 United States.

1181       (d) Information, documentation, and assurances concerning  
1182 the applicant's financial background and resources as required  
1183 to establish the financial stability, integrity, and  
1184 responsibility of the applicant. This includes a statement of  
1185 the assets and liabilities of the applicant, business, and  
1186 personal income and disbursement schedules, tax returns, and  
1187 other reports filed with governmental agencies, and business and

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1188 personal accounting, check records, and ledgers. In addition,  
1189 each applicant must provide written authorization for the  
1190 examination of all bank accounts and records as may be deemed  
1191 necessary by the commission.

1192 (e) For each individual listed in the application as an  
1193 owner, partner, officer, or director, a complete set of  
1194 fingerprints taken by an authorized law enforcement officer. The  
1195 set of fingerprints must be submitted to the Federal Bureau of  
1196 Investigation for processing. An applicant who is a foreign  
1197 national shall submit such documents as necessary to allow the  
1198 department to conduct a criminal history records check in the  
1199 applicant's home country. The applicant must pay the cost of  
1200 processing. The department may charge a \$2 handling fee for each  
1201 set of fingerprint records.

1202 (f) The exact location where the applicant will conduct  
1203 pari-mutuel performances.

1204 (g) Whether the pari-mutuel facility is owned or leased  
1205 and, if leased, the name and residence of the fee owner or, if a  
1206 corporation, the names and addresses of the directors and  
1207 stockholders thereof. However, this part does not prevent a  
1208 person from applying to the commission for a permit to conduct  
1209 pari-mutuel operations, regardless of whether the pari-mutuel  
1210 facility has been constructed, and having an election held in  
1211 any county at the same time that elections are held for the  
1212 ratification of any permit in that county.

1213 (h) The names and addresses of any mortgagee of any pari-

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1214 mutuel facility and any financial agreement between the parties.

1215 The commission may require the names and addresses of the  
1216 officers and directors of the mortgagee and of those  
1217 stockholders who hold more than 10 percent of the stock of the  
1218 mortgagee.

1219 (i) A business plan for the first year of operation.

1220 (j) The type of pari-mutuel activity to be conducted and  
1221 the desired period of operation.

1222 (k) Other information the commission requires.

1223 (5) The commission shall require each applicant to deposit  
1224 with the board of county commissioners of the county in which  
1225 the election is to be held a sufficient sum, in currency or by  
1226 check certified by a bank licensed to do business in the state,  
1227 to pay the expenses of holding the election provided in s.  
1228 551.0221.

1229 (6) Upon receiving an application and any amendments  
1230 properly made thereto, the department shall further investigate  
1231 the matters contained in the application. The department shall  
1232 present its findings to the commission for review. If the  
1233 applicant meets all requirements, conditions, and qualifications  
1234 set forth in this part and the rules of the commission and the  
1235 commission finds that it would be in the best interests of the  
1236 state, the commission may grant the permit. In addition to the  
1237 applicant's qualifications, the commission shall consider the  
1238 overall impact to state revenues, including those generated  
1239 under tribal-state gaming compacts.



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1240 (7) After initial approval of the permit and the source of  
1241 financing, the terms and parties of any subsequent refinancing  
1242 must be disclosed by the applicant or the permitholder to the  
1243 commission.

1244 (8) If the commission refuses to grant the permit, the  
1245 money deposited with the board of county commissioners for  
1246 holding the election must be refunded to the applicant. If the  
1247 commission grants the permit applied for, the board of county  
1248 commissioners shall order an election for ratification of the  
1249 permit in the county, as provided in s. 551.0221.

1250 (9) (a) The department may charge the applicant for  
1251 reasonable, anticipated costs incurred by the department in  
1252 determining the eligibility of any person or entity specified in  
1253 s. 551.029 to hold any pari-mutuel permit.

1254 (b) The department may, by rule, determine the manner of  
1255 paying its anticipated costs associated with determination of  
1256 eligibility and the procedure for filing applications for  
1257 determination of eligibility.

1258 (c) The department shall furnish to the applicant an  
1259 itemized statement of actual costs incurred during the  
1260 investigation to determine eligibility.

1261 (d) If unused funds remain at the conclusion of such  
1262 investigation, they must be returned to the applicant within 60  
1263 days after the determination of eligibility has been made.

1264 (e) If the actual costs of investigation exceed  
1265 anticipated costs, the department shall assess the applicant the

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1266 amount necessary to recover all actual costs.

1267 (10) After a permit has been granted by the commission and  
1268 has been ratified and approved by the majority of the electors  
1269 participating in the election in the county designated in the  
1270 permit, the permitholder may apply for, subject to the  
1271 conditions of this part, a license to conduct pari-mutuel  
1272 operations under this part at the location fixed in the permit  
1273 and ratified in the election. After the first license has been  
1274 issued to the holder of a ratified permit for pari-mutuel  
1275 operations in any county, all subsequent annual applications for  
1276 a license by that permitholder must be accompanied by proof, in  
1277 such form as the commission requires, that the ratified  
1278 permitholder still possesses all the qualifications prescribed  
1279 by this part and that the permit has not been recalled at a  
1280 later election held in the county.

1281 (11) (a) If a permitholder has failed to complete  
1282 construction of at least 50 percent of the facilities necessary  
1283 to conduct pari-mutuel operations within 12 months after  
1284 approval of the permit by the voters or within 12 months after  
1285 receiving the permit if ratification was not required, the  
1286 commission shall revoke the permit upon adequate notice to the  
1287 permitholder. However, the commission, upon good cause shown by  
1288 the permitholder, may grant one extension of up to 12 months.

1289 (b) If a permitholder has failed to conduct live events  
1290 for a period of 12 consecutive months, the commission shall  
1291 revoke the permit upon adequate notice to the permitholder.

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1292 However, the commission, upon good cause shown by the  
1293 permitholder, may grant one extension of up to 12 months.

1294 (c) The permit of a pari-mutuel wagering permitholder that  
1295 does not pay tax on handle for a full schedule of live events  
1296 during any 2 consecutive state fiscal years shall be revoked  
1297 unless such failure to operate and pay tax on handle was the  
1298 direct result of fire, strike, war, or other disaster or event  
1299 beyond the permitholder's control. Financial hardship to the  
1300 permitholder is not, in and of itself, just cause for failure to  
1301 operate and pay tax on handle.

1302 (d) A permit revoked under this subsection is void and may  
1303 not be reissued.

1304 (12) A pari-mutuel permitholder may apply to the  
1305 commission to place the pari-mutuel permit into inactive status  
1306 for a period of 12 months pursuant to the rules of the  
1307 department. The commission, upon good cause shown by the  
1308 permitholder, may renew inactive status for up to 12 months. A  
1309 permit may not be in inactive status for a period of more than  
1310 24 consecutive months. Holders of permits in inactive status are  
1311 not eligible for licensure for pari-mutuel wagering, slot  
1312 machines, or cardrooms.

1313 (13) (a) A permit granted under this part may not be  
1314 transferred or assigned except upon written approval by the  
1315 commission pursuant to s. 551.029.

1316 (b) If a permit to conduct pari-mutuel wagering is held by  
1317 a corporation or business entity other than an individual, the

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1318 transfer of 10 percent or more of the stock or other evidence of  
1319 ownership or equity in the permitholder may not be made without  
1320 the prior approval of the transferee by the commission pursuant  
1321 to s. 551.029.

1322 (14) Changes in ownership of or interest in a pari-mutuel  
1323 permit of 5 percent or more of the stock or other evidence of  
1324 ownership or equity in the permitholder shall be approved by the  
1325 commission before such change, unless the owner is an existing  
1326 owner of that permit who was previously approved by the  
1327 commission. Changes in ownership of or interest in a pari-mutuel  
1328 permit of less than 5 percent must be reported to the department  
1329 within 20 days after the change. The department may then conduct  
1330 an investigation to ensure that the permit is properly updated  
1331 to show the change in ownership or interest.

1332 Section 26. Effective October 1, 2014, section 551.0221,  
1333 Florida Statutes, is created to read:

1334 551.0221 Elections for ratification of permits.-

1335 (1) Any permitholder may have submitted to the electors of  
1336 the county designated therein the question of whether such  
1337 permit will be ratified. Such question shall be submitted to the  
1338 electors for approval or rejection at a special election to be  
1339 called for that purpose only. The board of county commissioners  
1340 of the county designated, upon the presentation to such board at  
1341 a regular or special meeting of a written application,  
1342 accompanied by a certified copy of the permit granted by the  
1343 commission, and asking for an election in the county in which

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1344 the application was made, shall order a special election in the  
1345 county for the particular purpose of deciding whether such  
1346 permit shall be approved and a license issued and race or game  
1347 meetings allowed in the county by such permitholder. The clerk  
1348 of such board shall give notice of the special election by  
1349 publishing the same once each week for 2 consecutive weeks in  
1350 one or more newspapers of general circulation in the county.  
1351 Each permit for a pari-mutuel facility must be voted upon  
1352 separately and in separate elections. An election may not be  
1353 called more often than once every 2 years for the ratification  
1354 of any permit for the same pari-mutuel facility.

1355 (2) All elections ordered under this part must be held  
1356 within 90 days and not less than 21 days after the time of  
1357 presenting the application to the board of county commissioners.  
1358 The inspectors of election shall be appointed and qualified as  
1359 in cases of general elections, and they shall count the votes  
1360 cast and make due returns of the votes to the board of county  
1361 commissioners without delay. The board of county commissioners  
1362 shall canvass the returns, declare the results, and cause the  
1363 results to be recorded as provided in the general law concerning  
1364 elections so far as applicable.

1365 (3) If the permitholder has not applied to the board of  
1366 county commissioners within 6 months after the permit was issued  
1367 by the commission, the permit is void. The commission shall  
1368 cancel the permit without notice to the permitholder, and the  
1369 board of county commissioners holding the deposit for the

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1370 election shall refund the deposit to the permitholder upon being  
1371 notified by the commission that the permit is void and has been  
1372 canceled.

1373 (4) All electors duly registered and qualified to vote at  
1374 the last preceding general election held in the county are  
1375 qualified electors for the ratification election. The  
1376 registration books for the county shall be opened on the 10th  
1377 day after the ratification election is ordered and called,  
1378 however, if the 10th day is a Sunday or a holiday, then on the  
1379 next day that is not a Sunday or holiday. The registration books  
1380 must remain open for 10 days. Electors for the ratification  
1381 election have the same qualifications for and prerequisites to  
1382 voting in elections as under the general election laws.

1383 (5) If, at any such ratification election, the majority of  
1384 electors voting on the question of ratification of a permit vote  
1385 against ratification, the permit is void. If a majority of the  
1386 electors voting on the question of ratification vote for  
1387 ratification, the permit becomes effective, and the permitholder  
1388 may conduct events upon complying with the other provisions of  
1389 this part. The board of county commissioners shall immediately  
1390 certify the results of the election to the department.

1391 Section 27. Effective October 1, 2014, section 551.0222,  
1392 Florida Statutes, is created to read:

1393 551.0222 Petition for election to revoke permit.—In any  
1394 county where a permitholder has been licensed and racing or  
1395 games have been conducted under this part, the county commission

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1396 shall, upon petition of 20 percent of the registered electors of  
1397 the county, provide for the submission to the electors of such  
1398 county at the next succeeding general election the question of  
1399 whether a permit shall be revoked. If a majority of the electors  
1400 voting on such question in such election vote to revoke the  
1401 permit, the commission may no longer grant any license on the  
1402 permit. Every signature on every petition to revoke a permit  
1403 must be signed in the presence of the clerk of the board of  
1404 county commissioners at the office of the clerk of the circuit  
1405 court of the county. The petitioner must present at the time of  
1406 such signing her or his registration receipt showing the  
1407 petitioner's qualification as an elector of the county at the  
1408 time of signing the petition. Only one permit may be included in  
1409 any one petition. In all elections in which the revocation of  
1410 more than one permit is voted on, the voters shall be given an  
1411 opportunity to vote for or against the revocation of each permit  
1412 separately. This part does not prevent the holding of later  
1413 referendum or revocation elections.

1414 Section 28. Effective October 1, 2014, section 551.0241,  
1415 Florida Statutes, is created to read:

1416 551.0241 Relocation of permit.—

1417 (1) A licensed pari-mutuel permit holder may apply to the  
1418 commission to change the location where it is authorized to  
1419 conduct pari-mutuel wagering under its permit pursuant to the  
1420 rules of the commission.

1421 (2) The commission may consider a relocation application

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1422 only if the relocation is within the same county or within a  
1423 contiguous county, if a pari-mutuel wagering permit has  
1424 previously been ratified in that county, and the applicant  
1425 provides clear and convincing evidence that:

1426 (a) The proposal would not have a net negative impact on  
1427 state revenues, including those generated under tribal-state  
1428 gaming compacts.

1429 (b) Pari-mutuel wagering at the proposed location is  
1430 approved under the zoning and land use regulations of the  
1431 applicable county or municipality.

1432 (3) The commission may approve a relocation proposal if it  
1433 determines such relocation is in the best interests of the  
1434 state. In making such determination, the commission shall  
1435 consider any impact to state resources, the local community, the  
1436 industry and other pari-mutuel wagering licensees.

1437 (4) If the commission approves the relocation, it shall  
1438 issue a revised permit setting forth the new location of the  
1439 pari-mutuel facility. Pari-mutuel wagering or other gaming may  
1440 not be conducted at the new location unless the permitholder  
1441 receives a license for such wagering or gaming at the new  
1442 location pursuant to this chapter.

1443 Section 29. Effective October 1, 2014, section 551.0251,  
1444 Florida Statutes, is created to read:

1445 551.0251 Limited thoroughbred racing permit.-

1446 (1) In recognition of the important and long-standing  
1447 economic contribution of the thoroughbred horse breeding



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1448 industry to this state and the state's vested interest in  
1449 promoting the continued viability of this agricultural activity,  
1450 the state intends to provide a limited opportunity for the  
1451 conduct of live thoroughbred racing with the net revenues from  
1452 such racing dedicated to the enhancement of thoroughbred purses  
1453 and breeder, stallion, and special racing awards under this  
1454 part; the general promotion of the thoroughbred horse breeding  
1455 industry; and the care in this state of thoroughbred horses  
1456 retired from racing.

1457 (2) A quarter horse racing permit previously converted to  
1458 a limited thoroughbred racing permit may only be held by a not-  
1459 for-profit corporation formed under state law to serve the  
1460 purposes of the state as provided in subsection (1). The board  
1461 of directors of the not-for-profit corporation must be comprised  
1462 of 11 members, four of whom shall be designated by the  
1463 corporation pursuant to its articles and bylaws, four of whom  
1464 shall be designated by the Florida Thoroughbred Breeders' and  
1465 Owners' Association, and three of whom shall be designated by  
1466 the other eight directors, with at least one of these three  
1467 members being an authorized representative of another  
1468 thoroughbred racing licensee in this state. A permit converted  
1469 under former s. 550.3345 and the not-for-profit corporation are  
1470 subject to the following requirements:

1471 (a) All net revenues derived by the corporation under the  
1472 thoroughbred racing permit converted under former s. 550.3345,  
1473 after the funding of operating expenses and capital

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1474 improvements, shall be dedicated to the enhancement of  
1475 thoroughbred racing purses and breeder, stallion, and special  
1476 racing awards under this part; the general promotion of the  
1477 thoroughbred horse breeding industry; and the care in this state  
1478 of thoroughbred horses retired from racing.

1479 (b) From December 1, through April 30, live thoroughbred  
1480 racing may not be conducted under the permit converted under  
1481 former s. 550.3345 on any day during which another thoroughbred  
1482 racing licensee is conducting live thoroughbred racing within  
1483 125 air miles of the corporation's pari-mutuel facility unless  
1484 the other thoroughbred racing licensee gives its written  
1485 consent.

1486 (c) After the issuance of its initial license to conduct  
1487 pari-mutuel wagering meets of thoroughbred racing, the  
1488 corporation must apply annually to the commission for a license  
1489 pursuant to s. 551.0521.

1490 (d) A permit converted under former s. 550.3345 is not  
1491 eligible for transfer to another person or entity.

1492 (3) Unless otherwise provided in this section, the permit  
1493 converted under former s. 550.3345 and the not-for-profit  
1494 corporation shall be treated under the laws of this state as a  
1495 thoroughbred racing permit and as a thoroughbred racing  
1496 permitholder, respectively, with the exception of s.  
1497 551.021(11).

1498 Section 30. Effective October 1, 2014, section 551.0252,  
1499 Florida Statutes, is created to read:

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1500 551.0252 Conversion of permit.-

1501 (1) A licensed pari-mutuel wagering permitholder may apply  
1502 to the commission to convert its permit to another class of  
1503 pari-mutuel wagering permit pursuant to the rules of the  
1504 commission.

1505 (2) The commission may consider a conversion application  
1506 only if the applicant provides clear and convincing evidence  
1507 that:

1508 (a) The proposal would not have a negative impact on state  
1509 revenues, including those generated under tribal-state gaming  
1510 compacts.

1511 (b) The proposed activity is approved under the zoning and  
1512 land use regulations of the applicable county or municipality.

1513 (3) The commission may approve a conversion proposal if it  
1514 determines such conversion is in the best interests of the  
1515 state. In making such determination, the commission shall  
1516 consider any impact to state resources, the local community, the  
1517 industry and other pari-mutuel wagering licensees.

1518 (4) If the commission approves the conversion, it shall  
1519 issue a revised permit setting forth the new type of pari-mutuel  
1520 activity license.

1521 Section 31. Effective October 1, 2014, section 551.0253,  
1522 Florida Statutes, is created to read:

1523 551.0253 Summer jai alai.-

1524 (1) A pari-mutuel permitholder that converted its permit  
1525 under former 550.0745 may conduct a summer jai alai fronton

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1526 during the summer season beginning May 1 and ending November 30  
1527 of each year on such dates as may be selected by the  
1528 permitholder for the same number of days and performances as are  
1529 allowed and granted to winter jai alai frontons within such  
1530 county. Such permitholder shall pay the same taxes as are fixed  
1531 and required to be paid from the pari-mutuel pools of winter jai  
1532 alai permitholders and is bound by all of the rules and  
1533 provisions of this part which apply to the operation of winter  
1534 jai alai frontons. Such permitholder may operate a jai alai  
1535 fronton only after its application has been approved by the  
1536 commission and its license has been issued pursuant to the  
1537 application. The license is renewable annually as provided by  
1538 law.

1539 (2) Such permitholder may apply for a license for the  
1540 operation of a jai alai fronton during the summer season as  
1541 provided in this section. A permitholder granted a license under  
1542 this section may not conduct pari-mutuel pools during the summer  
1543 season except at a jai alai fronton as provided in this section.

1544 (3) A license issued under subsection (2) may not allow  
1545 the operation of a jai alai fronton during the jai alai winter  
1546 season. The jai alai winter licensee and the jai alai summer  
1547 licensee may not operate on the same days or in competition with  
1548 each other. This section does not prevent the summer jai alai  
1549 licensee from leasing the facilities of the winter jai alai  
1550 licensee for the operation of the summer meet.

1551 Section 32. Effective October 1, 2014, section 551.026,

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1552 Florida Statutes, is created to read:

1553 551.026 Nonwagering horseracing licenses.-

1554 (1) (a) Except as provided in this section, permits and  
1555 licenses issued by the commission are intended to be used for  
1556 pari-mutuel wagering operations in conjunction with horseraces,  
1557 greyhound races, or jai alai performances.

1558 (b) Subject to the requirements of this section, the  
1559 commission may issue annual licenses for the conduct of  
1560 horserace meets without pari-mutuel wagering or any other form  
1561 of wagering being conducted in conjunction with such meets. A  
1562 pari-mutuel wagering permitholder need not obtain an additional  
1563 permit from the commission for conducting nonwagering racing  
1564 under this section but must apply to the commission for the  
1565 issuance of a license under this section. The holder of a  
1566 nonwagering license is prohibited from conducting pari-mutuel  
1567 wagering or any other form of wagering in conjunction with  
1568 racing conducted under the license. This subsection does not  
1569 prohibit horseracing for any stake, purse, prize, or premium.

1570 (c) The holder of a nonwagering license is exempt from s.  
1571 551.301 and is not required to pay daily license fees and  
1572 admission tax.

1573 (2) (a) A person who is not prohibited from holding any  
1574 type of pari-mutuel permit under s. 551.029 may apply to the  
1575 commission for a nonwagering license. The applicant must  
1576 demonstrate that the location where the nonwagering license will  
1577 be used is available for such use and that the applicant has the

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1578 financial ability to satisfy the reasonably anticipated  
1579 operational expenses.

1580 (b) The department may conduct an eligibility  
1581 investigation to determine whether the applicant meets the  
1582 requirements of paragraph (a).

1583 (3) (a) After receipt of an initial nonwagering license,  
1584 the licensee may apply to the commission before June 1 of each  
1585 year to renew the nonwagering license for the next succeeding  
1586 calendar year. The application must set forth the days and  
1587 locations at which the licensee will conduct nonwagering  
1588 horseracing and must indicate any changes in ownership or  
1589 management of the licensee occurring since the date of  
1590 application for the prior license. The department may conduct an  
1591 eligibility investigation to determine the qualifications of any  
1592 new ownership or management interest in the license.

1593 (b) On or before August 1 of each year and upon approval  
1594 of the racing dates by the commission, the department shall  
1595 issue an annual nonwagering license authorizing the permit holder  
1596 to conduct nonwagering horseracing during the succeeding  
1597 calendar year during the period and for the number of days set  
1598 forth in the application, subject to all other provisions of  
1599 this section.

1600 (4) Only horses registered with an established breed  
1601 registration organization approved by the commission may be  
1602 raced at a race meeting authorized under this section.

1603 (5) The commission may order any person participating in a

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1604 nonwagering meet to cease and desist from participating in such  
1605 meet if the commission determines that the person is not of good  
1606 moral character. The commission may order the operators of a  
1607 nonwagering meet to cease and desist from operating the meet if  
1608 the commission determines the meet is being operated for any  
1609 illegal purpose.

1610 Section 33. Effective October 1, 2014, section 551.029,  
1611 Florida Statutes, is created to read:

1612 551.029 Certain persons prohibited from holding permits;  
1613 suspension and revocation.-

1614 (1) A corporation, general or limited partnership, sole  
1615 proprietorship, business trust, joint venture, unincorporated  
1616 association, or other business entity may not hold a pari-mutuel  
1617 permit in this state if any one of the persons or entities  
1618 specified in paragraph (a) has been determined by the commission  
1619 not to be of good moral character or has been convicted of any  
1620 offense specified in paragraph (b).

1621 (a)1. The permitholder;

1622 2. An employee of the permitholder;

1623 3. The sole proprietor of the permitholder;

1624 4. A corporate officer or director of the permitholder;

1625 5. A general partner of the permitholder;

1626 6. A trustee of the permitholder;

1627 7. A member of an unincorporated association permitholder;

1628 8. A joint venturer of the permitholder;

1629 9. The owner of more than 5 percent of any equity interest

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1630 in the permitholder, whether as a common shareholder, general or  
1631 limited partner, voting trustee, or trust beneficiary; or

1632 10. An owner of any interest in the permit or  
1633 permitholder, including any immediate family member of the  
1634 owner, or holder of any debt, mortgage, contract, or concession  
1635 from the permitholder, who by virtue thereof is able to control  
1636 the business of the permitholder.

1637 (b)1. A felony in this state;

1638 2. A felony in any other state which would be a felony  
1639 under the laws of this state if committed in this state;

1640 3. A felony under the laws of the United States;

1641 4. A felony related to gambling in any other state which  
1642 would be a felony under the laws of this state if committed in  
1643 this state; or

1644 5. Bookmaking as defined in s. 849.25.

1645 (2)(a) If the applicant for a pari-mutuel permit or a  
1646 permitholder has received a full pardon or a restoration of  
1647 civil rights with respect to the conviction specified in  
1648 paragraph (1)(b), the conviction does not constitute an absolute  
1649 bar to the issuance or renewal of a permit or a ground for the  
1650 revocation or suspension of a permit.

1651 (b) A corporation convicted of a felony may apply for and  
1652 receive a restoration of its civil rights in the same manner and  
1653 on the same grounds as an individual.

1654 (3)(a) After notice and hearing, the commission shall  
1655 suspend or refuse to issue or renew, as appropriate, any permit



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1656 in violation of subsection (1). The order shall become effective  
1657 120 days after service of the order upon the permitholder and  
1658 shall be amended to constitute a final order of revocation  
1659 unless the permitholder has, within that 120-day period:

1660 1. Caused the divestiture, or agreed with the convicted  
1661 person upon a complete immediate divestiture, of her or his  
1662 holding;

1663 2. Petitioned the circuit court as provided in subsection  
1664 (4); or

1665 3. In the case of corporate officers or directors of the  
1666 permitholder or employees of the permitholder, terminated the  
1667 relationship between the permitholder and such persons.

1668 (b) The commission may, by order, extend the 120-day  
1669 period for divestiture, upon good cause shown, to avoid  
1670 interruption of any meet or to otherwise effectuate this  
1671 section. If action has not been taken by the permitholder within  
1672 the 120-day period following the issuance of the order of  
1673 suspension, the commission shall, without further notice or  
1674 hearing, enter a final order of revocation of the permit.

1675 (c) When any permitholder or sole proprietor of a  
1676 permitholder is convicted of an offense specified in paragraph  
1677 (1) (b), the department may approve a transfer of the permit to a  
1678 qualified applicant upon a finding that revocation of the permit  
1679 would impair the state's revenue from the operation of the  
1680 permit or otherwise be detrimental to the interests of the state  
1681 in the regulation of the industry of pari-mutuel wagering.

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1682 Notwithstanding any other provision of law, a public referendum  
1683 is not required for approval of the transfer under this  
1684 paragraph. A petition for transfer after conviction must be  
1685 filed with the department within 30 days after service upon the  
1686 permitholder of the final order of revocation. The timely filing  
1687 of such a petition automatically stays any revocation order  
1688 until further order of the department.

1689 (4) The circuit courts have jurisdiction to decide a  
1690 petition brought by the holder of a pari-mutuel permit showing  
1691 that its permit is in jeopardy of suspension or revocation under  
1692 subsection (3) and that it is unable to agree upon the terms of  
1693 divestiture of interest with the person specified in  
1694 subparagraphs (1) (a)3.-9. who has been convicted of an offense  
1695 specified in paragraph (1) (b). The court shall determine the  
1696 reasonable value of the interest of the convicted person and  
1697 order a divestiture upon such terms and conditions as it finds  
1698 just. In determining the value of the interest of the convicted  
1699 person, the court may consider, among other matters, the value  
1700 of the assets of the permitholder, its good will and value as a  
1701 going concern, recent and expected future earnings, and other  
1702 criteria usual and customary in the sale of like enterprises.

1703 (5) The department shall adopt rules for photographing,  
1704 fingerprinting, and obtaining personal data of individuals  
1705 described in paragraph (1) (a) and obtaining such data regarding  
1706 the business entities described in paragraph (1) (a) as necessary  
1707 to effectuate this section.

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1708 Section 34. Effective October 1, 2014, section 551.0321,  
1709 Florida Statutes, is created to read:

1710 551.0321 Permitholder license; bond.-

1711 (1) Before delivery of an initial license, each  
1712 permitholder granted a license under this part must, at its own  
1713 expense, give a bond payable to the Governor and the Governor's  
1714 successors in the penal sum of \$50,000. Such bond must be in the  
1715 form of a surety or sureties approved by the commission and the  
1716 Chief Financial Officer and shall be conditioned on the  
1717 following:

1718 (a) The permitholder faithfully making payments to the  
1719 Chief Financial Officer acting in his or her capacity as  
1720 treasurer of the commission and department;

1721 (b) The permitholder keeping books and records and making  
1722 the required reports; and

1723 (c) The permitholder conducting racing in conformity with  
1724 this part.

1725 (2) If the greatest amount of tax owed during any month in  
1726 the prior fiscal year in which a full schedule of live racing  
1727 was conducted is less than \$50,000, the commission may assess a  
1728 bond less than \$50,000. The commission may review the bond for  
1729 adequacy and require adjustments to the bond amount each fiscal  
1730 year. The commission may adopt rules to implement this  
1731 subsection and establish guidelines for such bonds.

1732 (3) The provisions of this part concerning bonding do not  
1733 apply to nonwagering licenses issued under s. 551.026.

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1734 Section 35. Effective October 1, 2014, section 551.0322,  
1735 Florida Statutes, is created to read:

1736 551.0322 License application; periods of operation.-

1737 (1) After a permit has been issued by the commission and  
1738 approved by election, the permitholder may apply for an initial  
1739 annual license to conduct pari-mutuel operations at the location  
1740 specified in the permit pursuant to this part.

1741 (2) Annually, between December 15, and January 4, each  
1742 permitholder shall file with the department its written  
1743 application for a license to conduct performances during the  
1744 next fiscal year. Each application must specify the number,  
1745 dates, and starting times of all performances the permitholder  
1746 intends to conduct and specify which performances will be  
1747 conducted as charity or scholarship performances. In addition,  
1748 each application for a license must include:

1749 (a) For each permitholder that is authorized to accept  
1750 intertrack wagers or receive or rebroadcast out-of-state races,  
1751 the dates and periods of operation that the licensee intends to  
1752 operate such wagering.

1753 (b) For each permitholder that holds a cardroom license,  
1754 the dates and periods of operation that the permitholder intends  
1755 to operate the cardroom.

1756 (c) For each permitholder that holds a slot machine  
1757 license, the dates and periods of operation that the  
1758 permitholder intends to operate slot machines.

1759 (3) After the first license has been issued to a

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1760 permitholder, all subsequent annual applications for a license  
1761 must be accompanied by proof, in such form as the commission may  
1762 by rule require, that the permitholder continues to possess the  
1763 qualifications required under this part and that the permit has  
1764 not been disapproved at a later election.

1765 (4) A permitholder may amend its application through  
1766 February 28. After February 28, each permitholder must operate  
1767 the full number of days authorized on each of the dates set  
1768 forth in its license as a condition precedent to the validity of  
1769 its license and its right to retain its permit.

1770 (5) The commission shall issue each license no later than  
1771 March 15. Each permitholder shall operate all performances on  
1772 the dates and at the times specified on its license. The  
1773 commission may approve changes in operating dates after a  
1774 license has been issued. The department may approve minor  
1775 changes in operating dates after a license has been issued if  
1776 there is no objection from any operating licensee located within  
1777 50 miles of the licensee requesting the changes in operating  
1778 dates. If there is an objection, the commission shall determine  
1779 whether to approve the change based upon its impact on operating  
1780 licensees located within 50 miles of the licensee requesting the  
1781 change in operating dates. In making the determination whether  
1782 to change operating dates, the commission shall take into  
1783 consideration the impact of such changes on state revenues.

1784 (6) If a licensee fails to operate all performances on the  
1785 dates and at the times specified on its license, the commission

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1786 shall hold a hearing to determine whether to penalize the  
1787 licensee, unless such failure was the direct result of fire,  
1788 strike, war, or other disaster or event beyond the ability of  
1789 the licensee to control. Financial hardship to the licensee is  
1790 not, in and of itself, just cause for failure to operate all  
1791 performances on the dates and at the times specified.

1792 (7) If performances licensed to be operated by a  
1793 permitholder are vacated, are abandoned, or will not be used for  
1794 any reason, any permitholder may, pursuant to department rule,  
1795 apply to conduct performances on the dates for which the  
1796 performances have been abandoned. The commission shall issue an  
1797 amended license for all such replacement performances that have  
1798 been requested in compliance with this part and department  
1799 rules.

1800 Section 36. Effective October 1, 2014, section 551.033,  
1801 Florida Statutes, is created to read:

1802 551.033 Payment of daily license fee and taxes;  
1803 penalties.—

1804 (1) PAYMENT AND DISPOSITION OF FEES AND TAXES.—Payments  
1805 imposed by ss. 551.043, 551.053, 551.0543, 551.0553, and 551.063  
1806 shall be paid to the commission for deposit into the Gaming  
1807 Control Trust Fund, hereby established. The licensee shall remit  
1808 to the commission payment for the daily license fee, the  
1809 admission tax, the tax on handle, and the breaks tax. Such  
1810 payments shall be remitted by 3 p.m. on the 5th day of each  
1811 calendar month for taxes imposed and collected for the preceding

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1812 calendar month. If the 5th day of the calendar month falls on a  
1813 weekend, payments shall be remitted by 3 p.m. the first Monday  
1814 following the weekend. Licensees shall file a report under oath  
1815 by the 5th day of each calendar month for all taxes remitted  
1816 during the preceding calendar month. Such payments shall be  
1817 accompanied by a report under oath showing the total of all  
1818 admissions, the pari-mutuel wagering activities for the  
1819 preceding calendar month, and such other information required by  
1820 the commission.

1821 (2) PENALTIES.—

1822 (a) A licensee that fails to make payments as required in  
1823 subsection (1) may be subjected by the department to a civil  
1824 penalty of up to \$1,000 for each day the tax payment is not  
1825 remitted.

1826 (b) In addition to the civil penalty in paragraph (a), any  
1827 willful or wanton failure by a licensee to make payments of the  
1828 daily license fee, admission tax, tax on handle, or breaks tax  
1829 constitutes sufficient grounds for the commission to suspend or  
1830 revoke the license of the licensee, cancel the permit of the  
1831 licensee, or deny issuance of any further license or permit to  
1832 the licensee.

1833 Section 37. Effective October 1, 2014, section 551.034,  
1834 Florida Statutes, is created to read:

1835 551.034 Uniform reporting system.—

1836 (1) The Legislature finds that a uniform reporting system  
1837 should be developed to provide acceptable uniform financial data

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1838 and statistics.

1839 (2) (a) Each permitholder that conducts events under this  
1840 part shall keep records that clearly show the total number of  
1841 admissions and the total amount of money contributed to each  
1842 pari-mutuel pool on each event separately and the amount of  
1843 money received daily from admission fees and, within 120 days  
1844 after the end of its fiscal year, shall submit to the department  
1845 a complete annual report of its accounts, audited by a certified  
1846 public accountant licensed to practice in the state.

1847 (b) The department shall adopt rules specifying the form  
1848 and content of such reports, including, but not limited to,  
1849 requirements for a financial statement of assets and  
1850 liabilities, operating revenues and expenses, and net worth and  
1851 any supporting informational schedule found necessary by the  
1852 commission to verify the financial statement. The financial  
1853 statement must be audited by a certified public accountant  
1854 licensed to practice in this state, and any supporting  
1855 informational schedule must be attested to under oath by the  
1856 permitholder or an officer of record. The form and content of  
1857 such reports must permit the commission to:

1858 1. Assess the profitability and financial soundness of  
1859 permitholders, both individually and as an industry;

1860 2. Plan and recommend measures necessary to preserve and  
1861 protect the pari-mutuel revenues of the state; and

1862 3. Completely identify the holdings, transactions, and  
1863 investments of permitholders with other business entities.



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1864 (c) The Auditor General and the Office of Program Policy  
1865 Analysis and Government Accountability may, pursuant to their  
1866 own authority or at the direction of the Legislative Auditing  
1867 Committee, audit, examine, and check the books and records of  
1868 any permitholder. These audit reports shall become part of, and  
1869 be maintained in, the commission files.

1870 (d) The commission shall annually review the books and  
1871 records of each permitholder and verify that the breaks and  
1872 unclaimed ticket payments made by each permitholder are true and  
1873 correct.

1874 Section 38. Effective October 1, 2014, section 551.035,  
1875 Florida Statutes, is created to read:

1876 551.035 Distribution of moneys.-

1877 (1) All moneys deposited into the Gaming Control Trust  
1878 Fund under this part shall be distributed as follows:

1879 (a) The daily license fee revenues collected pursuant to  
1880 ss. 551.043(2), 551.053(2), 551.0543(2), 551.0553(1), and  
1881 551.063(2) shall be used to fund the operating cost of the  
1882 commission and department; however, other revenues in the Gaming  
1883 Control Trust Fund may also be used to fund the operation of the  
1884 commission and department in accordance with authorized  
1885 appropriations.

1886 (b) All unappropriated funds in excess of \$1.5 million  
1887 shall be deposited into the General Revenue Fund.

1888 (2) The slot machine license fee, the slot machine  
1889 occupational license fee, and the compulsive or addictive

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1890 gambling prevention program fee collected pursuant to ss.  
1891 551.106, 551.302(2)(a)1., and 551.118 shall be used to fund the  
1892 direct and indirect operating expenses of the department's slot  
1893 machine regulation operations and to provide funding for  
1894 relevant enforcement activities in accordance with authorized  
1895 appropriations. Funds deposited into the Gaming Control Trust  
1896 Fund pursuant to ss. 551.106, 551.302(2)(a)1., and 551.118 shall  
1897 be reserved in the trust fund for slot machine regulation  
1898 operations. On June 30, any unappropriated funds in excess of  
1899 those necessary for incurred obligations and subsequent year  
1900 cash flow for slot machine regulation operations shall be  
1901 deposited into the General Revenue Fund.

1902 Section 39. Effective October 1, 2014, section 551.036,  
1903 Florida Statutes, is created to read:

1904 551.036 Escheat to state of abandoned interest in or  
1905 contribution to pari-mutuel pools.-

1906 (1) It is the public policy of the state, while protecting  
1907 the interest of the owners, to possess all unclaimed and  
1908 abandoned interests in or contributions to certain pari-mutuel  
1909 pools conducted in this state under this part for the benefit of  
1910 all the people of the state. This section shall be liberally  
1911 construed to accomplish the purposes of this section.

1912 (2) Except as otherwise provided in this part, all money  
1913 or other property represented by any unclaimed, uncashed, or  
1914 abandoned pari-mutuel ticket that has remained in the custody or  
1915 under the control of any licensee for a period of 1 year after

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1916 the date the pari-mutuel ticket was issued, if the rightful  
1917 owner or owners thereof have made no claim or demand for such  
1918 money or other property within the 1-year period, shall escheat  
1919 to and become the property of the state.

1920 (3) Annually, within 60 days after the close of the race  
1921 meeting of the licensee, all money or other property that has  
1922 escheated to the state under this section and that is held by  
1923 the licensee shall be paid by such licensee to the Chief  
1924 Financial Officer for deposit into the State School Fund to be  
1925 used for support and maintenance of public free schools as  
1926 required by s. 6, Art. IX of the State Constitution.

1927 Section 40. Effective October 1, 2014, section 551.037,  
1928 Florida Statutes, is created to read:

1929 551.037 Lease of pari-mutuel facilities.—Holders of valid  
1930 pari-mutuel permits for the conduct of any jai alai games,  
1931 greyhound racing, or thoroughbred or harness racing in this  
1932 state may lease their facilities to any other holder that is  
1933 located within a 35-mile radius and holds a same class valid  
1934 pari-mutuel permit for jai alai games, greyhound racing, or  
1935 thoroughbred or harness racing. Such lessee is entitled to a  
1936 license to operate its race meet or jai alai games at the leased  
1937 premises.

1938 Section 41. Effective October 1, 2014, section 551.038,  
1939 Florida Statutes, is created to read:

1940 551.038 Proposed capital improvement.—If a permitholder  
1941 licensed under this part proposes a capital improvement to a

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1942 pari-mutuel facility existing on June 23, 1981, which capital  
1943 improvement requires, pursuant to any municipal or county  
1944 ordinance, resolution, or regulation, the qualification or  
1945 approval of the municipality or county in which the permitholder  
1946 conducts its business operations, the capital improvement shall  
1947 be approved. Such permitholder must pay the municipality or  
1948 county the cost of a building permit, and the improvement must  
1949 be contiguous to or within the existing pari-mutuel facility  
1950 site. However, the municipality or county shall deny approval of  
1951 the capital improvement if the municipality or county can show  
1952 that the proposed improvement presents a justifiable and  
1953 immediate hazard to the health and safety of municipal or county  
1954 residents or if the improvement qualifies as a development of  
1955 regional impact as defined in s. 380.06.

1956 Section 42. Effective October 1, 2014, section 551.039,  
1957 Florida Statutes, is created to read:

1958 551.039 Charity and scholarship days; derbies.-

1959 (1) The commission may, upon the request of any licensee,  
1960 authorize the licensee to hold up to five charity or scholarship  
1961 days in addition to the regular racing or game days authorized  
1962 by law.

1963 (2) The commission shall maintain a list of charities  
1964 approved to receive the proceeds of charity and scholarship  
1965 performances. The commission shall not approve any charity that  
1966 fails to provide evidence of compliance with chapter 496 and  
1967 possession of a valid exemption from federal taxation issued by

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1968 the Internal Revenue Service. The authorized list must include  
1969 the Racing Scholarship Trust Fund, the Historical Resources  
1970 Operating Trust Fund, major state and private institutions of  
1971 higher learning, and Florida community colleges.

1972 (3) The licensee shall, within 120 days after the  
1973 conclusion of its fiscal year, pay to the authorized charities  
1974 the total of all profits derived from the operation of the  
1975 charity or scholarship day performances conducted. If charity or  
1976 scholarship days are operated on behalf of another licensee  
1977 pursuant to law, the licensee entitled to distribute the  
1978 proceeds shall distribute the proceeds to charity within 30 days  
1979 after the actual receipt of the proceeds.

1980 (4) The total of all profits derived from the conduct of a  
1981 charity or scholarship day performance must include all revenues  
1982 derived from the conduct of that performance, including all  
1983 state taxes that would otherwise be due to the state, except  
1984 that the daily license fee as provided in ss. 551.043(2),  
1985 551.053(2), 551.0543(2), 551.0553(1), and 551.063(2) and the  
1986 breaks for the promotional trust funds as provided in ss.  
1987 551.0523(2), 551.0542(2), 551.0552(2), and 551.056(1) and (2)  
1988 shall be paid to the department. All other revenues from the  
1989 charity or scholarship performance, including the commissions,  
1990 breaks, and admissions and the revenues from parking, programs,  
1991 and concessions, shall be included in the total of all profits.

1992 (5) In determining profit, the licensee may elect to  
1993 distribute as proceeds only the amount equal to the state tax

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1994 that would otherwise be paid to the state if the charity or  
1995 scholarship day were conducted as a regular or matinee  
1996 performance.

1997 (6) (a) The commission may authorize one additional  
1998 scholarship day for horseracing in addition to the regular  
1999 racing days authorized by this part and any additional days  
2000 authorized by this section, to be conducted at all horse tracks  
2001 located in Hillsborough County.

2002 (b) The funds derived from the operation of the additional  
2003 scholarship day shall be allocated as provided in this section  
2004 and paid to Pasco-Hernando Community College.

2005 (7) In addition to the charity or scholarship days  
2006 authorized by this section, any greyhound racing permitholder  
2007 may allow its facility to be used for conducting "hound dog  
2008 derbies" or "mutt derbies" on any day during each racing season  
2009 by any charitable, civic, or nonprofit organization for the  
2010 purpose of conducting "hound dog derbies" or "mutt derbies" if  
2011 only dogs other than greyhounds are permitted to race and if  
2012 adults and minors are allowed to participate as dog owners or  
2013 spectators. During these racing events, betting, gambling, and  
2014 the sale or use of alcoholic beverages are prohibited.

2015 (8) In addition to the eligible charities that meet the  
2016 criteria set forth in this section, a jai alai licensee may  
2017 conduct two additional charity performances each fiscal year for  
2018 a fund to benefit retired jai alai players. This performance  
2019 shall be known as the "Retired Jai Alai Players Charity Day."

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2020 The administration of this fund shall be determined by rule by  
2021 the department.

2022 Section 43. Effective October 1, 2014, section 551.042,  
2023 Florida Statutes, is created to read:

2024 551.042 Greyhound racing; purse requirements.-

2025 (1) For a greyhound racing permitholder, a full schedule  
2026 of live events is a combination of at least 100 live evening or  
2027 matinee performances during the state fiscal year.

2028 (2) The department shall determine for each greyhound  
2029 racing permitholder the annual purse percentage rate of live  
2030 handle for the 1993-1994 state fiscal year by dividing total  
2031 purses paid on live handle by the permitholder, exclusive of  
2032 payments made from outside sources, during the 1993-1994 state  
2033 fiscal year by the permitholder's live handle for the 1993-1994  
2034 state fiscal year. Each permitholder shall pay as purses for  
2035 live races conducted during its current race meet a percentage  
2036 of its live handle not less than the percentage determined under  
2037 this subsection, exclusive of payments made by outside sources,  
2038 for its 1993-1994 state fiscal year.

2039 (3) Except as otherwise set forth in this section, in  
2040 addition to the minimum purse percentage required under  
2041 subsection (2), each permitholder shall pay as purses an annual  
2042 amount equal to 75 percent of the daily license fees paid by  
2043 each permitholder for the 1994-1995 fiscal year. This purse  
2044 supplement shall be disbursed weekly during the permitholder's  
2045 race meet in an amount determined by dividing the annual purse

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2046 supplement by the number of performances approved for the  
2047 permitholder pursuant to its annual license and multiplying that  
2048 amount by the number of performances conducted each week. The  
2049 additional purses provided by this subsection must be used  
2050 exclusively for purses other than stakes. The department shall  
2051 conduct audits necessary to ensure compliance with this section.

2052 (4) (a) Each greyhound racing licensee, when conducting at  
2053 least three live performances during any week, shall pay purses  
2054 in that week on wagers it accepts as a guest facility on  
2055 intertrack and simulcast greyhound races at the same rate as it  
2056 pays on live races. Each greyhound racing licensee, when  
2057 conducting at least three live performances during any week,  
2058 shall pay purses in that week, at the same rate as it pays on  
2059 live races, on wagers accepted on greyhound races at a guest  
2060 facility that is not conducting live racing and that is located  
2061 within the same market area as the greyhound racing licensee  
2062 conducting at least three live performances during any week.

2063 (b) Each host greyhound racing licensee shall pay purses  
2064 on its simulcast and intertrack broadcasts of greyhound races to  
2065 guest facilities that are located outside its market area in an  
2066 amount equal to one quarter of an amount determined by  
2067 subtracting the transmission costs of sending the simulcast or  
2068 intertrack broadcasts from an amount determined by adding the  
2069 fees received for greyhound simulcast races plus 3 percent of  
2070 the greyhound intertrack handle at guest facilities that are  
2071 located outside the market area of the host and that paid



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2072 contractual fees to the host for such broadcasts of greyhound  
2073 racers.

2074 (5) In addition to the purse requirements of subsections  
2075 (2)-(4), each greyhound racing permitholder shall pay as purses  
2076 an amount equal to one-third of the amount of the tax reduction  
2077 on live and simulcast handle applicable to such permitholder as  
2078 a result of the reductions in tax rates provided through s.  
2079 551.043(4). With respect to intertrack wagering when the host  
2080 and guest facilities are greyhound racing permitholders not  
2081 within the same market area, an amount equal to the tax  
2082 reduction applicable to the guest facility handle as a result of  
2083 the reduction in tax rate provided through s. 551.043(5) shall  
2084 be distributed to the guest facility, one-third of which amount  
2085 shall be paid as purses at the guest facility. However, if the  
2086 guest facility is a greyhound racing permitholder within the  
2087 market area of the host or if the guest facility is not a  
2088 greyhound racing permitholder, an amount equal to such tax  
2089 reduction applicable to the guest facility handle shall be  
2090 retained by the host facility, one-third of which amount shall  
2091 be paid as purses at the host facility. These purse funds shall  
2092 be disbursed in the week received if the permitholder conducts  
2093 at least one live performance during that week. If the  
2094 permitholder does not conduct at least one live performance  
2095 during the week in which the purse funds are received, the purse  
2096 funds shall be disbursed weekly during the permitholder's next  
2097 race meet in an amount determined by dividing the purse amount

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2098 by the number of performances approved for the permit holder  
2099 pursuant to its annual license and multiplying that amount by  
2100 the number of performances conducted each week. The department  
2101 shall conduct audits as necessary to ensure compliance with this  
2102 section.

2103 (6) Each greyhound racing licensee shall, during the  
2104 licensee's race meet, supply kennel operators and the department  
2105 with a weekly report showing purses paid on live greyhound races  
2106 and all greyhound intertrack and simulcast broadcasts, including  
2107 both as a guest and a host together with the handle or  
2108 commission calculations on which such purses were paid and the  
2109 transmission costs of sending the simulcast or intertrack  
2110 broadcasts, so that the kennel operators may determine statutory  
2111 and contractual compliance.

2112 (7) Each greyhound racing licensee shall make direct  
2113 payment of purses to the greyhound owners who have filed with  
2114 such licensee appropriate federal taxpayer identification  
2115 information based on the percentage amount agreed upon between  
2116 the kennel operator and the greyhound owner.

2117 (8) At the request of a majority of kennel operators under  
2118 contract with a greyhound racing licensee, the licensee shall  
2119 make deductions from purses paid to each kennel operator  
2120 electing such deduction and shall make a direct payment of such  
2121 deductions to the local association of greyhound kennel  
2122 operators formed by a majority of kennel operators under  
2123 contract with the licensee. The amount of the deduction shall be

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2124 at least 1 percent of purses as determined by the local  
2125 association of greyhound kennel operators. A deduction may not  
2126 be taken pursuant to this subsection without a kennel operator's  
2127 specific approval.

2128 Section 44. Effective October 1, 2014, section 551.043,  
2129 Florida Statutes, is created to read:

2130 551.043 Greyhound racing; taxes and fees.—

2131 (1) FINDINGS.—

2132 (a) The Legislature finds that the operation of a  
2133 greyhound race track and legalized pari-mutuel betting at  
2134 greyhound race tracks in this state is a privilege and is an  
2135 operation that requires strict supervision and regulation in the  
2136 best interests of the state. Pari-mutuel wagering at greyhound  
2137 race tracks in this state is a substantial business, and taxes  
2138 derived from wagering constitute part of the tax structures of  
2139 the state and the counties. The operators of greyhound race  
2140 tracks should pay their fair share of taxes to the state but  
2141 should not be taxed to such an extent as to cause a track that  
2142 is operated under sound business principles to be forced out of  
2143 business.

2144 (b) A permitholder that conducts greyhound racing under  
2145 this part must pay the daily license fee, the admission tax, the  
2146 breaks tax, and the tax on pari-mutuel handle and is subject to  
2147 all penalties and sanctions provided in s. 551.033(2).

2148 (2) DAILY LICENSE FEE.— Each licensed permitholder engaged  
2149 in the business of conducting greyhound race meetings shall pay

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2150 to the department, for the use of the department, a daily  
2151 license fee on each live or simulcast pari-mutuel event of \$80  
2152 for each greyhound race conducted at the licensee's racetrack.  
2153 Each permitholder shall pay daily license fees not to exceed  
2154 \$500 per day on any simulcast event on which such permitholder  
2155 accepts wagers regardless of the number of out-of-state events  
2156 taken or the number of out-of-state locations from which such  
2157 events are taken. The daily license fees shall be remitted to  
2158 the Chief Financial Officer for deposit into the Gaming Control  
2159 Trust Fund.

2160 (3) ADMISSION TAX.—An admission tax equal to the greater  
2161 of 15 percent of the admission charge for entrance to the  
2162 permitholder's facility and grandstand area or 10 cents is  
2163 imposed on each person attending a greyhound race. The  
2164 permitholder is responsible for collecting the admission tax.

2165 (4) TAX ON LIVE HANDLE.—Each licensee shall pay a tax on  
2166 live handle from races conducted by the licensee. The tax is  
2167 imposed daily and is based on the total contributions to all  
2168 pari-mutuel pools conducted during the daily live performance.  
2169 If a licensee conducts more than one live performance daily, the  
2170 tax is imposed on each live performance separately.

2171 (a) The tax on live handle for greyhound racing  
2172 performances is 5.5 percent of the handle.

2173 (b) Notwithstanding paragraph (a), the tax on live handle  
2174 for charity or scholarship greyhound racing performances held  
2175 pursuant to s. 551.039 is 7.6 percent of the handle.

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2176 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
2177 facility is a greyhound race track, the tax on handle for  
2178 intertrack wagering is 5.5 percent of the handle with the  
2179 following exceptions:

2180 (a) On broadcasts of charity or scholarship performances  
2181 held pursuant to s. 551.039, if the guest facility is a  
2182 greyhound race track located within the market area of the host  
2183 facility, the tax on handle for intertrack wagering at the guest  
2184 greyhound race track is 7.6 percent of the handle.

2185 (b) If the guest facility is located outside the market  
2186 area of the host facility and within the market area of a  
2187 thoroughbred racing licensee currently conducting a live race  
2188 meet, the tax on handle for intertrack wagering is 0.5 percent  
2189 of the handle.

2190 (c) If the guest facility is a greyhound race track  
2191 located in an area of the state in which there are only three  
2192 permitholders, all of which are greyhound permitholders, located  
2193 in three contiguous counties, on events received from a  
2194 greyhound racing permitholder also located within such area, the  
2195 tax on handle for intertrack wagering is 3.9 percent of the  
2196 handle.

2197 (d) If the guest facility is a greyhound race track  
2198 located as specified in s. 551.073(8), on events received from a  
2199 greyhound racing permitholder located within the same market  
2200 area, the tax on handle for intertrack wagering is 3.9 percent  
2201 of the handle.

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2202 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
2203 POOLS.—All money or other property represented by any unclaimed,  
2204 uncashed, or abandoned pari-mutuel ticket which has remained in  
2205 the custody of or under the control of any permitholder  
2206 authorized to conduct greyhound racing pari-mutuel pools in this  
2207 state for a period of 1 year after the date the pari-mutuel  
2208 ticket was issued, if the rightful owner or owners thereof have  
2209 made no claim or demand for such money or other property within  
2210 that 1-year period, shall, with respect to live races conducted  
2211 by the permitholder, be remitted to the state pursuant to s.  
2212 551.036.

2213 (7) TAX CREDITS.—

2214 (a) Each greyhound racing permitholder shall receive in  
2215 the current state fiscal year a tax credit equal to the number  
2216 of live greyhound races conducted in the preceding state fiscal  
2217 year multiplied by the daily license fee per race as specified  
2218 in subsection (2) for the preceding state fiscal year. This tax  
2219 credit applies to any tax imposed by this part or the daily  
2220 license fees imposed by this part except during any charity or  
2221 scholarship performances conducted pursuant to s. 551.039.

2222 (b) A greyhound racing permitholder may receive a tax  
2223 credit equal to the actual amount remitted to the state in the  
2224 preceding state fiscal year pursuant to subsection (6) with  
2225 respect to live races. The credit may be applied against any  
2226 taxes imposed under this part. Each such greyhound racing  
2227 permitholder shall pay, from any source, including the proceeds

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2228 from performances conducted pursuant to s. 551.039, an amount  
2229 not less than 10 percent of the amount of the credit provided by  
2230 this paragraph to any organization that promotes or encourages  
2231 adoption of greyhounds, provides evidence of compliance with  
2232 chapter 496, and possesses a valid exemption from federal  
2233 taxation issued by the Internal Revenue Service. Such  
2234 organization must, as a condition of adoption, provide  
2235 sterilization of greyhounds by a licensed veterinarian before  
2236 giving custody of the greyhound to the adopter. The fee for  
2237 sterilization may be included in the cost of adoption.

2238 (c)1. After providing written notice to the commission, a  
2239 permitholder unable to use the full amount of the exemption  
2240 provided in paragraph (8)(c) or the daily license fee credit  
2241 provided in this subsection may elect once per state fiscal  
2242 year, on a form provided by the department, to transfer such  
2243 exemption or credit or any portion thereof to any greyhound  
2244 racing permitholder that acts as a host facility to such  
2245 permitholder for the purpose of intertrack wagering. Once an  
2246 election to transfer such exemption or credit is filed with the  
2247 commission, it may not be rescinded. The commission may not  
2248 approve the transfer if:

2249 a. The amount of the exemption or credit or portion  
2250 thereof is unavailable to the transferring permitholder; or

2251 b. The permitholder who is entitled to transfer the  
2252 exemption or credit or who is entitled to receive the exemption  
2253 or credit owes taxes to the state pursuant to a deficiency

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2254 letter or administrative complaint issued by the commission.

2255 2. Upon approval of the transfer by the commission, the  
2256 transferred tax exemption or credit shall be effective for the  
2257 first performance of the next payment period as specified in s.  
2258 551.033(1). The exemption or credit transferred to such host  
2259 facility may be applied by the host facility against any taxes  
2260 imposed by this part or daily license fees imposed by this part.  
2261 The greyhound racing permitholder host facility to which such  
2262 exemption or credit is transferred shall reimburse such  
2263 permitholder the exact monetary value of such transferred  
2264 exemption or credit as actually applied against the taxes and  
2265 daily license fees of the host facility.

2266 3. The department shall ensure that all transfers of  
2267 exemption or credit are made in accordance with this subsection  
2268 and may adopt rules to implement this section.

2269 (8) TAX EXEMPTIONS.—

2270 (a) An admission tax under this part or chapter 212 may  
2271 not be imposed on any free passes or complimentary cards issued  
2272 to persons for which there is no cost to the person for  
2273 admission to pari-mutuel events.

2274 (b) A permitholder may issue tax-free passes to its  
2275 officers, officials, and employees; to other persons actually  
2276 engaged in working at the facility, including accredited press  
2277 representatives such as reporters and editors; and to other  
2278 permitholders for the use of their officers and officials. The  
2279 permitholder shall file with the department a list of all



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2280 persons to whom tax-free passes are issued under this paragraph.

2281 (c) A permitholder shall pay no tax on handle until such  
2282 time as this paragraph has resulted in a tax savings per state  
2283 fiscal year of \$360,000. Thereafter, each permitholder shall pay  
2284 the tax as specified in subsections (4) and (5) on all handle  
2285 for the remainder of the permitholder's current race meet. For  
2286 the three permitholders that conducted a full schedule of live  
2287 racing in 1995 and that are closest to another state that  
2288 authorizes greyhound pari-mutuel wagering, the maximum tax  
2289 savings per state fiscal year shall be \$500,000. The provisions  
2290 of this paragraph relating to tax exemptions do not apply to any  
2291 charity or scholarship performances conducted pursuant to s.  
2292 551.039.

2293 Section 45. Effective October 1, 2014, section 551.045,  
2294 Florida Statutes, is created to read:

2295 551.045 Greyhound adoptions.—

2296 (1) Each greyhound racing permitholder operating a  
2297 greyhound racing facility in this state shall provide for a  
2298 greyhound adoption booth to be located at the facility. The  
2299 greyhound adoption booth must be operated on weekends by  
2300 personnel or volunteers from an organization that promotes or  
2301 encourages the adoption of greyhounds and meets the requirements  
2302 for such organization specified in s. 551.043. As used in this  
2303 section, the term "weekend" includes the hours during which live  
2304 greyhound racing is conducted on Friday, Saturday, or Sunday.  
2305 Information pamphlets and application forms shall be provided to

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2306 the public upon request. The kennel operator or owner shall  
2307 notify the permitholder that a greyhound is available for  
2308 adoption, and the permitholder shall provide information  
2309 concerning the adoption of a greyhound in each race program and  
2310 shall post adoption information at conspicuous locations  
2311 throughout the greyhound racing facility. Any greyhound  
2312 participating in a race which will be available for future  
2313 adoption must be noted in the race program. The permitholder  
2314 shall allow greyhounds to be walked through the track facility  
2315 to publicize the greyhound adoption program.

2316 (2) In addition to the charity days authorized under s.  
2317 551.039, a greyhound racing permitholder may fund the greyhound  
2318 adoption program by holding a charity racing day designated as  
2319 "Greyhound Adopt-A-Pet Day." All profits derived from the  
2320 operation of the charity day must be placed into a fund used to  
2321 support activities at the racing facility which promote the  
2322 adoption of greyhounds. The department may adopt rules for  
2323 administering the fund. Proceeds from the charity day authorized  
2324 in this subsection may not be used as a source of funds for the  
2325 purposes set forth in s. 551.043.

2326 (3) The commission may impose a penalty as provided in s.  
2327 551.0013(1)(h) for a violation of this section by a permitholder  
2328 or licensee and require the permitholder or licensee to take  
2329 corrective action.

2330 Section 46. Effective October 1, 2014, section 551.0511,  
2331 Florida Statutes, is created to read:

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2332 551.0511 Horseracing; purse requirement; breeder and owner  
2333 awards.-

2334 (1) The Legislature finds that the purse structure and the  
2335 availability of breeder awards are important factors in  
2336 attracting the entry of well-bred horses in race meets in this  
2337 state, which in turn helps to produce maximum racing revenues  
2338 for the state and the counties.

2339 (2) Each licensee conducting a horserace meet must pay  
2340 from the takeout withheld on pari-mutuel pools a sum for purses  
2341 in accordance with the type of race performed.

2342 (3) (a) Takeout may be used for the payment of awards to  
2343 owners of registered Florida-bred horses placing first in a  
2344 claiming race, an allowance race, a maiden special race, or a  
2345 stakes race in which the announced purse, exclusive of entry and  
2346 starting fees and added moneys, does not exceed \$40,000.

2347 (b) The licensee shall determine for each qualified race  
2348 the amount of the owner award for which a registered Florida-  
2349 bred horse will be eligible. The amount of the available owner  
2350 award shall be established in the same manner in which purses  
2351 are established and shall be published in the condition book for  
2352 the period during which the race is to be conducted. A single  
2353 award may not exceed 50 percent of the gross purse for the race  
2354 won.

2355 (c) If the moneys generated under paragraph (a) during the  
2356 meet exceed owner awards earned during the meet, the excess  
2357 funds shall be held in a separate interest-bearing account, and

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2358 the total interest and principal shall be used to increase the  
2359 owner awards during the licensee's next meet.

2360 (d) Breeder awards for thoroughbred racing and harness  
2361 racing authorized by ss. 551.0523(2) and 551.0542(2) may not be  
2362 paid on owner awards.

2363 (e) This subsection governs only those owner awards paid  
2364 on thoroughbred races in this state unless a written agreement  
2365 is filed with the department which establishes the rate,  
2366 procedures, and eligibility requirements for owner awards,  
2367 including place of finish, class of race, maximum purse, and  
2368 maximum award and the agreement is entered into by the licensee,  
2369 the Florida Thoroughbred Breeders' and Owners' Association, and  
2370 the association representing a majority of the racehorse owners  
2371 and trainers at the permitholder's location.

2372 (4) The department shall adopt reasonable rules to ensure  
2373 the timely and accurate payment of all amounts withheld by  
2374 horseracing licensees regarding the distribution of purses,  
2375 owner awards, and other amounts collected for payment to owners  
2376 and breeders. Each licensee that fails to pay out all moneys  
2377 collected for payment to owners and breeders shall, within 10  
2378 days after the end of the meet during which the licensee  
2379 underpaid, deposit an amount equal to the underpayment into a  
2380 separate interest-bearing account to be distributed to owners  
2381 and breeders in accordance with department rules.

2382 Section 47. Effective October 1, 2014, section 551.0512,  
2383 Florida Statutes, is created to read:

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2384 551.0512 Breeder awards.—  
2385 (1) The purpose of this section is to encourage the  
2386 agricultural activity of breeding and training racehorses in  
2387 this state. Moneys dedicated in this part for use as breeder  
2388 awards and stallion awards are to be used for awards to breeders  
2389 of registered Florida-bred horses winning horseraces and for  
2390 similar awards to the owners of stallions who sired Florida-bred  
2391 horses winning stakes races, if the stallions are registered as  
2392 Florida stallions standing in this state. The awards shall be  
2393 given at a uniform rate to all winners of the awards. Such  
2394 awards may not be greater than 20 percent or less than 15  
2395 percent of the announced gross purse if funds are available. No  
2396 less than 17 percent and no more than 40 percent, as determined  
2397 by the Florida Thoroughbred Breeders' and Owners' Association,  
2398 of the moneys dedicated in this part for use as breeder awards  
2399 and stallion awards for thoroughbreds shall be returned pro rata  
2400 to the licensees that generated the moneys for special racing  
2401 awards and shall be distributed by the licensees to owners of  
2402 thoroughbred horses participating in prescribed thoroughbred  
2403 stakes races, nonstakes races, or both, pursuant to a written  
2404 agreement establishing the rate, procedure, and eligibility  
2405 requirements for such awards entered into by the licensee, the  
2406 Florida Thoroughbred Breeders' and Owners' Association, and the  
2407 Florida Horsemen's Benevolent and Protective Association, Inc.  
2408 However, the plan for the distribution by any licensee located  
2409 in the area described in s. 551.073(8) shall be agreed upon by

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2410 that licensee, the Florida Thoroughbred Breeders' and Owners'  
2411 Association, and the association representing a majority of the  
2412 thoroughbred racehorse owners and trainers at that location.  
2413 Awards for thoroughbred races are to be paid through the Florida  
2414 Thoroughbred Breeders' and Owners' Association, and awards for  
2415 standardbred races are to be paid through the Florida  
2416 Standardbred Breeders and Owners Association. Among other  
2417 sources specified in this part, moneys for thoroughbred breeder  
2418 awards will come from the 0.955 percent of handle for  
2419 thoroughbred races conducted, received, broadcast, or simulcast  
2420 under this part as provided in s. 551.0523(2). The moneys for  
2421 quarter horse and harness horse breeder awards will come from  
2422 the breaks and uncashed tickets on live quarter horse and  
2423 harness racing performances and 1 percent of handle on  
2424 intertrack wagering. The funds for the breeder awards shall be  
2425 paid to the respective breeder associations by the licensees  
2426 conducting the races.

2427 (2) Each breeder association shall develop a plan each  
2428 year that will provide for a uniform rate of payment and  
2429 procedure for breeder and stallion awards. The plan for payment  
2430 of breeder and stallion awards may set a cap on winnings and may  
2431 limit, exclude, or defer payments on certain classes of races,  
2432 such as the Florida stallion stakes races, in order to ensure  
2433 that there are adequate revenues to meet the proposed uniform  
2434 rate. Priority shall be placed on imposing such restrictions in  
2435 lieu of allowing the uniform rate for breeder and stallion

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2436 awards to be less than 15 percent of the total purse payment.  
2437 The plan must provide for the maximum possible payments within  
2438 revenues.

2439 (3) Breeder associations shall submit their plans to the  
2440 department at least 60 days before the beginning of the payment  
2441 year. The payment year may be a calendar year or any 12-month  
2442 period, but once established, the payment year may not be  
2443 changed except for compelling reasons. Once a plan is approved,  
2444 the department may not allow the plan to be amended during the  
2445 year except for the most compelling reasons.

2446 (4) Funds in the breeder association special payment  
2447 account may not be allowed to grow excessively; however, payment  
2448 each year is not required to equal receipts each year. The rate  
2449 each year shall be adjusted to compensate for changing revenues  
2450 from year to year.

2451 (5) (a) The awards programs in this part are intended to  
2452 encourage thoroughbred breeding and training operations to  
2453 locate in this state and must be responsive to rapidly changing  
2454 incentive programs in other states. To attract such operations,  
2455 it is appropriate to provide greater flexibility to thoroughbred  
2456 industry participants in this state so that they may design  
2457 competitive awards programs.

2458 (b) Notwithstanding any other provision of law, the  
2459 Florida Thoroughbred Breeders' and Owners' Association, as part  
2460 of its annual plan, may:

2461 1. Pay breeder awards on horses finishing in first,

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2462 second, or third place in thoroughbred races; pay breeder awards  
2463 that are greater than 20 percent and less than 15 percent of the  
2464 announced gross purse; and vary the rates for breeder awards  
2465 based on the place of finish, class of race, state or country in  
2466 which the race took place, and state in which the stallion  
2467 siring the horse was standing when the horse was conceived.

2468 2. Pay stallion awards on horses finishing in first,  
2469 second, or third place in thoroughbred races; pay stallion  
2470 awards that are greater than 20 percent and less than 15 percent  
2471 of the announced gross purse; reduce or eliminate stallion  
2472 awards to enhance breeder awards or awards under subparagraph  
2473 3.; and vary the rates for stallion awards based on the place of  
2474 finish, class of race, and state or country in which the race  
2475 took place.

2476 3. Pay awards from the funds dedicated for breeder awards  
2477 and stallion awards to owners of registered Florida-bred horses  
2478 finishing in first, second, or third place in thoroughbred races  
2479 in this state without regard to any awards paid pursuant to s.  
2480 551.0511(3).

2481 (c) Breeder awards or stallion awards under this part may  
2482 not be paid on thoroughbred races taking place in other states  
2483 or countries unless agreed to in writing by all thoroughbred  
2484 racing permitholders in this state, the Florida Thoroughbred  
2485 Breeders' and Owners' Association, and the Florida Horsemen's  
2486 Benevolent and Protective Association, Inc.

2487 Section 48. Effective October 1, 2014, section 551.0521,



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2488 Florida Statutes, is created to read:

2489 551.0521 Thoroughbred racing; operations.-

2490 (1) For a thoroughbred racing permitholder, a full  
2491 schedule of live events is at least 40 live regular wagering  
2492 performances during the state fiscal year.

2493 (2) A thoroughbred racing licensee may not begin any race  
2494 later than 7 p.m.

2495 (3) (a) Each thoroughbred racing licensee in this state  
2496 must run an average of one race per racing day in which horses  
2497 bred in this state and duly registered with the Florida  
2498 Thoroughbred Breeders' and Owners' Association have preference  
2499 as entries over non-Florida-bred horses unless otherwise agreed  
2500 to in writing by the licensee, the Florida Thoroughbred  
2501 Breeders' and Owners' Association, and the association  
2502 representing a majority of the thoroughbred racehorse owners and  
2503 trainers at that location. All licensed thoroughbred tracks  
2504 shall write the conditions for such races in which Florida-bred  
2505 horses are preferred so as to ensure that all Florida-bred  
2506 horses available for racing at such tracks are given full  
2507 opportunity to run in the class of races for which they are  
2508 qualified. The opportunity of running must be afforded to each  
2509 class of horses in the proportion that the number of horses in  
2510 such class bears to the total number of Florida-bred horses  
2511 available. A track is not required to write conditions for a  
2512 race to accommodate a class of horses for which a race would  
2513 otherwise not be run at the track during its meet.

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2514 (b) Each thoroughbred racing licensee in this state may  
2515 run one additional race per racing day composed exclusively of  
2516 Arabian horses registered with the Arabian Horse Registry of  
2517 America. A thoroughbred racing licensee that elects to run one  
2518 additional such race per racing day is not required to provide  
2519 stables for the Arabian horses racing under this paragraph.

2520 (c) Each thoroughbred racing licensee in this state may  
2521 run up to three additional races per racing day composed  
2522 exclusively of quarter horses registered with the American  
2523 Quarter Horse Association.

2524 Section 49. Effective October 1, 2014, section 551.0523,  
2525 Florida Statutes, is created to read:

2526 551.0523 Thoroughbred racing; purses and awards.—

2527 (1) PURSES.—

2528 (a) A licensee conducting a thoroughbred race meet must  
2529 pay from the takeout withheld at least 7.75 percent of all  
2530 contributions to pari-mutuel pools conducted during the race  
2531 meet as purses.

2532 1. In addition to the 7.75-percent minimum purse payment,  
2533 licensees conducting live thoroughbred racing performances must  
2534 pay as additional purses:

2535 a. For performances conducted during the period beginning  
2536 January 3 and ending March 16, 0.625 percent of live handle.

2537 b. For performances conducted during the period beginning  
2538 March 17 and ending May 22, 0.225 percent of live handle.

2539 c. For performances conducted during the period beginning

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2540 May 23 and ending January 2, 0.85 percent of live handle.

2541 2. Any thoroughbred racing licensee whose total handle on  
2542 live performances during the 1991-1992 state fiscal year was not  
2543 greater than \$34 million is not subject to the additional purse  
2544 payment under subparagraph 1.

2545 3. A licensee authorized to conduct thoroughbred racing  
2546 may withhold from the handle an additional 1 percent of exotic  
2547 pools for use as owner awards and 2 percent of exotic pools for  
2548 use as overnight purses. A licensee may not withhold more than  
2549 20 percent from the handle unless the licensee withholds the  
2550 amounts set forth in this subsection.

2551 (b) An amount equal to 8.5 percent of the purse account  
2552 generated through intertrack wagering and interstate  
2553 simulcasting will be used for Florida owner awards as set forth  
2554 in subsection (2). Any thoroughbred racing licensee with an  
2555 average blended takeout that does not exceed 20 percent and with  
2556 an average daily purse distribution, excluding sponsorship,  
2557 entry fees, and nominations, exceeding \$225,000 is exempt from  
2558 this paragraph.

2559 (2) AWARDS.—Each horseracing licensee conducting any  
2560 thoroughbred racing, including any intertrack race taken  
2561 pursuant to ss. 551.073-551.075 or any interstate simulcast  
2562 taken pursuant to s. 551.072(3), shall pay a sum equal to 0.955  
2563 percent of all pari-mutuel pools conducted during any such race  
2564 for the payment of breeder, stallion, or special racing awards  
2565 as authorized in this part. This subsection also applies to all

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2566 Breeder's Cup races conducted outside this state taken pursuant  
2567 to s. 551.072(3). For any race originating live in this state  
2568 which is broadcast out-of-state to any location at which wagers  
2569 are accepted pursuant to s. 551.072(2), the host facility shall  
2570 pay 3.475 percent of the gross revenue derived from such out-of-  
2571 state broadcasts as breeder, stallion, or special racing awards.  
2572 The Florida Thoroughbred Breeders' and Owners' Association may  
2573 receive these payments from the licensees and make payments of  
2574 awards earned. The Florida Thoroughbred Breeders' and Owners'  
2575 Association may withhold up to 10 percent of the licensee's  
2576 payments under this section as a fee for administering the  
2577 payments of awards and for general promotion of the industry.  
2578 The licensee shall remit these payments to the Florida  
2579 Thoroughbred Breeders' and Owners' Association by the 5th day of  
2580 each calendar month for such sums accruing during the preceding  
2581 calendar month and shall report such payments to the department  
2582 as required by the department. Breeder awards authorized by this  
2583 subsection may not be paid on owner awards. With the exception  
2584 of the 10-percent fee, the moneys paid by licensees shall be  
2585 maintained in a separate, interest-bearing account, and such  
2586 payments, together with any interest earned, shall be used  
2587 exclusively for the payment of breeder, stallion, or special  
2588 racing awards in accordance with the following:

2589 (a) Breeder awards.—

2590 1. The breeder of each Florida-bred thoroughbred winning a  
2591 thoroughbred race is entitled to an award of up to, but not

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2592 exceeding, 20 percent of the announced gross purse, including  
2593 nomination fees, eligibility fees, starting fees, supplementary  
2594 fees, and moneys added by the sponsor of the race.

2595 2. The breeder of a Florida-bred thoroughbred is eligible  
2596 to receive a breeder award if the horse is registered as a  
2597 Florida-bred horse with the Florida Thoroughbred Breeders' and  
2598 Owners' Association and if the Jockey Club certificate for the  
2599 horse shows that it is duly registered as a Florida-bred horse  
2600 as evidenced by the seal and the proper serial number assigned  
2601 by the Florida Thoroughbred Breeders' and Owners' Association  
2602 registry. The Florida Thoroughbred Breeders' and Owners'  
2603 Association may charge the registrant a reasonable fee for the  
2604 verification and registration.

2605 (b) Stallion awards.—

2606 1. The owner of the sire of a Florida-bred thoroughbred  
2607 that wins a stakes race is entitled to a stallion award of up to  
2608 20 percent of the announced gross purse, including nomination  
2609 fees, eligibility fees, starting fees, supplementary fees, and  
2610 moneys added by the sponsor of the race.

2611 2. The owner of the sire of a thoroughbred winning a  
2612 stakes race is eligible to receive a stallion award if:

2613 a. The stallion was registered with the Florida  
2614 Thoroughbred Breeders' and Owners' Association;

2615 b. The breeding of the registered Florida-bred horse  
2616 occurred in this state; and

2617 c. The stallion is standing permanently in this state

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2618 between February 1 and June 15 of each year, or, if the stallion  
2619 has died, stood permanently in this state for at least 1 year  
2620 immediately before its death.

2621 3. If a stallion is removed from this state between  
2622 February 1 and June 15 of any year for any reason other than for  
2623 prescribed medical treatment approved by the Florida  
2624 Thoroughbred Breeders' and Owners' Association, the owner of the  
2625 stallion is not eligible to receive a stallion award for  
2626 offspring sired before removal. However, if a removed stallion  
2627 is returned to this state, the owner of the stallion is eligible  
2628 to receive stallion awards, but only for those offspring sired  
2629 after the stallion returned to this state.

2630 4. The Florida Thoroughbred Breeders' and Owners'  
2631 Association shall maintain a record of all of the following:

2632 a. The date the stallion arrived in this state for the  
2633 first time.

2634 b. Whether the stallion permanently remained in this  
2635 state.

2636 c. The location of the stallion.

2637 d. Whether the stallion is still standing in this state.

2638 e. Awards earned, received, and distributed.

2639 5. The association may charge the owner or breeder a  
2640 reasonable fee for services rendered under this paragraph.

2641 (c) Special racing awards.—The owner of a thoroughbred  
2642 participating in thoroughbred stakes races, nonstakes races, or  
2643 both may receive a special racing award in accordance with the

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2644 agreement established pursuant to s. 551.0512(1).

2645 (d) Reporting and recordkeeping.—

2646 1. A licensee conducting a thoroughbred race shall, within  
2647 30 days after the end of the race meet during which the race is  
2648 conducted, certify to the Florida Thoroughbred Breeders' and  
2649 Owners' Association such information relating to the  
2650 thoroughbred winning a stakes or other horserace at the meet as  
2651 may be required to determine the eligibility for payment of  
2652 breeder, stallion, and special racing awards.

2653 2. The Florida Thoroughbred Breeders' Association shall  
2654 maintain complete records showing the starters and winners in  
2655 all races conducted at thoroughbred tracks in this state and  
2656 records showing awards earned, received, and distributed. The  
2657 association may charge the owner or breeder a reasonable fee for  
2658 this service.

2659 (e) Rates and procedures.—The Florida Thoroughbred  
2660 Breeders' and Owners' Association shall annually establish a  
2661 uniform rate and procedure plan for the payment of breeder and  
2662 stallion awards and shall make breeder and stallion award  
2663 payments in strict compliance with the established uniform rate  
2664 and procedure plan. The plan may set a cap on winnings and may  
2665 limit, exclude, or defer payments to certain classes of races,  
2666 such as the Florida stallion stakes races, in order to ensure  
2667 that there are adequate revenues to meet the proposed uniform  
2668 rate. Such plan must include proposals for the general promotion  
2669 of the industry. Priority shall be placed upon imposing such

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2670 restrictions in lieu of allowing the uniform rate to be less  
2671 than 15 percent of the total purse payment. The uniform rate and  
2672 procedure plan must be approved by the commission before  
2673 implementation. In the absence of an approved plan and  
2674 procedure, the authorized rate for breeder and stallion awards  
2675 is 15 percent of the announced gross purse for each race. Such  
2676 purse must include nomination fees, eligibility fees, starting  
2677 fees, supplementary fees, and moneys added by the sponsor of the  
2678 race. If the funds in the account for payment of breeder and  
2679 stallion awards are not sufficient to meet all earned breeder  
2680 and stallion awards, those breeders and stallion owners not  
2681 receiving payments have first call on any subsequent receipts in  
2682 that or any subsequent year.

2683 (f) Reports.—The Florida Thoroughbred Breeders' and  
2684 Owners' Association shall keep accurate records showing receipts  
2685 and disbursements of such payments and shall annually file a  
2686 complete report with the department showing such receipts and  
2687 disbursements and the sums withheld for administration. The  
2688 commission may audit the records and accounts of the Florida  
2689 Thoroughbred Breeders' and Owners' Association to determine  
2690 whether payments have been made to eligible breeders and  
2691 stallion owners in accordance with this section.

2692 (3) NONCOMPLIANCE.—If the commission finds that the  
2693 Florida Thoroughbred Breeders' and Owners' Association has not  
2694 complied with this section, the commission may order the  
2695 association to cease and desist from receiving and administering



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2696 funds under this section. If the commission enters such an  
2697 order, the licensee shall make the payments authorized in this  
2698 section to the department for deposit into the Gaming Control  
2699 Trust Fund, and any funds in the Florida Thoroughbred Breeders'  
2700 and Owners' Association account shall be immediately paid to the  
2701 department for deposit into the Gaming Control Trust Fund. The  
2702 department shall authorize payment from these funds to any  
2703 breeder or stallion owner entitled to an award that has not been  
2704 previously paid by the Florida Thoroughbred Breeders' and  
2705 Owners' Association in accordance with the applicable rate.

2706 Section 50. Effective October 1, 2014, section 551.0524,  
2707 Florida Statutes, is created to read:

2708 551.0524 Breeders' Cup Meet.—

2709 (1) Notwithstanding any provision of this part, there is  
2710 created a special thoroughbred race meet designated as the  
2711 "Breeders' Cup Meet." Breeders' Cup Limited shall select the  
2712 Florida permitholder to conduct the Breeders' Cup Meet at its  
2713 facility. Upon selection of the Florida permitholder as host for  
2714 the Breeders' Cup Meet and application by the selected  
2715 permitholder, the commission shall issue a license to the  
2716 selected permitholder to operate the Breeders' Cup Meet. The  
2717 Breeders' Cup Meet may be conducted on dates on which the  
2718 selected permitholder is not otherwise authorized to conduct a  
2719 race meet. The Breeders' Cup Meet shall consist of 3 days: the  
2720 day on which the Breeders' Cup races are conducted, the  
2721 preceding day, and the subsequent day.

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2722       (2) The permitholder conducting the Breeders' Cup Meet may  
2723 create pari-mutuel pools during the Breeders' Cup Meet by  
2724 accepting pari-mutuel wagers on the thoroughbred races run  
2725 during such meet.

2726       (3) The permitholder conducting the Breeders' Cup Meet is  
2727 exempt from the payment of purses and other payments to horsemen  
2728 on all on-track, intertrack, interstate, and international  
2729 wagers or rights fees or payments arising therefrom for all  
2730 races for which the purse is paid or supplied by Breeders' Cup  
2731 Limited. However, the permitholder conducting the Breeders' Cup  
2732 Meet is not exempt from breeder awards payments for on-track and  
2733 intertrack wagers as provided in ss. 551.0542(2) and 551.074(2)  
2734 for races in which the purse is paid or supplied by Breeders'  
2735 Cup Limited.

2736       (4) (a) Pursuant to s. 551.072(2), the permitholder  
2737 conducting the Breeders' Cup Meet may transmit broadcasts of the  
2738 races conducted during the Breeders' Cup Meet to locations  
2739 outside of this state for wagering purposes. The commission may  
2740 approve broadcasts to pari-mutuel permitholders and other  
2741 betting systems authorized under the laws of any other state or  
2742 country. Wagers accepted by any out-of-state pari-mutuel  
2743 permitholder or betting system on any races broadcast under this  
2744 section may be commingled with the pari-mutuel pools of the  
2745 permitholder conducting the Breeders' Cup Meet. Payoff on  
2746 national pari-mutuel pools with commingled wagers may be  
2747 calculated by the permitholder's totalisator contractor at a

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2748 location outside of this state. Pool amounts from wagers placed  
2749 at pari-mutuel facilities or other betting systems in foreign  
2750 countries before being commingled with the pari-mutuel pool of  
2751 the Florida permitholder conducting the Breeders' Cup Meet shall  
2752 be calculated by the totalisator contractor and transferred to  
2753 the commingled pool in United States currency in cycles  
2754 customarily used by the permitholder. Pool amounts from wagers  
2755 placed at any foreign pari-mutuel facility or other betting  
2756 system may not be commingled with a Florida pool until a  
2757 determination is made by the commission that the technology used  
2758 by the totalisator contractor is adequate to ensure commingled  
2759 pools will result in the calculation of accurate payoffs to  
2760 Florida bettors. Any totalisator contractor at a location  
2761 outside of this state shall comply with s. 551.078 relating to  
2762 totalisator licensing.

2763 (b) The permitholder conducting the Breeders' Cup Meet may  
2764 transmit broadcasts of the races conducted during the Breeders'  
2765 Cup Meet to other pari-mutuel facilities located in this state  
2766 for wagering purposes. However, the permitholder conducting the  
2767 Breeders' Cup Meet is not required to transmit broadcasts to any  
2768 pari-mutuel facility located within 25 miles of the facility at  
2769 which the Breeders' Cup Meet is conducted.

2770 (5) The department may adopt rules necessary to facilitate  
2771 the Breeders' Cup Meet as authorized in this section and may  
2772 adopt or waive rules regarding the overall conduct of racing  
2773 during the Breeders' Cup Meet to ensure the integrity of the

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2774 racetracks, licensing for all participants, special stabling and  
2775 training requirements for foreign horses, commingling of pari-  
2776 mutuel pools, and audit requirements for tax credits and other  
2777 benefits.

2778 (6) This section shall prevail over any conflicting  
2779 provision of this part.

2780 Section 51. Effective October 1, 2014, section 551.053,  
2781 Florida Statutes, is created to read:

2782 551.053 Thoroughbred racing; taxes and fees.—

2783 (1) REQUIREMENT TO PAY.—

2784 (a) The Legislature finds that pari-mutuel wagering at  
2785 thoroughbred tracks in this state is an important business  
2786 enterprise, and taxes derived therefrom constitute a part of the  
2787 tax structure that funds operations of the state. Thoroughbred  
2788 racing permitholders should pay their fair share of these taxes  
2789 to the state but should not be taxed to such an extent as to  
2790 cause any racetrack that is operated under sound business  
2791 principles to be forced out of business. Due to the need to  
2792 protect the public health, safety, and welfare, the gaming laws  
2793 of the state provide for the thoroughbred industry to be highly  
2794 regulated and taxed. The state recognizes that identifiable  
2795 differences exist between thoroughbred racing permitholders  
2796 based upon their ability to operate under such regulation and  
2797 tax system and at different periods during the year.

2798 (b) A permitholder that conducts thoroughbred racing under  
2799 this part must pay the daily license fee, the admission tax, the

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2800 breaks tax, and the tax on pari-mutuel handle and is subject to  
2801 all penalties and sanctions provided in s. 551.033(2).

2802 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
2803 in the business of conducting thoroughbred race meets shall pay  
2804 to the department, for the use of the department, a daily  
2805 license fee on each live or simulcast pari-mutuel event of \$100  
2806 for each thoroughbred race conducted at the licensee's  
2807 racetrack. Each permitholder shall pay daily license fees not to  
2808 exceed \$500 per day on any simulcast event on which such  
2809 permitholder accepts wagers regardless of the number of out-of-  
2810 state events taken or the number of out-of-state locations from  
2811 which such events are taken. The daily license fees shall be  
2812 remitted to the Chief Financial Officer for deposit into the  
2813 Gaming Control Trust Fund.

2814 (3) ADMISSION TAX.—An admission tax equal to the greater  
2815 of 15 percent of the admission charge for entrance to the  
2816 permitholder's facility and grandstand area or 10 cents is  
2817 imposed on each person attending a thoroughbred race. The  
2818 permitholder is responsible for collecting the admission tax.

2819 (4) TAX ON LIVE HANDLE.—

2820 (a) Each licensee shall pay a tax on live handle from  
2821 racetracks conducted by the licensee. The tax is imposed daily and is  
2822 based on the total contributions to all pari-mutuel pools  
2823 conducted during the daily live performance. If a licensee  
2824 conducts more than one live performance daily, the tax is  
2825 imposed on each live performance separately.

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2826 (b) The tax on live handle for thoroughbred racing  
2827 performances is 0.5 percent of the handle.

2828 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
2829 facility is a thoroughbred race track, the tax on handle for  
2830 intertrack wagering is 2 percent of the handle with the  
2831 following exceptions:

2832 (a) If the host facility and the guest facility are  
2833 thoroughbred racing permitholders, the tax on handle for  
2834 intertrack wagering is 0.5 percent of the handle.

2835 (b) If the guest facility is located outside the market  
2836 area of the host facility and within the market area of a  
2837 thoroughbred racing licensee currently conducting a live race  
2838 meet, the tax on handle for intertrack wagering is 0.5 percent  
2839 of the handle.

2840 (c) On rebroadcasts of simulcast thoroughbred races:

2841 1. The tax on handle for intertrack wagering is 2.4  
2842 percent of the handle.

2843 2. If the guest facility is a thoroughbred race track  
2844 located more than 35 miles from the host facility, the host  
2845 facility shall pay a tax of 0.5 percent of the handle, and shall  
2846 pay to the guest facility 1.9 percent of the handle to be used  
2847 by the guest facility solely for purses.

2848 (6) OTHER TAXES AND FEES.—

2849 (a) All moneys or other property represented by any  
2850 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
2851 remained in the custody of or under the control of any

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2852 thoroughbred racing permitholder for 1 year after the date the  
2853 pari-mutuel ticket was issued, if the rightful owner or owners  
2854 thereof have made no claim or demand for such money or other  
2855 property within the 1-year period, shall escheat to and become  
2856 the property of the state.

2857 (b) Notwithstanding paragraph (a), uncashed tickets and  
2858 breaks on live racing conducted by a thoroughbred racing  
2859 licensee shall be retained by the licensee conducting the live  
2860 race.

2861 (7) TAX CREDITS.—

2862 (a) Retired jockey funds contributions.—A thoroughbred  
2863 racing permitholder may receive a credit against taxes on live  
2864 handle due for a taxable year equal to the amount of  
2865 contributions it made during the taxable year directly to the  
2866 Jockeys' Guild or its health and welfare fund to provide health  
2867 and welfare benefits for active, disabled, and retired Florida  
2868 jockeys and their dependents pursuant to reasonable rules of  
2869 eligibility established by the Jockeys' Guild. A thoroughbred  
2870 racing permitholder may not receive a credit greater than an  
2871 amount equal to 1 percent of its paid taxes for the preceding  
2872 taxable year.

2873 (b) Breeders' Cup Meet.—

2874 1. A licensee located within 35 miles of the permitholder  
2875 conducting the Breeders' Cup Meet may not conduct a thoroughbred  
2876 race meet on any of the 3 days of the Breeders' Cup Meet. The  
2877 licensees prohibited from operating during the Breeders' Cup

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2878 Meet shall receive a credit against the taxes otherwise due and  
2879 payable to the state under this section. The credit shall be an  
2880 amount equal to the operating loss determined to have been  
2881 suffered by the operating licensees as a result of not operating  
2882 on the prohibited racing days but shall not exceed \$950,000. The  
2883 determination of the amount to be credited shall be made by the  
2884 commission upon application by the affected licensee. The tax  
2885 credits provided in this paragraph shall not be available unless  
2886 an operating licensee is required to close a meet consisting in  
2887 part of no fewer than 10 scheduled performances in the 15 days  
2888 immediately preceding or 10 scheduled performances in the 15  
2889 days immediately following the Breeders' Cup Meet. Such tax  
2890 credit shall be in lieu of any other compensation or  
2891 consideration for the loss of racing days. There shall be no  
2892 replacement or makeup of any lost racing days.

2893 2. The permitholder conducting the Breeders' Cup Meet  
2894 shall receive a credit against the taxes otherwise due and  
2895 payable to the state under this section generated during the  
2896 permitholder's next ensuing regular thoroughbred race meet. Such  
2897 credit shall not exceed \$950,000 and shall be used by the  
2898 permitholder to pay the purses offered by the permitholder  
2899 during the Breeders' Cup Meet in excess of the purses that the  
2900 permitholder is otherwise required by law to pay. The amount to  
2901 be credited shall be determined by the commission upon  
2902 application of the permitholder which is subject to audit by the  
2903 department.



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2904       3. The permitholder conducting the Breeders' Cup Meet  
2905 shall receive a credit against the taxes otherwise due and  
2906 payable to the state under this section generated during the  
2907 permitholder's next ensuing regular thoroughbred race meet. Such  
2908 credit shall not exceed \$950,000 and shall be used by the  
2909 permitholder for capital improvements and extraordinary expenses  
2910 as necessary for operation of the Breeders' Cup Meet. The amount  
2911 to be credited shall be determined by the commission upon  
2912 application of the licensee which is subject to audit by the  
2913 department.

2914       4. The tax credits provided in this paragraph may not be  
2915 granted to or claimed by the permitholder until an audit is  
2916 completed by the department. The department must complete the  
2917 audit within 30 days after receipt of the necessary  
2918 documentation from the permitholder to verify the permitholder's  
2919 claim for tax credits. If the documentation submitted by the  
2920 permitholder is incomplete or is insufficient to document the  
2921 permitholder's claim for tax credits, the department may request  
2922 such additional documentation as necessary to complete the  
2923 audit. Upon receipt by the department of the additional  
2924 documentation requested, the 30-day time limitation begins anew.

2925       5. Any dispute between the commission and a permitholder  
2926 regarding the tax credits authorized under this paragraph shall  
2927 be determined by a hearing officer of the Division of  
2928 Administrative Hearings under s. 120.57(1).

2929       (8) TAX EXEMPTIONS.—

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2930       (a) Free passes.—An admission tax under this part or  
2931 chapter 212 may not be imposed on any free pass or complimentary  
2932 card issued to a person for which there is no cost to the person  
2933 for admission to a pari-mutuel event. A licensee may issue tax-  
2934 free passes to its officers, officials, and employees; to other  
2935 persons actually engaged in working at the facility, including  
2936 accredited press representatives such as reporters and editors;  
2937 and to other permitholders for use by their officers and  
2938 officials. The licensee shall file with the department a list of  
2939 all persons to whom tax-free passes are issued under this  
2940 paragraph.

2941       (b) Notwithstanding any other provision of this section,  
2942 the permitholder conducting the Breeders' Cup Meet shall pay no  
2943 taxes on the handle included within the pari-mutuel pools of the  
2944 permitholder during the Breeders' Cup Meet.

2945       Section 52. Effective October 1, 2014, section 551.0541,  
2946 Florida Statutes, is created to read:

2947       551.0541 Harness racing.—

2948       (1) The Legislature finds that the operation of harness  
2949 race tracks and legalized pari-mutuel betting at harness race  
2950 tracks in this state will become a substantial business  
2951 compatible with the best interests of the state and that the  
2952 taxes derived from such enterprises will constitute an important  
2953 and integral part of the tax structure of the state and  
2954 counties. The Legislature further finds that the operation of  
2955 harness race tracks within the state will establish and

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2956 encourage the acquisition and maintenance of breeding farms for  
2957 the breeding of standardbred horses used in harness races and  
2958 that this exhibition sport will attract a large tourist business  
2959 to the state.

2960 (2) (a) For a harness racing permitholder, a full schedule  
2961 of live events is at least 100 live regular wagering  
2962 performances during the state fiscal year.

2963 (b) A harness racing licensee may conduct harness racing  
2964 only between the hours of 7 p.m. and 2 a.m.

2965 (3) A permitholder conducting a harness race meet must pay  
2966 the daily license fee, the admission tax, the tax on breaks, and  
2967 the tax on pari-mutuel handle provided in s. 551.0543 and is  
2968 subject to all penalties and sanctions provided in s.  
2969 551.033(2).

2970 (4) Each licensed harness race track in the state must  
2971 schedule an average of one race per racing day on which horses  
2972 bred in this state and duly registered as standardbred harness  
2973 horses have preference as entries over non-Florida-bred horses.  
2974 All licensed harness race tracks must write the conditions for  
2975 such races in which Florida-bred horses are preferred to ensure  
2976 that all Florida-bred horses available for racing at such tracks  
2977 are given full opportunity to perform in the class races for  
2978 which they are qualified. The opportunity to perform must be  
2979 afforded to each class of horses in proportion to the number of  
2980 horses in such class as compared to the total number of Florida-  
2981 bred horses available. However, a track is not required to write

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2982 conditions for a race to accommodate a class of horses for which  
2983 a race would otherwise not be scheduled at such track during its  
2984 meet.

2985 (5) Any harness race track licensed to operate under this  
2986 section may apply to the commission for a license to operate up  
2987 to 50 quarter horse racing days during the summer season, which  
2988 shall extend from July 1 until October 1 of each year. Such  
2989 license to operate quarter horse racing for up to 50 days is in  
2990 addition to the racing days and dates provided in this section  
2991 for harness racing during the winter seasons and does not affect  
2992 the right of such licensee to operate harness racing at the  
2993 track as provided in this section during the winter season. All  
2994 provisions of this part governing quarter horse racing not in  
2995 conflict with this subsection apply to the operation of quarter  
2996 horse meets authorized in this subsection. However, all quarter  
2997 horse racing permitted under this subsection shall be conducted  
2998 at night.

2999 Section 53. Effective October 1, 2014, section 551.0542,  
3000 Florida Statutes, is created to read:

3001 551.0542 Harness races; purses and awards.—

3002 (1) PURSES.—

3003 (a) A licensee conducting a harness race meet must pay to  
3004 the purse pool from the takeout withheld a purse requirement of  
3005 at least 8.25 percent of all contributions to pari-mutuel pools  
3006 conducted during the race meet. At least 7.75 percent of the  
3007 total handle shall be paid from this purse pool as purses.

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3008       (b) An amount not to exceed 0.5 percent of the total  
3009 handle on all harness races that are subject to the purse  
3010 requirement of paragraph (a) must be available for use to  
3011 provide medical, dental, surgical, life, funeral, or disability  
3012 insurance benefits for occupational licensees who work at tracks  
3013 in this state at which harness races are conducted. Such  
3014 insurance benefits must be paid from the purse pool specified in  
3015 paragraph (a). An annual plan for payment of insurance benefits  
3016 from the purse pool, including qualifications for eligibility,  
3017 must be submitted by the Florida Standardbred Breeders and  
3018 Owners Association for approval to the department. An annual  
3019 report of the implemented plan shall be submitted to the  
3020 department. All records of the Florida Standardbred Breeders and  
3021 Owners Association concerning the administration of the plan  
3022 must be available for audit at the discretion of the commission  
3023 to determine whether the plan has been implemented and  
3024 administered as authorized. If the commission finds that the  
3025 Florida Standardbred Breeders and Owners Association has not  
3026 complied with this section, the commission may order the  
3027 association to cease and desist from administering the plan and  
3028 shall appoint the department as temporary administrator of the  
3029 plan until the commission reestablishes administration of the  
3030 plan with the association.

3031       (2) AWARDS.—Each licensee conducting a harness race shall  
3032 pay a sum equal to the breaks on all pari-mutuel pools conducted  
3033 during that race for the payment of breeder awards, stallion

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3034 awards, and stallion stakes and for additional expenditures as  
3035 authorized in this section. The Florida Standardbred Breeders  
3036 and Owners Association may receive these payments from licensees  
3037 and make payments as authorized in this subsection. The Florida  
3038 Standardbred Breeders and Owners Association may withhold up to  
3039 10 percent of the licensee's payments under this section and  
3040 under s. 551.0543(6) as a fee for administering the payments.  
3041 The licensee shall remit these payments to the Florida  
3042 Standardbred Breeders and Owners Association by the 5th day of  
3043 each calendar month for such sums accruing during the preceding  
3044 calendar month and shall report such payments to the department  
3045 as required by the commission. With the exception of the 10-  
3046 percent fee for administering the payments and the use of the  
3047 moneys authorized by paragraph (g), the moneys paid by the  
3048 licensees shall be maintained in a separate, interest-bearing  
3049 account, and such payments together with any interest earned  
3050 shall be allocated for the payment of breeder awards, stallion  
3051 awards, stallion stakes, additional purses, and prizes for, and  
3052 the general promotion of owning and breeding, Florida-bred  
3053 standardbred horses. Breeder awards authorized by this  
3054 subsection may not be paid on owner awards. Payment of breeder  
3055 awards and stallion awards shall be made pursuant to the  
3056 following:

3057 (a) Breeder awards.—

3058 1. The breeder of each Florida-bred standardbred horse  
3059 that wins a harness race is entitled to an award of up to 20

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3060 percent of the announced gross purse, including nomination fees,  
3061 eligibility fees, starting fees, supplementary fees, and moneys  
3062 added by the sponsor of the race.

3063 2. The breeder of a Florida-bred standardbred horse is  
3064 eligible to receive a breeder award if the horse winning the  
3065 race was registered as a Florida-bred horse with the Florida  
3066 Standardbred Breeders and Owners Association and if a  
3067 registration certificate under seal for the winning horse shows  
3068 that the winner is duly registered as a Florida-bred horse as  
3069 evidenced by the seal and proper serial number of the United  
3070 States Trotting Association registry. The Florida Standardbred  
3071 Breeders and Owners Association may charge the registrant a  
3072 reasonable fee for the verification and registration.

3073 (b) Stallion awards.—

3074 1. The owner of the sire of a Florida-bred standardbred  
3075 horse that wins a stakes race is entitled to a stallion award of  
3076 up to 20 percent of the announced gross purse, including  
3077 nomination fees, eligibility fees, starting fees, supplementary  
3078 fees, and moneys added by the sponsor of the race.

3079 2. The owner of the sire of a standardbred horse that wins  
3080 a stakes race is eligible to receive a stallion award if:

3081 a. The stallion is registered with the Florida  
3082 Standardbred Breeders and Owners Association;

3083 b. The breeding of the registered Florida-bred horse  
3084 occurred in this state; and

3085 c. The stallion is standing permanently in this state or,

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3086 if the stallion has died, stood permanently in this state for at  
3087 least 1 year immediately before its death.

3088 3. If a stallion is removed from this state for any reason  
3089 other than prescribed medical treatment, the owner of the  
3090 stallion is not eligible to receive a stallion award under any  
3091 circumstances for offspring sired before removal. However, if a  
3092 removed stallion is returned to this state, the owner of the  
3093 stallion is eligible to receive a stallion award, but only for  
3094 those offspring sired after the stallion returned to this state.

3095 4. The Florida Standardbred Breeders and Owners  
3096 Association shall maintain a record of all of the following:

3097 a. The date the stallion arrived in this state for the  
3098 first time.

3099 b. Whether the stallion remained in this state  
3100 permanently.

3101 c. The location of the stallion.

3102 d. Whether the stallion is still standing in this state.

3103 e. Awards earned, received, and distributed.

3104 5. The association may charge the owner, owners, or  
3105 breeder a reasonable fee for services rendered under this  
3106 paragraph.

3107 (c) Reporting and recordkeeping.—

3108 1. A licensee conducting a harness race shall, within 30  
3109 days after the end of the race meet during which the race is  
3110 conducted, certify to the Florida Standardbred Breeders and  
3111 Owners Association such information relating to the horse



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3112 winning a stakes or other horserace at the meet as may be  
3113 required to determine the eligibility for payment of breeder  
3114 awards and stallion awards.

3115 2. The Florida Standardbred Breeders and Owners  
3116 Association shall maintain complete records showing the starters  
3117 and winners in all races conducted at harness horse racetracks  
3118 in this state; shall maintain complete records showing awards  
3119 earned, received, and distributed; and may charge the owner,  
3120 owners, or breeder a reasonable fee for this service.

3121 (d) Rates and procedures.—The Florida Standardbred  
3122 Breeders and Owners Association shall annually establish a  
3123 uniform rate and procedure plan for the payment of breeder  
3124 awards, stallion awards, stallion stakes, additional purses, and  
3125 prizes for Florida-bred standardbred horses, and for the general  
3126 promotion of owning and breeding such horses, and shall make  
3127 award payments and allocations in strict compliance with the  
3128 established uniform rate and procedure plan. The plan may set a  
3129 cap on winnings and may limit, exclude, or defer payments to  
3130 certain classes of races, such as the Florida Breeders' stakes  
3131 races, in order to ensure that there are adequate revenues to  
3132 meet the proposed uniform rate. Priority shall be placed on  
3133 imposing such restrictions in lieu of allowing the uniform rate  
3134 allocated to payment of breeder and stallion awards to be less  
3135 than 10 percent of the total purse payment. The uniform rate and  
3136 procedure plan must be approved by the commission before  
3137 implementation. In the absence of an approved plan and

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3138 procedure, the authorized rate for breeder and stallion awards  
3139 is 10 percent of the announced gross purse for each race. Such  
3140 purse must include nomination fees, eligibility fees, starting  
3141 fees, supplementary fees, and moneys added by the sponsor of the  
3142 race. If the funds in the account for payment of breeder and  
3143 stallion awards are not sufficient to meet all earned breeder  
3144 and stallion awards, those breeders and stallion owners not  
3145 receiving payments have first call on any subsequent receipts in  
3146 that or any subsequent year.

3147 (e) Reports.—The Florida Standardbred Breeders and Owners  
3148 Association shall keep accurate records showing receipts and  
3149 disbursements of such payments and shall annually file a  
3150 complete report with the department showing such receipts and  
3151 disbursements and the sums withheld for administration. The  
3152 department may audit the records and accounts of the Florida  
3153 Standardbred Breeders and Owners Association to determine  
3154 whether payments have been made to eligible breeders, stallion  
3155 owners, and owners of Florida-bred standardbred horses in  
3156 accordance with this section.

3157 (f) Noncompliance.—If the commission finds that the  
3158 Florida Standardbred Breeders and Owners Association has not  
3159 complied with this section, the commission may order the  
3160 association to cease and desist from receiving and administering  
3161 funds under this section and s. 551.0543(6). If the commission  
3162 enters such an order, the permitholder shall make the payments  
3163 authorized under this section and s. 551.0543(6) to the

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3164 department for deposit into the Gaming Control Trust Fund, and  
3165 any funds in the Florida Standardbred Breeders and Owners  
3166 Association account shall be immediately paid to the department  
3167 for deposit into the Gaming Control Trust Fund. The commission  
3168 shall authorize payment from these funds to any breeder,  
3169 stallion owner, or owner of a Florida-bred standardbred horse  
3170 entitled to an award that has not been previously paid by the  
3171 Florida Standardbred Breeders and Owners Association in  
3172 accordance with the applicable rate.

3173 (g) Additional use of funds.—The board of directors of the  
3174 Florida Standardbred Breeders and Owners Association may  
3175 authorize the release of up to 25 percent of the funds available  
3176 for breeder awards, stallion awards, stallion stakes, additional  
3177 purses, and prizes for, and for the general promotion of owning  
3178 and breeding, Florida-bred standardbred horses to be used for  
3179 purses for, and promotion of, Florida-bred standardbred horses  
3180 at race meets at which there is no pari-mutuel wagering unless,  
3181 and to the extent that, such release would render the funds  
3182 available for such awards insufficient to pay the breeder and  
3183 stallion awards earned pursuant to the annual plan of the  
3184 association. Any such funds so released and used for purses are  
3185 not considered to be an "announced gross purse" as that term is  
3186 used in paragraphs (a) and (b), and no breeder or stallion  
3187 awards, stallion stakes, or owner awards are required to be paid  
3188 for standardbred horses winning races in meets at which there is  
3189 no pari-mutuel wagering. The amount of purses to be paid from

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3190 funds so released and the meets eligible to receive such funds  
3191 for purses must be approved by the board of directors of the  
3192 Florida Standardbred Breeders and Owners Association.

3193 Section 54. Effective October 1, 2014, section 551.0543,  
3194 Florida Statutes, is created to read:

3195 551.0543 Harness racing; taxes and fees.-

3196 (1) FINDINGS.-The Legislature finds that pari-mutuel  
3197 wagering at harness race tracks in this state is an important  
3198 business enterprise, and taxes derived therefrom constitute a  
3199 part of the tax structure that funds operations of the state.  
3200 Harness racing permitholders should pay their fair share of  
3201 these taxes to the state but should not be taxed to such an  
3202 extent as to cause any racetrack that is operated under sound  
3203 business principles to be forced out of business. Due to the  
3204 need to protect the public health, safety, and welfare, the  
3205 gaming laws of the state provide for the harness horse industry  
3206 to be highly regulated and taxed. The state recognizes that  
3207 identifiable differences exist between harness racing  
3208 permitholders based upon their ability to operate under such  
3209 regulation and tax system.

3210 (2) DAILY LICENSE FEE.-Each harness racing licensee shall  
3211 pay to the department, for the use of the department, a daily  
3212 license fee on each live or simulcast pari-mutuel event of \$100  
3213 for each harness race conducted at the licensee's racetrack.  
3214 Each licensee shall pay daily license fees not to exceed \$500  
3215 per day on any simulcast event on which such licensee accepts

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3216 wagers regardless of the number of out-of-state events taken or  
3217 the number of out-of-state locations from which such events are  
3218 taken. The daily license fees shall be remitted to the Chief  
3219 Financial Officer for deposit into the Gaming Control Trust  
3220 Fund.

3221 (3) ADMISSION TAX.—An admission tax equal to the greater  
3222 of 15 percent of the admission charge for entrance to the  
3223 licensee's facility and grandstand area or 10 cents is imposed  
3224 on each person attending a harness race. The licensee is  
3225 responsible for collecting the admission tax.

3226 (4) TAX ON LIVE HANDLE.—

3227 (a) Each licensee shall pay a tax on live handle from  
3228 racers conducted by the licensee. The tax is imposed daily and is  
3229 based on the total contributions to all pari-mutuel pools  
3230 conducted during the daily live performance. If a licensee  
3231 conducts more than one live performance daily, the tax is  
3232 imposed on each live performance separately.

3233 (b) The tax on live handle for harness racing performances  
3234 is 0.5 percent of the handle.

3235 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
3236 facility is a harness race track, the tax on handle for  
3237 intertrack wagering is 3.3 percent of the handle with the  
3238 following exceptions:

3239 (a) If the guest facility is located outside the market  
3240 area of the host facility and within the market area of a  
3241 thoroughbred racing licensee currently conducting a live race

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3242 meet, the tax on handle for intertrack wagering is 0.5 percent  
3243 of the handle.

3244 (b) On rebroadcasts of simulcast harness races, the tax on  
3245 handle for intertrack wagering is 1.5 percent of the handle.

3246 (6) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
3247 POOLS.-

3248 (a) All moneys or other property represented by any  
3249 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
3250 remained in the custody of or under the control of any harness  
3251 racing permitholder for 1 year after the date the pari-mutuel  
3252 ticket was issued, if the rightful owner or owners thereof have  
3253 made no claim or demand for such money or other property within  
3254 the 1-year period, shall escheat to and become the property of  
3255 the state.

3256 (b) Notwithstanding any other provision of law, all moneys  
3257 or other property that has escheated to and become the property  
3258 of the state as provided in this section and that is held by a  
3259 harness racing permitholder authorized to conduct pari-mutuel  
3260 pools in this state shall be paid annually by the permitholder  
3261 to the Florida Standardbred Breeders and Owners Association  
3262 within 60 days after the close of the race meet of the  
3263 permitholder and shall be used for the payment of harness horse  
3264 breeder awards, stallion awards, stallion stakes, additional  
3265 purses, and prizes and for the general promotion of owning and  
3266 breeding Florida-bred standardbred horses, as provided for in s.  
3267 551.0542.

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3268 (7) TAX EXEMPTIONS.—

3269 (a) An admission tax under this part or chapter 212 may  
3270 not be imposed on any free pass or complimentary card issued to  
3271 a person for which there is no cost to the person for admission  
3272 to a pari-mutuel event.

3273 (b) A licensee may issue tax-free passes to its officers,  
3274 officials, and employees; to other persons actually engaged in  
3275 working at the facility, including accredited press  
3276 representatives such as reporters and editors; and to other  
3277 permitholders for use by their officers and officials. The  
3278 licensee shall file with the department a list of all persons to  
3279 whom tax-free passes are issued under this paragraph.

3280 Section 55. Effective October 1, 2014, section 551.0551,  
3281 Florida Statutes, is created to read:

3282 551.0551 Quarter horse racing; operations.—

3283 (1)(a) For a quarter horse racing permitholder at its  
3284 facility, a full schedule of live events is:

3285 1. At least 20 live regular wagering performances during  
3286 the state fiscal year if an alternative schedule of at least 20  
3287 live regular wagering performances each state fiscal year is  
3288 agreed upon by the permitholder and either the Florida Quarter  
3289 Horse Racing Association or the horsemen's association  
3290 representing the majority of the quarter horse owners and  
3291 trainers at the facility and is filed with the department along  
3292 with its annual date application; or

3293 2.a. During the 2010-2011 fiscal year, at least 20 regular

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3294 wagering performances.

3295 b. During the 2011-2012 and 2012-2013 fiscal years, at  
3296 least 30 live regular wagering performances.

3297 c. During every fiscal year after the 2012-2013 fiscal  
3298 year, at least 40 live regular wagering performances.

3299 (b) For a quarter horse racing licensee leasing another  
3300 licensed racetrack, a full schedule of live events is at least  
3301 160 live regular wagering events at the leased facility during  
3302 the state fiscal year.

3303 (2) To be eligible to conduct intertrack wagering, a  
3304 quarter horse racing permitholder must have conducted a full  
3305 schedule of live events in the preceding year.

3306 (3) The operator of a licensed racetrack may lease such  
3307 track to any quarter horse racing licensee located within 35  
3308 miles of such track for quarter horse racing under this part.  
3309 However, a quarter horse racing licensee located in a county  
3310 where a referendum was conducted to authorize slot machines  
3311 pursuant to s. 23, Art. X of the State Constitution is not  
3312 subject to the mileage restriction if the licensee leases the  
3313 track from a licensed racetrack located within such county.

3314 (4) Quarter horses participating in such races must be  
3315 duly registered by the American Quarter Horse Association.  
3316 Before each race, such horses must be examined and declared in  
3317 fit condition by a qualified person designated by the  
3318 department.

3319 (5) A quarter horse racing licensee may apply to the



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3320 commission to substitute races of other breeds of horses that  
3321 are registered with the American Paint Horse Association,  
3322 Appaloosa Horse Club, Arabian Horse Registry of America,  
3323 Palomino Horse Breeders of America, United States Trotting  
3324 Association, Florida Cracker Horse Association, or Jockey Club,  
3325 respectively, for no more than 50 percent of the quarter horse  
3326 races during its meet.

3327 (6) Any nonprofit corporation organized and incorporated  
3328 under the laws of this state, including, but not limited to, an  
3329 agricultural cooperative marketing association, may apply for a  
3330 quarter horse racing permit and may operate race meets under  
3331 such permit if all pari-mutuel taxes and fees applicable to such  
3332 racing are paid by the corporation. However, regarding its pari-  
3333 mutuel operations, the corporation shall be considered to be a  
3334 corporation for profit and is subject to taxation on all  
3335 property used and profits earned in connection with these  
3336 operations.

3337 Section 56. Effective October 1, 2014, section 551.0552,  
3338 Florida Statutes, is created to read:

3339 551.0552 Quarter horse races; purses and awards.—

3340 (1) PURSES.—A licensee conducting a quarter horse race  
3341 meet shall pay from the takeout withheld at least 6 percent of  
3342 all contributions to pari-mutuel pools conducted during the race  
3343 meet as purses.

3344 (2) PROMOTIONS AND AWARDS.—

3345 (a) Purses and prizes.—Except as provided in s. 551.056,

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3346 each licensee conducting a quarter horse race meet shall pay a  
3347 sum equal to the breaks plus a sum equal to 1 percent of all  
3348 pari-mutuel pools conducted during that race for supplementing  
3349 and augmenting purses and prizes and for the general promotion  
3350 of owning and breeding racing quarter horses in this state as  
3351 authorized in this section. The Florida Quarter Horse Breeders  
3352 and Owners Association may receive these payments from the  
3353 licensees and make payments as authorized in this subsection.  
3354 The Florida Quarter Horse Breeders and Owners Association may  
3355 withhold up to 10 percent of the licensee's payments under this  
3356 section and s. 551.0553(5) as a fee for administering the  
3357 payments. The licensee shall remit these payments to the Florida  
3358 Quarter Horse Breeders and Owners Association by the 5th day of  
3359 each calendar month for such sums accruing during the preceding  
3360 calendar month and shall report such payments to the department  
3361 as required by the commission. With the exception of the 10-  
3362 percent fee for administering the payments, the moneys paid by  
3363 the licensees shall be maintained in a separate, interest-  
3364 bearing account.

3365 (b) Use of funds.—The Florida Quarter Horse Breeders and  
3366 Owners Association shall use these funds solely for  
3367 supplementing and augmenting purses and prizes and for the  
3368 general promotion of owning and breeding racing quarter horses  
3369 in this state and for general administration of the Florida  
3370 Quarter Horse Breeders and Owners Association in this state.

3371 (c) Owner and breeder awards.—

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3372 1. The owner or breeder of a Florida-bred quarter horse is  
3373 eligible to receive an award if the horse winning a race is  
3374 registered as a Florida-bred horse with the Florida Quarter  
3375 Horse Breeders and Owners Association and if a registration  
3376 certificate under seal for the winning horse shows that the  
3377 winning horse was duly registered before the race as a Florida-  
3378 bred horse as evidenced by the seal and proper serial number of  
3379 the Florida Quarter Horse Breeders and Owners Association  
3380 registry. The Department of Agriculture and Consumer Services  
3381 may assist the association in maintaining this registry.

3382 2. The Florida Quarter Horse Breeders and Owners  
3383 Association may charge the registrant a reasonable fee for  
3384 verification and registration.

3385 3. Any person who registers unqualified horses or  
3386 misrepresents information shall be denied any future  
3387 participation in breeder awards, and all horses misrepresented  
3388 will no longer be deemed to be Florida-bred.

3389 (d) Reporting and recordkeeping.—

3390 1. A licensee conducting a quarter horse race shall,  
3391 within 30 days after the end of the race meet during which the  
3392 race is conducted, certify to the Florida Quarter Horse Breeders  
3393 and Owners Association such information relating to the horse  
3394 winning a stakes or other horserace at the meet as required to  
3395 determine the eligibility for payment of breeder awards under  
3396 this section.

3397 2. The Florida Quarter Horse Breeders and Owners

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3398 Association shall maintain records showing the starters and  
3399 winners in all quarter horse races conducted under quarter horse  
3400 racing permits in this state and awards earned, received, and  
3401 distributed, and it may charge the owner or breeder a reasonable  
3402 fee for this service.

3403 (e) Procedures.—The Florida Quarter Horse Breeders and  
3404 Owners Association shall annually establish a plan for  
3405 supplementing and augmenting purses and prizes and for the  
3406 general promotion of owning and breeding Florida-bred racing  
3407 quarter horses and shall make award payments and allocations in  
3408 strict compliance with the annual plan. The annual plan must be  
3409 approved by the commission before implementation. If the funds  
3410 in the account for payment of purses and prizes are not  
3411 sufficient to meet all purses and prizes to be awarded, those  
3412 breeders and owners not receiving payments have first call on  
3413 any subsequent receipts in that or any subsequent year.

3414 (f) Reports.—The Florida Quarter Horse Breeders and Owners  
3415 Association shall keep accurate records showing receipts and  
3416 disbursements of payments made under this section and shall  
3417 annually file a full and complete report to the commission  
3418 showing such receipts and disbursements and the sums withheld  
3419 for administration. The commission may audit the records and  
3420 accounts of the Florida Quarter Horse Breeders and Owners  
3421 Association to determine whether payments have been made in  
3422 accordance with this section.

3423 (g) Noncompliance.—If the commission finds that the

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3424 Florida Quarter Horse Breeders and Owners Association has not  
3425 complied with this section, the commission may order the  
3426 association to cease and desist from receiving and administering  
3427 funds under this section and s. 551.0553(5). If the commission  
3428 enters such an order, the licensee shall make the payments  
3429 authorized in this section and s. 551.0553(5) to the department  
3430 for deposit into the Gaming Control Trust Fund, and any funds in  
3431 the Florida Quarter Horse Breeders and Owners Association  
3432 account shall be immediately paid to the department for deposit  
3433 into the Gaming Control Trust Fund. The commission shall  
3434 authorize payment from these funds to any breeder or owner of a  
3435 quarter horse entitled to an award that has not been previously  
3436 paid by the Florida Quarter Horse Breeders and Owners  
3437 Association in accordance with this section.

3438 Section 57. Effective October 1, 2014, section 551.0553,  
3439 Florida Statutes, is created to read:

3440 551.0553 Quarter horse racing; taxes and fees.-

3441 (1) DAILY LICENSE FEE.—Each licensed permitholder engaged  
3442 in the business of conducting quarter horse race meetings shall  
3443 pay to the department, for use by the department, a daily  
3444 license fee on each live or simulcast pari-mutuel event of \$100  
3445 for each quarter horse race conducted at the licensee's  
3446 racetrack. Each licensee shall pay daily license fees not to  
3447 exceed \$500 per day on any simulcast event on which such  
3448 licensee accepts wagers regardless of the number of out-of-state  
3449 events taken or the number of out-of-state locations from which

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3450 such events are taken. The daily license fees shall be remitted  
3451 to the Chief Financial Officer for deposit into the Gaming  
3452 Control Trust Fund.

3453 (2) ADMISSION TAX.—An admission tax equal to the greater  
3454 of 15 percent of the admission charge for entrance to the  
3455 licensee's facility and grandstand area or 10 cents is imposed  
3456 on each person attending a quarter horse race. The licensee is  
3457 responsible for collecting the admission tax.

3458 (3) TAX ON LIVE HANDLE.—

3459 (a) Each licensee shall pay a tax on live handle from  
3460 racetracks conducted by the licensee. The tax is imposed daily and is  
3461 based on the total contributions to all pari-mutuel pools  
3462 conducted during the daily live performance. If a licensee  
3463 conducts more than one live performance daily, the tax is  
3464 imposed on each live performance separately.

3465 (b) The tax on live handle for quarter horse racing  
3466 performances is 1 percent of the handle.

3467 (4) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
3468 facility is a quarter horse race track, the tax on handle for  
3469 intertrack wagering is 2 percent of the handle. However, if the  
3470 guest facility is located outside the market area of the host  
3471 facility and within the market area of a thoroughbred racing  
3472 licensee currently conducting a live race meet, the tax on  
3473 handle for intertrack wagering is 0.5 percent of the handle.

3474 (5) ABANDONED CONTRIBUTIONS TO OR INTEREST IN PARI-MUTUEL  
3475 POOLS.—

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3476 (a) All moneys or other property represented by any  
3477 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
3478 remained in the custody of or under the control of any quarter  
3479 horse racing permitholder for 1 year after the date the pari-  
3480 mutuel ticket was issued, if the rightful owner or owners  
3481 thereof have made no claim or demand for such money or other  
3482 property within the 1-year period, shall escheat to and become  
3483 the property of the state.

3484 (b) Notwithstanding s. 551.036, all moneys or other  
3485 property that has escheated to and become the property of the  
3486 state as provided in this section and that is held by a quarter  
3487 horse racing permitholder authorized to conduct pari-mutuel  
3488 pools in this state shall be paid annually by the permitholder  
3489 to the Florida Quarter Horse Breeders and Owners Association  
3490 within 60 days after the close of the race meet of the  
3491 permitholder and shall be allocated solely for supplementing and  
3492 augmenting purses and prizes and for the general promotion of  
3493 owning and breeding racing quarter horses in this state, as  
3494 provided for in s. 551.0552.

3495 (6) TAX EXEMPTIONS.—

3496 (a) An admission tax under this part or chapter 212 may  
3497 not be imposed on any free pass or complimentary card issued to  
3498 a person for which there is no cost to the person for admission  
3499 to a pari-mutuel event.

3500 (b) A licensee may issue tax-free passes to its officers,  
3501 officials, and employees; to other persons actually engaged in

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3502 working at the facility, including accredited press  
3503 representatives such as reporters and editors; and to other  
3504 permitholders for use by their officers and officials. The  
3505 licensee shall file with the department a list of all persons to  
3506 whom tax-free passes are issued under this paragraph.

3507 Section 58. Effective October 1, 2014, section 551.056,  
3508 Florida Statutes, is created to read:

3509 551.056 Appaloosa horse races; Arabian horse races; purse  
3510 requirement.-

3511 (1) PROMOTIONS; APPALOOSA HORSE RACES.-

3512 (a) Each licensee that conducts race meets under this part  
3513 and runs Appaloosa horse races shall pay to the department a sum  
3514 equal to the breaks plus a sum equal to 1 percent of the total  
3515 contributions to each pari-mutuel pool conducted on each  
3516 Appaloosa horse race. The payments shall be remitted to the  
3517 department by the 5th day of each calendar month for sums  
3518 accruing during the preceding calendar month.

3519 (b) The department shall deposit collections under  
3520 paragraph (a) into the General Inspection Trust Fund in a  
3521 special account to be known as the "Florida Appaloosa Racing  
3522 Promotion Account." The Department of Agriculture and Consumer  
3523 Services shall administer the funds and adopt suitable and  
3524 reasonable rules for their administration. The moneys in the  
3525 Florida Appaloosa Racing Promotion Account shall be allocated  
3526 solely for supplementing and augmenting purses and prizes and  
3527 for the general promotion of owning and breeding racing



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3528 Appaloosas in this state. The moneys may not be used to defray  
3529 any expense of the Department of Agriculture and Consumer  
3530 Services under this section.

3531 (2) PROMOTIONS; ARABIAN HORSE RACES.—Each licensee that  
3532 conducts race meets under this part and runs Arabian horse races  
3533 shall pay to the department a sum equal to the breaks plus a sum  
3534 equal to 1 percent of the total contributions to each pari-  
3535 mutuel pool conducted on each Arabian horse race. Payments shall  
3536 be remitted to the department by the 5th day of each calendar  
3537 month for sums accruing during the preceding calendar month.

3538 Section 59. Effective October 1, 2014, section 551.062,  
3539 Florida Statutes, is created to read:

3540 551.062 Jai alai; general provisions.—

3541 (1) (a) For a jai alai permitholder, a full schedule of  
3542 live events is at least 100 live performances during the state  
3543 fiscal year.

3544 (b) For a jai alai permitholder that does not operate slot  
3545 machines in its pari-mutuel facility, that has conducted at  
3546 least 100 live performances per year for at least 10 years after  
3547 December 31, 1992, and that has had handle on live jai alai  
3548 games conducted at its pari-mutuel facility of less than \$4  
3549 million per state fiscal year for at least 2 consecutive years  
3550 after June 30, 1992, a full schedule of live events is at least  
3551 40 live performances during the state fiscal year.

3552 (c) For a jai alai permitholder that operates slot  
3553 machines in its pari-mutuel facility, a full schedule of live

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3554 events is at least 150 live performances during the state fiscal  
3555 year.

3556 (d) For a permit holder restricted by statute to certain  
3557 operating periods within the year when other members of its same  
3558 class of permit are authorized to operate throughout the year, a  
3559 full schedule of live events shall be the specified number of  
3560 live performances adjusted pro rata in accordance with the  
3561 relationship between its authorized operating period and the  
3562 full calendar year. The resulting specified number of live  
3563 performances shall constitute the full schedule of live events  
3564 for such permit holder and all other permit holders of the same  
3565 class within 100 air miles of such permit holder.

3566 (2) A chief court judge must be present for each jai alai  
3567 game at which pari-mutuel wagering is authorized. Chief court  
3568 judges must be able to demonstrate extensive knowledge of the  
3569 rules and game of jai alai and be able to meet the physical  
3570 requirements of the position. The decisions of a chief court  
3571 judge are final as to any incident relating to the playing of a  
3572 jai alai game.

3573 (3) This part does not prohibit any jai alai fronton or  
3574 facility from being used to conduct amateur jai alai or pelota  
3575 contests or games during each fronton season by any charitable,  
3576 civic, or nonprofit organization if only players other than  
3577 those usually used in jai alai contests or games are permitted  
3578 to play and if adults and minors may participate as players or  
3579 spectators. However, during such jai alai games or contests,

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3580 betting and gambling and the sale or use of alcoholic beverages  
3581 are prohibited.

3582 (4) All jai alai players participating in games at a  
3583 licensee's jai alai facility must be certified as an eligible  
3584 professional player by the International Jai Alai Players  
3585 Association or any other players association that was recognized  
3586 by the National Labor Relations Board before 1990.

3587 (5) A jai alai permitholder that does not operate slot  
3588 machines in its pari-mutuel facility must maintain a minimum  
3589 active roster of at least 16 different professional players. A  
3590 jai alai permitholder that operates slot machines in its pari-  
3591 mutuel facility must maintain a minimum active roster of at  
3592 least 36 different professional players.

3593 (6) Jai alai players may not be required to perform on  
3594 more than 6 consecutive calendar days.

3595 (7) Section 551.013 allows wagering on points during a  
3596 game; however, the pari-mutuel machines must be locked upon the  
3597 start of the serving motion of each serve for wagers on that  
3598 game.

3599 Section 60. Effective October 1, 2014, section 551.0622,  
3600 Florida Statutes, is created to read:

3601 551.0622 Jai Alai Tournament of Champions Meet.-

3602 (1) Notwithstanding any provision of this part, there is  
3603 created a special jai alai meet designated as the "Jai Alai  
3604 Tournament of Champions Meet," which shall be hosted by Florida  
3605 jai alai licensees selected by the National Association of Jai

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3606 Alai Frontons, Inc., to conduct such meet. The meet shall  
3607 consist of three qualifying performances and a final  
3608 performance, each of which is conducted on a different day. Upon  
3609 the selection of the Florida licensees for the meet and  
3610 application by the selected licensees, the commission shall  
3611 issue a license to each of the selected permitholders to operate  
3612 the meet. The meet may be conducted during a season in which the  
3613 licensees selected to conduct the meet are not otherwise  
3614 authorized to conduct a meet. Notwithstanding any provision of  
3615 this section, a Florida licensee that is to conduct a  
3616 performance that is a part of the Jai Alai Tournament of  
3617 Champions Meet is not required to apply for the license for the  
3618 meet if it will run during the regular season for which such  
3619 licensee has a license.

3620 (2) Qualifying performances and the final performance of  
3621 the tournament shall be held at different locations throughout  
3622 the state, and the licensees selected shall be under different  
3623 ownership to the extent possible.

3624 (3) A Jai Alai Tournament of Champions Meet may not exceed  
3625 4 days in any state fiscal year, and only one performance may be  
3626 conducted on any one day of the meet. There shall be only one  
3627 Jai Alai Tournament of Champions Meet in any state fiscal year.

3628 (4) The department may adopt rules necessary to facilitate  
3629 the Jai Alai Tournament of Champions Meet as authorized in this  
3630 section and may adopt rules regarding the overall conduct of the  
3631 tournament to ensure the integrity of the event, licensing for

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3632 participants, commingling of pari-mutuel pools, and audit  
3633 requirements for tax credits and exemptions.

3634 (5) This section shall prevail over any conflicting  
3635 provision of this part.

3636 Section 61. Effective October 1, 2014, section 551.063,  
3637 Florida Statutes, is created to read:

3638 551.063 Jai alai; taxes and fees.—

3639 (1) FINDINGS.—The Legislature finds that pari-mutuel  
3640 wagering at jai alai frontons in this state is an important  
3641 business enterprise, and taxes derived therefrom constitute a  
3642 part of the tax structure that funds operations of the state.  
3643 Jai alai permitholders should pay their fair share of these  
3644 taxes to the state but should not be taxed to such an extent as  
3645 to cause any fronton that is operated under sound business  
3646 principles to be forced out of business or be subjected to taxes  
3647 that might cause it to operate at a loss, impair its ability to  
3648 service debt or to maintain its fixed assets, or otherwise  
3649 jeopardize its existence and the jobs of its employees. Due to  
3650 the need to protect the public health, safety, and welfare, the  
3651 gaming laws of the state provide for the jai alai industry to be  
3652 highly regulated and taxed. The state recognizes that  
3653 identifiable differences exist between jai alai permitholders  
3654 based upon their ability to operate under such regulation and  
3655 tax system.

3656 (2) DAILY LICENSE FEE.—Each licensed permitholder engaged  
3657 in the business of conducting jai alai games shall pay to the

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3658 department, for the use of the department, a daily license fee  
3659 on each live or simulcast pari-mutuel event of \$40 for each jai  
3660 alai game conducted at the licensee's fronton. Each licensee  
3661 shall pay daily license fees not to exceed \$500 per day on any  
3662 simulcast event on which such licensee accepts wagers regardless  
3663 of the number of out-of-state events taken or the number of out-  
3664 of-state locations from which such events are taken. The daily  
3665 license fees shall be remitted to the Chief Financial Officer  
3666 for deposit into the Gaming Control Trust Fund.

3667 (3) ADMISSION TAX.—An admission tax equal to the greater  
3668 of 15 percent of the admission charge for entrance to the  
3669 licensee's facility and grandstand area or 10 cents is imposed  
3670 on each person attending a jai alai game. The licensee is  
3671 responsible for collecting the admission tax.

3672 (4) TAX ON LIVE HANDLE.—

3673 (a) Each licensee shall pay a tax on live handle from  
3674 games conducted by the licensee. The tax is imposed daily and is  
3675 based on the total contributions to all pari-mutuel pools  
3676 conducted during the daily live performance. If a licensee  
3677 conducts more than one live performance daily, the tax is  
3678 imposed on each live performance separately.

3679 (b) The tax on live handle for jai alai performances is 2  
3680 percent of the handle.

3681 (5) TAX ON HANDLE FROM INTERTRACK WAGERING.—If the host  
3682 facility is a jai alai fronton, the tax on handle for intertrack  
3683 wagering is 7.1 percent of the handle with the following

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3684 exceptions:

3685 (a) If the guest facility is located outside the market  
3686 area of the host facility and within the market area of a  
3687 thoroughbred racing licensee currently conducting a live race  
3688 meet, the tax on handle for intertrack wagering is 0.5 percent  
3689 of the handle.

3690 (b) If the guest facility is a jai alai fronton located as  
3691 specified in s. 551.073(8), on games received from any jai alai  
3692 permitholder located within the same market area, the tax on  
3693 handle for intertrack wagers is 6.1 percent.

3694 (c) Notwithstanding paragraph (b), if the guest facility  
3695 is a jai alai fronton located as specified in s. 551.073(8), on  
3696 games received from any jai alai permitholder located within the  
3697 same market area, the tax on handle for intertrack wagers shall  
3698 be 2.3 percent of the handle when the total tax on intertrack  
3699 handle paid to the department by the permitholder during the  
3700 current state fiscal year exceeds the total tax on intertrack  
3701 handle paid to the department by the permitholder during the  
3702 1992-1993 state fiscal year.

3703 (d)1. Any jai alai permitholder that is prohibited under  
3704 this part from operating live performances on a year-round basis  
3705 may conduct intertrack wagering as a host permitholder on live  
3706 jai alai games at its fronton at a tax rate of 3.3 percent of  
3707 handle when the total tax on intertrack handle paid to the  
3708 department by the permitholder during the current state fiscal  
3709 year exceeds the total tax on intertrack handle paid to the

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3710 state by the permitholder during the 1992-1993 state fiscal  
3711 year.

3712 2. The payment of taxes under subparagraph 1. shall be  
3713 calculated and begin the day the permitholder is first entitled  
3714 to the reduced rate specified in this paragraph.

3715 (6) OTHER TAXES AND FEES.-

3716 (a) All money or other property represented by any  
3717 unclaimed, uncashed, or abandoned pari-mutuel ticket that has  
3718 remained in the custody of or under the control of any  
3719 permitholder authorized to conduct jai alai pari-mutuel pools in  
3720 this state for 1 year after the date the pari-mutuel ticket was  
3721 issued, if the rightful owners thereof have made no claim or  
3722 demand for such money or other property within that 1-year  
3723 period, shall, with respect to live games conducted by the  
3724 permitholder, be remitted to the state pursuant to s. 551.036.

3725 (b)1. Each licensee conducting jai alai performances shall  
3726 pay a tax equal to the breaks.

3727 2. A jai alai licensee paying taxes under this section  
3728 shall retain the breaks and pay an amount equal to the breaks as  
3729 special prize awards, which shall be in addition to the regular  
3730 contracted prize money paid to jai alai players at the  
3731 permitholder's facility. Payment of the special prize money  
3732 shall be made during the permitholder's current meet.

3733 (c) A jai alai permitholder conducting fewer than 100 live  
3734 performances in any calendar year shall pay to the state the  
3735 same aggregate amount of daily license fees on live jai alai



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3736 games, admissions tax, and tax on live handle that it paid to  
3737 the state during the most recent prior calendar year in which  
3738 the jai alai permitholder conducted at least 100 live  
3739 performances.

3740 (7) TAX CREDITS.-

3741 (a) A jai alai permitholder that has incurred state taxes  
3742 on handle and admissions in an amount that exceeds its operating  
3743 earnings in a fiscal year may credit the excess amount of the  
3744 taxes against state pari-mutuel taxes due and payable during its  
3745 next ensuing meets. As used in this paragraph, the term  
3746 "operating earnings" means total revenues from pari-mutuel  
3747 operations net of state taxes and fees less total expenses;  
3748 however, deductions for interest, depreciation and amortization,  
3749 payments to affiliated entities other than for reimbursement of  
3750 expenses related to pari-mutuel operations, and any increase in  
3751 an officer's or director's annual compensation above the amount  
3752 paid during calendar year 1997 are excluded from total expenses.

3753 (b) A jai alai permitholder may receive a tax credit equal  
3754 to 25 percent of the actual amount remitted to the state in the  
3755 preceding state fiscal year pursuant to paragraph (6) (a) with  
3756 respect to live games. The credit may be applied against any  
3757 taxes imposed under this part. Funds equal to such credit from  
3758 any live jai alai games shall be paid by the permitholder to the  
3759 National Association of Jai Alai Frontons to be used for the  
3760 general promotion of the sport of jai alai in the state,  
3761 including professional tournaments and amateur jai alai youth

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3762 programs. Such youth programs must focus on benefiting children  
3763 in after-school and anti-drug programs with special attention to  
3764 inner-city areas.

3765 (c)1. Jai Alai Tournament of Champions Meet permitholders  
3766 shall also receive a credit against the taxes, otherwise due and  
3767 payable under this section, generated during the permitholders'  
3768 current regular meet. The credit shall be:

3769 a. In the aggregate amount of \$150,000;

3770 b. Prorated equally among the permitholders; and

3771 c. Used by the permitholders solely to supplement awards  
3772 for the performance conducted during the Jai Alai Tournament of  
3773 Champions Meet.

3774 2. All awards shall be paid to the tournament's  
3775 participating players no later than 30 days after the conclusion  
3776 of the Jai Alai Tournament of Champions Meet.

3777 (d)1. In addition to the credit authorized in paragraph  
3778 (c), Jai Alai Tournament of Champions Meet permitholders shall  
3779 receive a credit against the taxes, otherwise due and payable  
3780 under this section, generated during the permitholders' current  
3781 regular meet, not to exceed the aggregate amount of \$150,000,  
3782 which shall be prorated equally among the permitholders and used  
3783 by the permitholders for such capital improvements and  
3784 extraordinary expenses, including marketing expenses, necessary  
3785 for the operation of the meet. The determination of the amount  
3786 to be credited shall be made by the commission upon application  
3787 of the permitholders.

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3788       2. The permitholder may receive the permitholder's pro  
3789 rata share of the \$150,000 tax credit provided in subparagraph  
3790 1. without making application if appropriate documentation to  
3791 substantiate the expenditures is provided to the commission  
3792 within 30 days after the Jai Alai Tournament of Champions Meet.

3793       (8) TAX EXEMPTIONS.—

3794       (a) An admission tax under this part or chapter 212 may  
3795 not be imposed on any free pass or complimentary card issued to  
3796 a person for which there is no cost to the person for admission  
3797 to a pari-mutuel event.

3798       (b) A licensee may issue tax-free passes to its officers,  
3799 officials, and employees; to other persons actually engaged in  
3800 working at the facility, including accredited press  
3801 representatives such as reporters and editors; and to other  
3802 permitholders for use by their officers and officials. The  
3803 licensee shall file with the department a list of all persons to  
3804 whom tax-free passes are issued under this paragraph.

3805       (c) When the live handle of a permitholder during the  
3806 preceding state fiscal year was less than \$15 million, the tax  
3807 shall be paid on the handle in excess of \$30,000 per performance  
3808 per day.

3809       (d) Notwithstanding any provision of this part, each  
3810 permitholder licensed to conduct performances as part of the Jai  
3811 Alai Tournament of Champions Meet shall pay no taxes on handle  
3812 under subsection (4) or subsection (5) for any performance  
3813 conducted by such permitholder as part of the Jai Alai

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3814 Tournament of Champions Meet. This paragraph applies to a  
3815 maximum of four performances.

3816 Section 62. Effective October 1, 2014, section 551.072,  
3817 Florida Statutes, is created to read:

3818 551.072 Transmission of racing and jai alai information;  
3819 commingling of pari-mutuel pools.-

3820 (1) (a) A person who transmits racing information to any  
3821 person or relays such information to any person by word of  
3822 mouth, by signal, or by use of telephone, telegraph, radio, or  
3823 any other means knowing that the information is used or intended  
3824 to be used for illegal gambling purposes or in furtherance of  
3825 illegal gambling commits a felony of the third degree,  
3826 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3827 (b) Paragraph (a) is an exercise of the police power of  
3828 the state for the protection of the public welfare, health,  
3829 peace, safety, and morals of the people of the state, and this  
3830 section shall be liberally construed for the accomplishment of  
3831 such purpose.

3832 (2) A pari-mutuel licensee in this state may broadcast  
3833 events conducted at the enclosure of the licensee to locations  
3834 outside this state.

3835 (a) All broadcasts of horseraces to locations outside this  
3836 state must comply with the Interstate Horseracing Act of 1978,  
3837 15 U.S.C. ss. 3001 et seq.

3838 (b) Wagers accepted by any out-of-state pari-mutuel  
3839 licensee or licensed betting system on a race broadcast under

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3840 this subsection may be included in the pari-mutuel pools of the  
3841 horse track in this state that broadcasts the race upon which  
3842 wagers are accepted. The handle referenced in ss. 551.043(4),  
3843 551.053(4), 551.0543(4), 551.0553(3), and 551.063(4) does not  
3844 include any wagers accepted by an out-of-state pari-mutuel  
3845 licensee or licensed betting system, irrespective of whether  
3846 such wagers are included in the pari-mutuel pools of the Florida  
3847 licensee under this subsection.

3848 (3) A horserace licensee in this state may receive  
3849 broadcasts of horseraces conducted at other horse tracks located  
3850 outside this state at the racetrack enclosure of the licensee  
3851 during its race meet.

3852 (a) All broadcasts of horseraces received from locations  
3853 outside this state must comply with the Interstate Horseracing  
3854 Act of 1978, 15 U.S.C. ss. 3001 et seq.

3855 (b) Wagers accepted at the horse track in this state may  
3856 be included in the pari-mutuel pools of the out-of-state horse  
3857 track that broadcasts the race. Notwithstanding any provision of  
3858 this part, if the horse track in this state includes wagers  
3859 accepted on such races in the pari-mutuel pools of the out-of-  
3860 state horse track that broadcasts the race, from the amount  
3861 wagered by patrons at the horse track in this state and included  
3862 in the pari-mutuel pools of the out-of-state horse track, the  
3863 horse track in this state shall deduct as the takeout from the  
3864 amount wagered by patrons at the horse track in this state and  
3865 included in the pari-mutuel pools of the out-of-state horse

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3866 track a percentage equal to the percentage deducted from the  
3867 amount wagered at the out-of-state racetrack as is authorized by  
3868 the laws of the jurisdiction exercising regulatory authority  
3869 over the out-of-state horse track.

3870 (c) All forms of pari-mutuel wagering are allowed on races  
3871 broadcast under this section, and all money wagered by patrons  
3872 on such races shall be computed as part of the total amount of  
3873 money wagered at each racing performance for purposes of  
3874 taxation under ss. 551.043, 551.053, 551.0543, 551.0553, and  
3875 551.063. Sections 551.0523(1)(a), 551.0542(1), and 551.0552(1)  
3876 do not apply to any money wagered on races broadcast under this  
3877 section. The takeout shall be increased by breaks and uncashed  
3878 tickets for wagers on races broadcast under this section,  
3879 notwithstanding any provision of this part.

3880 (4) A greyhound racing licensee or jai alai permitholder  
3881 in this state may receive broadcasts of greyhound races or jai  
3882 alai games conducted at other greyhound tracks or frontons  
3883 located outside the state at the track enclosure of the licensee  
3884 during its operational meeting. All forms of pari-mutuel  
3885 wagering are allowed on greyhound races or jai alai games  
3886 broadcast under this subsection. All money wagered by patrons on  
3887 greyhound races broadcast under this subsection shall be  
3888 computed in the amount of money wagered each performance for  
3889 purposes of taxation under this part.

3890 (5) A pari-mutuel licensee under this part may not receive  
3891 broadcasts of events from outside this state except from an out-

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3892 of-state pari-mutuel permitholder that holds the same type or  
3893 class of pari-mutuel permit as the pari-mutuel permitholder  
3894 licensed under this part that intends to receive the broadcast.

3895 (6) (a) A maximum of 20 percent of the total number of  
3896 races on which wagers are accepted by a greyhound racing  
3897 licensee may be received from locations outside this state. A  
3898 licensee may not conduct fewer than eight live events on any  
3899 authorized race day except as provided in this subsection. A  
3900 thoroughbred racing licensee may not conduct fewer than eight  
3901 live races on any race day without the written approval of the  
3902 Florida Thoroughbred Breeders' and Owners' Association and the  
3903 Florida Horsemen's Benevolent and Protective Association, Inc.,  
3904 unless it is determined by the commission that another entity  
3905 represents a majority of the thoroughbred racehorse owners and  
3906 trainers in the state. A harness racing licensee may conduct  
3907 fewer than eight live races on any authorized race day, except  
3908 that such licensee must conduct a full schedule of live racing  
3909 during its race meet consisting of at least eight live races per  
3910 authorized race day for at least 100 days. A harness racing  
3911 licensee that, during the preceding racing season, conducted a  
3912 full schedule of live racing may receive, at any time during its  
3913 current race meet, full-card broadcasts of harness races  
3914 conducted at harness race tracks outside this state at the  
3915 harness race track of the permitholder and accept wagers on such  
3916 harness races. With specific authorization from the commission  
3917 for special racing events, a licensee may conduct fewer than

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3918 eight live events if the licensee also broadcasts out-of-state  
3919 events. The commission may not authorize more than two such  
3920 exceptions a year for a licensee in any 12-month period, and  
3921 those two exceptions may not be consecutive.

3922 (b) Notwithstanding any provision of this part, a harness  
3923 racing licensee that accepts broadcasts of out-of-state harness  
3924 races when not conducting live races must make the out-of-state  
3925 signal available to all licensees eligible to conduct intertrack  
3926 wagering and shall pay to guest facilities located as specified  
3927 in s. 551.073(8) 50 percent of the net proceeds after taxes and  
3928 fees to the out-of-state host facility on harness race wagers  
3929 that they accept. A harness racing licensee shall pay into its  
3930 purse account 50 percent of the net income retained by the  
3931 licensee on wagering on the out-of-state broadcasts received  
3932 pursuant to this subsection. Nine-tenths of a percent of all  
3933 harness race wagering proceeds on the broadcasts received  
3934 pursuant to this subsection shall be paid to the Florida  
3935 Standardbred Breeders and Owners Association under s.  
3936 551.0552(2) for the purposes specified in that subsection.

3937 (7) A racetrack or fronton may not pay a patron for any  
3938 pari-mutuel ticket purchased on any event transmitted pursuant  
3939 to this section until the stewards, judges, or panel of judges  
3940 or other similarly constituted body at the racetrack or fronton  
3941 where the event originates confirms the event as official.

3942 (8) By entering and participating in a race for a purse or  
3943 any other prize of any racing animal, the owner of the animal



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3944 and the jockey or driver agree to accept such purse or prize as  
3945 full and complete remuneration and payment, including the  
3946 broadcast of such event, except as otherwise provided in this  
3947 section.

3948 (9) The rights, privileges, or immunities granted under  
3949 this section prevail over any conflicting provision to the  
3950 extent that such rights, privileges, or immunities conflict with  
3951 any other law or affect any order or rule of the Florida Public  
3952 Service Commission relating to the regulation of public  
3953 utilities and the furnishing to others of any communication,  
3954 wire service, or other similar service or equipment.

3955 (10) The department may adopt rules necessary to  
3956 facilitate commingling of pari-mutuel pools, to ensure the  
3957 proper calculation of payoffs in circumstances in which  
3958 different commission percentages are applicable, and to regulate  
3959 distribution of net proceeds between the horse track and, in  
3960 this state, the horsemen's associations.

3961 (11) Greyhound tracks and jai alai frontons have the same  
3962 privileges as provided in this section to horse tracks, subject  
3963 to rules adopted under subsection (10).

3964 (12) All permitholders licensed under this part have  
3965 standing to enforce subsections (2) and (3) in the courts of  
3966 this state.

3967 (13) This section does not prohibit the commingling of  
3968 national pari-mutuel pools by a totalisator company that is  
3969 licensed under this part. Such commingling of national pools is

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3970 subject to commission review and approval and must be performed  
3971 in accordance with rules adopted by the department to ensure  
3972 accurate calculation and distribution of the pools.

3973 (14) Notwithstanding the provisions of paragraph (3)(b)  
3974 pertaining to takeout, takeouts different from those of the host  
3975 facility may be used when the totalisator is programmed for net  
3976 pool pricing and the host facility elects to use net pool  
3977 pricing in the calculation of its pools. This subsection also  
3978 applies to greyhound intertrack and simulcast wagers.

3979 (15) Section 565.02(5) applies to any guest facility.  
3980 Section 63. Effective October 1, 2014, section 551.073,  
3981 Florida Statutes, is created to read:

3982 551.073 Intertrack wagering.—

3983 (1) A horseracing licensee that has conducted a full  
3984 schedule of live events may, at any time, receive at its  
3985 facility broadcasts of and accept wagers on horseraces conducted  
3986 by horseracing permitholders licensed under this part.

3987 (2) Any licensed track or fronton that, in the preceding  
3988 year, conducted a full schedule of live events may, at any time,  
3989 receive broadcasts of any class of pari-mutuel events and accept  
3990 wagers on such events conducted by any class of licensed  
3991 permitholder.

3992 (3) If a licensee broadcasts to any licensee in this  
3993 state, any licensee that is eligible to conduct intertrack  
3994 wagering under ss. 551.073-551.077 may receive the broadcast and  
3995 conduct intertrack wagering under this section. A host facility

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3996 may require a guest facility within the market area of another  
3997 licensee to accept within any week at least 60 percent of the  
3998 live races that the host facility is making available regardless  
3999 of whether the guest facility is operating live events. A person  
4000 may not restrain or attempt to restrain any licensee that is  
4001 otherwise authorized to conduct intertrack wagering from  
4002 receiving the signal of any other licensee or sending its signal  
4003 to any licensee.

4004 (4) A guest facility within the market area of an  
4005 operating licensee may not take an intertrack wager on the same  
4006 class of live events without the written consent of such  
4007 operating licensee conducting the same class of live events.

4008 (5) A licensee within the market area of the host facility  
4009 may not take an intertrack wager on the host facility without  
4010 the consent of the host facility.

4011 (6) In any county of the state where there are only two  
4012 permits, one for greyhound racing and one for jai alai, an  
4013 intertrack wager may not be taken during the period of time when  
4014 a permitholder is not licensed to conduct live events without  
4015 the written consent of the other permitholder that is conducting  
4016 live events. However, if neither permitholder is conducting live  
4017 events, either permitholder may accept intertrack wagers on  
4018 horseraces or on the same class of events, or on both horseraces  
4019 and the same class of events, as is authorized by its permit.

4020 (7) In any three contiguous counties of the state where  
4021 there are only three licensees, all of which are greyhound

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4022 racing permitholders, if a licensee leases the facility of  
4023 another permitholder for all or any portion of its live race  
4024 meet pursuant to s. 551.037, such lessee may conduct intertrack  
4025 wagering at its prelease permitted facility throughout the  
4026 entire year, including while its live meet is being conducted at  
4027 the leased facility, if such permitholder has conducted a full  
4028 schedule of live racing during the preceding fiscal year at its  
4029 prelease permitted facility, at a leased facility, or at both.

4030 (8) In any two contiguous counties of the state in which  
4031 only four licensees are operating, one for thoroughbred racing,  
4032 two for greyhound racing, and one for jai alai games, an  
4033 intertrack wager may not be accepted on the same class of live  
4034 events as those of any licensee within the same market area  
4035 without the written consent of each such licensee conducting the  
4036 same class of live events within the market area of the guest  
4037 facility.

4038 (9) Uncashed tickets and breakage tax on intertrack wagers  
4039 shall be retained by the licensee conducting the live event.

4040 (10) All costs of receiving broadcasts shall be borne by  
4041 the guest facility, and all costs of sending broadcasts shall be  
4042 borne by the host facility.

4043 Section 64. Effective October 1, 2014, section 551.074,  
4044 Florida Statutes, is created to read:

4045 551.074 Intertrack wagering; purses; breeder awards.—If a  
4046 host facility is a horse track:

4047 (1) A host facility racing under a thoroughbred racing

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4048 permit or quarter horse racing permit shall pay as purses during  
4049 its current race meet an amount equal to 7 percent of all wagers  
4050 placed pursuant to s. 551.073. At the option of the host  
4051 facility, up to 0.5 percent of all wagers placed pursuant to s.  
4052 551.073 may be deducted from the amount retained by the host  
4053 facility for purses to supplement the awards program for owners  
4054 of Florida-bred horses as specified in s. 551.0511(3). A host  
4055 facility racing under a harness racing permit shall pay an  
4056 amount equal to 7 percent of all wagers placed pursuant to s.  
4057 551.073 as purses during its current race meet. If a host  
4058 facility underpays or overpays purses required by this part,  
4059 then s. 551.0511 applies to the overpayment or underpayment.

4060 (2) For all wagers placed under s. 551.073:

4061 (a) If the host facility is a thoroughbred race track, an  
4062 amount equal to 0.75 percent of such wagers shall be paid to the  
4063 Florida Thoroughbred Breeders' and Owners' Association for the  
4064 payment of breeder awards.

4065 (b) If the host facility is a harness race track, an  
4066 amount equal to 1 percent of such wagers shall be paid to the  
4067 Florida Standardbred Breeders and Owners Association for the  
4068 payment of breeder awards, stallion awards, stallion stakes,  
4069 additional purses, and prizes for, and the general promotion of  
4070 owning and breeding, Florida-bred standardbred horses.

4071 (c) If the host facility is a quarter horse race track, an  
4072 amount equal to 1 percent of such wagers shall be paid to the  
4073 Florida Quarter Horse Breeders and Owners Association for the

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4074 payment of breeder awards and general promotion.

4075 (3) The payment to a breeder organization shall be  
4076 combined with any other amounts received by the respective  
4077 breeder and owner associations as designated. Each breeder and  
4078 owner association receiving such funds may withhold the same  
4079 percentage specified in ss. 551.0523, 551.0542, and 551.0552 to  
4080 be used for administering the payment of awards and for the  
4081 general promotion of its respective industry. Notwithstanding  
4082 any other provision of law, if the total combined amount  
4083 received for thoroughbred breeder awards exceeds 15 percent of  
4084 the purse required to be paid under subsection (1), the breeder  
4085 and owner association, as designated, shall submit a plan to the  
4086 commission for approval which would use the excess funds in  
4087 promoting the breeding industry by increasing the purse  
4088 structure for Florida-bred horses. Preference shall be given to  
4089 the track generating such excess.

4090 Section 65. Effective October 1, 2014, section 551.075,  
4091 Florida Statutes, is created to read:

4092 551.075 Intertrack wagering; guest facility payments;  
4093 accounting rules.-

4094 (1) (a) All guest facilities receiving broadcasts of:

4095 1. Horseraces from a host facility racing under a  
4096 thoroughbred racing license or quarter horse racing license are  
4097 entitled to 7 percent of the total contributions to the pari-  
4098 mutuel pool on wagers accepted at the guest facility.

4099 2. Greyhound races or jai alai games from a host facility

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4100 other than a thoroughbred racing or harness racing licensee are  
4101 entitled to at least 5 percent of the total contributions to the  
4102 daily pari-mutuel pool on wagers accepted at the guest facility.

4103 3. Horseraces from a host facility racing under a harness  
4104 racing license are entitled to 5 percent of the total  
4105 contributions to the daily pari-mutuel pool on wagers accepted  
4106 at the guest facility.

4107 (b)1. If the guest facility is a horseracing licensee that  
4108 accepts intertrack wagers during its current race meet, one-half  
4109 of the amount provided in this subsection and s. 551.076 shall  
4110 be paid as purses during its current race meet; or

4111 2. If the host facility is a thoroughbred racing licensee,  
4112 and the guest facility is also a thoroughbred racing licensee  
4113 and accepts intertrack wagers on thoroughbred races during its  
4114 current race meet, one-third of the amount provided in this  
4115 subsection shall be paid as purses during its current race meet.  
4116 In addition, an amount equal to 2 percent of the intertrack  
4117 handle at the guest facility shall be deducted from the purses  
4118 required to be paid by the host facility and remitted by the  
4119 host facility to the guest facility and paid by the guest  
4120 facility as purses during its current race meet.

4121 (c) If intertrack wagering on thoroughbred racing is taken  
4122 at any guest facility, including a thoroughbred guest facility,  
4123 which is located within the market area of any thoroughbred  
4124 racing licensee that is not conducting live racing, an amount  
4125 equal to 2 percent of the intertrack handle at all such guest

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4126 facilities, including the thoroughbred guest facility, shall be  
4127 deducted from the purses otherwise required to be paid by the  
4128 host facility and remitted by the host facility to the  
4129 thoroughbred racing licensee that was not conducting live  
4130 racing. The amount paid under this paragraph to the thoroughbred  
4131 racing licensee that was not conducting live racing shall be  
4132 used to pay purses during its next race meet.

4133 (2) For the purpose of calculating odds and payoffs and  
4134 distributing pari-mutuel pools, all intertrack wagers shall be  
4135 combined with the pari-mutuel pools at the host facility.  
4136 Notwithstanding this subsection or subsection (4), a greyhound  
4137 racing licensee may conduct intertrack wagering without  
4138 combining pari-mutuel pools on not more than three races in any  
4139 week, not to exceed 20 races in a year. All other provisions  
4140 concerning pari-mutuel takeout and payments, including state tax  
4141 payments, apply as if the pool had been combined.

4142 (3) All forms of pari-mutuel wagering are allowed on all  
4143 wagering authorized by s. 551.073 and this section.

4144 (4) The takeout on all intertrack wagering shall be the  
4145 same as the takeout on similar pari-mutuel pools conducted at  
4146 the host facility.

4147 (5) The department shall adopt rules providing an  
4148 expedient accounting procedure for the transfer of the pari-  
4149 mutuel pool in order to properly account for payment of state  
4150 taxes and purses and payment to the guest facility, the host  
4151 facility, breeder associations, horsemen's associations, and the



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4152 public.

4153 (6) Each host facility or guest facility conducting  
4154 intertrack wagering shall annually file an audit that complies  
4155 with s. 551.034 which distinguishes intertrack wagering from  
4156 wagering conducted live.

4157 (7) A guest facility may not make any payment on a pari-  
4158 mutuel ticket purchased on any event broadcast until the  
4159 stewards, judges, or panel of judges at the host facility where  
4160 the event originated confirms the event as official.

4161 (8) By entering and participating in a race for a purse or  
4162 other prize of any racing animal, the owner of the animal and  
4163 the jockey or driver agree to accept such purse or prize as full  
4164 and complete remuneration and payment for such entry and  
4165 participation, including the broadcast of such event.

4166 (9) A host facility that has contracted with an out-of-  
4167 state horse track to broadcast live races conducted at the out-  
4168 of-state horse track pursuant to s. 551.072(5) may rebroadcast  
4169 simulcasts of such races to any guest facility and accept wagers  
4170 thereon in the same manner as is provided in s. 551.072.

4171 (a) For purposes of this section, the term "net proceeds"  
4172 means the amount of takeout remaining after payment of state  
4173 taxes and purses, the amount paid to the out-of-state horse  
4174 track, and breeder awards paid to the Florida Thoroughbred  
4175 Breeders' and Owners' Association and the Florida Standardbred  
4176 Breeders and Owners Association, to be used as set forth in s.  
4177 551.074(2).

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4178 (b) Notwithstanding subsection (1) and s. 551.074(1) and  
4179 (2), distribution of the net proceeds that are retained by a  
4180 thoroughbred racing host facility from the takeout on a  
4181 simulcast race rebroadcast under this subsection shall be as  
4182 follows:

- 4183 1. One-third shall be paid to the guest facility;  
4184 2. One-third shall be retained by the host facility; and  
4185 3. One-third shall be paid by the host facility as purses  
4186 at the host facility.

4187 (c) All guest facilities, other than thoroughbred racing  
4188 licensees, receiving wagers on simulcast horseraces rebroadcast  
4189 from a thoroughbred racing host facility are subject to the  
4190 distribution of net proceeds specified in paragraph (b) unless  
4191 the host facility and guest facility licensees and the  
4192 recognized horseman's group agree by contract to a different  
4193 distribution of their respective portions of the proceeds.

4194 (d) A licensee located in any market area of the state  
4195 where there are only two permits, one for greyhound racing and  
4196 one for jai alai, may accept wagers on rebroadcasts of simulcast  
4197 thoroughbred races from an in-state thoroughbred racing licensee  
4198 and is not subject to paragraph (b) if the thoroughbred racing  
4199 licensee is both conducting live races and accepting wagers on  
4200 out-of-state horseraces. In such case, the guest licensee is  
4201 entitled to 45 percent of the net proceeds on wagers accepted at  
4202 the guest facility. Of the remaining net proceeds, one-half  
4203 shall be retained by the host facility and one-half shall be

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4204 paid by the host facility as purses at the host facility.

4205 (e) Notwithstanding subsection (1) and s. 551.074(1) and  
4206 (2), the proceeds that are retained by a harness racing host  
4207 facility from the takeout on a race broadcast under this  
4208 subsection shall be distributed as follows:

4209 1. Of the total intertrack handle on the broadcast, 1  
4210 percent shall be deducted from the proceeds and paid to the  
4211 Florida Standardbred Breeders and Owners Association to be used  
4212 as set forth in s. 551.074(2).

4213 2. After the deduction under subparagraph 1., one-third of  
4214 the proceeds shall be paid to the guest facility, one-third  
4215 shall be retained by the host facility, and one-third shall be  
4216 paid by the host facility as purses at the host facility.

4217 (f) A licensee located in any market area of the state  
4218 where there are only two permits, one for greyhound racing and  
4219 one for jai alai, may accept wagers on rebroadcasts of simulcast  
4220 harness races from an in-state harness racing licensee and is  
4221 not subject to paragraph (b) if the harness racing licensee is  
4222 conducting live races. In such case, the guest licensee is  
4223 entitled to 45 percent of the net proceeds on wagers accepted at  
4224 the guest facility. Of the remaining net proceeds, one-half  
4225 shall be retained by the host facility and one-half shall be  
4226 paid by the host facility as purses at the host facility.

4227 (g)1. A thoroughbred racing licensee that accepts wagers  
4228 on a simulcast signal must make the signal available to any  
4229 licensee that is eligible to conduct intertrack wagering under

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4230 ss. 551.073-551.077. A licensee licensed under s. 551.077 which  
4231 receives the rebroadcast after 6 p.m. may accept wagers on such  
4232 rebroadcast simulcast signals for a number of performances not  
4233 exceeding that which constitutes a full schedule of live races  
4234 for a quarter horse racing permitholder pursuant to s. 551.0551,  
4235 notwithstanding any provision of this part, except that the  
4236 restrictions provided in s. 551.077(1) apply to wagers on such  
4237 rebroadcast simulcast signals.

4238 2. A thoroughbred licensee is not required to continue to  
4239 rebroadcast a simulcast signal to any in-state permitholder if  
4240 the average per performance gross receipts returned to the host  
4241 licensee over the preceding 30-day period were less than \$100.  
4242 Subject to s. 551.073(4), as a condition of receiving  
4243 rebroadcasts of thoroughbred simulcast signals under this  
4244 paragraph, a guest licensee must accept intertrack wagers on all  
4245 live races conducted by all then-operating thoroughbred racing  
4246 licensees.

4247 (10) All events conducted at a permitholder's facility,  
4248 all broadcasts of such events, and all related broadcast rights  
4249 are owned by the permitholder at whose facility such events are  
4250 conducted and are the permitholder's property as defined in s.  
4251 812.012(4). Transmission, reception of a transmission,  
4252 exhibition, use, or other appropriation of such events,  
4253 broadcasts of such events, or related broadcast rights without  
4254 the written consent of the permitholder is theft of such  
4255 property under s. 812.014, and, in addition to the penal

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4256 sanctions contained in s. 812.014, the permitholder may avail  
4257 itself of the civil remedies specified in ss. 772.104, 772.11,  
4258 and 812.035 in addition to any other remedies available under  
4259 applicable state or federal law.

4260 (11) To the extent that any rights, privileges, or  
4261 immunities granted to pari-mutuel permitholders in this section  
4262 conflict with any provision of any other law or affect any order  
4263 or rule of the Florida Public Service Commission relating to the  
4264 regulation of public utilities and the furnishing to others of  
4265 any communication, wire service, or other similar service or  
4266 equipment, the rights, privileges, and immunities granted under  
4267 this section prevail over such conflicting provision.

4268 Section 66. Effective October 1, 2014, section 551.076,  
4269 Florida Statutes, is created to read:

4270 551.076 Surcharge; supplement payments.—

4271 (1) SURCHARGE ON INTERTRACK POOL.—

4272 (a) Any guest facility that accepts intertrack wagers may  
4273 collect and retain a surcharge on any intertrack pool in an  
4274 amount not to exceed 3 percent of each winning pari-mutuel  
4275 ticket cashed.

4276 (b) A thoroughbred racing licensee that accepts wagers on  
4277 out-of-state races may impose a surcharge on each winning  
4278 ticket, or interstate pool, on such out-of-state race in an  
4279 amount not to exceed 5 percent of each winning pari-mutuel  
4280 winning ticket cashed. If a licensee rebroadcasts such signal  
4281 and elects to impose a surcharge, the surcharge shall be imposed

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4282 on any winning ticket at any guest facility at the same rate as  
4283 the surcharge on wagers accepted at its own facility. The  
4284 proceeds from the surcharge shall be distributed as follows:

4285 1. If the wager is made at the host facility, one-half of  
4286 the proceeds shall be retained by the host licensee and one-half  
4287 shall be paid as purses at the host facility.

4288 2. If the wager is made at a guest facility, one-half of  
4289 the proceeds shall be retained by the guest licensee, one-  
4290 quarter shall be paid to the host licensee, and one-quarter  
4291 shall be paid as purses at the host facility.

4292 (c) Any surcharge taken under this subsection must be  
4293 calculated after breakage is deducted from the wagering pool.

4294 (2) SUPPLEMENTAL PAYMENTS BY HARNESS RACING HOST  
4295 FACILITY.—A harness racing permitholder host facility may pay  
4296 any guest facility that receives broadcasts and accepts wagers  
4297 on races from the host facility an additional percentage of the  
4298 total contribution to the pari-mutuel pool on wagers accepted at  
4299 that guest facility as a supplement to the payment authorized in  
4300 s. 551.075. A harness racing permitholder host facility that  
4301 supplements payments to a guest facility may reduce the account  
4302 available for payment of purses during its current race meet by  
4303 50 percent of the supplemental amount paid to the guest  
4304 facility, but the total reduction may not exceed 1 percent of  
4305 the intertrack wagers placed on races that are part of the  
4306 regular ontrack program of the host facility during its current  
4307 race meet pursuant to s. 551.073.

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4308 Section 67. Effective October 1, 2014, section 551.077,  
4309 Florida Statutes, is created to read:

4310 551.077 Limited intertrack wagering license.—In  
4311 recognition of the economic importance of the thoroughbred  
4312 breeding industry to this state, its positive impact on tourism,  
4313 and the importance of a permanent thoroughbred sales facility as  
4314 a key focal point for the activities of the industry, a limited  
4315 license to conduct intertrack wagering is established to ensure  
4316 the continued viability and public interest in thoroughbred  
4317 breeding in Florida.

4318 (1) (a) Upon application to the commission on or before  
4319 January 31 of each year, a person who is licensed to conduct  
4320 public sales of thoroughbred horses under s. 535.01 and who has  
4321 conducted thoroughbred horse sales for at least 8 days at a  
4322 permanent sales facility in this state for at least 3  
4323 consecutive years may be issued a license, subject to the  
4324 conditions specified in this section and department rule, to  
4325 conduct intertrack wagering at such a permanent sales facility.

4326 (b) Only one license may be issued under this subsection,  
4327 and the license may not be issued for a facility located within  
4328 50 miles of any for-profit thoroughbred racing licensee's track.

4329 (2) If more than one application is submitted for such  
4330 license, the commission shall determine which applicant is  
4331 granted the license. In making its determination, the commission  
4332 shall grant the license to the applicant demonstrating superior  
4333 capabilities, as measured by the length of time the applicant

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4334 has been conducting thoroughbred horse sales within this state  
4335 or elsewhere, the applicant's total volume of thoroughbred horse  
4336 sales within this state or elsewhere, the length of time the  
4337 applicant has maintained a permanent thoroughbred sales facility  
4338 in this state, and the quality of the facility.

4339 (3) The applicant must comply with ss. 551.0321(2),  
4340 551.034, and 551.029.

4341 (4) The licensee shall be considered a guest facility  
4342 under this part.

4343 Section 68. Effective October 1, 2014, section 551.078,  
4344 Florida Statutes, is created to read:

4345 551.078 Totalisator licensing.-

4346 (1) A totalisator may not be operated at a pari-mutuel  
4347 facility in this state, or at a facility located in or out of  
4348 this state which is used as the primary totalisator for an event  
4349 conducted in this state, unless the totalisator company  
4350 possesses a business license issued by the department.

4351 (2) (a) Each totalisator company must apply to the  
4352 department for an annual business license. The application must  
4353 include such information as the department by rule requires.

4354 (b) As a part of its license application, each totalisator  
4355 company must agree in writing to pay to the department an amount  
4356 equal to the loss of any state revenues due to missed or  
4357 canceled events or performances due to acts of the totalisator  
4358 company or its agents or employees or failures of the  
4359 totalisator system, except for circumstances beyond the control



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4360 of the totalisator company or agent or employee, as determined  
4361 by the commission.

4362 (c) Each totalisator company must file with the department  
4363 a performance bond, acceptable to the department, in the sum of  
4364 \$250,000 issued by a surety approved by the department or must  
4365 file acceptable proof of insurance in the amount of \$250,000 to  
4366 insure the state against such a revenue loss.

4367 (d) If there is a loss of state tax revenues, the  
4368 department shall determine:

4369 1. The estimated revenue lost as a result of missed or  
4370 canceled events or performances;

4371 2. The number of events or performances which is  
4372 practicable for the permitholder to conduct in an attempt to  
4373 mitigate the revenue loss; and

4374 3. The amount of the revenue loss that the makeup events  
4375 or performances will not recover and for which the totalisator  
4376 company is liable.

4377 (e) Upon making the determinations under paragraph (d),  
4378 the department shall issue to the totalisator company and to the  
4379 affected permitholder an order setting forth the determinations  
4380 of the department.

4381 (f) If the order is contested by the totalisator company  
4382 or any affected permitholder, chapter 120 applies. If the  
4383 totalisator company contests the order on the grounds that the  
4384 revenue loss was due to circumstances beyond its control, the  
4385 totalisator company has the burden of proving that circumstances

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4386 were in fact beyond its control. For purposes of this paragraph,  
4387 strikes and acts of God are beyond the control of the  
4388 totalisator company.

4389 (g) Upon the failure of the totalisator company to make  
4390 the payment found to be due the state, the department may cause  
4391 the forfeiture of the bond or may proceed against the insurance  
4392 contract, and the proceeds of the bond or contract shall be  
4393 deposited into the Gaming Control Trust Fund. If the bond was  
4394 not posted or insurance was not obtained, the department may  
4395 proceed against any assets of the totalisator company to collect  
4396 the amounts due under this subsection.

4397 (3) If the applicant meets the requirements of this  
4398 section and of the department rules and pays the license fee,  
4399 the department shall issue the license.

4400 (4) Each totalisator company shall conduct operations in  
4401 accordance with rules adopted by the department in such form,  
4402 content, and frequency as the department by rule determines.

4403 (5) The department and its representatives may enter and  
4404 inspect any area of the premises of a licensed totalisator  
4405 company, and may examine totalisator records, during the  
4406 licensee's regular business or operating hours.

4407 Section 69. Effective October 1, 2014, section 551.082,  
4408 Florida Statutes, is created to read:

4409 551.082 Minors' attendance at pari-mutuel performances;  
4410 restrictions.-

4411 (1) A minor, when accompanied by one or both parents or by

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4412 her or his legal guardian, may attend pari-mutuel performances  
4413 under the conditions and at the times specified by each  
4414 permitholder conducting the pari-mutuel performance.

4415 (2) A person under the age of 18 may not place a wager at  
4416 any pari-mutuel performance.

4417 (3) Notwithstanding subsections (1) and (2), a minor may  
4418 be employed at a pari-mutuel facility except in a position  
4419 directly involving wagering or alcoholic beverages or except as  
4420 otherwise prohibited by law.

4421 (4) A minor child of a licensed greyhound trainer, kennel  
4422 operator, or other licensed person employed in the kennel  
4423 compound areas may be granted access to kennel compound areas  
4424 without being licensed if the minor is in no way employed at the  
4425 facility and only when the minor is under the direct supervision  
4426 of her or his parent or legal guardian.

4427 Section 70. Effective October 1, 2014, section 551.0921,  
4428 Florida Statutes, is created to read:

4429 551.0921 Use of controlled substances or alcohol  
4430 prohibited; testing of certain occupational licensees.-

4431 (1) The use of a controlled substance as defined in  
4432 chapter 893 or of alcohol by any occupational licensees  
4433 officiating at or participating in an event is prohibited.

4434 (2) (a) An occupational licensee, by applying for and  
4435 holding such license, is deemed to have given consent to submit  
4436 to an approved chemical test of her or his breath for the  
4437 purpose of determining the alcoholic content of the person's

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4438 blood and to a urine or blood test for the purpose of detecting  
4439 the presence of a controlled substance. Such tests shall be  
4440 conducted only upon reasonable cause that a violation has  
4441 occurred as determined by the stewards at a horserace meeting or  
4442 the judges or board of judges at a greyhound track or jai alai  
4443 meet. Failure to submit to such test may result in a suspension  
4444 of the person's occupational license for 10 days or until this  
4445 section has been complied with, whichever is longer.

4446 1. If at the time of the test the person's blood contained  
4447 0.05 percent or less by weight of alcohol, the person is  
4448 presumed not to have been under the influence of alcoholic  
4449 beverages to the extent that the person's normal faculties were  
4450 impaired, and no action may be taken by the stewards, judges, or  
4451 board of judges or the commission.

4452 2. If at the time of the test the person's blood contained  
4453 more than 0.05 percent but less than 0.08 percent by weight of  
4454 alcohol, it may not be presumed that the person was under the  
4455 influence of alcoholic beverages to the extent that the person's  
4456 faculties were impaired. In this instance, the stewards, judges,  
4457 or board of judges may consider that fact in determining whether  
4458 the person will be allowed to officiate or participate in a  
4459 given event.

4460 3. If at the time of the test the person's blood contained  
4461 0.08 percent or more by weight of alcohol, this fact is prima  
4462 facie evidence that the person was under the influence of  
4463 alcoholic beverages to the extent that the person's normal

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4464 faculties were impaired, and the stewards or judges may take  
4465 action as specified in this section, but the person may not  
4466 officiate at or participate in any event on the day of such  
4467 test.

4468 (b) All tests relating to alcohol must be performed in a  
4469 manner identical or substantially similar to the provisions of  
4470 s. 316.1934 and rules adopted pursuant to that section.

4471 Following a test of the urine or blood to determine the presence  
4472 of a controlled substance as defined in chapter 893, if a  
4473 controlled substance is found to exist, the stewards, judges, or  
4474 board of judges may take such action as is permitted in this  
4475 section.

4476 (3) (a) For the first violation of subsection (2), the  
4477 stewards, judges, or board of judges may suspend a licensee for  
4478 up to 10 days or, in lieu of suspension, may impose a civil fine  
4479 of up to \$500.

4480 (b) For a second violation of subsection (2) within 1 year  
4481 after the first violation, the stewards, judges, or board of  
4482 judges may suspend a licensee for up to 30 days and, in addition  
4483 to or in lieu of suspension, may impose a civil fine of up to  
4484 \$2,000.

4485 (c) In lieu of or in addition to the penalties prescribed  
4486 under paragraph (a) for a first offense or paragraph (b) for a  
4487 second offense, the stewards, judges, or board of judges may  
4488 require the licensee to participate in a drug or alcohol  
4489 rehabilitation program and to be retested.

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4490 (d) If the second violation occurred within 1 year after  
4491 the first violation, upon the finding of a third violation of  
4492 this section within 1 year after the second violation, the  
4493 stewards, judges, or board of judges may suspend the licensee  
4494 for up to 120 days, and the stewards, judges, or board of judges  
4495 shall forward the results of the tests under paragraphs (a) and  
4496 (b) and this violation to the commission. In addition to the  
4497 action taken by the stewards, judges, or board of judges, the  
4498 commission, after a hearing, may deny, suspend, or revoke the  
4499 occupational license of the licensee and may impose a civil  
4500 penalty of up to \$5,000 in addition to or in lieu of a  
4501 suspension or revocation. The commission shall have no authority  
4502 over the enforcement of this section until a licensee commits a  
4503 third violation within 2 years after the first violation.

4504 (4) Section 120.80(4)(a) applies to all actions taken by  
4505 the stewards, judges, or board of judges pursuant to this  
4506 section without regard to the limitation imposed in that  
4507 section.

4508 (5) This section does not apply to the possession and use  
4509 of controlled or chemical substances that are prescribed as part  
4510 of the care and treatment of a disease or injury by a  
4511 practitioner licensed under chapter 458, chapter 459, part I of  
4512 chapter 464, or chapter 466.

4513 (6) It is the intent of the Legislature to protect the  
4514 health, safety, and welfare of those officiating at or  
4515 participating in an event. Therefore, evidence of any test or

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4516 actions taken by the stewards, judges, or board of judges or the  
4517 commission under this section is inadmissible in court for  
4518 criminal prosecution. However, this subsection does not prohibit  
4519 any person so authorized from pursuing an independent  
4520 investigation as a result of a ruling made by the stewards,  
4521 judges, board of judges, or commission.

4522 Section 71. Effective October 1, 2014, section 551.0922,  
4523 Florida Statutes, is created to read:

4524 551.0922 Authority of stewards, judges, panel of judges,  
4525 or player's manager to impose penalties against occupational  
4526 licensees; disposition of funds collected.-

4527 (1) The stewards at a horse track; the judges at a  
4528 greyhound track; or the judges, a panel of judges, or a player's  
4529 manager at a jai alai fronton may impose a civil penalty against  
4530 any occupational licensee for violation of the pari-mutuel laws  
4531 or any rule adopted by the department. The penalty may not  
4532 exceed \$1,000 for each count or separate offense or exceed 60  
4533 days of suspension for each count or separate offense.

4534 (2) All penalties imposed and collected pursuant to this  
4535 section at each pari-mutuel facility shall be deposited into a  
4536 board of relief fund established by the pari-mutuel  
4537 permitholder. Each association shall name a board of relief  
4538 composed of three of its officers, with the general manager of  
4539 the permitholder being the ex officio treasurer of such board.  
4540 Moneys deposited into the board of relief fund shall be  
4541 disbursed by the board for the specific purpose of aiding

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4542 occupational licensees and their immediate family members at  
4543 each pari-mutuel facility.

4544 Section 72. Effective October 1, 2014, section 551.093,  
4545 Florida Statutes, is created to read:

4546 551.093 Racing animals under certain conditions  
4547 prohibited; penalties; exceptions.-

4548 (1) (a) Racing an animal that has been administered any  
4549 drug, medication, stimulant, depressant, hypnotic, narcotic,  
4550 local anesthetic, or drug-masking agent is prohibited. A person  
4551 may not administer or cause to be administered any drug,  
4552 medication, stimulant, depressant, hypnotic, narcotic, local  
4553 anesthetic, or drug-masking agent to an animal which will result  
4554 in a positive test for such substance based on samples taken  
4555 from the animal immediately before or immediately after racing  
4556 that animal. Test results and the identities of animals being  
4557 tested and of their trainers and owners of record are  
4558 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
4559 of the State Constitution for 10 days after testing of all  
4560 samples collected on a particular day has been completed and any  
4561 positive test results derived from such samples have been  
4562 reported to the executive director of the department or  
4563 administrative action has begun.

4564 (b) A race-day specimen may not contain a level of a  
4565 naturally occurring substance which exceeds normal physiological  
4566 concentrations. The department may adopt rules that specify  
4567 normal physiological concentrations of naturally occurring



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4568 substances in the natural untreated animal and rules that  
4569 specify acceptable levels of environmental contaminants and  
4570 trace levels of substances in test samples.

4571 (c) The finding of a prohibited substance in a race-day  
4572 specimen constitutes prima facie evidence that the substance was  
4573 administered and was carried in the body of the animal while  
4574 participating in the race.

4575 (2) The department may take administrative action against  
4576 an occupational licensee responsible under department rule for  
4577 the condition of an animal that has been medicated or drugged in  
4578 violation of this section.

4579 (3) (a) Upon the finding of a violation of this section,  
4580 the department may:

4581 1. Revoke or suspend the license or permit of the violator  
4582 or deny a license or permit to the violator;

4583 2. Impose a fine against the violator in an amount not  
4584 exceeding \$5,000;

4585 3. Require the full or partial return of the purse,  
4586 sweepstakes, and trophy of the race at issue; or

4587 4. Impose any combination of the penalties in  
4588 subparagraphs 1.-3.

4589 (b) Notwithstanding chapter 120, the department may  
4590 summarily suspend the license of an occupational licensee  
4591 responsible under this section or department rule for the  
4592 condition of a race animal if the department laboratory reports  
4593 the presence of a prohibited substance in the animal or its

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4594 blood, urine, saliva, or any other bodily fluid, either before a  
4595 race in which the animal is entered or after a race the animal  
4596 has run.

4597 (c) If an occupational licensee is summarily suspended  
4598 under this section, the department shall offer the licensee a  
4599 postsuspension hearing within 72 hours, at which the department  
4600 shall produce the laboratory report and documentation that, on  
4601 its face, establishes the responsibility of the occupational  
4602 licensee. Upon production of the documentation, the occupational  
4603 licensee has the burden of proving his or her lack of  
4604 responsibility.

4605 (d) Any proceeding for administrative action against a  
4606 licensee or permit holder, other than a proceeding under  
4607 paragraph (c), shall be conducted in compliance with chapter  
4608 120.

4609 (e) The finding of a violation of this section does not  
4610 prohibit a prosecution for any criminal act committed.

4611 (4) A prosecution brought under this section must begin  
4612 within 2 years after the violation was committed. Service of an  
4613 administrative complaint marks the beginning of administrative  
4614 action.

4615 (5) The department shall implement a split-sample  
4616 procedure for testing animals under this section.

4617 (a) Upon finding a positive drug test result, the  
4618 department shall notify the owner or trainer of the results. The  
4619 owner may request that each urine and blood sample be split into

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4620 a primary sample and a secondary sample, which must be  
4621 accomplished in the laboratory under rules approved by the  
4622 commission. Custody of both samples must remain with the  
4623 department. However, upon request by the affected trainer or  
4624 owner of the animal from which the sample was obtained, the  
4625 department shall send the secondary sample to an approved  
4626 independent laboratory for analysis. The department shall  
4627 establish standards and rules for uniform enforcement and shall  
4628 maintain a list of at least five approved independent  
4629 laboratories from which an owner or trainer shall select in the  
4630 event that a sample tests positive.

4631 (b) If the state laboratory's findings are not confirmed  
4632 by the independent laboratory, further administrative or  
4633 disciplinary action under this section may not be pursued. The  
4634 department may adopt rules identifying substances that diminish  
4635 in a blood or urine sample due to passage of time and that must  
4636 be taken into account in applying this section.

4637 (c) If the independent laboratory confirms the state  
4638 laboratory's positive result or if there is an insufficient  
4639 quantity of the secondary sample for confirmation of the state  
4640 laboratory's positive result, the department may begin  
4641 administrative proceedings under this part and consistent with  
4642 chapter 120.

4643 (d) For purposes of this subsection, the department shall  
4644 in good faith attempt to obtain a sufficient quantity of the  
4645 test fluid to allow both a primary test and a secondary test to

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4646 be conducted.

4647 (6) (a) It is the intent of the Legislature that animals  
4648 that participate in races in this state on which pari-mutuel  
4649 wagering is conducted and animals that are bred and trained in  
4650 this state for racing be treated humanely, both on and off  
4651 racetracks, throughout the lives of the animals.

4652 (b) The department shall, by rule, establish the  
4653 procedures for euthanizing greyhounds. However, a greyhound may  
4654 not be put to death by any means other than by lethal injection  
4655 of the drug sodium pentobarbital. A greyhound may not be removed  
4656 from this state for the purpose of being destroyed.

4657 (c) An occupational licensee may not train a greyhound  
4658 using live or dead animals. A greyhound may not be taken from  
4659 this state for the purpose of being trained through the use of  
4660 live or dead animals.

4661 (d) Any act committed by any licensee that would  
4662 constitute cruelty to animals as defined in s. 828.02 involving  
4663 any animal is a violation of this part. Imposition of any  
4664 penalty by the department for violation of this part or any rule  
4665 adopted by the department pursuant to this part does not  
4666 prohibit a criminal prosecution for cruelty to animals.

4667 (e) The department may inspect any area at a pari-mutuel  
4668 facility where racing animals are raced, trained, housed, or  
4669 maintained, including any areas where food, medications, or  
4670 other supplies are kept, to ensure the humane treatment of  
4671 racing animals and compliance with this part and the rules of

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4672 the department.

4673 (7) (a) Medication may not be administered to an animal  
4674 within 24 hours before the officially scheduled post time of a  
4675 race in which the animal is participating except as provided for  
4676 in this section. The department shall, by rule:

4677 1. Establish conditions for the use of furosemide to treat  
4678 exercise-induced pulmonary hemorrhage.

4679 2. Establish conditions for the use of prednisolone sodium  
4680 succinate. Furosemide or prednisolone sodium succinate may not  
4681 be administered to an animal within 4 hours before the  
4682 officially scheduled post time for the race.

4683 3. Establish conditions for the use of phenylbutazone and  
4684 synthetic corticosteroids. Except as provided in subparagraph  
4685 2., phenylbutazone and synthetic corticosteroids may not be  
4686 given to an animal within 24 hours before the officially  
4687 scheduled post time of a race. Oral corticosteroids are  
4688 prohibited unless prescribed by a licensed veterinarian and  
4689 reported to the department on forms prescribed by the  
4690 department.

4691 4. Establish acceptable levels of allowed medications and  
4692 identify the appropriate biological specimens by which the  
4693 administration of such medication is monitored.

4694 (b) This section does not prohibit the use of vitamins,  
4695 minerals, or naturally occurring substances in an amount that  
4696 does not exceed the normal physiological concentration in a  
4697 race-day specimen.

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4698       (8) (a) Medication may not be administered to an animal  
4699 within 24 hours before the officially scheduled post time of the  
4700 race except as provided in this section.

4701       (b) If the department first determines that the use of  
4702 furosemide, phenylbutazone, or prednisolone sodium succinate in  
4703 horses is in the best interest of racing, the department may  
4704 adopt rules allowing such use, but the rules must specify the  
4705 conditions for such use. A rule may not allow the administration  
4706 of furosemide or prednisolone sodium succinate within 4 hours  
4707 before the officially scheduled post time for the race. A rule  
4708 may not allow the administration of phenylbutazone or any other  
4709 synthetic corticosteroid within 24 hours before the officially  
4710 scheduled post time for the race. Any administration of  
4711 synthetic corticosteroids is limited to parenteral routes. Oral  
4712 administration of synthetic corticosteroids is expressly  
4713 prohibited. If this paragraph is unconstitutional, it is  
4714 severable from the remainder of this section.

4715       (9) (a) The department may conduct a postmortem examination  
4716 of any animal that is injured while in training or in  
4717 competition at a permitted racetrack and that subsequently  
4718 expires or is destroyed. The department may conduct a postmortem  
4719 examination of any animal that expires while housed at a  
4720 permitted racetrack, association compound, or licensed kennel or  
4721 farm. Trainers and owners must comply with this paragraph as a  
4722 condition of licensure.

4723       (b) Upon the death of an animal specified in paragraph

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4724 (a), the department may take possession of the animal for  
4725 postmortem examination. The department may submit blood, urine,  
4726 other bodily fluid specimens, or other tissue specimens  
4727 collected during a postmortem examination for testing by the  
4728 department laboratory or its designee. Upon completion of the  
4729 postmortem examination, the carcass must be returned to the  
4730 owner or disposed of at the owner's option.

4731 (10) The presence in an animal of a prohibited substance  
4732 that breaks down during a race, found by the department  
4733 laboratory in a bodily fluid specimen collected during the  
4734 postmortem examination of the animal, constitutes a violation of  
4735 this section.

4736 (11) The cost of postmortem examinations, testing, and  
4737 disposal shall be borne by the department.

4738 (12) Except as specifically modified by statute or by rule  
4739 of the department, the Uniform Classification Guidelines for  
4740 Foreign Substances, revised February 14, 1995, as promulgated by  
4741 the Association of Racing Commissioners International, Inc., is  
4742 adopted by reference as the uniform classification system for  
4743 class IV and V medications.

4744 (13) The department shall use only the thin layer  
4745 chromatography (TLC) screening process to test for the presence  
4746 of class IV and V medications in samples taken from racehorses  
4747 except when thresholds of a class IV or class V medication have  
4748 been established and are enforced by rule. Once a sample has  
4749 been identified as suspicious for a class IV or class V

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4750 medication by the TLC screening process, the sample shall be  
4751 sent for confirmation by and through additional testing methods.  
4752 All other medications not classified by rule as a class IV or  
4753 class V medication shall be subject to all forms of testing  
4754 available to the department.

4755 (14) The department may implement by rule medication  
4756 levels recommended by the University of Florida College of  
4757 Veterinary Medicine developed pursuant to an agreement between  
4758 the department and the University of Florida College of  
4759 Veterinary Medicine. The University of Florida College of  
4760 Veterinary Medicine may provide written notification to the  
4761 department that it has completed research or review on a  
4762 particular drug pursuant to the agreement and when the College  
4763 of Veterinary Medicine has completed a final report of its  
4764 findings, conclusions, and recommendations to the department.

4765 (15) The testing medium for phenylbutazone in horses shall  
4766 be serum, and the department may collect up to six full 15-  
4767 milliliter blood tubes for each horse being sampled.

4768 (16) The department shall adopt rules to implement this  
4769 section. The rules may include a classification system for  
4770 prohibited substances and a corresponding penalty schedule for  
4771 violations.

4772 Section 73. Effective October 1, 2014, section 551.0941,  
4773 Florida Statutes, is created to read:

4774 551.0941 Penalty for conducting unauthorized race.—Every  
4775 horserace or greyhound race conducted for any stake, purse,



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4776 prize, or premium, except as allowed by this part, is prohibited  
4777 and declared to be a public nuisance, and a person who conducts,  
4778 attempts to conduct, or assists in the conduct or attempted  
4779 conduct of horseracing or greyhound racing in this state in  
4780 violation of this part commits a misdemeanor of the second  
4781 degree, punishable as provided in s. 775.082 or s. 775.083.

4782 Section 74. Effective October 1, 2014, section 551.0942,  
4783 Florida Statutes, is created to read:

4784 551.0942 Conspiring to prearrange result of an event;  
4785 using medication or drugs on horse or greyhound; penalty.-

4786 (1) Any person who influences or conspires with an owner,  
4787 jockey, groom, or other person associated with or interested in  
4788 any stable, kennel, or event to prearrange or predetermine the  
4789 results of an event involving a horse, greyhound, or jai alai  
4790 player commits a felony of the third degree, punishable as  
4791 provided in s. 775.082, s. 775.083, or s. 775.084.

4792 (2) Any person who attempts to affect the outcome of a  
4793 horse race or greyhound race by unlawfully administering  
4794 medication or drugs to a race animal or by administering  
4795 prohibited medication or drugs to a race animal or who conspires  
4796 to administer or attempt to administer such medication or drugs  
4797 commits a felony of the third degree, punishable as provided in  
4798 s. 775.082, s. 775.083, or s. 775.084.

4799 Section 75. Effective October 1, 2014, section 551.0943,  
4800 Florida Statutes, is created to read:

4801 551.0943 Obtaining goods or services with intent to

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4802 defraud.—

4803 (1) Any owner, trainer, or custodian of any horse or  
4804 greyhound being used, or being bred, raised, or trained to be  
4805 used, in racing at a pari-mutuel facility who obtains food,  
4806 drugs, transportation, veterinary services, or supplies for the  
4807 use or benefit of the horse or greyhound with intent to defraud  
4808 the person from whom the food, drugs, transportation, veterinary  
4809 services, or supplies are obtained commits a misdemeanor of the  
4810 second degree, punishable as provided in s. 775.082 or s.  
4811 775.083.

4812 (2) In a prosecution under this section, proof that the  
4813 food, drugs, transportation, veterinary services, or supplies  
4814 had been furnished and not paid for, and that the owner,  
4815 trainer, or custodian of the horse or greyhound was removing or  
4816 attempting to remove any horse or greyhound from the state and  
4817 beyond the jurisdiction of the courts of this state, is prima  
4818 facie evidence of intent to defraud under this section.

4819 Section 76. Effective October 1, 2014, section 551.0944,  
4820 Florida Statutes, is created to read:

4821 551.0944 Bookmaking on the grounds of a permitholder;  
4822 duties of employees.—

4823 (1) Any person who engages in bookmaking, as defined in s.  
4824 849.25, on the grounds or property of a permitholder of a horse  
4825 or greyhound track or jai alai fronton commits a felony of the  
4826 third degree, punishable as provided in s. 775.082, s. 775.083,  
4827 or s. 775.084. A second or subsequent violation under this

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4828 subsection is a felony of the second degree, punishable as  
4829 provided in s. 775.082, s. 775.083, or s. 775.084.

4830 Notwithstanding s. 948.01, a person convicted under this  
4831 subsection may not have adjudication of guilt suspended,  
4832 deferred, or withheld.

4833 (2) A person convicted of bookmaking in this state or any  
4834 other state of the United States or any foreign country shall be  
4835 denied admittance to and may not attend any racetrack or fronton  
4836 in this state during its racing seasons or operating dates,  
4837 including any practice or preparation days, for 2 years after  
4838 the date of conviction or the date of final appeal. After the  
4839 period of ineligibility expires, the executive director of the  
4840 department may authorize admittance of such person after a  
4841 hearing on the matter. Any such person who knowingly violates  
4842 this subsection commits a misdemeanor of the first degree,  
4843 punishable as provided in s. 775.082 or s. 775.083.

4844 (3) If the activities of a person show that this section  
4845 is being violated and such activities are witnessed by or are  
4846 common knowledge of any track or fronton employee, that employee  
4847 shall bring the activities of the person to the immediate  
4848 attention of the permitholder or manager, or her or his  
4849 designee, who shall notify a law enforcement agency having  
4850 jurisdiction. Willful failure on the part of any track or  
4851 fronton employee to comply with this subsection is a ground for  
4852 the department to suspend or revoke that employee's occupational  
4853 license.

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4854 (4) Each permitholder shall display, in conspicuous places  
4855 at its track or fronton and in all race and jai alai daily  
4856 programs, a warning to all patrons concerning the prohibition  
4857 and penalties of bookmaking contained in this section and s.  
4858 849.25. The department shall adopt rules concerning the uniform  
4859 size of all warnings and the number of placements throughout a  
4860 track or fronton. Failure on the part of the permitholder to  
4861 display such warnings may result in the imposition of a \$500  
4862 fine by the department for each offense.

4863 (5) The prohibition of and penalties for bookmaking  
4864 contained in this section do not apply to a person attending a  
4865 track or fronton, or employed by a track or fronton, who places  
4866 a bet through the legalized pari-mutuel pool for another person  
4867 if such service is rendered gratuitously and without fee or  
4868 other reward.

4869 (6) This section does not apply to prosecutions filed and  
4870 pending on December 16, 1992, but all such cases shall be  
4871 disposed of under existing law at the time of institution of  
4872 such prosecutions.

4873 Section 77. Effective October 1, 2014, section 551.095,  
4874 Florida Statutes, is created to read:

4875 551.095 Limitation of civil liability.—A permittee  
4876 conducting a race meet pursuant to this part, a commissioner or  
4877 an employee of the department, or a steward, a judge, or any  
4878 other person appointed to act pursuant to this part may not be  
4879 held liable to any person, partnership, association,

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4880 corporation, or other business entity for any cause whatsoever  
4881 arising out of or from her or his performance of her or his  
4882 duties and the exercise of her or his discretion with respect to  
4883 the implementation and enforcement of the statutes and rules  
4884 governing the conduct of pari-mutuel wagering if she or he acted  
4885 in good faith. This section does not limit liability if  
4886 negligent maintenance of the premises or negligent conduct of a  
4887 race contributed to an accident and does not limit any  
4888 contractual liability.

4889 Section 78. Effective October 1, 2014, part III of chapter  
4890 551, Florida Statutes, consisting of sections 551.101-551.123,  
4891 is created and entitled "SLOT MACHINES."

4892 Section 79. Effective October 1, 2014, section 551.101,  
4893 Florida Statutes, is amended to read:

4894 551.101 Slot machine gaming authorized.—

4895 (1) Possession of slot machines and conduct of slot  
4896 machine gaming is only allowed at licensed eligible facilities  
4897 pursuant to this part and department rule. ~~Any licensed pari-~~  
4898 ~~mutuel facility located in Miami-Dade County or Broward County~~  
4899 ~~existing at the time of adoption of s. 23, Art. X of the State~~  
4900 ~~Constitution that has conducted live racing or games during~~  
4901 ~~calendar years 2002 and 2003 may possess slot machines and~~  
4902 ~~conduct slot machine gaming at the location where the pari-~~  
4903 ~~mutuel permitholder is authorized to conduct pari-mutuel~~  
4904 ~~wagering activities pursuant to such permitholder's valid pari-~~  
4905 ~~mutuel permit provided that a majority of voters in a countywide~~

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4906 ~~referendum have approved slot machines at such facility in the~~  
4907 ~~respective county.~~ Notwithstanding any other provision of law,  
4908 it is not a crime for a person to participate in slot machine  
4909 gaming at a pari-mutuel facility licensed to possess slot  
4910 machines and conduct slot machine gaming or to participate in  
4911 slot machine gaming described in this part ~~chapter~~.

4912 Section 80. Effective October 1, 2014, section 551.102,  
4913 Florida Statutes, is amended to read:

4914 551.102 Definitions.—As used in this part ~~chapter~~, the  
4915 term:

4916 ~~(1) "Distributor" means any person who sells, leases, or~~  
4917 ~~offers or otherwise provides, distributes, or services any slot~~  
4918 ~~machine or associated equipment for use or play of slot machines~~  
4919 ~~in this state. A manufacturer may be a distributor within the~~  
4920 ~~state.~~

4921 (1)(2) "Designated slot machine gaming area" means the  
4922 area or areas of a facility of a slot machine licensee in which  
4923 slot machine gaming may be conducted ~~in accordance with the~~  
4924 ~~provisions of this chapter.~~

4925 (2) "Distributor" means a person who sells, leases, or  
4926 offers or otherwise provides, distributes, or services a slot  
4927 machine or associated equipment for use or play of slot machines  
4928 in this state. A manufacturer may be a distributor within the  
4929 state.

4930 ~~(3) "Division" means the Division of Pari-mutuel Wagering~~  
4931 ~~of the Department of Business and Professional Regulation.~~

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4932        ~~(3)-(4)~~ "Eligible facility" means a any licensed pari-  
4933        mutuel facility that meets the requirements of s. 551.104(3)  
4934        ~~located in Miami-Dade County or Broward County existing at the~~  
4935        ~~time of adoption of s. 23, Art. X of the State Constitution that~~  
4936        ~~has conducted live racing or games during calendar years 2002~~  
4937        ~~and 2003 and has been approved by a majority of voters in a~~  
4938        ~~countywide referendum to have slot machines at such facility in~~  
4939        ~~the respective county; any licensed pari-mutuel facility located~~  
4940        ~~within a county as defined in s. 125.011, provided such facility~~  
4941        ~~has conducted live racing for 2 consecutive calendar years~~  
4942        ~~immediately preceding its application for a slot machine~~  
4943        ~~license, pays the required license fee, and meets the other~~  
4944        ~~requirements of this chapter; or any licensed pari-mutuel~~  
4945        ~~facility in any other county in which a majority of voters have~~  
4946        ~~approved slot machines at such facilities in a countywide~~  
4947        ~~referendum held pursuant to a statutory or constitutional~~  
4948        ~~authorization after the effective date of this section in the~~  
4949        ~~respective county, provided such facility has conducted a full~~  
4950        ~~schedule of live racing for 2 consecutive calendar years~~  
4951        ~~immediately preceding its application for a slot machine~~  
4952        ~~license, pays the required license licensed fee, and meets the~~  
4953        ~~other requirements of this part chapter.~~

4954        ~~(4)-(5)~~ "Manufacturer" means a any person who manufactures,  
4955        builds, rebuilds, fabricates, assembles, produces, programs,  
4956        designs, or otherwise makes modifications to a any slot machine  
4957        or associated equipment for use or play of slot machines in this

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4958 state for gaming purposes. A manufacturer may be a distributor  
4959 within the state.

4960 ~~(5)-(6)~~ "Nonredeemable credits" means slot machine  
4961 operating credits that cannot be redeemed for cash or any other  
4962 thing of value by a slot machine, a kiosk, or the slot machine  
4963 licensee and that are provided free of charge to patrons. Such  
4964 operating credits become ~~do not constitute~~ "nonredeemable  
4965 credits" when ~~until such time as~~ they are metered as credit into  
4966 a slot machine and recorded in the facility-based monitoring  
4967 system.

4968 ~~(6)-(7)~~ "Progressive system" means a computerized system  
4969 linking slot machines in one or more licensed facilities within  
4970 this state or other jurisdictions and offering one or more  
4971 common progressive payouts based on the amounts wagered.

4972 ~~(7)-(8)~~ "Slot machine" means a ~~any~~ mechanical or electrical  
4973 contrivance, terminal that may ~~or may not~~ be capable of  
4974 downloading slot games from a central server system, machine, or  
4975 other device that, upon insertion of a coin, bill, ticket,  
4976 token, or similar object or upon payment of any consideration  
4977 whatsoever, including the use of an ~~any~~ electronic payment  
4978 system except a credit card or debit card, is available to play  
4979 or operate, the play or operation of which, whether by reason of  
4980 skill or application of the element of chance or both, may  
4981 deliver or entitle the person or persons playing or operating  
4982 the contrivance, terminal, machine, or other device to receive  
4983 cash, billets, tickets, tokens, or electronic credits to be



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4984 exchanged for cash or to receive merchandise or anything of  
4985 value whatsoever, whether the payoff is made automatically from  
4986 the machine or manually. The term includes associated equipment  
4987 necessary to conduct the operation of the contrivance, terminal,  
4988 machine, or other device. Slot machines may use spinning reels,  
4989 video displays, or both. A slot machine is not a "coin-operated  
4990 amusement machine" as defined in s. 212.02(24) or an amusement  
4991 game or machine as described in s. 551.56 ~~s. 849.161~~, and slot  
4992 machines are not subject to the tax imposed under ~~by~~ s.  
4993 212.05(1)(h).

4994 ~~(8)-(9)~~ "Slot machine facility" means a facility at which  
4995 slot machines ~~as defined in this chapter~~ are lawfully offered  
4996 for play.

4997 ~~(9)-(10)~~ "Slot machine license" means a license issued by  
4998 the commission ~~division~~ authorizing a pari-mutuel licensee  
4999 ~~permitholder~~ to place and operate slot machines as provided by  
5000 s. 23, Art. X of the State Constitution, ~~the provisions of this~~  
5001 part chapter, and department ~~division~~ rules.

5002 ~~(10)-(11)~~ "Slot machine licensee" means a pari-mutuel  
5003 licensee ~~permitholder~~ who holds a slot machine license ~~issued by~~  
5004 ~~the division pursuant to this chapter that authorizes such~~  
5005 ~~person to possess a slot machine within facilities specified in~~  
5006 ~~s. 23, Art. X of the State Constitution and allows slot machine~~  
5007 ~~gaming.~~

5008 ~~(11)-(12)~~ "Slot machine operator" means a person employed  
5009 or contracted by a slot machine licensee ~~the owner of a licensed~~

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5010 ~~facility~~ to conduct slot machine gaming at a slot machine ~~that~~  
5011 ~~licensed~~ facility.

5012 ~~(12)-(13)~~ "Slot machine revenues" means the total of all  
5013 cash and property, except nonredeemable credits, received by the  
5014 slot machine licensee from the operation of slot machines less  
5015 the amount of cash, cash equivalents, credits, and prizes paid  
5016 to winners of slot machine gaming.

5017 Section 81. Effective October 1, 2014, section 551.104,  
5018 Florida Statutes, is amended to read:

5019 551.104 License to conduct slot machine gaming.—

5020 (1) Applications for a slot machine licensure may be made  
5021 to the commission in accordance with the rules of the  
5022 department.

5023 (2) Upon receiving an application, any amendments properly  
5024 made thereto, and payment of the initial license fee, the  
5025 department shall further investigate the matters contained in  
5026 the application and present itdeletes findings to and a finding  
5027 by the commission for review. If ~~division after investigation~~  
5028 that the application is complete and the applicant is qualified  
5029 pursuant to this chapter and the rules of the department and the  
5030 commission finds that it would be in the best interests of the  
5031 state and payment of the initial license fee, the commission  
5032 division may issue a license to conduct slot machine gaming in  
5033 the designated slot machine gaming area of the eligible  
5034 facility. Once licensed, slot machine gaming may be conducted  
5035 subject to ~~the requirements of this part chapter~~ and the rules

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5036 adopted pursuant to this part ~~thereto~~.

5037 (3)-(2) An application may be considered or approved by the  
5038 commission ~~division~~ only if the applicant provides clear and  
5039 convincing evidence that:

5040 (a) The facility at which the applicant seeks to operate  
5041 slot machines is:

5042 1. A licensed pari-mutuel facility where live racing or  
5043 games were conducted during calendar years 2002 and 2003,  
5044 located in Miami-Dade County or Broward County, and authorized  
5045 for slot machine licensure pursuant to s. 23, Art. X of the  
5046 State Constitution if ~~after~~ the voters of the county where the  
5047 applicant's facility is located have authorized by referendum  
5048 slot machines within pari-mutuel facilities in that county; or

5049 2. A licensed pari-mutuel facility where live horseracing  
5050 has been conducted for two consecutive calendar years  
5051 immediately preceding its application for a slot machine license  
5052 and located within a county as defined in s. 125.011 ~~as~~  
5053 specified in s. 23, Art. X of the State Constitution.

5054 (b) Issuance of the license would not have a net negative  
5055 impact on state revenues, including those generated under  
5056 tribal-state gaming compacts.

5057 (c) Slot machine gaming at the proposed location is  
5058 approved under the zoning and land use regulations of the  
5059 applicable county or municipality.

5060 (3) A slot machine license may be issued only to a  
5061 licensed pari-mutuel permitholder, and slot machine gaming may

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5062 be conducted only at the eligible facility at which the  
5063 permitholder is authorized under its valid pari-mutuel wagering  
5064 permit to conduct pari-mutuel wagering activities.

5065 (4) As a condition of licensure and to maintain continued  
5066 authority ~~to for the~~ conduct of slot machine gaming, the slot  
5067 machine licensee must ~~shall~~:

5068 (a) Continue to be in compliance with this part ~~chapter~~.

5069 (b) Continue to be in compliance with part II ~~chapter 550~~,  
5070 where applicable, and maintain the pari-mutuel permit and  
5071 license in good standing pursuant to part II ~~the provisions of~~  
5072 ~~chapter 550. Notwithstanding any contrary provision of law and~~  
5073 ~~in order to expedite the operation of slot machines at eligible~~  
5074 ~~facilities, any eligible facility shall be entitled within 60~~  
5075 ~~days after the effective date of this act to amend its 2006-2007~~  
5076 ~~pari-mutuel wagering operating license issued by the division~~  
5077 ~~under ss. 550.0115 and 550.01215. The division shall issue a new~~  
5078 ~~license to the eligible facility to effectuate any approved~~  
5079 ~~change.~~

5080 (c) Conduct at least ~~no fewer than~~ a full schedule of live  
5081 events ~~racing or games~~ as defined in part II s. 550.002(11). A  
5082 permitholder's responsibility to conduct such number of live  
5083 events ~~races or games~~ shall be reduced by the number of events  
5084 ~~races or games~~ that could not be conducted due to the direct  
5085 result of fire, war, hurricane, or other disaster or event  
5086 beyond the control of the permitholder.

5087 (d) Upon approval of a change ~~any changes~~ relating to the

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5088 pari-mutuel permit by the commission ~~division~~, be responsible  
5089 for providing appropriate current and accurate documentation on  
5090 a timely basis to the department ~~division~~ in order to continue  
5091 the slot machine license in good standing. Changes in ownership  
5092 or interest of a slot machine license of 5 percent or more of  
5093 the stock or other evidence of ownership or equity in the slot  
5094 machine license or any parent corporation or other business  
5095 entity that in any way owns or controls the slot machine license  
5096 shall be approved by the commission before ~~division prior to~~  
5097 such change, unless the owner is an existing holder of that  
5098 license who was previously approved ~~by the division~~. Changes in  
5099 ownership or interest of a slot machine license of less than 5  
5100 percent, unless such change results in a cumulative total change  
5101 of 5 percent or more, shall be reported to the department  
5102 ~~division~~ within 20 days after such ~~the~~ change. The department  
5103 ~~division~~ may then conduct an investigation to ensure that the  
5104 license is properly updated to show the change in ownership or  
5105 interest. ~~No~~ Reporting is not required if the person holds ~~is~~  
5106 ~~holding~~ 5 percent or less equity or securities of a corporate  
5107 owner of the slot machine licensee that has its securities  
5108 registered pursuant to s. 12 of the Securities Exchange Act of  
5109 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity  
5110 files with the United States Securities and Exchange Commission  
5111 the reports required by s. 13 of that act or if the securities  
5112 of the corporation or entity are regularly traded on an  
5113 established securities market in the United States. A change in

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5114 ownership or interest of less than 5 percent which results in a  
5115 cumulative ownership or interest of 5 percent or more shall be  
5116 approved by the commission before ~~division prior to~~ such change  
5117 unless the owner is an existing holder of the license who was  
5118 previously approved ~~by the division~~.

5119 (e) Allow the commission, the department, ~~division~~ and the  
5120 Department of Law Enforcement unrestricted access to and right  
5121 of inspection of facilities of a slot machine licensee in which  
5122 an ~~any~~ activity relative to the conduct of slot machine gaming  
5123 is conducted.

5124 (f) Ensure that the facilities-based computer system that  
5125 the licensee will use for operational and accounting functions  
5126 of the slot machine facility is specifically structured to  
5127 facilitate regulatory oversight. The facilities-based computer  
5128 system must ~~shall be designed to~~ provide the department ~~division~~  
5129 and the Department of Law Enforcement with the ability to  
5130 monitor, at any time on a real-time basis, the wagering  
5131 patterns, payouts, tax collection, and such other operations as  
5132 necessary to determine whether the facility is in compliance  
5133 with this part ~~statutory provisions~~ and rules adopted by the  
5134 department pursuant to this part ~~division for the regulation and~~  
5135 ~~control of slot machine gaming~~. The commission ~~division~~ and the  
5136 Department of Law Enforcement shall have complete and continuous  
5137 access to the ~~this~~ system. Such access shall include the ability  
5138 of either the department ~~division~~ or the Department of Law  
5139 Enforcement to suspend play immediately on particular slot

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5140 machines if monitoring of the system indicates possible  
5141 tampering or manipulation of those slot machines or the ability  
5142 to suspend play immediately of the entire operation if the  
5143 tampering or manipulation is of the computer system itself. The  
5144 computer system shall be reviewed and approved by the department  
5145 ~~division~~ to ensure necessary access, security, and  
5146 functionality. The department ~~division~~ may adopt rules to  
5147 provide for the approval process.

5148 (g) Ensure that each slot machine is protected from  
5149 manipulation or tampering to affect the random probabilities of  
5150 winning plays. The department ~~division~~ or the Department of Law  
5151 Enforcement may ~~shall have the authority to~~ suspend play upon  
5152 reasonable suspicion of ~~any~~ manipulation or tampering. When play  
5153 has been suspended on a a ~~any~~ slot machine, the department  
5154 ~~division~~ or the Department of Law Enforcement may examine the  
5155 ~~any~~ slot machine to determine whether the machine has been  
5156 tampered with or manipulated and whether the machine should be  
5157 returned to operation.

5158 (h) Submit a security plan, including the facilities'  
5159 floor plans ~~plan~~, the locations of security cameras, and a  
5160 listing of all security equipment that is capable of observing  
5161 and electronically recording activities being conducted in the  
5162 facilities of the slot machine licensee. The security plan must  
5163 meet the minimum security requirements as determined by  
5164 department rule ~~the division under s. 551.103(1)(i)~~ and be  
5165 implemented before ~~prior to~~ operation of slot machine gaming.

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5166 The slot machine licensee's facilities must adhere to the  
5167 security plan at all times. Any changes to the security plan  
5168 must be submitted by the licensee to the department before  
5169 ~~division prior to~~ implementation. The department ~~division~~ shall  
5170 furnish copies of the security plan and changes in the plan to  
5171 the Department of Law Enforcement.

5172 (i) Create and file with the department ~~division~~ a written  
5173 policy for:

5174 1. Creating opportunities to purchase from vendors in this  
5175 state, including minority vendors.

5176 2. Creating opportunities for employment of residents of  
5177 this state, including minority residents.

5178 3. Ensuring opportunities for construction services from  
5179 minority contractors.

5180 4. Ensuring that opportunities for employment are offered  
5181 on an equal, nondiscriminatory basis.

5182 5. Training ~~for~~ employees on responsible gaming and on a  
5183 prevention program for working with a compulsive or addictive  
5184 gambling ~~prevention program~~ to further its purposes as provided  
5185 for in s. 551.118.

5186 6. Implementing ~~The implementation of~~ a drug-testing  
5187 program that includes, but is not limited to, requiring each  
5188 employee to sign an agreement that he or she understands that  
5189 the slot machine facility is a drug-free workplace.

5190 (j) ~~The slot machine licensee shall~~ Use the Internet-based  
5191 job-listing system of the Department of Economic Opportunity to



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5192 advertise ~~in advertising~~ employment opportunities.

5193 (k) ~~Beginning in June 2007, each slot machine licensee~~  
5194 ~~shall~~ Provide an annual report to the department division  
5195 containing information indicating compliance with ~~this~~ paragraph  
5196 (i) regarding ~~in regard to~~ minority persons.

5197 (1)(j) ~~Ensure~~ that the payout percentage of a slot machine  
5198 gaming facility is at least 85 percent.

5199 (5) A slot machine license is not transferable.

5200 (6) A slot machine licensee shall keep and maintain  
5201 permanent daily records of its slot machine operation and shall  
5202 maintain such records for a period of at least ~~not less than~~ 5  
5203 years. These records must include all financial transactions and  
5204 contain sufficient detail to determine compliance with ~~the~~  
5205 ~~requirements of this part chapter.~~ All records must ~~shall~~ be  
5206 available during the licensee's regular business hours for audit  
5207 and inspection by the department division, the Department of Law  
5208 Enforcement, or other law enforcement agencies ~~during the~~  
5209 ~~licensee's regular business hours.~~

5210 (7) A slot machine licensee shall file with the department  
5211 ~~division~~ a monthly report containing the required records of  
5212 such slot machine operation. The required reports shall be  
5213 submitted on forms prescribed by the department division and are  
5214 ~~shall be~~ due at the same time as the monthly pari-mutuel reports  
5215 are due to the department. division, and The reports become  
5216 ~~shall be deemed~~ public records when ~~once~~ filed.

5217 (8) A slot machine licensee shall file with the department

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5218 ~~division~~ an audit of the receipt and distribution of all slot  
5219 machine revenues provided by an independent certified public  
5220 accountant verifying compliance with all financial and auditing  
5221 provisions of this part ~~chapter~~ and the associated rules adopted  
5222 under this part ~~chapter~~. The audit must include verification of  
5223 compliance with all statutes and rules regarding all required  
5224 records of slot machine operations. The ~~Such~~ audit shall be  
5225 filed within 60 days after ~~the~~ completion of the permit holder's  
5226 pari-mutuel meet.

5227 (9) The department ~~division~~ may share ~~any~~ information with  
5228 the Department of Law Enforcement, any other law enforcement  
5229 agency having jurisdiction over slot machine gaming or pari-  
5230 mutuel activities, or any other state or federal law enforcement  
5231 agency the department ~~division~~ or the Department of Law  
5232 Enforcement deems appropriate. A ~~Any~~ law enforcement agency  
5233 having jurisdiction over slot machine gaming or pari-mutuel  
5234 activities may share ~~any~~ information obtained or developed by it  
5235 with the department ~~division~~.

5236 (10)(a)1. A ~~No~~ slot machine license or renewal license may  
5237 not ~~thereof shall~~ be issued to an applicant holding a permit  
5238 under part II ~~chapter 550~~ to conduct pari-mutuel wagering meets  
5239 of thoroughbred racing unless the applicant has on file with the  
5240 department ~~division~~ a binding written agreement between the  
5241 applicant and the Florida Horsemen's Benevolent and Protective  
5242 Association, Inc., governing the payment of purses on live  
5243 thoroughbred races conducted at the licensee's pari-mutuel

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5244 facility. In addition, ~~a no~~ slot machine license or renewal  
5245 license may not ~~thereof shall~~ be issued to such an applicant  
5246 unless the applicant has on file with the department ~~division~~ a  
5247 binding written agreement between the applicant and the Florida  
5248 Thoroughbred Breeders' Association, Inc., governing the payment  
5249 of breeder ~~breeders'~~, stallion, and special racing awards on  
5250 live thoroughbred races conducted at the licensee's pari-mutuel  
5251 facility. The agreement governing purses and the agreement  
5252 governing awards may direct the payment of such purses and  
5253 awards from revenues generated by any wagering or gaming the  
5254 applicant is authorized to conduct ~~under Florida law~~. All purses  
5255 and awards are ~~shall be~~ subject to part II ~~the terms of chapter~~  
5256 ~~550~~. All sums for breeder ~~breeders'~~, stallion, and special  
5257 racing awards shall be remitted monthly to the Florida  
5258 Thoroughbred Breeders' Association, Inc., for the payment of  
5259 awards subject to the administrative fee authorized under part  
5260 II ~~in s. 550.2625(3)~~.

5261 2. ~~A No~~ slot machine license or renewal license may not  
5262 ~~thereof shall~~ be issued to an applicant holding a permit under  
5263 part II ~~chapter 550~~ to conduct pari-mutuel wagering meets of  
5264 quarter horse racing unless the applicant has on file with the  
5265 department ~~division~~ a binding written agreement between the  
5266 applicant and the Florida Quarter Horse Racing Association or  
5267 the association representing a majority of the horse owners and  
5268 trainers at the applicant's eligible facility, governing the  
5269 payment of purses on live quarter horse races conducted at the

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5270 licensee's pari-mutuel facility. The agreement governing purses  
5271 may direct the payment of such purses from revenues generated by  
5272 any wagering or gaming the applicant is authorized to conduct  
5273 ~~under Florida law~~. All purses are ~~shall be~~ subject to part II  
5274 ~~the terms of chapter 550~~.

5275 (b) The commission ~~division~~ shall suspend a slot machine  
5276 license if one or more of the agreements required under  
5277 paragraph (a) are terminated or otherwise cease to operate or if  
5278 the commission ~~division~~ determines that the licensee is  
5279 materially failing to comply with the terms of such an  
5280 agreement. ~~Any~~ Such suspension shall take place pursuant to ~~in~~  
5281 ~~accordance with~~ chapter 120.

5282 (c)1. If an agreement required under paragraph (a) cannot  
5283 be reached before ~~prior to~~ the initial issuance of the slot  
5284 machine license, either party may request arbitration or, in the  
5285 case of a renewal, if an agreement required under paragraph (a)  
5286 is not in place 120 days before ~~prior to~~ the scheduled  
5287 expiration date of the slot machine license, the applicant shall  
5288 immediately ask the American Arbitration Association to furnish  
5289 a list of 11 arbitrators, each of whom shall have at least 5  
5290 years of commercial arbitration experience and no financial  
5291 interest in or prior relationship with any of the parties or  
5292 their affiliated or related entities or principals. Each  
5293 required party to the agreement shall select a single arbitrator  
5294 from the list provided by the American Arbitration Association  
5295 within 10 days after ~~of~~ receipt, and the individuals so selected

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5296 shall choose one additional arbitrator from the list within the  
5297 next 10 days.

5298 2. If an agreement required under paragraph (a) is not in  
5299 place 60 days after the request under subparagraph 1. in the  
5300 case of an initial slot machine license or, in the case of a  
5301 renewal, 60 days before ~~prior to~~ the scheduled expiration date  
5302 of the slot machine license, the matter shall be immediately  
5303 submitted to mandatory binding arbitration to resolve the  
5304 disagreement between the parties. The three arbitrators selected  
5305 pursuant to subparagraph 1. shall constitute the panel that  
5306 shall arbitrate the dispute between the parties pursuant to the  
5307 American Arbitration Association Commercial Arbitration Rules  
5308 and chapter 682.

5309 3. At the conclusion of the proceedings, which shall be no  
5310 later than 90 days after the request under subparagraph 1. in  
5311 the case of an initial slot machine license or, in the case of a  
5312 renewal, 30 days before ~~prior to~~ the scheduled expiration date  
5313 of the slot machine license, the arbitration panel shall present  
5314 to the parties a proposed agreement that the majority of the  
5315 panel believes equitably balances the rights, interests,  
5316 obligations, and reasonable expectations of the parties. The  
5317 parties shall immediately enter into such agreement, which shall  
5318 satisfy the requirements of paragraph (a) and permit issuance of  
5319 the pending annual slot machine license or renewal. The  
5320 agreement produced by the arbitration panel under this  
5321 subparagraph shall be effective until the last day of the

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5322 license or renewal period or until the parties enter into a  
5323 different agreement. Each party shall pay its respective costs  
5324 of arbitration and shall pay one-half of the costs of the  
5325 arbitration panel, unless the parties otherwise agree. If the  
5326 agreement produced by the arbitration panel under this  
5327 subparagraph remains in place 120 days before ~~prior to~~ the  
5328 scheduled issuance of the next annual license renewal, then the  
5329 arbitration process established in this paragraph will begin  
5330 again.

5331 4. ~~If in the event that~~ neither of the agreements required  
5332 under subparagraph (a)1. or the agreement required under  
5333 subparagraph (a)2. are in place by the deadlines established in  
5334 this paragraph, arbitration regarding each agreement will  
5335 proceed independently, with separate lists of arbitrators,  
5336 arbitration panels, arbitration proceedings, and resulting  
5337 agreements.

5338 5. With respect to the agreements required under paragraph  
5339 (a) governing the payment of purses, the arbitration and  
5340 resulting agreement called for under this paragraph shall be  
5341 limited to the payment of purses from slot machine revenues  
5342 only.

5343 (d) If a ~~any~~ provision of this subsection or its  
5344 application to a ~~any~~ person or circumstance is held invalid, the  
5345 invalidity does not affect other provisions or applications of  
5346 this subsection or part ~~chapter~~ which can be given effect  
5347 without the invalid provision or application, and to this end

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5348 the provisions of this subsection are severable.

5349 Section 82. (1) Subsection (3) of section 551.104,  
5350 Florida Statutes, as amended by this act, is amended to read:

5351 551.104 License to conduct slot machine gaming.—

5352 (3) An application may be considered or approved by the  
5353 commission only if the applicant provides clear and convincing  
5354 evidence that:

5355 (a) The facility at which the applicant seeks to operate  
5356 slot machines is:

5357 1. A licensed pari-mutuel facility where live racing or  
5358 games were conducted during calendar years 2002 and 2003,  
5359 located in Miami-Dade County or Broward County, and authorized  
5360 for slot machine licensure pursuant to s. 23, Art. X of the  
5361 State Constitution if the voters of the county where the  
5362 applicant's facility is located have authorized by referendum  
5363 slot machines within pari-mutuel facilities in that county; ~~or~~

5364 2. A licensed pari-mutuel facility where live horseracing  
5365 has been conducted for two consecutive calendar years  
5366 immediately preceding its application for a slot machine license  
5367 and located within a county as defined in s. 125.011; or

5368 3. A licensed pari-mutuel facility located in a county in  
5369 which a majority of voters have approved slot machines at pari-  
5370 mutuel facilities in a countywide referendum held concurrently  
5371 with a general election in which the offices of President and  
5372 Vice President of the United States were on the ballot, if:

5373 a. The applicant has conducted at least 250 live

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5374 performances under the permit for which slot machine licensure  
5375 is sought for each of the 10 consecutive calendar years  
5376 immediately preceding its application and

5377 b. The permitholder presents to the commission for  
5378 revocation all permits for pari-mutuel wagering, other than the  
5379 permit for which slot machine licensure is sought, in which the  
5380 permitholder directly or indirectly maintains a majority  
5381 ownership interest.

5382 (b) Issuance of the license would not have a net negative  
5383 impact on state revenues, including those generated under  
5384 tribal-state gaming compacts. This paragraph does not apply to  
5385 such an applicant under subparagraph (a)3., if the operation of  
5386 slot machines at the facility is specifically contemplated by a  
5387 compact ratified in part II of chapter 285 and approved by the  
5388 Department of the Interior.

5389 (c) Slot machine gaming at the proposed location is  
5390 approved under the zoning and land use regulations of the  
5391 applicable county or municipality.

5392 (2) This section shall take effect only if the Governor  
5393 and an authorized representative of the Seminole Tribe of  
5394 Florida execute an amended Indian Gaming Compact pursuant to the  
5395 Indian Gaming Regulatory Act of 1988 and part II of chapter 285,  
5396 the compact is ratified by the Legislature, and approved or  
5397 deemed approved by the Department of the Interior, and only if  
5398 such compact provides for the operation of slot machines at  
5399 state-licensed facilities outside of Miami-Dade and Broward



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5400 counties without the suspension of all revenue sharing payments.  
5401 This section shall take effect on the date that such a compact  
5402 is published in the Federal Register.

5403 Section 83. Effective October 1, 2014, section 551.105,  
5404 Florida Statutes, is amended to read:

5405 551.105 Slot machine license renewal.-

5406 (1) Slot machine licenses are ~~shall be~~ effective for 1  
5407 year after issuance ~~and shall be renewed annually~~. The annual  
5408 application for renewal must contain all revisions to the  
5409 information submitted in the prior year's application which ~~that~~  
5410 are necessary to maintain such information as both accurate and  
5411 current.

5412 (2) The applicant for renewal shall attest that a change  
5413 in any information does ~~changes do~~ not affect the applicant's  
5414 qualifications for license renewal.

5415 (3) Upon determination by the commission ~~division~~ that the  
5416 application for renewal is complete and qualifications have been  
5417 met, including payment of the renewal fee, the slot machine  
5418 license shall be renewed annually.

5419 Section 84. Effective October 1, 2014, section 551.106,  
5420 Florida Statutes, is amended to read:

5421 551.106 License fee; tax rate; penalties.-

5422 (1) LICENSE FEE.-

5423 (a) Upon submission of the initial application for a slot  
5424 machine license, the applicant shall pay to the department a  
5425 nonrefundable license fee of \$3 million. Each year ~~and annually~~

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5426 thereafter, on the anniversary date of the issuance of the  
5427 initial license, the licensee shall ~~must~~ pay to the department  
5428 ~~division~~ a nonrefundable license fee of \$2 ~~\$3~~ million for the  
5429 succeeding 12 months of licensure. ~~In the 2010-2011 fiscal year,~~  
5430 ~~the licensee must pay the division a nonrefundable license fee~~  
5431 ~~of \$2.5 million for the succeeding 12 months of licensure. In~~  
5432 ~~the 2011-2012 fiscal year and for every fiscal year thereafter,~~  
5433 ~~the licensee must pay the division a nonrefundable license fee~~  
5434 ~~of \$2 million for the succeeding 12 months of licensure. The~~  
5435 license fee shall be deposited into the Gaming Control Trust  
5436 Fund ~~Pari-mutuel Wagering Trust Fund~~ of the department and ~~of~~  
5437 ~~Business and Professional Regulation to be used by the~~  
5438 department ~~division~~ and the Department of Law Enforcement for  
5439 investigations, regulation of slot machine gaming, and  
5440 enforcement of ~~slot machine gaming provisions under~~ this part  
5441 ~~chapter. The~~ These payments shall be accounted for separately  
5442 from taxes or fees paid pursuant to part II ~~the provisions of~~  
5443 ~~chapter 550.~~

5444 (b) ~~Prior to January 1, 2007,~~ The commission ~~division~~  
5445 shall biennially evaluate the license fee and ~~shall~~ make  
5446 recommendations to the President of the Senate and the Speaker  
5447 of the House of Representatives regarding the optimum level of  
5448 slot machine license fees necessary to ~~in order to adequately~~  
5449 support the slot machine regulatory program.

5450 (2) TAX ON SLOT MACHINE REVENUES.—

5451 (a) Each facility shall be taxed at a rate of ~~The tax rate~~

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5452 ~~on slot machine revenues at each facility shall be~~ 35 percent of  
5453 slot machine revenues. If, during a any state fiscal year, the  
5454 aggregate amount of tax paid to the state by all slot machine  
5455 licensees in Broward and Miami-Dade Counties is less than the  
5456 aggregate amount of tax paid to the state by all slot machine  
5457 licensees in the 2008-2009 fiscal year, each slot machine  
5458 licensee shall pay to the state within 45 days after the end of  
5459 the state fiscal year a surcharge equal to its pro rata share of  
5460 an amount equal to the difference between the aggregate amount  
5461 of tax paid to the state by all slot machine licensees in the  
5462 2008-2009 fiscal year and the amount of tax paid during the  
5463 fiscal year. Each licensee's pro rata share shall be ~~an amount~~  
5464 determined by dividing the number 1 by the number of facilities  
5465 licensed to operate slot machines during the applicable fiscal  
5466 year, regardless of whether the facility is operating such  
5467 machines.

5468 (b) The ~~slot machine revenue~~ tax imposed by this section  
5469 shall be paid by the slot machine licensee to the department  
5470 ~~division~~ for deposit into the Gaming Control Trust Fund of the  
5471 Department of Business and Professional Regulation and  
5472 immediately transferred Pari-mutuel Wagering Trust Fund for  
5473 ~~immediate transfer~~ by the Chief Financial Officer ~~for deposit~~  
5474 into the Educational Enhancement Trust Fund of the Department of  
5475 Education. ~~Any~~ Interest earnings on the tax revenues shall also  
5476 be transferred to the Educational Enhancement Trust Fund.

5477 (c)1. Funds transferred to the Educational Enhancement

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5478 Trust Fund under paragraph (b) shall be used to supplement  
5479 public education funding statewide.

5480 2. If necessary to comply with a ~~any~~ covenant established  
5481 pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3),  
5482 funds transferred to the Educational Enhancement Trust Fund  
5483 under paragraph (b) shall first be available to pay debt service  
5484 on lottery bonds issued to fund school construction in the event  
5485 lottery revenues are insufficient for such purpose or to satisfy  
5486 debt service reserve requirements established in connection with  
5487 lottery bonds. Moneys available pursuant to this subparagraph  
5488 are subject to annual appropriation by the Legislature.

5489 ~~(d)(3) PAYMENT AND DISPOSITION OF TAXES. Payment for the~~  
5490 ~~tax on slot machine revenues imposed by this section shall be~~  
5491 ~~paid to the division. The division shall deposit these sums with~~  
5492 ~~the Chief Financial Officer, to the credit of the Pari-mutuel~~  
5493 ~~Wagering Trust Fund. The slot machine licensee shall pay ~~remit~~~~  
5494 ~~to the division payment for the tax on slot machine revenues.~~  
5495 ~~Such payments shall be remitted by 3 p.m. Wednesday of each week~~  
5496 ~~for taxes imposed and collected for the preceding week ending on~~  
5497 ~~Sunday. Beginning on July 1, 2012, the slot machine licensee~~  
5498 ~~shall remit to the division payment for the tax on slot machine~~  
5499 ~~revenues by 3 p.m. on the 5th day of each calendar month for~~  
5500 ~~taxes imposed and collected for the preceding calendar month. If~~  
5501 ~~the 5th day of the calendar month falls on a weekend, payments~~  
5502 ~~shall be remitted by 3 p.m. the first Monday following the~~  
5503 ~~weekend. The slot machine licensee shall file a report under~~

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5504 oath by the 5th day of each calendar month for all taxes  
5505 remitted during the preceding calendar month. Such payments  
5506 shall be accompanied by a report under oath showing all slot  
5507 machine gaming activities for the preceding calendar month and  
5508 such other information as may be prescribed by the department  
5509 division.

5510 ~~(e)(4) TO PAY TAX; PENALTIES.~~ A slot machine licensee who  
5511 fails to make tax payments as required under this section is  
5512 subject to an administrative penalty of up to \$10,000 for each  
5513 day the tax payment is not remitted. All administrative  
5514 penalties imposed and collected shall be deposited into the  
5515 Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~ of the  
5516 department ~~of Business and Professional Regulation~~. If a any  
5517 slot machine licensee fails to pay penalties imposed by order of  
5518 the commission ~~division~~ under this paragraph ~~subsection~~, the  
5519 commission ~~division~~ may suspend, revoke, or refuse to renew the  
5520 license of the slot machine licensee.

5521 Section 85. Effective October 1, 2014, section 551.108,  
5522 Florida Statutes, is amended to read:

5523 551.108 Prohibited relationships.—

5524 ~~(1) A person employed by or performing any function on~~  
5525 ~~behalf of the division may not:~~

5526 ~~(a) Be an officer, director, owner, or employee of any~~  
5527 ~~person or entity licensed by the division.~~

5528 ~~(b) Have or hold any interest, direct or indirect, in, or~~  
5529 ~~engage in any commerce or business relationship with any person~~

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5530 ~~licensed by the division.~~

5531 (1)~~(2)~~ A manufacturer or distributor of slot machines may  
5532 not enter into a any contract with a slot machine licensee which  
5533 ~~that~~ provides for any revenue sharing of any kind or nature that  
5534 is directly or indirectly calculated on the basis of a  
5535 percentage of slot machine revenues. A ~~Any~~ maneuver, shift, or  
5536 device that violates this subsection ~~whereby this subsection is~~  
5537 ~~violated is a violation of this chapter and~~ renders any such  
5538 agreement void.

5539 (2)~~(3)~~ A manufacturer or distributor of slot machines or  
5540 ~~any~~ equipment necessary for the operation of slot machines or an  
5541 officer, a director, or an employee of any such manufacturer or  
5542 distributor may not have an ~~any~~ ownership or financial interest  
5543 in a slot machine license or in a ~~any~~ business owned by the slot  
5544 machine licensee.

5545 (3)~~(4)~~ An employee of the commission or department  
5546 ~~division~~ or relative living in the same household as such  
5547 employee of the commission or department ~~division~~ may not wager  
5548 at any time on a slot machine located at a facility licensed by  
5549 the commission ~~division~~.

5550 (4)~~(5)~~ An occupational licensee or a relative of such  
5551 licensee who lives ~~living~~ in the same household ~~as such~~  
5552 ~~occupational licensee~~ may not wager at any time on a slot  
5553 machine located at a facility where the licensee ~~that person~~ is  
5554 employed.

5555 Section 86. Effective October 1, 2014, section 551.109,

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5556 Florida Statutes, is amended to read:

5557 551.109 Prohibited acts; penalties.—

5558 (1) Except as otherwise provided by law, and in addition  
5559 to any other penalty, a ~~any~~ person who knowingly makes or causes  
5560 to be made, or who aids, assists, or procures another to make, a  
5561 false statement in a ~~any~~ report, a disclosure, an application,  
5562 or any other document required under this part ~~chapter~~ or  
5563 applicable ~~any~~ rule ~~adopted under this chapter~~ is subject to an  
5564 administrative fine or civil penalty of up to \$10,000.

5565 (2) Except as otherwise provided by law, and in addition  
5566 to any other penalty, a ~~any~~ person who possesses a slot machine  
5567 without the license required under ~~by~~ this part ~~chapter~~ or who  
5568 possesses a slot machine at a ~~any~~ location other than at the  
5569 slot machine licensee's facility is subject to an administrative  
5570 fine or civil penalty of up to \$10,000 per machine. The  
5571 prohibition in this subsection does not apply to:

5572 (a) Slot machine manufacturers or slot machine  
5573 distributors that hold appropriate licenses issued by the  
5574 department and that division ~~who~~ are authorized to maintain a  
5575 slot machine storage and maintenance facility at a ~~any~~ location  
5576 in a county in which slot machine gaming is authorized by this  
5577 part ~~chapter~~. The department ~~division~~ may adopt rules regarding  
5578 security and access to the storage facility and inspections by  
5579 the department ~~division~~.

5580 (b) Certified educational facilities that are authorized  
5581 to maintain slot machines for the sole purpose of education and

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5582 licensure, if any, of slot machine technicians, inspectors, or  
5583 investigators. The department ~~division~~ and the Department of Law  
5584 Enforcement may possess slot machines for training and testing  
5585 purposes. The department ~~division~~ may adopt rules regarding the  
5586 regulation of any such slot machines used for educational,  
5587 training, or testing purposes.

5588 (3) A ~~Any~~ person who knowingly excludes, or attempts ~~takes~~  
5589 ~~any action in an attempt~~ to exclude, anything of value from the  
5590 deposit, counting, collection, or computation of revenues from  
5591 slot machine activity, or a ~~any~~ person who by trick, sleight-of-  
5592 hand performance, ~~a~~ fraud or fraudulent scheme, or device wins  
5593 or attempts to win, for himself or herself or ~~for~~ another, money  
5594 or property or a combination thereof or reduces or attempts to  
5595 reduce a losing wager in connection with slot machine gaming  
5596 commits a felony of the third degree, punishable as provided in  
5597 s. 775.082, s. 775.083, or s. 775.084.

5598 (4) A ~~Any~~ person who manipulates or attempts to manipulate  
5599 the outcome, payoff, or operation of a slot machine by physical  
5600 tampering or by use of an ~~any~~ object, an instrument, or a  
5601 device, whether mechanical, electrical, magnetic, or involving  
5602 other means, commits a felony of the third degree, punishable as  
5603 provided in s. 775.082, s. 775.083, or s. 775.084.

5604 (5) Theft of ~~any~~ slot machine proceeds or ~~of~~ property  
5605 belonging to a ~~the~~ slot machine operator or a licensed facility  
5606 by an employee of the operator or facility or by an employee of  
5607 a person, firm, or entity that has contracted to provide



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5608 services to the operator or facility is ~~constitutes~~ a felony of  
5609 the third degree, punishable as provided in s. 775.082 or s.  
5610 775.083.

5611 (6) (a) A ~~Any~~ law enforcement officer or slot machine  
5612 operator who has probable cause to believe that a violation of  
5613 subsection (3), subsection (4), or subsection (5) has been  
5614 committed ~~by a person~~ and that he or she ~~the officer or operator~~  
5615 can recover the lost proceeds from such activity by taking the  
5616 person who committed the violation into custody ~~may~~, for the  
5617 purpose of attempting to effect such recovery or for  
5618 prosecution, may take the person into custody on the premises  
5619 and detain the person in a reasonable manner and for a  
5620 reasonable period of time. If the operator takes the person into  
5621 custody, a law enforcement officer shall be called to the scene  
5622 immediately. The act of taking into custody and detention by a  
5623 law enforcement officer or slot machine operator, if done in  
5624 compliance with this subsection, does not render such law  
5625 enforcement officer, ~~or~~ the officer's agency, or the slot  
5626 machine operator criminally or civilly liable for false arrest,  
5627 false imprisonment, or unlawful detention.

5628 (b) A ~~Any~~ law enforcement officer may arrest, either on or  
5629 off the premises and without warrant, a ~~any~~ person if there is  
5630 probable cause to believe that person has violated subsection  
5631 (3), subsection (4), or subsection (5).

5632 (c) A ~~Any~~ person who resists the reasonable effort of a  
5633 law enforcement officer or slot machine operator to recover the

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5634 lost slot machine proceeds that the law enforcement officer or  
5635 slot machine operator had probable cause to believe had been  
5636 stolen from the licensed facility and who is subsequently found  
5637 to be guilty of violating subsection (3), subsection (4), or  
5638 subsection (5) commits a misdemeanor of the first degree,  
5639 punishable as provided in s. 775.082 or s. 775.083, unless such  
5640 person did not know or did not have reason to know that the  
5641 person seeking to recover the lost proceeds was a law  
5642 enforcement officer or slot machine operator.

5643 (7) All penalties imposed and collected under this section  
5644 must be deposited into the General Revenue Fund ~~Pari-mutuel~~  
5645 ~~Wagering Trust Fund of the Department of Business and~~  
5646 ~~Professional Regulation.~~

5647 Section 87. Effective October 1, 2014, section 551.111,  
5648 Florida Statutes, is amended to read:

5649 551.111 Legal devices.—Notwithstanding a ~~any provision of~~  
5650 law to the contrary, a slot machine manufactured, sold,  
5651 distributed, possessed, or operated according to ~~the provisions~~  
5652 ~~of this part chapter~~ is lawful ~~not unlawful~~.

5653 Section 88. Effective October 1, 2014, section 551.112,  
5654 Florida Statutes, is amended to read:

5655 551.112 Exclusions of certain persons.—In addition to the  
5656 power to exclude certain persons from a ~~any~~ facility of a slot  
5657 machine licensee ~~in this state~~, the department ~~division~~ may  
5658 exclude a ~~any~~ person from a ~~any~~ facility of a slot machine  
5659 licensee in this state for conduct that would constitute, if the

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5660 person were a licensee, a violation of this part ~~chapter~~ or the  
5661 rules adopted thereto ~~of the division~~. The department ~~division~~  
5662 may exclude from a ~~any~~ facility of a slot machine licensee a ~~any~~  
5663 person who has been ejected from a facility of a slot machine  
5664 licensee in this state or who has been excluded from a ~~any~~  
5665 facility of a slot machine licensee or gaming facility in  
5666 another state by the governmental department, agency,  
5667 commission, or authority exercising regulatory jurisdiction over  
5668 ~~the~~ gaming in that ~~such other~~ state. This section does not  
5669 abrogate the common law right of a slot machine licensee to  
5670 exclude a patron absolutely in this state.

5671 Section 89. Effective October 1, 2014, section 551.113,  
5672 Florida Statutes, is amended to read:

5673 551.113 Persons prohibited from playing slot machines.—

5674 (1) A person who has not attained 21 years of age may not  
5675 play or operate a slot machine or have access to the designated  
5676 slot machine gaming area of a facility of a slot machine  
5677 licensee.

5678 (2) A slot machine licensee or an agent or employee of a  
5679 slot machine licensee may not knowingly allow a person who has  
5680 not attained 21 years of age:

5681 (a) To play or operate a ~~any~~ slot machine.

5682 (b) To be employed in a ~~any~~ position allowing or requiring  
5683 access to the designated slot machine gaming area of a facility  
5684 of a slot machine licensee.

5685 (c) To have access to the designated slot machine gaming

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5686 area of a facility of a slot machine licensee.

5687 (3) The licensed facility shall post clear and conspicuous  
5688 signage within the designated slot machine gaming areas that  
5689 states the following:

5690

5691 THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21  
5692 IS AGAINST FLORIDA LAW (SECTION 551.113, FLORIDA STATUTES).  
5693 PROOF OF AGE MAY BE REQUIRED AT ANY TIME.

5694 Section 90. Effective October 1, 2014, section 551.114,  
5695 Florida Statutes, is amended to read:

5696 551.114 Slot machine gaming areas.—

5697 (1) A slot machine licensee may make available for play up  
5698 to 2,000 slot machines within the property of the facilities of  
5699 the slot machine licensee.

5700 (2) The slot machine licensee shall display pari-mutuel  
5701 races or games within the designated slot machine gaming areas  
5702 and offer patrons within the designated slot machine gaming  
5703 areas the ability to engage in pari-mutuel wagering on live,  
5704 intertrack, and simulcast races conducted or offered to patrons  
5705 of the licensed facility.

5706 (3) The department ~~division~~ shall require the posting of  
5707 signs warning of the risks and dangers of gambling, showing the  
5708 odds of winning, and informing patrons of the toll-free  
5709 telephone number available to provide information and referral  
5710 services regarding compulsive or problem gambling.

5711 (4) Designated slot machine gaming areas may be located

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5712 within the current live gaming facility or in an existing  
5713 building that must be contiguous and connected to the live  
5714 gaming facility. If a designated slot machine gaming area is to  
5715 be located in a building that is to be constructed, the ~~that~~ new  
5716 building must be contiguous and connected to the live gaming  
5717 facility.

5718 (5) The permit holder shall provide adequate office space  
5719 at no cost to the department ~~division~~ and the Department of Law  
5720 Enforcement for the oversight of slot machine operations. The  
5721 department ~~division~~ shall adopt rules establishing ~~the~~ criteria  
5722 for adequate space, configuration, and location and needed  
5723 electronic and technological requirements for office space  
5724 required under ~~by~~ this subsection.

5725 Section 91. Effective October 1, 2014, section 551.116,  
5726 Florida Statutes, reads:

5727 551.116 Days and hours of operation.—Slot machine gaming  
5728 areas may be open daily throughout the year. The slot machine  
5729 gaming areas may be open a cumulative amount of 18 hours per day  
5730 on Monday through Friday and 24 hours per day on Saturday and  
5731 Sunday and on those holidays specified in s. 110.117(1).

5732 Section 92. Effective October 1, 2014, section 551.117,  
5733 Florida Statutes, is amended to read:

5734 551.117 Penalties.—The commission ~~division~~ may revoke or  
5735 suspend a ~~any~~ slot machine license issued under this part  
5736 ~~chapter~~ upon the willful violation by the slot machine licensee  
5737 of any provision of this part ~~chapter~~ or a ~~of any~~ rule adopted

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5738 ~~thereto under this chapter.~~ In lieu of suspending or revoking a  
5739 slot machine license, the commission ~~division~~ may impose a civil  
5740 penalty against the slot machine licensee for a violation of  
5741 this part ~~chapter~~ or a any rule adopted thereto ~~by the division~~.  
5742 Except as otherwise provided in this part ~~chapter~~, the penalty  
5743 ~~so~~ imposed may not exceed \$100,000 for each count or separate  
5744 offense. ~~All~~ Penalties imposed and collected must be deposited  
5745 into the General Revenue Fund ~~Pari-mutuel Wagering Trust Fund of~~  
5746 ~~the Department of Business and Professional Regulation.~~

5747 Section 93. Effective October 1, 2014, section 551.118,  
5748 Florida Statutes, is amended to read:

5749 551.118 Compulsive or addictive gambling prevention  
5750 program.—

5751 (1) The slot machine licensee shall offer training to  
5752 employees on responsible gaming and shall work with a compulsive  
5753 or addictive gambling prevention program to recognize problem  
5754 gaming situations and to implement responsible gaming programs  
5755 and practices.

5756 (2) The department ~~division~~ shall, subject to competitive  
5757 bidding, contract for provision of services related to the  
5758 prevention of compulsive and addictive gambling. The contract  
5759 shall provide for an advertising program to encourage  
5760 responsible gaming practices and to publicize a ~~gambling~~  
5761 telephone help line for compulsive and addictive gambling. Such  
5762 advertisements must be made both publicly and inside the  
5763 designated slot machine gaming areas of the licensee's

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5764 facilities. The terms of a any contract for ~~the provision of~~  
5765 such services must ~~shall~~ include accountability standards that  
5766 must be met by a any private provider. The failure of a any  
5767 private provider to meet a any material term ~~terms~~ of the  
5768 contract, including the accountability standards, is ~~shall~~  
5769 ~~constitute~~ a breach of contract or grounds for nonrenewal. The  
5770 department ~~division~~ may consult with the Department of the  
5771 Lottery in the development of the program and the development  
5772 and analysis of the any procurement for contractual services for  
5773 the compulsive or addictive gambling prevention program.

5774 (3) The compulsive or addictive gambling prevention  
5775 program shall be funded from an annual nonrefundable regulatory  
5776 fee of \$250,000 paid by the licensee to the department ~~division~~.

5777 Section 94. Effective October 1, 2014, section 551.119,  
5778 Florida Statutes, is amended to read:

5779 551.119 Caterer's license.—A slot machine licensee is  
5780 entitled to a caterer's license pursuant to s. 565.02 on days on  
5781 which the pari-mutuel facility is open to the public for slot  
5782 machine game play as authorized by this part ~~chapter~~.

5783 Section 95. Effective October 1, 2014, section 551.121,  
5784 Florida Statutes, is amended to read:

5785 551.121 Prohibited activities and devices; exceptions.—

5786 (1) A complimentary or reduced-cost alcoholic beverage  
5787 ~~beverages~~ may not be served to a person ~~persons~~ playing a slot  
5788 machine. Alcoholic beverages served to a person ~~persons~~ playing  
5789 a slot machine must ~~shall~~ cost at least the same amount as

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5790 alcoholic beverages served to the general public at a bar within  
5791 the facility.

5792 (2) A slot machine licensee may not make a ~~any~~ loan,  
5793 provide credit, or advance cash in order to enable a person to  
5794 play a slot machine. This subsection does ~~shall~~ not prohibit  
5795 automated ticket redemption machines that dispense cash  
5796 resulting from the redemption of tickets from being located in  
5797 the designated slot machine gaming area of the slot machine  
5798 licensee.

5799 (3) A slot machine licensee may not allow an ~~any~~ automated  
5800 teller machine or similar device designed to provide credit or  
5801 dispense cash to be located within the designated slot machine  
5802 gaming areas of a facility of a slot machine licensee.

5803 (4) (a) A slot machine licensee may not accept or cash a  
5804 ~~any~~ check from a ~~any~~ person within the designated slot machine  
5805 gaming areas of a facility of a slot machine licensee.

5806 (b) Except as provided in paragraph (c) for employees of  
5807 the facility, a slot machine licensee or operator may ~~shall~~ not  
5808 accept or cash for a ~~any~~ person within the property of the  
5809 facility a ~~any~~ government-issued check, third-party check, or  
5810 payroll check made payable to an individual.

5811 (c) Outside the designated slot machine gaming areas, a  
5812 slot machine licensee or operator may accept or cash a check for  
5813 an employee of the facility who is prohibited from wagering on a  
5814 slot machine under s. 551.108(4) ~~s. 551.108(5)~~, a check made  
5815 directly payable to a person licensed by the commission



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5816 ~~division~~, or a check made directly payable to the slot machine  
5817 licensee or operator from:

- 5818 1. A pari-mutuel patron; or  
5819 2. A pari-mutuel facility in this state or in another  
5820 state.

5821 (d) Unless accepting or cashing a check is prohibited  
5822 under ~~by~~ this subsection, ~~nothing shall prohibit~~ a slot machine  
5823 licensee or operator may accept and deposit ~~from accepting and~~  
5824 ~~depositing~~ in its accounts checks received in the normal course  
5825 of business.

5826 (5) A slot machine, or the computer operating system  
5827 linking the slot machine, may be linked by any means to another  
5828 ~~any other~~ slot machine or computer operating system within the  
5829 facility of a slot machine licensee. A progressive system may be  
5830 used in conjunction with slot machines between licensed  
5831 facilities in this state ~~Florida~~ or in other jurisdictions.

5832 (6) A slot machine located within a licensed facility may  
5833 ~~shall~~ accept only tickets, ~~or~~ paper currency, ~~or an~~ electronic  
5834 payment ~~system~~ for wagering and must return or deliver payouts  
5835 to the player in the form of electronic credit or tickets that  
5836 may be exchanged for cash, merchandise, or other items of value.  
5837 The use of coins, credit or debit cards, tokens, or similar  
5838 objects is specifically prohibited. ~~However, an electronic~~  
5839 ~~credit system may be used for receiving wagers and making~~  
5840 ~~payouts.~~

5841 Section 96. Effective October 1, 2014, section 551.122,

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5842 Florida Statutes, is amended to read:

5843       551.122 Rulemaking.—The department ~~division~~ may adopt  
5844 rules pursuant to ss. 120.536(1) and 120.54 to administer ~~the~~  
5845 ~~provisions of this part chapter.~~

5846       Section 97. Effective October 1, 2014, section 551.123,  
5847 Florida Statutes, is amended to read:

5848       551.123 Legislative authority; administration of part  
5849 ~~chapter.~~—The Legislature finds and declares that it has  
5850 exclusive authority over the conduct of all wagering occurring  
5851 at a slot machine facility in this state. As provided by law,  
5852 only the commission and department ~~Division of Pari-mutuel~~  
5853 ~~Wagering~~ and other authorized state agencies may ~~shall~~  
5854 administer this part chapter and regulate the slot machine  
5855 gaming industry, including operation of slot machine facilities,  
5856 games, slot machines, and facilities-based computer systems  
5857 authorized in this part chapter and the rules adopted by the  
5858 department division.

5859       Section 98. Effective October 1, 2014, part IV of chapter  
5860 551, Florida Statutes, consisting of section 551.20, is created  
5861 and entitled "CARDROOMS."

5862       Section 99. Effective October 1, 2014, section 849.086,  
5863 Florida Statutes, is transferred, renumbered as section 551.20,  
5864 Florida Statutes, and amended to read:

5865       551.20 ~~849.086~~ Cardrooms authorized.—

5866       (1) LEGISLATIVE INTENT.—It is the intent of the  
5867 Legislature to provide additional entertainment choices for the

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5868 residents of and visitors to this ~~the~~ state, promote tourism ~~in~~  
5869 ~~the state~~, and provide additional state revenues by authorizing  
5870 ~~through the authorization of~~ the playing of certain games ~~in the~~  
5871 ~~state~~ at facilities known as cardrooms, which are ~~to be~~ located  
5872 at licensed pari-mutuel facilities in this state. This act is  
5873 intended to ensure the public confidence in the integrity of  
5874 authorized cardroom operations by, ~~this act is designed to~~  
5875 strictly regulating ~~regulate the~~ facilities, persons, and  
5876 procedures related to cardroom operations. Further ~~Furthermore~~,  
5877 the Legislature intends ~~finds~~ that, as defined in this section,  
5878 authorized games be deemed ~~as herein defined are considered to~~  
5879 ~~be~~ pari-mutuel style games rather than ~~and not~~ casino gaming,  
5880 since ~~because the~~ participants play against each other instead  
5881 of against the house.

5882 (2) DEFINITIONS.—As used in this section:

5883 (a) "Authorized game" means a game or series of games of  
5884 poker or dominoes which are played in a nonbanking manner.

5885 (b) "Banking game" means a game in which the house is a  
5886 participant in the game, taking on players, paying winners, and  
5887 collecting from losers, or in which the cardroom establishes a  
5888 bank against which participants play.

5889 (c) "Cardroom" means a facility where authorized games are  
5890 played for money or anything of value and to which the public is  
5891 invited to participate in such games and charged a fee for  
5892 participation by the operator of such facility. Authorized games  
5893 and cardrooms are ~~do not constitute~~ casino gaming operations.

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5894 (d) "Cardroom management company" means a person that is  
5895 ~~any individual~~ not an employee of the cardroom operator but who  
5896 is a ~~any~~ proprietorship, partnership, corporation, or other  
5897 entity that enters into an agreement with a cardroom operator to  
5898 manage, operate, or otherwise control the daily operation of a  
5899 cardroom.

5900 (e) "Cardroom distributor" means a ~~any~~ business that  
5901 distributes cardroom equipment ~~paraphernalia~~ such as card  
5902 tables, betting chips, chip holders, dominoes, domino ~~dominoes~~  
5903 tables, drop boxes, banking supplies, playing cards, card  
5904 shufflers, and other related ~~associated~~ equipment to authorized  
5905 cardrooms.

5906 (f) "Cardroom operator" means a licensed pari-mutuel  
5907 permitholder that ~~which~~ holds a valid permit and license issued  
5908 by the commission ~~division~~ pursuant to part II ~~chapter 550~~ and  
5909 ~~which also holds~~ a valid cardroom license issued by the  
5910 commission ~~division~~ pursuant to this section which authorizes  
5911 the permitholder ~~such person~~ to operate a cardroom and ~~to~~  
5912 conduct authorized games in such cardroom.

5913 ~~(g) "Division" means the Division of Pari-mutuel Wagering~~  
5914 ~~of the Department of Business and Professional Regulation.~~

5915 ~~(g)-(h)~~ "(h) "Dominoes" means a game ~~of dominoes~~ typically  
5916 played with a set of 28 flat rectangular blocks, called "bones,"  
5917 which are marked on one side and divided into two equal parts  
5918 that are blank or that each have up, with zero to six dots,  
5919 called "pips." ~~"pips," in each part.~~ The term also means the set

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5920 of blocks used to play the game and includes larger sets of  
5921 blocks that contain a correspondingly higher number of pips. The  
5922 ~~term also means the set of blocks used to play the game.~~

5923 (h)(i) "Gross receipts" means the total amount of money  
5924 received by a cardroom from persons participating any person for  
5925 participation in authorized games. For purposes of tournament  
5926 play only, "gross receipts" means the total amount received by  
5927 the cardroom operator for all entry fees, player re-buys, and  
5928 fees for participating in the tournament, less the total amount  
5929 paid out in prizes.

5930 (i)(j) "House" means the cardroom operator and all  
5931 employees of the cardroom operator.

5932 (j)(k) "Net proceeds" means the total amount of gross  
5933 receipts received by a cardroom operator from cardroom  
5934 operations less direct operating expenses related to cardroom  
5935 operations. ~~including~~

5936 1. Direct operating expenses include:

5937 a. Labor costs; ~~and~~

5938 b. Admission taxes ~~only~~ if a separate admission fee is  
5939 charged for entry to the cardroom facility; ~~and~~

5940 c. Gross receipts taxes imposed on cardroom operators by  
5941 this section; ~~and~~ the

5942 d. Annual cardroom license fees imposed by this section on  
5943 each table operated at a cardroom; ~~and~~

5944 e. Reasonable promotional costs. ~~excluding~~

5945 2. Direct operating expenses do not include:

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- 5946        a. Officer and director compensation;;~~τ~~  
5947        b. Interest on capital debt;;~~τ~~  
5948        c. Legal fees;;~~τ~~  
5949        d. Real estate taxes;;~~τ~~  
5950        e. Bad debts;;~~τ~~  
5951        f. Contributions or donations;;~~τ~~ or  
5952        g. Overhead and depreciation expenses not directly related  
5953 to the operation of the cardrooms.

5954        (k)~~(l)~~ "Rake" means a set fee or percentage of the pot  
5955 assessed by a cardroom operator for providing the services of a  
5956 dealer, table, or location for playing the authorized game.

5957        (l)~~(m)~~ "Tournament" means a series of games that have more  
5958 than one betting round involving one or more tables for which  
5959 ~~and where~~ the winners or others receive a prize or cash award.

5960        (3) CARDROOM AUTHORIZED.—Notwithstanding any other  
5961 ~~provision of law, it is not a crime for a person may to~~  
5962 participate in a an~~an~~ authorized game at a licensed~~licensed~~ cardroom or to~~to~~  
5963 operate a cardroom as defined~~described~~ in this section if such  
5964 game and cardroom operation are conducted strictly in accordance  
5965 with ~~the provisions of~~ this section.

5966        ~~(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel~~  
5967 ~~Wagering of the Department of Business and Professional~~  
5968 ~~Regulation shall administer this section and regulate the~~  
5969 ~~operation of cardrooms under this section and the rules adopted~~  
5970 ~~pursuant thereto, and is hereby authorized to:~~

5971        ~~(a) Adopt rules, including, but not limited to: the~~

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5972 ~~issuance of cardroom and employee licenses for cardroom~~  
5973 ~~operations; the operation of a cardroom; recordkeeping and~~  
5974 ~~reporting requirements; and the collection of all fees and taxes~~  
5975 ~~imposed by this section.~~

5976 ~~(b) Conduct investigations and monitor the operation of~~  
5977 ~~cardrooms and the playing of authorized games therein.~~

5978 ~~(c) Review the books, accounts, and records of any current~~  
5979 ~~or former cardroom operator.~~

5980 ~~(d) Suspend or revoke any license or permit, after~~  
5981 ~~hearing, for any violation of the provisions of this section or~~  
5982 ~~the administrative rules adopted pursuant thereto.~~

5983 ~~(e) Take testimony, issue summons and subpoenas for any~~  
5984 ~~witness, and issue subpoenas duces tecum in connection with any~~  
5985 ~~matter within its jurisdiction.~~

5986 ~~(f) Monitor and ensure the proper collection of taxes and~~  
5987 ~~fees imposed by this section. Permitholder internal controls are~~  
5988 ~~mandated to ensure no compromise of state funds. To that end, a~~  
5989 ~~roaming division auditor will monitor and verify the cash flow~~  
5990 ~~and accounting of cardroom revenue for any given operating day.~~

5991 ~~(4) (5) LICENSE REQUIREMENTS REQUIRED; APPLICATION; FEES;~~  
5992 ~~BOND. - A No person may not operate a cardroom in this state~~  
5993 ~~unless such person holds a valid cardroom license issued by the~~  
5994 ~~commission pursuant to this section.~~

5995 ~~(a) Only those persons holding a valid cardroom license~~  
5996 ~~issued by the division may operate a cardroom. A cardroom~~  
5997 ~~license may only be issued to a licensed pari-mutuel~~

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5998 permitholder. Such permitholder may not operate a cardroom at a  
5999 facility other than the facility it ~~and an authorized cardroom~~  
6000 ~~may only be operated at the same facility at which the~~  
6001 ~~permitholder~~ is authorized to operate under its ~~valid pari-~~  
6002 ~~mutuel wagering permit to conduct pari-mutuel wagering~~  
6003 ~~activities.~~ An initial cardroom license may not shall be issued  
6004 until the to a pari-mutuel permitholder completes construction  
6005 of only after its facilities are ~~in place~~ and ~~after it~~ conducts  
6006 its first day of live events ~~racing or games.~~

6007 (b) After an the initial cardroom license is granted, the  
6008 application for the annual cardroom license renewal shall be  
6009 made in conjunction with the applicant's annual application for  
6010 its pari-mutuel license.

6011 1. For a cardroom license to be renewed, the applicant  
6012 must have requested, as part of its annual pari-mutuel license  
6013 application, to conduct at least 90 percent of the total number  
6014 of live performances conducted by the permitholder during the  
6015 state fiscal year in which its initial cardroom license was  
6016 issued or the state fiscal year immediately preceding the state  
6017 fiscal year in which its initial cardroom license was issued if  
6018 the permitholder conducted at least a full schedule of live  
6019 events in that preceding year.

6020 2. If the application is for a harness racing permitholder  
6021 cardroom, the applicant must have requested authorization to  
6022 conduct a minimum of 140 live performances during the  
6023 immediately preceding state fiscal year.



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6024        3. If a permitholder has operated a cardroom during any of  
6025 the previous 3 ~~previous~~ fiscal years and fails to include a  
6026 renewal request for the operation of the cardroom in its annual  
6027 application for license renewal, the permitholder may amend its  
6028 annual license renewal application to include operation of the  
6029 cardroom. ~~In order for a cardroom license to be renewed the~~  
6030 ~~applicant must have requested, as part of its pari-mutuel annual~~  
6031 ~~license application, to conduct at least 90 percent of the total~~  
6032 ~~number of live performances conducted by such permitholder~~  
6033 ~~during either the state fiscal year in which its initial~~  
6034 ~~cardroom license was issued or the state fiscal year immediately~~  
6035 ~~prior thereto if the permitholder ran at least a full schedule~~  
6036 ~~of live racing or games in the prior year. If the application is~~  
6037 ~~for a harness permitholder cardroom, the applicant must have~~  
6038 ~~requested authorization to conduct a minimum of 140 live~~  
6039 ~~performances during the state fiscal year immediately prior~~  
6040 ~~thereto.~~

6041        4. If more than one pari-mutuel permitholder is operating  
6042 at a facility, each permitholder must have applied for a license  
6043 to conduct a full schedule of live racing.

6044        (c) An application for an initial or renewal license to  
6045 operate a cardroom must be made ~~Persons seeking a license or a~~  
6046 ~~renewal thereof to operate a cardroom shall make application on~~  
6047 ~~forms prescribed by the~~ department and must ~~division.~~  
6048 ~~Applications for cardroom licenses shall contain all of the~~  
6049 ~~information~~ required by department ~~the division, by rule, may~~

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6050 ~~determine is required to ensure eligibility.~~

6051 (d) The annual cardroom license fee for each facility is  
6052 ~~shall be~~ \$1,000 for each table to be operated at the cardroom.  
6053 The license fee shall be paid to the department and deposited by  
6054 ~~the division~~ with the Chief Financial Officer to the credit of  
6055 the Gaming Control Trust Fund ~~Pari-mutuel Wagering Trust Fund~~.

6056 (e) The holder of a cardroom license is responsible for  
6057 the operation of the cardroom and for the conduct of any  
6058 manager, dealer, or other employee involved in the operation of  
6059 the cardroom. Before the issuance of a cardroom license, the  
6060 applicant for such license must provide evidence that it has  
6061 purchased a \$50,000 surety bond, payable to the state, from a  
6062 corporate surety authorized to do business in this state or  
6063 evidence that the bond required under s. 551.0321 has been  
6064 expanded to include the applicant's cardroom operation. The bond  
6065 must guarantee that the cardroom operator will redeem, for cash,  
6066 all tokens or chips used in games. Such bond shall be kept in  
6067 full force and effect by the operator during the term of the  
6068 license.

6069 (5) ~~(16)~~ LOCAL GOVERNMENT APPROVAL.—The department may  
6070 ~~Division of Pari-mutuel Wagering shall~~ not issue any initial  
6071 license under this section unless the applicant shows ~~except~~  
6072 ~~upon~~ proof in such form as the department ~~division~~ may prescribe  
6073 that the local government where it ~~the applicant for such~~  
6074 ~~license~~ desires to conduct cardroom gaming has voted to approve  
6075 such activity by a majority vote of the governing body of the

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6076 municipality or, if the facility is not located in a  
6077 municipality, the governing body of the county ~~if the facility~~  
6078 ~~is not located in a municipality.~~

6079 (6) ~~(13)~~ TAXES AND OTHER PAYMENTS.—

6080 (a) Each cardroom operator shall pay a tax to the state of  
6081 10 percent of the cardroom operation's monthly gross receipts.

6082 (b) An admission tax equal to 15 percent of the admission  
6083 charge for entrance to the licensee's cardroom facility, or 10  
6084 cents, whichever is greater, is imposed on each person entering  
6085 the cardroom. This admission tax applies ~~shall apply~~ only if a  
6086 separate admission fee is charged for entry to the cardroom  
6087 facility. If a single admission fee is charged which authorizes  
6088 entry to ~~both or either~~ the pari-mutuel facility and the  
6089 cardroom facility, the admission tax is ~~shall be~~ payable only  
6090 once and is ~~shall be~~ payable pursuant to part II ~~chapter 550~~.

6091 The cardroom licensee shall collect ~~be responsible for~~  
6092 ~~collecting~~ the admission tax, which. ~~An admission tax~~ is imposed  
6093 on ~~any~~ free passes or complimentary cards issued to guests by a  
6094 licensee ~~licensees~~ in an amount equal to the tax imposed on the  
6095 regular and usual admission charge for entrance to the  
6096 licensee's cardroom facility. A cardroom licensee may issue tax-  
6097 free passes to its officers, officials, and employees or other  
6098 persons ~~actually engaged in~~ working at the cardroom, including  
6099 accredited media ~~press~~ representatives ~~such as reporters and~~  
6100 ~~editors~~, and may also issue tax-free passes to other cardroom  
6101 licensees for the use of their officers and officials. The

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6102 licensee shall file with the department ~~division~~ a list of all  
6103 persons to whom tax-free passes are issued.

6104 (c) ~~The Payment of the~~ admission tax and gross receipts  
6105 tax imposed by this section shall be paid to the department  
6106 ~~division~~. The department ~~division~~ shall deposit these sums with  
6107 the Chief Financial Officer, one-half being credited to the  
6108 Gaming Control Pari-mutuel Wagering Trust Fund and one-half  
6109 being credited to the General Revenue Fund. The cardroom  
6110 licensee shall remit to the department ~~division~~ payment for the  
6111 admission tax, the gross receipts tax, and the licensee fees.  
6112 ~~Such payments shall be remitted to the division on the 5th fifth~~  
6113 day of each calendar month for taxes and fees imposed for the  
6114 preceding month's cardroom activities. Licensees shall file a  
6115 report under oath by the 5th fifth day of each calendar month  
6116 for all taxes remitted during the preceding calendar month. Such  
6117 report shall, under oath, indicate the total of all admissions,  
6118 the cardroom activities for the preceding calendar month, and  
6119 such other information as may be required ~~prescribed~~ by the  
6120 commission ~~division~~.

6121 (d)1. Each greyhound racing and jai alai permitholder that  
6122 operates a cardroom facility shall use at least 4 percent of  
6123 such permitholder's cardroom monthly gross receipts to  
6124 supplement greyhound purses or jai alai prize money,  
6125 respectively, during the permitholder's next ~~ensuing~~ pari-mutuel  
6126 meet.

6127 2. Each thoroughbred and harness horse racing permitholder

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6128 that operates a cardroom facility shall, during the  
6129 permitholder's next racing meet, use at least 50 percent of such  
6130 permitholder's cardroom monthly net proceeds as follows: 47  
6131 ~~percent to supplement purses and 3 percent to supplement~~  
6132 ~~breeders' awards during the permitholder's next ensuing racing~~  
6133 ~~meet.~~

6134 a. Forty-seven percent to supplement purses; and

6135 b. Three percent to supplement breeders' awards.

6136 3. A ~~no~~ cardroom license, or renewal thereof, may not  
6137 ~~shall~~ be issued to an applicant holding a ~~permit under chapter~~  
6138 ~~550 to conduct pari-mutuel wagering meets of quarter horse~~  
6139 racing permit under this chapter unless the applicant has on  
6140 file with the commission ~~division~~ a binding written agreement,  
6141 between the applicant and the Florida Quarter Horse Racing  
6142 Association or the association representing a majority of the  
6143 horse owners and trainers at the applicant's eligible facility,  
6144 governing the payment of purses on live quarter horse races  
6145 conducted at the licensee's pari-mutuel facility. The agreement  
6146 governing purses may direct the payment of such purses from  
6147 revenues generated by any wagering or gaming the applicant is  
6148 authorized to conduct ~~under Florida law~~. All purses are ~~shall be~~  
6149 subject to the terms of part II ~~chapter 550~~.

6150 (e) A ~~The failure of any licensee that fails~~ to make  
6151 payments as prescribed in paragraph (c) violates ~~is a violation~~  
6152 ~~of this section,~~ and ~~the licensee~~ may be required ~~subjected~~ by  
6153 the commission ~~division~~ to pay a civil penalty of up to \$1,000

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6154 for each day the tax payment is not remitted. All penalties  
6155 ~~imposed and~~ collected shall be deposited in the General Revenue  
6156 Fund. If a licensee fails to pay penalties imposed by order of  
6157 the commission division under this subsection, the commission  
6158 ~~division~~ may suspend or revoke the license of the cardroom  
6159 operator or deny issuance of any additional ~~further~~ license to  
6160 the cardroom operator.

6161 (f) The cardroom ~~is shall be deemed~~ an accessory use to a  
6162 licensed pari-mutuel operation and, except as provided in part  
6163 II chapter 550, a municipality, county, or political subdivision  
6164 may not assess or collect any additional license tax, sales tax,  
6165 or excise tax on such cardroom operation.

6166 (g) All ~~of the~~ moneys deposited in the Gaming Control  
6167 ~~Pari-mutuel Wagering~~ Trust Fund, except as set forth in  
6168 paragraph (h), shall be ~~utilized and~~ distributed and used in the  
6169 manner specified in s. 551.035(1) ~~s. 550.135(1) and (2)~~.  
6170 However, cardroom tax revenues shall be kept separate from pari-  
6171 mutuel tax revenues ~~and shall not be used for making the~~  
6172 ~~disbursement to counties provided in former s. 550.135(1)~~.

6173 (h) By October 1 of each year, 25 percent ~~One-quarter~~ of  
6174 the moneys deposited into the Gaming Control ~~Pari-mutuel~~  
6175 ~~Wagering~~ Trust Fund pursuant to paragraph (g) shall, ~~by October~~  
6176 ~~1 of each year~~, be distributed to the local government that  
6177 approved the cardroom under subsection (5). ~~(16)~~ However, if  
6178 two or more pari-mutuel racetracks are located within the same  
6179 incorporated municipality, the ~~cardroom~~ funds shall be

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6180 distributed to the municipality. If a pari-mutuel facility is  
6181 situated in such a manner that it is located in more than one  
6182 county, the site of the cardroom facility shall determine the  
6183 location for purposes of disbursement of tax revenues under this  
6184 paragraph. ~~The division shall,~~ By September 1 of each year, the  
6185 commission shall determine:

6186 1. The amount of taxes deposited into the Gaming Control  
6187 ~~Pari-mutuel Wagering~~ Trust Fund pursuant to this section from  
6188 each cardroom licensee;

6189 2. The ~~location by~~ county in which ~~of~~ each cardroom is  
6190 located;

6191 3. Whether the cardroom is located in the unincorporated  
6192 area of the county or within an incorporated municipality; and,

6193 4. The total amount to be distributed to each eligible  
6194 county and municipality.

6195 (7) CONDITIONS FOR OPERATING A CARDROOM.—

6196 (a) A cardroom may be operated only at the location  
6197 specified on the cardroom license issued by the commission  
6198 division, which must ~~and such location may only~~ be the location  
6199 at which the pari-mutuel permitholder is authorized to conduct  
6200 pari-mutuel wagering activities pursuant to its ~~such~~  
6201 ~~permitholder's~~ valid pari-mutuel permit or as otherwise  
6202 authorized by law. ~~Cardroom operations may not be allowed beyond~~  
6203 ~~the hours provided in paragraph (b) regardless of the number of~~  
6204 ~~cardroom licenses issued for permitholders operating at the~~  
6205 ~~pari-mutuel facility.~~

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6206 (b) A licensed ~~Any~~ cardroom operator may operate a  
6207 cardroom at the pari-mutuel facility daily throughout the year,  
6208 ~~if the permitholder meets the requirements under paragraph~~  
6209 ~~(5)(b)~~. The cardroom may be operated ~~open a cumulative amount of~~  
6210 18 cumulative hours per day on Monday through Friday and 24  
6211 hours per day on Saturday, and Sunday, and ~~on~~ the holidays  
6212 specified in s. 110.117(1). This limitation applies regardless  
6213 of the number of cardroom licenses issued for permitholders  
6214 operating at the pari-mutuel facility.

6215 (c) A cardroom operator must at all times employ and  
6216 provide a nonplaying dealer for each table on which authorized  
6217 card games that ~~which~~ traditionally use a dealer are conducted  
6218 at the cardroom. A dealer ~~Such dealers~~ may not have a  
6219 participatory interest in any game other than the dealing of  
6220 cards and may not have an interest in the outcome of the game.  
6221 ~~The~~ Providing ~~of~~ such dealers by a licensee does not constitute  
6222 the conducting of a banking game by the cardroom operator.

6223 (d) A cardroom operator may award giveaways, jackpots, and  
6224 prizes to a player who holds certain combinations of cards  
6225 specified by the cardroom operator.

6226 (e) 1. Each cardroom operator shall conspicuously post upon  
6227 the premises of the cardroom a notice that ~~which~~ contains:

- 6228 a. A copy of the cardroom license. †  
6229 b. A list of authorized games offered by the cardroom. †  
6230 c. The wagering limits imposed by the house, if any. †  
6231 d. Any additional house rules regarding operation of the



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6232 cardroom or the playing of any game.~~;~~ and

6233 e. All costs to players to participate, including any rake  
6234 by the house.

6235 2. ~~In addition,~~ Each cardroom operator shall post at each  
6236 table a notice of the minimum and maximum bets authorized at  
6237 such table and the fee for participation in the game conducted.

6238 (f) The cardroom facility may be inspected ~~is subject to~~  
6239 ~~inspection~~ by the department ~~division~~ or any law enforcement  
6240 agency during the licensee's regular business hours. The  
6241 inspection must ~~specifically~~ include a review of the pari-mutuel  
6242 permitholder internal control procedures approved by the  
6243 commission ~~division~~.

6244 (g) A cardroom operator may refuse entry to a person or  
6245 refuse to allow a any person to play, if the person ~~who~~ is  
6246 objectionable, undesirable, or disruptive to play, but such  
6247 refusal may not be based on the ~~basis of~~ race, creed, color,  
6248 religion, gender, national origin, marital status, physical  
6249 handicap, or age of that person, ~~except as provided in this~~  
6250 ~~section~~.

6251 (8) ~~(10)~~ FEE FOR PARTICIPATION.—The cardroom operator may  
6252 charge a fee ~~for the right~~ to participate in games conducted at  
6253 the cardroom. Such fee may be ~~either~~ a flat fee or hourly rate  
6254 for the use of a seat at a table or a rake subject to the posted  
6255 maximum amount. Such fee ~~but~~ may not be based on the amount won  
6256 by players. Any rake ~~The rake off, if any,~~ must be made in an  
6257 obvious manner and placed in a designated rake area that ~~which~~

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6258 is clearly visible to all players. Notice of the amount of the  
6259 participation fee charged shall be posted in a conspicuous place  
6260 in the cardroom and at each table at all times.

6261 (9)~~(8)~~ METHOD OF WAGERS; LIMITATION.-

6262 (a) ~~No~~ Wagering may not be conducted using money or other  
6263 negotiable currency. Games may only be played using ~~utilizing~~ a  
6264 wagering system whereby all players' money is first converted by  
6265 the house to tokens or chips that are ~~which shall be~~ used for  
6266 wagering only at that ~~specific~~ cardroom.

6267 (b) The cardroom operator may limit the amount wagered in  
6268 any game or series of games.

6269 (c) A tournament shall consist of a series of games. The  
6270 entry fee for a tournament may be set by the cardroom operator.  
6271 Tournaments may be played only with tournament chips that are  
6272 provided to ~~all~~ participants upon payment of ~~in exchange for~~ an  
6273 entry fee and any subsequent rebuys ~~re-buys~~. Each player ~~All~~  
6274 ~~players~~ must receive an equal number of tournament chips for his  
6275 or her ~~their~~ entry fee. Tournament chips do not have ~~no~~ cash  
6276 value, but instead ~~and~~ represent tournament points ~~only~~. The  
6277 cardroom operator shall determine any ~~There is no~~ limitation on  
6278 the number of tournament chips that may be used for a bet ~~except~~  
6279 ~~as otherwise determined by the cardroom operator~~. Tournament  
6280 chips may not ~~never~~ be redeemed for cash or for any other thing  
6281 of value. The distribution of prizes and cash awards must be  
6282 determined by the cardroom operator before entry fees are  
6283 accepted. ~~For purposes of tournament play only, the term "gross~~

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6284 receipts" means the total amount received by the cardroom  
6285 operator for all entry fees, player re-buys, and fees for  
6286 participating in the tournament less the total amount paid to  
6287 the winners or others as prizes.

6288 ~~(9) BOND REQUIRED.~~ The holder of a cardroom license shall  
6289 be financially and otherwise responsible for the operation of  
6290 the cardroom and for the conduct of any manager, dealer, or  
6291 other employee involved in the operation of the cardroom. Prior  
6292 to the issuance of a cardroom license, each applicant for such  
6293 license shall provide evidence of a surety bond in the amount of  
6294 \$50,000, payable to the state, furnished by a corporate surety  
6295 authorized to do business in the state or evidence that the  
6296 licensee's pari-mutuel bond required by s. 550.125 has been  
6297 expanded to include the applicant's cardroom operation. The bond  
6298 shall guarantee that the cardroom operator will redeem, for  
6299 cash, all tokens or chips used in games. Such bond shall be kept  
6300 in full force and effect by the operator during the term of the  
6301 license.

6302 ~~(10)~~(11) RECORDS AND REPORTS.—

6303 (a) Each licensee operating a cardroom shall ~~keep and~~  
6304 maintain permanent daily records of its cardroom operation and  
6305 shall maintain such records for at least ~~a period of not less~~  
6306 ~~than~~ 3 years. Such ~~These~~ records must ~~shall~~ include all  
6307 financial transactions and contain sufficient detail to  
6308 determine compliance with ~~the requirements of~~ this section. All  
6309 records shall be available for audit and inspection by the

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6310 ~~department~~ ~~division~~ or other law enforcement agencies during the  
6311 licensee's regular business hours. The information required in  
6312 such records shall be determined by ~~department~~ ~~division~~ rule.

6313 (b) Each month, each licensee operating a cardroom shall  
6314 file with the ~~department~~ ~~division~~ a report containing the  
6315 required records of such cardroom operation. ~~Such report shall~~  
6316 ~~be filed monthly by licensees.~~ The report ~~required reports~~  
6317 shall:

6318 1. Be due at the same time as the monthly pari-mutuel  
6319 reports are due to the commission.

6320 2. Be submitted on forms prescribed by the department.  
6321 ~~division and shall be due at the same time as the monthly pari-~~  
6322 ~~mutuel reports are due to the division, and such reports shall~~

6323 3. Contain any additional information required deemed  
6324 necessary by the department. ~~division, and the reports shall be~~  
6325 ~~deemed~~

6326 4. Be a public record ~~records~~ once filed.

6327 ~~(11)-(12)~~ PROHIBITED ACTIVITIES.-

6328 (a) A ~~No~~ person licensed to operate a cardroom may not  
6329 conduct any banking game or any other game not specifically  
6330 authorized by this section.

6331 (b) A ~~No~~ person under 18 years of age may not be permitted  
6332 to hold a cardroom or employee license~~7~~, or engage in any game  
6333 conducted in a cardroom ~~therein~~.

6334 (c) ~~No~~ Electronic or mechanical devices, except mechanical  
6335 card shufflers, may not be used to conduct any authorized game

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6336 in a cardroom.

6337 (d) ~~No~~ Cards, game components, or game implements may not  
6338 be used in playing an authorized game unless the cards, game  
6339 components, or game implements have such has been furnished or  
6340 provided to the players by the cardroom operator.

6341 (12)-(14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE;  
6342 FINE.-

6343 (a) 1. The commission ~~division~~ may deny a license or the  
6344 renewal thereof, or may suspend or revoke a any license, when  
6345 the applicant has:

6346 a. Violated or failed to comply with ~~the provisions of~~  
6347 this section or any rules adopted pursuant to this section  
6348 ~~thereto;~~

6349 b. Knowingly caused, aided, abetted, or conspired with  
6350 another to cause any person to violate this section or any rules  
6351 adopted pursuant to this section ~~thereto;~~ or

6352 c. Obtained a license or permit by fraud,  
6353 misrepresentation, or concealment. ~~;~~ ~~or~~

6354 2. The commission may deny the renewal of a license or may  
6355 suspend or revoke a license if the holder of such license ~~or~~  
6356 ~~permit~~ is no longer eligible under this section.

6357 (b) If a pari-mutuel permitholder's pari-mutuel permit or  
6358 license is suspended or revoked by the commission ~~division~~  
6359 pursuant to part II chapter 550, the commission shall ~~division~~  
6360 ~~may, but is not required to,~~ suspend or revoke such  
6361 permitholder's cardroom license. If a cardroom operator's

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6362 license is suspended or revoked pursuant to this section, the  
6363 commission division may, but is not required to, suspend or  
6364 revoke such licensee's pari-mutuel permit or license.

6365 (c) Notwithstanding any other provision of this section,  
6366 the commission division may impose an administrative fine of up  
6367 to not to exceed \$1,000 for each violation against any person  
6368 who has violated or failed to comply with ~~the provisions of~~ this  
6369 section or any rules adopted pursuant to this section ~~thereto~~.

6370 ~~(13)-(15)~~ CRIMINAL PENALTY; INJUNCTION.—

6371 (a)1. A ~~Any~~ person who operates a cardroom without a valid  
6372 license issued under ~~as provided in~~ this section commits a  
6373 felony of the third degree, punishable as provided in s.  
6374 775.082, s. 775.083, or s. 775.084.

6375 2. A ~~Any~~ licensee or pari-mutuel permitholder who violates  
6376 ~~any provision of~~ this section commits a misdemeanor of the first  
6377 degree, punishable as provided in s. 775.082 or s. 775.083. A  
6378 ~~Any~~ licensee or pari-mutuel permitholder who commits a second or  
6379 subsequent violation of the same paragraph or subsection within  
6380 a period of 3 years after ~~from~~ the date of a prior conviction  
6381 for the same offense ~~a violation of such paragraph or subsection~~  
6382 commits a felony of the third degree, punishable as provided in  
6383 s. 775.082, s. 775.083, or s. 775.084.

6384 (b) The department division, a ~~any~~ state attorney, the  
6385 statewide prosecutor, or the Attorney General may apply for a  
6386 temporary or permanent injunction restraining further violation  
6387 of this section, and such injunction shall issue without bond.

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6388 ~~(17) CHANGE OF LOCATION; REFERENDUM.~~

6389 ~~(a) Notwithstanding any provisions of this section, no~~  
6390 ~~cardroom gaming license issued under this section shall be~~  
6391 ~~transferred, or reissued when such reissuance is in the nature~~  
6392 ~~of a transfer, so as to permit or authorize a licensee to change~~  
6393 ~~the location of the cardroom except upon proof in such form as~~  
6394 ~~the division may prescribe that a referendum election has been~~  
6395 ~~held:~~

6396 ~~1. If the proposed new location is within the same county~~  
6397 ~~as the already licensed location, in the county where the~~  
6398 ~~licensee desires to conduct cardroom gaming and that a majority~~  
6399 ~~of the electors voting on the question in such election voted in~~  
6400 ~~favor of the transfer of such license. However, the division~~  
6401 ~~shall transfer, without requirement of a referendum election,~~  
6402 ~~the cardroom license of any permit holder that relocated its~~  
6403 ~~permit pursuant to s. 550.0555.~~

6404 ~~2. If the proposed new location is not within the same~~  
6405 ~~county as the already licensed location, in the county where the~~  
6406 ~~licensee desires to conduct cardroom gaming and that a majority~~  
6407 ~~of the electors voting on that question in each such election~~  
6408 ~~voted in favor of the transfer of such license.~~

6409 ~~(b) The expense of each referendum held under the~~  
6410 ~~provisions of this subsection shall be borne by the licensee~~  
6411 ~~requesting the transfer.~~

6412 Section 100. Effective October 1, 2014, part V of chapter  
6413 551, Florida Statutes, consisting of sections 551.301-551.322,

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6414 is created and entitled "OCCUPATIONAL EMPLOYEES AND ASSOCIATES."

6415 Section 101. Effective October 1, 2014, section 550.105,  
6416 Florida Statutes, is transferred, renumbered as section 551.301,  
6417 Florida Statutes, and amended to read:

6418 551.301 ~~550.105~~ Racetrack and jai alai occupational  
6419 licenses of racetrack employees; fees; denial, suspension, and  
6420 revocation of license; penalties and fines.-

6421 (1) Each person connected with a racetrack or jai alai  
6422 fronton, as specified in paragraph (2)(a), shall purchase from  
6423 the department ~~division~~ an occupational license. License fee  
6424 collections ~~All moneys collected pursuant to this section each~~  
6425 ~~fiscal year~~ shall be deposited into the Gaming Control Trust  
6426 Fund ~~Pari-mutuel Wagering Trust Fund~~. The department may adopt  
6427 rules that allow ~~Pursuant to the rules adopted by the division,~~  
6428 an occupational license to ~~may~~ be valid for a ~~period of~~ up to 3  
6429 years. The fee for a multi-year license may ~~for a fee that does~~  
6430 not exceed the full occupational license fee for each of the  
6431 years for which the license is purchased. The occupational  
6432 license shall be valid during its specified term at any pari-  
6433 mutuel facility.

6434 (2)(a) The following licenses shall be issued to persons  
6435 or entities with access to the backside, racing animals, jai  
6436 alai players' room, jockeys' room, drivers' room, totalisator  
6437 room, ~~the~~ mutuels, or money room; ~~or~~ to persons who, by virtue  
6438 of the positions ~~position~~ they hold, might be granted access to  
6439 such ~~these~~ areas; or to any other person or entity in one of the



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6440 following categories ~~and~~ with fees not to exceed the following  
6441 amounts for any 12-month period:

6442 1. Business licenses for any business such as a vendor,  
6443 contractual concessionaire, contract kennel, business owning  
6444 racing animals, trust or estate, totalisator company, stable  
6445 name, or other fictitious name: \$50.

6446 2. Professional occupational licenses for professional  
6447 persons with access to the backside of a racetrack or players'  
6448 quarters in jai alai such as trainers, officials, veterinarians,  
6449 doctors, nurses, emergency medical technicians ~~EMT's~~, jockeys  
6450 and apprentices, drivers, jai alai players, owners, trustees, or  
6451 any management or officer or director or shareholder or any  
6452 other professional-level person who might have access to the  
6453 jockeys' room, the drivers' room, the backside, racing animals,  
6454 kennel compound, or managers or supervisors requiring access to  
6455 mutuels machines, the money room, or totalisator equipment: \$40.

6456 3. General occupational licenses for general employees  
6457 with access to the jockeys' room, the drivers' room, racing  
6458 animals, the backside of a racetrack, or players' quarters in  
6459 jai alai, such as grooms, kennel helpers, leadouts, pelota  
6460 makers, cesta makers, or ball boys, or a practitioner of any  
6461 other occupation who would have access to the animals, the  
6462 backside, or the kennel compound, or who would provide the  
6463 security or maintenance of these areas, or mutuel employees,  
6464 totalisator employees, money-room employees, or any employee  
6465 with access to mutuels machines, the money room, or totalisator

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6466 equipment or who would provide the security or maintenance of  
6467 these areas: \$10.

6468 (b) The individuals and entities that are licensed under  
6469 this subsection ~~paragraph~~ require heightened state scrutiny,  
6470 including the submission by the individual licensees or persons  
6471 associated with the entities described in this chapter of  
6472 fingerprints for a Federal Bureau of Investigation criminal  
6473 records check.

6474 (c) ~~(b)~~ The department ~~division~~ shall adopt rules  
6475 pertaining to pari-mutuel occupational licenses, licensing  
6476 periods, and renewal cycles.

6477 (3) Certified public accountants and attorneys licensed to  
6478 practice in this state are ~~shall~~ not ~~be~~ required to hold an  
6479 occupational license under this section while providing  
6480 accounting or legal services to a permitholder if the certified  
6481 public accountant's or attorney's primary place of employment is  
6482 not on the permitholder's ~~permitholder~~ premises.

6483 (4) A person may not ~~It is unlawful to~~ take part in or  
6484 officiate in any way at any pari-mutuel facility without first  
6485 having secured a license and paid the occupational license fee.

6486 (5) (a) If the state racing commission or racing authority  
6487 in another state or jurisdiction extends to the commission  
6488 reciprocal courtesy to maintain the disciplinary control, the  
6489 department ~~division~~ may:

6490 1. Deny a license to or revoke, suspend, or place  
6491 conditions ~~upon~~ or restrictions on a license of any person who

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6492 has been refused a license by any other state racing commission  
6493 or racing authority; or

6494 2. Deny, suspend, or place conditions on a license of any  
6495 person who is under suspension or has unpaid fines in another  
6496 jurisdiction.~~;~~

6497  
6498 ~~if the state racing commission or racing authority of such other~~  
6499 ~~state or jurisdiction extends to the division reciprocal~~  
6500 ~~courtesy to maintain the disciplinary control.~~

6501 (b) The department ~~division~~ may deny, suspend, revoke, or  
6502 declare ineligible any occupational license if the applicant ~~for~~  
6503 or holder: thereof

6504 1. Has violated the provisions of this chapter or the  
6505 rules of the department ~~division~~ governing the conduct of  
6506 persons connected with racetracks and frontons; ~~In addition,~~  
6507 ~~the division may deny, suspend, revoke, or declare ineligible~~  
6508 ~~any occupational license if the applicant for such license~~

6509 2. Has been convicted in this state, in any other state,  
6510 or under the laws of the United States of:

6511 a. A capital felony, a felony, or an offense in any other  
6512 state which would be a felony under the laws of this state  
6513 involving arson;

6514 b. Trafficking in, conspiracy to traffic in, smuggling,  
6515 importing, conspiracy to smuggle or import, or delivery, sale,  
6516 or distribution of a controlled substance; or

6517 c. A crime involving a lack of good moral character; ~~;~~ or

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6518        3. Has had a pari-mutuel license revoked by this state or  
6519 any other jurisdiction for an offense related to pari-mutuel  
6520 wagering.

6521        (c) The department division may deny, declare ineligible,  
6522 or revoke any occupational license if the licensee or applicant  
6523 for such license has been convicted of a felony or misdemeanor  
6524 in this state, in any other state, or under the laws of the  
6525 United States, if such felony or misdemeanor is related to  
6526 gambling or bookmaking, as contemplated in s. 849.25, or  
6527 involves cruelty to animals. If the applicant establishes that  
6528 she or he is of good moral character, that she or he has been  
6529 rehabilitated, and that the crime she or he was convicted of is  
6530 not related to pari-mutuel wagering and is not a capital  
6531 offense, the restrictions excluding offenders may be waived by  
6532 ~~the director of the~~ department division.

6533        (d) For purposes of this subsection, the term "convicted"  
6534 means having been found guilty, with or without adjudication of  
6535 guilt, as a result of a jury verdict, nonjury trial, or entry of  
6536 a plea of guilty or nolo contendere. However, this paragraph may  
6537 ~~the term "conviction" shall~~ not be applied to a crime committed  
6538 before July 1, 2010, prior to the effective date of this  
6539 ~~subsection~~ in a manner that would invalidate any occupational  
6540 license issued before July 1, 2010, prior to the effective date  
6541 ~~of this subsection~~ or subsequent renewal for any person holding  
6542 such a license.

6543        (e) If an occupational license will expire by department

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6544 ~~division~~ rule during the period of a suspension the department  
6545 ~~division~~ intends to impose, or if a license would have expired  
6546 but for pending administrative charges and the occupational  
6547 licensee is found to be in violation of any of the charges, the  
6548 license may be revoked and a time period of license  
6549 ineligibility may be declared. The department ~~division~~ may bring  
6550 administrative charges against any person not holding a current  
6551 license for violations of statutes or rules which occurred while  
6552 such person held an occupational license, and the commission  
6553 ~~division~~ may declare such person ineligible to hold a license  
6554 for a period of time. The department ~~division~~ may impose a civil  
6555 fine of up to \$1,000 for each violation of the rules of the  
6556 department ~~division~~ in addition to or in lieu of any other  
6557 penalty provided for in this section. In addition to any other  
6558 penalty provided by law, the department ~~division~~ may exclude  
6559 from all pari-mutuel facilities in this state, for a period not  
6560 to exceed the period of suspension, revocation, or  
6561 ineligibility, any person whose occupational license application  
6562 has been denied by the department ~~division~~, who has been  
6563 declared ineligible to hold an occupational license, or whose  
6564 occupational license has been suspended or revoked by the  
6565 department ~~division~~.

6566 (f) The department ~~division~~ may cancel any occupational  
6567 license that has been voluntarily relinquished by the licensee.

6568 (6) In order to promote the orderly presentation of pari-  
6569 mutuel meets authorized in this chapter, the department ~~division~~

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6570 may issue a temporary occupational license. The department  
6571 ~~division~~ shall adopt rules to implement this subsection. A  
6572 ~~However, No~~ temporary occupational license may not ~~shall~~ be  
6573 valid for more than 90 days, and only ~~no more than~~ one temporary  
6574 license may be issued for any person in any year.

6575 (7) The department ~~division~~ may deny, revoke, or suspend  
6576 any occupational license if the applicant ~~therefor~~ or ~~holder~~  
6577 thereof accumulates unpaid obligations or defaults in  
6578 obligations, or issues drafts or checks that are dishonored or  
6579 for which payment is refused without reasonable cause, if such  
6580 unpaid obligations, defaults, or dishonored or refused drafts or  
6581 checks directly relate to the sport of jai alai or racing being  
6582 conducted at a pari-mutuel facility within this state.

6583 (8) The department ~~division~~ may fine a licensee, or  
6584 suspend, ~~or~~ revoke, or place conditions on ~~upon~~, the license of  
6585 a any licensee, who under oath knowingly provides false  
6586 information regarding an investigation by the department  
6587 ~~division~~.

6588 ~~(9) The tax imposed by this section is in lieu of all~~  
6589 ~~license, excise, or occupational taxes to the state or any~~  
6590 ~~county, municipality, or other political subdivision, except~~  
6591 ~~that, if a race meeting or game is held or conducted in a~~  
6592 ~~municipality, the municipality may assess and collect an~~  
6593 ~~additional tax against any person conducting live racing or~~  
6594 ~~games within its corporate limits, which tax may not exceed \$150~~  
6595 ~~per day for horseracing or \$50 per day for dogracing or jai~~

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6596 ~~alai. Except as provided in this chapter, a municipality may not~~  
6597 ~~assess or collect any additional excise or revenue tax against~~  
6598 ~~any person conducting race meetings within the corporate limits~~  
6599 ~~of the municipality or against any patron of any such person.~~

6600 (9) ~~(10)~~ (a) Upon application for an occupational license:7

6601 1. The department ~~division~~ may require:

6602 a. The applicant's full legal name and~~7~~ any nickname,  
6603 alias, or maiden name for the applicant;

6604 b. The name of the applicant's spouse;

6605 c. The applicant's date of birth, residence address,  
6606 mailing address, residence ~~address~~ and business telephone ~~phone~~  
6607 number, and social security number;

6608 d. Disclosure of any felony or any conviction involving  
6609 bookmaking, illegal gambling, or cruelty to animals;

6610 e. Disclosure of any past or present enforcement or  
6611 actions by any racing or gaming agency against the applicant;  
6612 and

6613 f. Any information the department ~~division~~ determines ~~is~~  
6614 necessary to establish the identity of the applicant or to  
6615 establish that the applicant is of good moral character.

6616 2. Fingerprints shall be taken in a manner approved by the  
6617 department ~~division~~ and ~~then shall be~~ submitted to the Federal  
6618 Bureau of Investigation~~7~~ or to the association of state  
6619 officials regulating pari-mutuel wagering pursuant to the  
6620 Federal Pari-mutuel Licensing Simplification Act of 1988.

6621 (b)1. The cost of processing fingerprints shall be borne by

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6622 the applicant and paid to the association of state officials  
6623 regulating pari-mutuel wagering from the trust fund to which the  
6624 processing fees are deposited. ~~The division, by rule, may~~  
6625 ~~require additional information from licensees which is~~  
6626 ~~reasonably necessary to regulate the industry. The division may,~~  
6627 ~~by rule, exempt certain occupations or groups of persons from~~  
6628 ~~the fingerprinting requirements.~~

6629 2.(b) All fingerprints required under ~~by~~ this section  
6630 which ~~that~~ are submitted to the Department of Law Enforcement  
6631 shall be retained by the Department of Law Enforcement and  
6632 entered into the statewide automated biometric identification  
6633 system as authorized under ~~by~~ s. 943.05(2)(b) and shall be  
6634 available for all purposes and uses authorized for arrest  
6635 fingerprints entered into the statewide automated biometric  
6636 identification system pursuant to s. 943.051.

6637 3.(e) The Department of Law Enforcement shall search all  
6638 arrest fingerprints received pursuant to s. 943.051 against the  
6639 fingerprints retained in the statewide automated biometric  
6640 identification system under subparagraph 2 ~~paragraph (b)~~. Any  
6641 arrest record that is identified with the retained fingerprints  
6642 of a person subject to the criminal history screening  
6643 requirements of this section shall be reported to the department  
6644 ~~division~~. Each licensee shall pay a fee to the department  
6645 ~~division~~ for the cost of retention of the fingerprints and the  
6646 ongoing searches under this subparagraph ~~paragraph~~. The  
6647 department ~~division~~ shall forward the payment to the Department



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6648 of Law Enforcement. The amount of the fee to be imposed for  
6649 performing these searches and the procedures for the retention  
6650 of licensee fingerprints shall be as established by rule of the  
6651 Department of Law Enforcement. The department ~~division~~ shall  
6652 inform the Department of Law Enforcement of any change in the  
6653 license status of licensees whose fingerprints are retained  
6654 under subparagraph 2 ~~paragraph (b)~~.

6655 4.(d) The department ~~division~~ shall request the Department  
6656 of Law Enforcement to forward the fingerprints to the Federal  
6657 Bureau of Investigation for a national criminal history records  
6658 check at least once every 5 years following issuance of a  
6659 license. If the fingerprints of a person who is licensed have  
6660 not been retained by the Department of Law Enforcement, the  
6661 person must file a complete set of fingerprints as provided in  
6662 paragraph (a). The department ~~division~~ shall collect the fees  
6663 for the cost of the national criminal history records check  
6664 under this subparagraph ~~paragraph~~ and forward the payment to the  
6665 Department of Law Enforcement. The cost of processing  
6666 fingerprints and conducting a criminal history records check  
6667 under this subparagraph ~~paragraph~~ for a general occupational  
6668 license shall be borne by the applicant. The cost of processing  
6669 fingerprints and conducting a criminal history records check  
6670 under this subparagraph ~~paragraph~~ for a business or professional  
6671 occupational license shall be borne by the person being checked.  
6672 The Department of Law Enforcement may invoice the department  
6673 ~~division~~ for the fingerprints submitted each month. Under

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6674 penalty of perjury, each person who is licensed or who is  
6675 fingerprinted as required by this section must agree to inform  
6676 the department ~~division~~ within 48 hours if he or she is  
6677 convicted of or has entered a plea of guilty or nolo contendere  
6678 to any disqualifying offense, regardless of adjudication.

6679 (c)1. The department may adopt rules that require  
6680 additional information from licensees which is reasonably  
6681 necessary to regulate the industry.

6682 2. The department may adopt rules that exempt certain  
6683 occupations or groups of persons from the fingerprinting  
6684 requirements.

6685 Section 102. Effective October 1, 2014, section 551.107,  
6686 Florida Statutes, is transferred, renumbered as section 551.302,  
6687 Florida Statutes, and amended to read:

6688 551.302 ~~551.107~~ Slot machine occupational license;  
6689 findings; application; fee.-

6690 (1) The Legislature finds that individuals and entities  
6691 that are licensed under this section require heightened state  
6692 scrutiny, including the submission by the individual licensees  
6693 or persons associated with the entities described in this  
6694 chapter of fingerprints for a criminal history record check.

6695 (2) (a) The following slot machine occupational licenses  
6696 shall be issued to persons or entities that, by virtue of the  
6697 positions they hold, might be granted access to slot machine  
6698 gaming areas or to any other person or entity in one of the  
6699 following categories:

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6700 1. General occupational licenses for general employees,  
6701 including food service, maintenance, and other similar service  
6702 and support employees having access to the slot machine gaming  
6703 area.

6704 2. Professional occupational licenses for a ~~any~~ person,  
6705 proprietorship, partnership, corporation, or other entity that  
6706 is authorized by a slot machine licensee to manage, oversee, or  
6707 otherwise control daily operations as a slot machine manager, a  
6708 floor supervisor, security personnel, or any other similar  
6709 position of oversight of gaming operations, or a ~~any~~ person who  
6710 is not an employee of the slot machine licensee and who provides  
6711 maintenance, repair, or upgrades to, or otherwise services, a  
6712 slot machine or other slot machine equipment.

6713 3. Business occupational licenses for a ~~any~~ slot machine  
6714 management company or company associated with slot machine  
6715 gaming; a, ~~any~~ person who manufactures, distributes, or sells  
6716 slot machines, slot machine paraphernalia, or other associated  
6717 equipment to slot machine licensees; ; ~~or~~ a ~~any~~ company that  
6718 sells or provides goods or services associated with slot machine  
6719 gaming to slot machine licensees.

6720 (b) The department ~~division~~ may issue one license to  
6721 combine licenses under this section with pari-mutuel  
6722 occupational licenses and cardroom licenses pursuant to s.  
6723 551.301(2)(c) ~~550.105(2)(b)~~. The department ~~division~~ shall adopt  
6724 rules pertaining to occupational licenses under this subsection.  
6725 Such rules may specify, but need not be limited to, requirements

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6726 and restrictions for licensed occupations and categories,  
6727 procedures to apply for a ~~any~~ license or combination of  
6728 licenses, disqualifying criminal offenses for a licensed  
6729 occupation or categories of occupations, and which types of  
6730 occupational licenses may be combined into a single license  
6731 under this section. The fingerprinting requirements of  
6732 subsection (6) ~~(7)~~ apply to a ~~any~~ combination license that  
6733 includes slot machine license privileges under this section. The  
6734 department ~~division~~ may not adopt a rule allowing the issuance  
6735 of an occupational license to a ~~any~~ person who does not meet the  
6736 minimum background qualifications under this section.

6737 (c) Slot machine occupational licenses are not  
6738 transferable.

6739 (3) A slot machine licensee may not employ or otherwise  
6740 allow a person to work at a licensed facility unless such person  
6741 holds the appropriate valid occupational license. A slot machine  
6742 licensee may not contract or otherwise do business with a  
6743 business required to hold a slot machine occupational license  
6744 unless the business holds such a license. A slot machine  
6745 licensee may not employ or otherwise allow a person to work in a  
6746 supervisory or management professional level at a licensed  
6747 facility unless such person holds a valid slot machine  
6748 occupational license. All slot machine occupational licensees,  
6749 while present in slot machine gaming areas, shall display on  
6750 their persons their occupational license identification cards.

6751 (4) (a) A person seeking a slot machine occupational

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6752 license or renewal thereof shall make application on forms  
6753 prescribed by the department ~~division~~ and pay ~~include payment of~~  
6754 the appropriate application fee. Initial and renewal  
6755 applications for slot machine occupational licenses must contain  
6756 all information that the department ~~division~~, by rule,  
6757 determines is required to ensure eligibility.

6758 (b) A slot machine license or combination license is valid  
6759 for the same term as a pari-mutuel occupational license issued  
6760 pursuant to s. 551.301(1) ~~550.105(1)~~.

6761 (c) Pursuant to rules adopted by the department ~~division~~,  
6762 a any person may apply for and, if qualified, be issued a slot  
6763 machine occupational license valid for a period of 3 years upon  
6764 payment of the full occupational license fee for each of the 3  
6765 years for which the license is issued. The slot machine  
6766 occupational license is valid during its specified term at a any  
6767 licensed facility where slot machine gaming is authorized to be  
6768 conducted.

6769 (d) The slot machine occupational license fee for initial  
6770 application and annual renewal shall be determined by rule of  
6771 the department ~~division~~ but may not exceed \$50 for a general or  
6772 professional occupational license for an employee of the slot  
6773 machine licensee or \$1,000 for a business occupational license  
6774 for nonemployees of the licensee providing goods or services to  
6775 the slot machine licensee. License fees for general occupational  
6776 licensees shall be paid by the slot machine licensee. Failure to  
6777 pay the required fee constitutes grounds for disciplinary action

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6778 by the department ~~division~~ against the slot machine licensee,  
6779 but ~~it~~ is not a violation of this chapter or ~~rules of the~~  
6780 department rule ~~division~~ by the general occupational licensee  
6781 and does not prohibit the initial issuance or the renewal of the  
6782 general occupational license.

6783 (5) (a) The department ~~division~~ may deny an application  
6784 for, or revoke, suspend, or place conditions or restrictions on,  
6785 a license of a person or entity that:

6786 1.(a) ~~Deny an application for, or revoke, suspend, or~~  
6787 ~~place conditions or restrictions on, a license of a person or~~  
6788 ~~entity that~~ Has been refused a license by any other state gaming  
6789 commission, governmental department, agency, or other authority  
6790 exercising regulatory jurisdiction over the gaming of another  
6791 state or jurisdiction; or

6792 2.(b) ~~Deny an application for, or suspend or place~~  
6793 ~~conditions on, a license of any person or entity that~~ Is under  
6794 suspension or has unpaid fines in another state or jurisdiction.

6795 (b)-(6)(a) The department ~~division~~ may deny an application  
6796 for, or suspend, revoke, or refuse to renew, a ~~any~~ slot machine  
6797 occupational license if the applicant for such license or the  
6798 licensee:

6799 1. Has violated ~~the provisions of~~ this chapter or the  
6800 rules of the department ~~division~~ governing the conduct of  
6801 persons connected with slot machine gaming; ~~In addition, the~~  
6802 ~~division may deny, suspend, revoke, or refuse to renew any slot~~  
6803 ~~machine occupational license if the applicant for such license~~

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6804 ~~or the licensee~~

6805       2. Has been convicted in this state, in any other state,  
6806 or under the laws of the United States of a capital felony, a  
6807 felony, or an offense in any other state that would be a felony  
6808 under the laws of this state involving arson; trafficking in,  
6809 conspiracy to traffic in, smuggling, importing, conspiracy to  
6810 smuggle or import, or delivery, sale, or distribution of a  
6811 controlled substance; racketeering; or a crime involving a lack  
6812 of good moral character;~~,- or~~

6813       3. Has had a gaming license revoked by this state or any  
6814 other jurisdiction for a any gaming-related offense;~~-~~

6815       4.(b) ~~The division may deny, revoke, or refuse to renew~~  
6816 ~~any slot machine occupational license if the applicant for such~~  
6817 ~~license or the licensee~~ Has been convicted of a felony or  
6818 misdemeanor in this state, in any other state, or under the laws  
6819 of the United States if such felony or misdemeanor is related to  
6820 gambling or bookmaking as described in s. 849.25; or

6821       5. Accumulates unpaid obligations, defaults in  
6822 obligations, or issues drafts or checks that are dishonored or  
6823 for which payment is refused without reasonable cause.

6824       ~~(c) For purposes of this subsection, the term "convicted"~~  
6825 ~~means having been found guilty, with or without adjudication of~~  
6826 ~~guilt, as a result of a jury verdict, nonjury trial, or entry of~~  
6827 ~~a plea of guilty or nolo contendere.~~

6828       (6)(7) Fingerprints for all slot machine occupational  
6829 license applications shall be taken in a manner approved by the

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6830 department ~~division~~ and shall be submitted electronically to the  
6831 Department of Law Enforcement for state processing and the  
6832 Federal Bureau of Investigation for national processing for a  
6833 criminal history record check. All persons ~~as~~ specified in s.  
6834 551.029(1)(a) who are ~~550.1815(1)(a)~~ employed by or working  
6835 within a licensed premises shall submit fingerprints for a  
6836 criminal history record check and may not have been convicted of  
6837 a ~~any~~ disqualifying criminal offense ~~offenses~~ specified in  
6838 subsection (5) ~~(6)~~. Department ~~Division~~ employees and law  
6839 enforcement officers assigned by their employing agencies to  
6840 work within the premises as part of their official duties are  
6841 excluded from the criminal history record check requirements  
6842 under this subsection. The cost of processing fingerprints and  
6843 conducting a criminal history record check for a general  
6844 occupational license shall be borne by the slot machine  
6845 licensee. The cost of processing fingerprints and conducting a  
6846 criminal history record check for a business or professional  
6847 occupational license shall be borne by the person being checked.  
6848 The Department of Law Enforcement may invoice the department for  
6849 the fingerprints submitted each month. ~~For purposes of this~~  
6850 ~~subsection, the term "convicted" means having been found guilty,~~  
6851 ~~with or without adjudication of guilt, as a result of a jury~~  
6852 ~~verdict, nonjury trial, or entry of a plea of guilty or nolo~~  
6853 ~~contendere.~~

6854 (a) Fingerprints shall be taken in a manner approved by  
6855 the department ~~division~~ upon initial application, or as required



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6856 thereafter by rule of the department ~~division~~, and shall be  
6857 submitted electronically to the Department of Law Enforcement  
6858 for state processing. The Department of Law Enforcement shall  
6859 forward the fingerprints to the Federal Bureau of Investigation  
6860 for national processing. The results of the criminal history  
6861 record check shall be returned to the department ~~division~~ for  
6862 purposes of screening. Licensees shall provide necessary  
6863 equipment approved by the Department of Law Enforcement to  
6864 facilitate such electronic submission. The department ~~division~~  
6865 requirements under this subsection shall be instituted in  
6866 consultation with the Department of Law Enforcement.

6867 (b) The cost of processing fingerprints and conducting a  
6868 criminal history record check for a general occupational license  
6869 shall be borne by the slot machine licensee. The cost of  
6870 processing fingerprints and conducting a criminal history record  
6871 check for a business or professional occupational license shall  
6872 be borne by the person being checked. The Department of Law  
6873 Enforcement may invoice the department ~~division~~ for the  
6874 fingerprints submitted each month.

6875 (c) All fingerprints required by this section which are  
6876 submitted to the Department of Law Enforcement ~~and required by~~  
6877 ~~this section~~ shall be retained by the Department of Law  
6878 Enforcement and entered into the statewide automated biometric  
6879 identification system as authorized under ~~by~~ s. 943.05(2)(b) and  
6880 shall be available for all purposes and uses authorized for  
6881 arrest fingerprints entered into the statewide automated

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6882 biometric identification system pursuant to s. 943.051.

6883 (d) The Department of Law Enforcement shall search all  
6884 arrest fingerprints received pursuant to s. 943.051 against the  
6885 fingerprints retained in the statewide automated biometric  
6886 identification system under paragraph (c). ~~An~~ ~~Any~~ arrest record  
6887 that is identified with the retained fingerprints of a person  
6888 subject to the criminal history screening requirements of this  
6889 section shall be reported to the department ~~division~~. Each  
6890 licensed facility shall pay a fee to the commission ~~division~~ for  
6891 the cost of retention of the fingerprints and the ongoing  
6892 searches under this paragraph. The department ~~division~~ shall  
6893 forward the payment to the Department of Law Enforcement. The  
6894 amount of the fee to be imposed for performing such ~~these~~  
6895 searches and the procedures for the retention of licensee  
6896 fingerprints shall be as established by rule of the Department  
6897 of Law Enforcement. The department ~~division~~ shall inform the  
6898 Department of Law Enforcement of a ~~any~~ change in the license  
6899 status of licensees whose fingerprints are retained under  
6900 paragraph (c).

6901 (e) The department ~~division~~ shall request the Department  
6902 of Law Enforcement to forward the fingerprints to the Federal  
6903 Bureau of Investigation for a national criminal history records  
6904 check every 3 years following issuance of a license. If the  
6905 fingerprints of a person who is licensed have not been retained  
6906 by the Department of Law Enforcement, the person must file a  
6907 complete set of fingerprints as provided ~~for~~ in paragraph (a).

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6908 The department ~~division~~ shall collect the fees for the cost of  
6909 the national criminal history record check under this paragraph  
6910 and shall forward the payment to the Department of Law  
6911 Enforcement. ~~The cost of processing fingerprints and conducting~~  
6912 ~~a criminal history record check under this paragraph for a~~  
6913 ~~general occupational license shall be borne by the slot machine~~  
6914 ~~licensee. The cost of processing fingerprints and conducting a~~  
6915 ~~criminal history record check under this paragraph for a~~  
6916 ~~business or professional occupational license shall be borne by~~  
6917 ~~the person being checked.~~ The Department of Law Enforcement may  
6918 invoice the department ~~division~~ for the fingerprints submitted  
6919 each month. Under penalty of perjury, each person who is  
6920 licensed or who is fingerprinted as required by this section  
6921 must agree to inform the department ~~division~~ within 48 hours if  
6922 he or she is convicted of or has entered a plea of guilty or  
6923 nolo contendere to a ~~any~~ disqualifying offense, regardless of  
6924 adjudication.

6925 ~~(7)-(8)~~ All moneys collected pursuant to this section shall  
6926 be deposited into the Gaming Control Trust Fund ~~Pari-mutuel~~  
6927 ~~Wagering Trust Fund.~~

6928 ~~(9)~~ ~~The division may deny, revoke, or suspend any~~  
6929 ~~occupational license if the applicant or holder of the license~~  
6930 ~~accumulates unpaid obligations, defaults in obligations, or~~  
6931 ~~issues drafts or checks that are dishonored or for which payment~~  
6932 ~~is refused without reasonable cause.~~

6933 ~~(8)-(10)~~ The department ~~division~~ may fine a licensee or

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6934 suspend, revoke, or place conditions upon his or her ~~the~~  
6935 license, if the ~~of any~~ licensee ~~who~~ provides false information  
6936 under oath regarding an application for a license or an  
6937 investigation by the department ~~division~~.

6938 ~~(9)-(11)~~ The department ~~division~~ may impose a civil fine of  
6939 up to \$5,000 for each violation of this chapter or department  
6940 rule ~~the rules of the division~~ in addition to or in lieu of any  
6941 other penalty provided for in this section. The department  
6942 ~~division~~ may adopt a penalty schedule for violations of this  
6943 chapter or applicable any rule adopted pursuant to this chapter  
6944 for which it would impose a fine in lieu of a suspension and may  
6945 adopt rules allowing for the issuance of citations, including  
6946 procedures to address such citations, to persons who violate  
6947 such rules. In addition to any other penalty provided by law,  
6948 the department ~~division~~ may exclude from all licensed slot  
6949 machine facilities in this state, for a period not to exceed the  
6950 period of suspension, revocation, or ineligibility, a any person  
6951 declared ineligible to hold an occupational license whose  
6952 occupational license application has been denied ~~declared~~  
6953 ~~ineligible to hold an occupational license~~ or whose occupational  
6954 license has been suspended or revoked by the department  
6955 ~~division~~.

6956 (10) (a) Notwithstanding s. 120.60, the department may  
6957 issue a temporary occupational license upon receipt of a  
6958 complete application from the applicant and a determination that  
6959 the applicant has not been convicted of or had adjudication

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6960 withheld on a disqualifying criminal offense. The temporary  
6961 occupational license remains valid until such time as the  
6962 department grants an occupational license or notifies the  
6963 applicant of its intended decision to deny the applicant a  
6964 license pursuant to s. 120.60. The department shall adopt rules  
6965 to administer this subsection. However, not more than one  
6966 temporary license may be issued for a person in a year.

6967 (b) A temporary license issued under this section is  
6968 nontransferable.

6969 (10) For purposes of this section, the term "convicted"  
6970 means having been found guilty, with or without adjudication of  
6971 guilt, as a result of a jury verdict, nonjury trial, or entry of  
6972 a plea of guilty or nolo contendere.

6973 Section 103. Effective October 1, 2014, section 551.1045,  
6974 Florida Statutes, is repealed.

6975 Section 104. Effective October 1, 2014, subsection (6) of  
6976 section 849.086, Florida Statutes, is transferred, renumbered as  
6977 section 551.303, Florida Statutes, and amended to read:

6978 551.303 ~~(6)~~ Cardroom business and employee occupational  
6979 license ~~required; application; fees.~~

6980 (1) ~~(a)~~ A person employed or otherwise working in a  
6981 cardroom as a cardroom manager, floor supervisor, pit boss,  
6982 dealer, or any other position ~~activity~~ related to cardroom  
6983 operations while the facility is conducting authorized ~~card~~  
6984 ~~playing or~~ games of ~~dominoes~~ must hold a valid cardroom employee  
6985 occupational license issued by the department ~~division~~. Food

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6986 service, maintenance, and security employees who hold ~~with~~ a  
6987 current pari-mutuel occupational license and who passed the  
6988 required ~~a current~~ background check are ~~will~~ not ~~be~~ required to  
6989 have a cardroom employee occupational license.

6990 (2)(b) ~~A~~ Any cardroom management company or cardroom  
6991 distributor associated with cardroom operations must hold a  
6992 valid cardroom business occupational license issued by the  
6993 department ~~division~~.

6994 (3)(e) ~~A~~ No licensed cardroom operator may not employ or  
6995 allow to work in a cardroom a any person who does not hold  
6996 ~~unless such person holds~~ a valid occupational license. ~~A~~ No  
6997 licensed cardroom operator may not contract with, or otherwise  
6998 do business with, a business that does not ~~required to~~ hold a  
6999 required valid cardroom business occupational license, ~~unless~~  
7000 ~~the business holds such a valid license~~.

7001 (4)(d) The department ~~division~~ shall establish, by rule, a  
7002 schedule for the renewal of cardroom occupational licenses.  
7003 Cardroom occupational licenses are not transferable.

7004 (5)(e) An application for an initial or renewal ~~Persons~~  
7005 ~~seeking~~ cardroom occupational license must be made ~~licenses, or~~  
7006 ~~renewal thereof, shall make application~~ on forms prescribed by  
7007 the department and must ~~division~~. ~~Applications for cardroom~~  
7008 ~~occupational licenses shall~~ contain all of the information for  
7009 eligibility determination required by department ~~the division,~~  
7010 ~~by rule, may determine is required to ensure eligibility~~.

7011 (6)(f) The department ~~division~~ shall adopt rules regarding

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7012 cardroom occupational licenses. The provisions specified in s.  
7013 551.301(4) ~~550.105(4)~~, (5), (6), (7), (8), and (9) ~~(10)~~ relating  
7014 to licensure apply ~~shall be applicable~~ to cardroom occupational  
7015 licenses.

7016 (7) ~~(g)~~ The department division may declare an applicant  
7017 for or holder of a license ineligible and deny, ~~declare~~  
7018 ~~ineligible,~~ or revoke his or her any cardroom occupational  
7019 license if, in this or any other state or under the laws of the  
7020 United States, he or she the applicant or holder thereof has  
7021 been found guilty of or has had adjudication withheld for in  
7022 ~~this state or any other state, or under the laws of the United~~  
7023 ~~States of a felony or misdemeanor involving forgery, larceny,~~  
7024 extortion, conspiracy to defraud, or filing a false report  
7025 ~~reports~~ to a government agency or a, racing or gaming commission  
7026 or authority.

7027 (8) ~~(h)~~ Upon initial application, and at least every 5  
7028 years thereafter, the applicant's or licenseholder's  
7029 fingerprints for all cardroom occupational license applications  
7030 shall be taken in a manner approved by the department division  
7031 and then shall be submitted to the Florida Department of Law  
7032 Enforcement and the Federal Bureau of Investigation for a  
7033 criminal background records check upon initial application and  
7034 at least every 5 years thereafter. The department division may  
7035 by rule require an annual background record check of all  
7036 applicants renewal applications for a cardroom occupational  
7037 license renewal. The cost of processing fingerprints and

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7038 conducting a record check shall be borne by the applicant.

7039 (9)-(i) The cardroom employee occupational license fee may  
7040 ~~shall~~ not exceed \$50 for any 12-month period. The cardroom  
7041 business occupational license fee may ~~shall~~ not exceed \$250 for  
7042 any 12-month period.

7043 Section 105. Effective October 1, 2014, section 550.901,  
7044 Florida Statutes, is transferred and renumbered as section  
7045 551.31, Florida Statutes.

7046 Section 106. Effective October 1, 2014, section 550.902,  
7047 Florida Statutes, is transferred and renumbered as section  
7048 551.311, Florida Statutes.

7049 Section 107. Effective October 1, 2014, section 550.903,  
7050 Florida Statutes, is transferred and renumbered as section  
7051 551.312, Florida Statutes.

7052 Section 108. Effective October 1, 2014, section 550.904,  
7053 Florida Statutes, is transferred, renumbered as section 551.313,  
7054 Florida Statutes, and amended to read:

7055 551.313 ~~550.904~~ Entry into force.—This compact shall come  
7056 into force when enacted by any four states. Thereafter, this  
7057 compact shall become effective in any other state upon that  
7058 state's enactment of this compact and upon the affirmative vote  
7059 of a majority of the officials on the compact committee as  
7060 provided in s. 551.318 ~~s. 550.909~~.

7061 Section 109. Effective October 1, 2014, section 550.905,  
7062 Florida Statutes, is transferred and renumbered as section  
7063 551.314, Florida Statutes.



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7064 Section 110. Effective October 1, 2014, section 550.906,  
7065 Florida Statutes, is transferred and renumbered as section  
7066 551.315, Florida Statutes.

7067 Section 111. Effective October 1, 2014, section 550.907,  
7068 Florida Statutes, is transferred and renumbered as section  
7069 551.316, Florida Statutes.

7070 Section 112. Effective October 1, 2014, section 550.908,  
7071 Florida Statutes, is transferred and renumbered as section  
7072 551.317, Florida Statutes.

7073 Section 113. Effective October 1, 2014, section 550.909,  
7074 Florida Statutes, is transferred and renumbered as section  
7075 551.318, Florida Statutes.

7076 Section 114. Effective October 1, 2014, section 550.910,  
7077 Florida Statutes, is transferred and renumbered as section  
7078 551.319, Florida Statutes.

7079 Section 115. Effective October 1, 2014, section 550.911,  
7080 Florida Statutes, is transferred and renumbered as section  
7081 551.32, Florida Statutes.

7082 Section 116. Effective October 1, 2014, section 550.912,  
7083 Florida Statutes, is transferred and renumbered as section  
7084 551.321, Florida Statutes, and paragraph (b) of subsection (1)  
7085 of that section is amended to read:

7086 551.321 ~~550.912~~ Rights and responsibilities of each party  
7087 state.—

7088 (1) By enacting this compact, each party state:

7089 (b) Agrees not to treat a notification to an applicant by

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7090 the compact committee described in s. 551.317 ~~s. 550.908~~ as the  
7091 denial of a license, or to penalize such an applicant in any  
7092 other way based solely on such a decision by the compact  
7093 committee.

7094 Section 117. Effective October 1, 2014, section 550.913,  
7095 Florida Statutes, is transferred and renumbered as section  
7096 551.322, Florida Statutes.

7097 Section 118. Effective October 1, 2014, part VI of chapter  
7098 551, Florida Statutes, consisting of sections 551.50-551.56, is  
7099 created and entitled "MISCELLANEOUS GAMING."

7100 Section 119. Effective October 1, 2014, the amendments to  
7101 the sections of chapter 849, Florida Statutes, that are  
7102 transferred, renumbered, and amended in part VI of this act are  
7103 not intended to authorize additional games but rather to clarify  
7104 current limitations under which authorized games may be  
7105 operated.

7106 Section 120. Effective October 1, 2014, section 849.092,  
7107 Florida Statutes, is repealed.

7108 Section 121. Effective October 1, 2014, section 849.094,  
7109 Florida Statutes, is transferred, renumbered as section 551.50,  
7110 Florida Statutes, and amended to read:

7111 551.50 ~~849.094~~ Game promotion in connection with sale of  
7112 consumer products or services.—

7113 (1) The Legislature finds that this section was enacted to  
7114 allow for the limited and occasional use of game promotions to  
7115 advertise and market bona fide sales of consumer products or

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7116 services, which would otherwise be unlawful lotteries under  
7117 chapter 849 and *Little River Theatre Corp. v. State ex rel.*  
7118 *Hodge*, 185 So. 855 (Fla. 1939). This section shall be strictly  
7119 construed and shall not be relied upon to sanction  
7120 establishments of ongoing gambling.

7121 (2)(1) As used in this section, the term:

7122 (a) "Division" means the Division of Amusements within the  
7123 department.

7124 (b)(a) "Game promotion" means a contest in which prizes  
7125 are given to persons selected by lot for the purpose of  
7126 advertising or promoting bona fide substantial sales of consumer  
7127 goods or services and which is, but is not limited to, a  
7128 contest, game of chance, sweepstakes, or gift enterprise,  
7129 conducted by an operator within or throughout the state and  
7130 other states in connection with and incidental to the sale of  
7131 consumer products or services, and in which the elements of  
7132 chance and prize are present. However, "game promotion" does may  
7133 not be construed to apply to bingo games conducted pursuant to  
7134 s. 551.53 s. 849.0931.

7135 (c)(b) "Operator" means a retailer who operates a game  
7136 promotion or any person, firm, corporation, organization, or  
7137 association, or agent or employee thereof, who promotes,  
7138 operates, or conducts a nationally advertised game promotion.

7139 (3) Notwithstanding any other provision of law, a person  
7140 may conduct a game promotion if the following conditions are  
7141 met:

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7142        (a) The game promotion is conducted as a temporary  
7143 advertising and promotional undertaking, in good faith, solely  
7144 for the purpose of advertising the goods, wares, merchandise, or  
7145 services of an ongoing business.

7146        (b) The principal business of the person is the sale of  
7147 consumer goods or services which are primarily offered for sale  
7148 without the use of game promotions.

7149        (c) To receive a prize, a person is not required to:

7150        1. Pay any tangible consideration in the form of money or  
7151 other property or thing of value; or

7152        2. Purchase any goods, wares, merchandise, or thing of  
7153 value.

7154        (d) The person selected to receive any prize offered in  
7155 connection with the game promotion is notified of his or her  
7156 selection. Newspapers, magazines, and television and radio  
7157 stations may publish or broadcast advertising matter describing  
7158 a game promotion which may contain instructions for a person  
7159 desiring to become eligible for the prize to make his or her  
7160 name and address known to the operator.

7161        (e) All brochures, advertisements, promotional material,  
7162 and entry blanks for the promotion contain a statement that  
7163 residents of this state are entitled to participate and eligible  
7164 to win the prize.

7165        (4)-(2) It is unlawful for any operator to:

7166        (a) ~~To~~ Design, engage in, promote, or conduct such a game  
7167 promotion ~~if, in connection with the promotion or sale of~~

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7168 ~~consumer products or services, wherein~~ the winner may be  
7169 predetermined or the game may be manipulated or rigged so as to:

7170 1. Allocate a winning game or any portion thereof to  
7171 certain lessees, agents, or franchises; or

7172 2. Allocate a winning game or part thereof to a particular  
7173 period of the game promotion or to a particular geographic area;

7174 (b) Arbitrarily ~~to~~ remove, disqualify, disallow, or reject  
7175 any entry;

7176 (c) ~~To~~ Fail to award prizes offered;

7177 (d) ~~To~~ Print, publish, or circulate literature or  
7178 advertising material used in connection with such game  
7179 promotions which is false, deceptive, or misleading; ~~or~~

7180 (e) ~~To~~ Require an entry fee, payment, or proof of purchase  
7181 as a condition of entering a game promotion; or

7182 (f) Conduct a game promotion using a slot machine,  
7183 electronic facsimile of any game of chance, electronically  
7184 assisted pull-tab game, or any similar electronic gaming device.

7185 (5) ~~(3)~~ The operator of a game promotion in which the total  
7186 announced value of the prizes offered is greater than \$5,000  
7187 shall file with the division ~~Department of Agriculture and~~  
7188 ~~Consumer Services~~ a copy of the rules and regulations of the  
7189 game promotion and a list of all prizes and prize categories  
7190 offered at least 7 days before the beginning ~~commencement~~ of the  
7191 game promotion. Thereafter, such rules and regulations may not  
7192 ~~thereafter~~ be changed, modified, or altered. The operator of a  
7193 game promotion shall conspicuously post the rules and

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7194 regulations of the ~~such~~ game promotion in each and every retail  
7195 outlet or place where such game promotion may be played or  
7196 participated in by the public and shall also publish the rules  
7197 and regulations in all advertising copy used in connection with  
7198 the promotion ~~therewith~~. However, such advertising copy need  
7199 only include the material terms of the rules and regulations if  
7200 the advertising copy includes a website address, a toll-free  
7201 telephone number, or a mailing address where the complete ~~full~~  
7202 rules and regulations may be viewed, heard, or obtained for the  
7203 entire ~~full~~ duration of the game promotion. Such disclosures  
7204 must be legible. Radio and television announcements may indicate  
7205 that the rules and regulations are available at retail outlets  
7206 or from the operator of the promotion. A nonrefundable filing  
7207 fee of \$100 shall accompany each filing and shall be used to pay  
7208 the costs incurred to administer and enforce ~~in administering~~  
7209 ~~and enforcing the provisions of~~ this section.

7210 (6)-(4)(a) Every operator of ~~such~~ a game promotion in which  
7211 the total announced value of the prizes offered is greater than  
7212 \$5,000 shall establish a trust account, in a national or state-  
7213 chartered financial institution, with a balance sufficient to  
7214 pay or purchase the total value of all prizes offered. On a form  
7215 supplied by the division ~~Department of Agriculture and Consumer~~  
7216 ~~Services~~, an official of the financial institution holding the  
7217 trust account shall set forth the dollar amount of the trust  
7218 account, the identity of the entity or individual establishing  
7219 the trust account, and the name of the game promotion for which

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7220 the trust account has been established. Such form shall be filed  
7221 with the division ~~Department of Agriculture and Consumer~~  
7222 ~~Services~~ at least 7 days before the beginning ~~in advance of the~~  
7223 ~~commencement~~ of the game promotion. In lieu of establishing such  
7224 trust account, the operator may obtain a surety bond in an  
7225 amount equivalent to the total value of all prizes offered, ~~†~~ and  
7226 such bond shall be filed with the department ~~of Agriculture and~~  
7227 ~~Consumer Services~~ at least 7 days before the beginning ~~in~~  
7228 ~~advance of the commencement~~ of the game promotion.

7229 1. The moneys held in the trust account may be withdrawn  
7230 in order to pay the prizes offered only upon certification to  
7231 the division ~~Department of Agriculture and Consumer Services~~ of  
7232 the name of the winner or winners and the amount of the prize or  
7233 prizes and the value thereof.

7234 2. If the operator ~~of a game promotion~~ has obtained a  
7235 surety bond in lieu of establishing a trust account, the amount  
7236 of the surety bond shall equal at all times the total amount of  
7237 the prizes offered.

7238 (b) The commission ~~Department of Agriculture and Consumer~~  
7239 ~~Services~~ may waive the provisions of this subsection for any  
7240 operator who has conducted game promotions in the state for at  
7241 least ~~not less than~~ 5 consecutive years and who has not had any  
7242 civil, criminal, or administrative action instituted against him  
7243 or her by the state or an agency of the state for violation of  
7244 this section within that 5-year period. Such waiver may be  
7245 revoked upon the commission of a violation of this section by

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7246 such operator, as determined by the commission ~~Department of~~  
7247 ~~Agriculture and Consumer Services~~.

7248 ~~(7)-(5)~~ Every operator of a game promotion in which the  
7249 total announced value of the prizes offered is greater than  
7250 \$5,000 shall provide the division ~~Department of Agriculture and~~  
7251 ~~Consumer Services~~ with a certified list of the names and  
7252 addresses of all persons, whether from this state or from  
7253 another state, who have won prizes that ~~which~~ have a value of  
7254 more than \$25, the value of such prizes, and the dates when the  
7255 prizes were won within 60 days after such winners have been  
7256 finally determined. The operator shall provide a copy of the  
7257 list of winners, without charge, to any person who requests it.  
7258 In lieu of the foregoing, the operator of a game promotion may~~,~~  
7259 ~~at his or her option,~~ publish the same information about the  
7260 winners in a Florida newspaper of general circulation within 60  
7261 days after such winners have been determined and shall provide  
7262 to the department ~~of Agriculture and Consumer Services~~ a  
7263 certified copy of the publication containing the information  
7264 about the winners. The operator ~~of a game promotion~~ is not  
7265 required to notify a winner by mail or by telephone when the  
7266 winner is already in possession of a game card from which the  
7267 winner can determine that he or she has won a designated prize.  
7268 All winning entries shall be held by the operator for ~~a period~~  
7269 ~~of~~ 90 days after the close or completion of the game.

7270 ~~(8)-(6)~~ The division ~~Department of Agriculture and Consumer~~  
7271 ~~Services~~ shall keep the certified list of winners for ~~a period~~



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7272 ~~of~~ at least 6 months after receipt of the certified list.  
7273 Thereafter, the division ~~department thereafter~~ may dispose of  
7274 all records and lists.

7275 ~~(9)(7)~~ An ~~operator~~ may not ~~shall~~ force, directly or  
7276 indirectly, a lessee, agent, or franchise dealer to purchase or  
7277 participate in any game promotion. For the purpose of this  
7278 section, coercion or force shall be presumed when ~~in these~~  
7279 ~~circumstances in which~~ a course of business extending over a  
7280 period of 1 year or longer is materially changed coincident with  
7281 a failure or refusal of a lessee, agent, or franchise dealer to  
7282 participate in such game promotions. Such force or coercion  
7283 shall further be presumed when an operator advertises generally  
7284 that game promotions are available at its lessee dealers or  
7285 agent dealers.

7286 ~~(10)(8)~~ (a) The department may adopt ~~of Agriculture and~~  
7287 ~~Consumer Services~~ shall have the power to promulgate such rules  
7288 and regulations for ~~respecting~~ the operation of game promotions  
7289 as it deems advisable.

7290 (b) Compliance with the rules of the department ~~of~~  
7291 ~~Agriculture and Consumer Services~~ does not authorize and is not  
7292 a defense to a charge of possession of a slot machine or device  
7293 or any other device or a violation of any other law.

7294 ~~(c) Whenever the department of Agriculture and Consumer~~  
7295 ~~Services or the Department of Legal Affairs has reason to~~  
7296 ~~believe that a game promotion is being operated in violation of~~  
7297 ~~this section, it may bring an action in the circuit court of any~~

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7298 ~~judicial circuit in which the game promotion is being operated~~  
7299 ~~in the name and on behalf of the people of the state against any~~  
7300 ~~operator thereof to enjoin the continued operation of such game~~  
7301 ~~promotion anywhere within the state.~~

7302 ~~(11)(9)~~ (a) Any person, firm, ~~or~~ corporation, or  
7303 association, or any agent or employee thereof, who violates this  
7304 section or engages in any acts or practices stated in this  
7305 ~~section to be unlawful, or who violates~~ any of the rules adopted  
7306 ~~and regulations made pursuant to this section~~ commits, ~~is guilty~~  
7307 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
7308 s. 775.082 or s. 775.083.

7309 (b) Any person, firm, corporation, or association, or any  
7310 agent, ~~or employee~~ thereof, who violates ~~any provision of this~~  
7311 section or any of the rules adopted ~~and regulations made~~  
7312 pursuant to this section is ~~shall be~~ liable for a civil penalty  
7313 of not more than \$1,000 for each such violation, ~~which shall~~  
7314 ~~accrue to the state and may be recovered in a civil action~~  
7315 ~~brought by the department of Agriculture and Consumer Services~~  
7316 ~~or the Department of Legal Affairs.~~

7317 ~~(12)(10)~~ This section does not apply to actions or  
7318 transactions regulated by the Department of Business and  
7319 Professional Regulation, or to the activities of nonprofit  
7320 organizations, or to any other organization engaged in any  
7321 ~~enterprise other than the sale of consumer products or services.~~  
7322 Subsections (5)-(9), ~~(3), (4), (5), (6), and (7)~~ and paragraph  
7323 (10)(a), ~~(8)(a)~~ and any of the rules adopted made pursuant

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7324 thereto do not apply to television or radio broadcasting  
7325 companies licensed by the Federal Communications Commission.

7326 ~~(13)-(11)~~ A violation of this section, or soliciting  
7327 another to commit an act that violates this section, constitutes  
7328 a deceptive and unfair trade practice actionable under the  
7329 Florida Deceptive and Unfair Trade Practices Act.

7330 Section 122. Effective October 1, 2014, section 849.085,  
7331 Florida Statutes, is transferred, renumbered as section 551.52,  
7332 Florida Statutes, and amended to read:

7333 551.52 ~~849.085~~ Certain penny-ante games not crimes;  
7334 restrictions.—

7335 (1) Notwithstanding any other provision of law, ~~it is not~~  
7336 ~~a crime for~~ a person may ~~to~~ participate in a game described in  
7337 this section if such game is conducted strictly in accordance  
7338 with this section.

7339 (2) As used in this section:

7340 (a) "Penny-ante game" means a game or series of games of  
7341 poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or  
7342 mah-jongg in which the winnings of any player in a single round,  
7343 hand, or game do not exceed \$10 in value.

7344 (b) "Dwelling" means residential premises ~~owned or rented~~  
7345 ~~by a participant in a penny-ante game and occupied by such~~  
7346 ~~participant or the common elements or common areas of a~~  
7347 ~~condominium, cooperative, residential subdivision, or mobile~~  
7348 ~~home park of which a participant in a penny-ante game is a unit~~  
7349 ~~owner, or the facilities of an organization which is tax-exempt~~

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7350 ~~under s. 501(c) (7) of the Internal Revenue Code. The term~~  
7351 ~~"dwelling" also includes a college dormitory room or the common~~  
7352 ~~recreational area of a college dormitory or a publicly owned~~  
7353 ~~community center owned by a municipality or county.~~

7354 (3) A penny-ante game is subject to the following  
7355 restrictions:

7356 (a) The game must be conducted in:

7357 1. A dwelling owned or rented by a participant in the game  
7358 and occupied by such participant;

7359 2. A college dormitory room or the common recreational  
7360 area of a college dormitory;

7361 3. A public community center owned by a municipality or  
7362 county;

7363 4. The common elements or common areas of a condominium,  
7364 cooperative, residential subdivision, or mobile home park of  
7365 which a participant in the game is a unit owner; or

7366 5. The facilities of an organization that is exempt from  
7367 taxation under s. 501(c) (7) of the Internal Revenue Code.

7368 (b) A person may not receive any consideration or  
7369 commission for allowing a penny-ante game to occur in his or her  
7370 dwelling.

7371 (c) A person may not directly or indirectly charge  
7372 admission or any other fee for participation in a penny-ante ~~the~~  
7373 game.

7374 (d) A person may not solicit participants by means of  
7375 advertising in any form, advertise the time or place of any

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7376 penny-ante game, or advertise the fact that he or she will be a  
7377 participant in any penny-ante game.

7378 (e) A penny-ante game may not be conducted in which any  
7379 participant is under 18 years of age.

7380 (4) A debt created or owed as a consequence of any penny-  
7381 ante game is not legally enforceable.

7382 (5) The conduct of any penny-ante game within an area  
7383 listed in paragraph (3) (a) does not create a ~~the common elements~~  
7384 ~~or common area of a condominium, cooperative, residential~~  
7385 ~~subdivision, or mobile home park or the conduct of any penny-~~  
7386 ~~ante game within the dwelling of an eligible organization as~~  
7387 ~~defined in subsection (2) or within a publicly owned community~~  
7388 ~~center owned by a municipality or county creates no civil~~  
7389 liability for damages arising from the penny-ante game on the  
7390 part of a college, condominium association, cooperative  
7391 association, a homeowners' association as defined in s. 720.301,  
7392 mobile home owners' association, dwelling owner, or municipality  
7393 or county or on the part of a unit owner who was not a  
7394 participant in the game.

7395 Section 123. Effective October 1, 2014, section 849.0931,  
7396 Florida Statutes, is transferred, renumbered as section 551.53,  
7397 Florida Statutes, and amended to read:

7398 551.53 ~~849.0931~~ Bingo authorized; conditions for conduct;  
7399 permitted uses of proceeds; limitations.—

7400 (1) As used in this section:

7401 (a) "Bingo" or "bingo game" means ~~and refers to the~~

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7402 activity, ~~commonly known as "bingo,"~~ in which participants pay a  
7403 sum of money for the use of one or more bingo cards. When the  
7404 game commences, numbers are drawn by chance, one by one, and  
7405 announced. The players cover or mark those numbers on the bingo  
7406 cards ~~which~~ they have purchased until a player receives a given  
7407 order of numbers in sequence that has been preannounced for that  
7408 particular game. This player calls out "bingo" and is declared  
7409 the winner of a predetermined prize. More than one game may be  
7410 played upon a bingo card, and numbers called for one game may be  
7411 used for a succeeding game or games.

7412 (b) "Bingo card" means ~~and refers to~~ the flat piece of  
7413 paper or thin pasteboard used ~~employed~~ by players engaged in the  
7414 game of bingo. The bingo card must ~~shall~~ have not fewer than 24  
7415 playing numbers printed on it. These playing numbers shall range  
7416 from 1 through 75, inclusive. More than one set of bingo numbers  
7417 may be printed on any single bingo card ~~piece of paper~~.

7418 (c) "Charitable, nonprofit, or veterans' organization"  
7419 means an organization that ~~which~~ has qualified for exemption  
7420 from federal income tax as an exempt organization under ~~the~~  
7421 ~~provisions of~~ s. 501(c) of the Internal Revenue Code of 1954 or  
7422 s. 528 of the Internal Revenue Code of 1986, as amended; that  
7423 ~~which~~ is engaged in charitable, civic, community, benevolent,  
7424 religious, or scholastic works or other similar activities; and  
7425 that ~~which~~ has been in existence and active for ~~a period of~~ 3  
7426 years or more.

7427 (d) "Deal" means a separate set or package of not more

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7428 than 4,000 instant bingo tickets in which the predetermined  
7429 minimum prize payout is at least 65 percent of the total  
7430 receipts from the sale of the entire deal.

7431 (e) "Flare" means the board or placard that accompanies  
7432 each deal of instant bingo tickets and that has printed on or  
7433 affixed to it the following information:

- 7434 1. The game name.
- 7435 2. The manufacturer's name or distinctive logo.
- 7436 3. The form number.
- 7437 4. The ticket count.
- 7438 5. The prize structure, including the number of symbols or  
7439 number combinations for winning instant bingo tickets by  
7440 denomination, with their respective winning symbols or number  
7441 combinations.
- 7442 6. The cost per play.
- 7443 7. The game serial number.

7444 (f) "Instant bingo" means a form of bingo that is played  
7445 at the same location as bingo, using tickets by which a player  
7446 wins a prize by opening and removing a cover from the ticket to  
7447 reveal a set of numbers, letters, objects, or patterns, some of  
7448 which have been designated in advance as prize winners.

7449 (g) "Objects" means a set of 75 balls or other precision  
7450 shapes that are imprinted with letters and numbers in such a way  
7451 that numbers 1 through 15 are marked with the letter "B,"  
7452 numbers 16 through 30 are marked with the letter "I," numbers 31  
7453 through 45 are marked with the letter "N," numbers 46 through 60

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7454 are marked with the letter "G," and numbers 61 through 75 are  
7455 marked with the letter "O."

7456 (h) "Rack" means the container in which the objects are  
7457 placed after being drawn and announced.

7458 (i) "Receptacle" means the container from which the  
7459 objects are drawn or ejected.

7460 (j) "Session" means a designated set of games played in a  
7461 day or part of a day.

7462 (2) (a) Notwithstanding any other provision of law, a None  
7463 of the provisions of this chapter shall be construed to prohibit  
7464 or prevent charitable, nonprofit, or veterans' organization that  
7465 is organizations engaged in charitable, civic, community,  
7466 benevolent, religious, or scholastic works or other similar  
7467 endeavors and that has, which organizations have been in  
7468 existence and active for a period of 3 years or more may  
7469 conduct, from conducting bingo games or instant bingo; however,  
7470 provided the entire proceeds derived from the conduct of such  
7471 games, less actual business expenses for articles designed for  
7472 and essential to the operation, conduct, and playing of bingo or  
7473 instant bingo, must be are donated by such organization to such  
7474 charitable, civic, community, benevolent, religious, or  
7475 scholastic works or other similar endeavors organizations to the  
7476 endeavors mentioned above. In no case may The net proceeds from  
7477 the conduct of such games may not be used for any other purpose  
7478 whatsoever. The proceeds derived from the conduct of bingo games  
7479 or instant bingo are shall not be considered solicitation of



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7480 public donations.

7481 (b) It is the express intent of the Legislature that ~~a~~ ne  
7482 charitable, nonprofit, or veterans' organization not serve as a  
7483 sponsor of a bingo game or instant bingo conducted by another,  
7484 but that such organization ~~may~~ only be directly involved in the  
7485 conduct of such a game as provided in this section ~~act~~.

7486 (3) ~~If~~ An organization ~~is~~ not engaged in charitable,  
7487 civic, community, benevolent, religious, or scholastic works or  
7488 other similar endeavors that conducts ~~efforts of the type set~~  
7489 ~~out above, its right to conduct~~ bingo games under this section  
7490 must ~~hereunder is conditioned upon the return of all the~~  
7491 proceeds from such games to the players in the form of prizes.  
7492 If, at the conclusion of play on any day during which a bingo  
7493 game is allowed to be played under this subsection, ~~section~~  
7494 there remain proceeds that ~~which~~ have not been paid out as  
7495 prizes, the organization conducting the game shall, at the next  
7496 scheduled day of play, conduct bingo games without any charge to  
7497 the players and shall continue to do so until the proceeds  
7498 carried over from the previous days played have been exhausted.  
7499 This subsection does not extend ~~provision in no way extends~~ the  
7500 limitation on the number of prize or jackpot games allowed in 1  
7501 ~~one~~ day as provided for in subsection (5).

7502 (4) ~~The right of~~ A condominium association, a cooperative  
7503 association, a homeowners' association as defined in s. 720.301,  
7504 a mobile home owners' association, a group of residents of a  
7505 mobile home park as defined in chapter 723, or a group of

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7506 residents of a mobile home park or recreational vehicle park as  
7507 defined in chapter 513 that conducts ~~to conduct~~ bingo games must  
7508 ~~is conditioned upon the return of~~ the net proceeds from such  
7509 games to players in the form of prizes after having deducted the  
7510 actual business expenses for such games for articles designed  
7511 for and essential to the operation, conduct, and playing of  
7512 bingo. Any net proceeds remaining after paying prizes may be  
7513 used as specified in subsection (3) or may be donated by the  
7514 association to a charitable, nonprofit, or veterans'  
7515 organization that ~~which~~ is exempt from federal income tax under  
7516 ~~the provisions of~~ s. 501(c) of the Internal Revenue Code to be  
7517 used in such recipient organization's charitable, civic,  
7518 community, benevolent, religious, or scholastic works or similar  
7519 activities ~~or, in the alternative, such remaining proceeds shall~~  
7520 ~~be used as specified in subsection (3).~~

7521 (5) (a)1. ~~Except for instant bingo prizes, which are~~  
7522 ~~limited to the amounts displayed on the ticket or on the game~~  
7523 ~~flare,~~ A jackpot may ~~shall~~ not exceed ~~the value of~~ \$250 in  
7524 actual money or its equivalent, and there may not ~~shall~~ be ~~no~~  
7525 more than three jackpots in any one session of bingo.

7526 ~~2.(6) Except for instant bingo, which is not limited by~~  
7527 ~~this subsection, the number of days per week during which~~  
7528 Organizations authorized under this section may conduct bingo no  
7529 more than 2 days per week ~~shall not exceed two.~~

7530 ~~3.(7) Except for instant bingo prizes, which are limited~~  
7531 ~~to the amounts displayed on the ticket or on the game flare,~~

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7532 There may not ~~shall~~ be ~~no~~ more than three jackpots on any one  
7533 day of play. All other game prizes may ~~shall~~ not exceed \$50.

7534 4. Subparagraphs 1.-3. do not apply to instant bingo  
7535 prizes.

7536 (b) An instant bingo prize is limited to the amount  
7537 displayed on the ticket or on the game flare.

7538 (6)-(8) Each person involved in conducting a ~~the conduct of~~  
7539 ~~any~~ bingo game or instant bingo must be a resident of the  
7540 community where the organization is located and a bona fide  
7541 member of the organization sponsoring such game and may not be  
7542 compensated in any way for operation of such game. When bingo  
7543 games or instant bingo is conducted by a charitable, nonprofit,  
7544 or veterans' organization, the organization conducting the games  
7545 must designate up to three members of that organization to be in  
7546 charge of the games, one of whom shall be present during the  
7547 entire session at which the games are conducted. The  
7548 organization conducting the games is responsible for posting in  
7549 a conspicuous place on the premises at which the session is held  
7550 or instant bingo is played a notice stating, ~~which notice states~~  
7551 the name of the organization and the designated member or  
7552 members, ~~in a conspicuous place on the premises at which the~~  
7553 ~~session is held or instant bingo is played. A caller in a bingo~~  
7554 ~~game may not be a participant in that bingo game.~~

7555 (7)-(9) Every charitable, nonprofit, or veterans'  
7556 organization involved in the conduct of a bingo game or instant  
7557 bingo must be located in the county, or within a 15-mile radius

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7558 of, where the bingo game or instant bingo is conducted ~~located~~.

7559 ~~(8)-(10)~~(a) A person ~~No one~~ under 18 years of age may not  
7560 ~~shall be allowed to~~ play any bingo game or instant bingo or be  
7561 involved in the conduct of a bingo game or instant bingo in any  
7562 way.

7563 (b) Any organization conducting bingo open to the public  
7564 may refuse entry to any person who is objectionable or  
7565 undesirable to the sponsoring organization, but such refusal of  
7566 entry shall not be on the basis of race, creed, color, religion,  
7567 sex, national origin, marital status, or physical handicap.

7568 ~~(9)-(11)~~ Bingo games or instant bingo may be held only on  
7569 the following premises:

7570 (a) Property owned by the charitable, nonprofit, or  
7571 veterans' organization.

7572 (b) Property owned by the charitable, nonprofit, or  
7573 veterans' organization that will benefit from ~~by~~ the proceeds.

7574 (c) Property leased for a period of not less than 1 year  
7575 by a charitable, nonprofit, or veterans' organization, providing  
7576 the lease or rental agreement does not provide for the payment  
7577 of a percentage of the proceeds generated at such premises to  
7578 the lessor or any other party and providing the rental rate for  
7579 such premises does not exceed the rental rates charged for  
7580 similar premises in the same locale.

7581 (d) Property owned by a municipality or a county when the  
7582 governing authority has, by appropriate ordinance or resolution,  
7583 specifically authorized the use of such property for the conduct

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7584 of such games.

7585 (e) With respect to bingo games conducted by a condominium  
7586 association, a cooperative association, a homeowners'  
7587 association as defined in s. 720.301, a mobile home owners'  
7588 association, a group of residents of a mobile home park as  
7589 defined in chapter 723, or a group of residents of a mobile home  
7590 park or recreational vehicle park as defined in chapter 513,  
7591 property owned by the association, property owned by the  
7592 residents of the mobile home park or recreational vehicle park,  
7593 or property that ~~which~~ is a common area located within the  
7594 condominium, mobile home park, or recreational vehicle park.

7595 (10)~~(12)~~ Each bingo game shall be conducted in accordance  
7596 with the following rules:

7597 (a) The objects, whether drawn or ejected, shall be  
7598 essentially equal as to size, shape, weight, and balance and as  
7599 to all other characteristics that may control their selection  
7600 from the receptacle. The caller shall cancel any game if, during  
7601 the course of a game, the mechanism used in the drawing or  
7602 ejection of objects malfunctions ~~becomes jammed~~ in such a manner  
7603 as to interfere with the accurate determination of the next  
7604 number to be announced or if the caller determines that more  
7605 than one object is labeled with the same number or that there is  
7606 a number to be drawn without a corresponding object. Any player  
7607 in a game canceled pursuant to this paragraph shall be permitted  
7608 to play the next game free of charge.

7609 (b) Before ~~Prior to commencement of~~ any bingo session, the

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7610 member in charge shall cause a verification to be made of all  
7611 objects to be placed in the receptacle and shall inspect the  
7612 objects in the presence of a disinterested person to ensure that  
7613 all objects are present and that there are no duplications or  
7614 omissions of numbers on the objects. Any player shall be  
7615 entitled to call for a verification of numbers before, during,  
7616 and after a session.

7617 (c) The card or sheet on which the game is played shall be  
7618 part of a deck, group, or series, no two of which may be alike  
7619 in any given game.

7620 (d) All numbers shall be visibly displayed after being  
7621 drawn and before being placed in the rack.

7622 (e) A bona fide bingo shall consist of a predesignated  
7623 arrangement of numbers on a card or sheet that correspond with  
7624 the numbers on the objects drawn from the receptacle and  
7625 announced. Errors in numbers announced or misplaced in the rack  
7626 may not be recognized as a bingo.

7627 (f) When a caller has begun ~~started~~ to vocally announce a  
7628 number, the caller shall complete the call. If any player has  
7629 obtained a bingo on a previous number, such player will share  
7630 the prize with the player who gained bingo on the last number  
7631 called.

7632 (g) Numbers on the winning cards or sheets shall be  
7633 announced and verified in the presence of another player. Any  
7634 player shall be entitled at the time the winner is determined to  
7635 call for a verification of numbers drawn. The verification shall

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7636 be in the presence of the member designated to be in charge of  
7637 the occasion or, if such person is also the caller, in the  
7638 presence of an officer of the licensee.

7639 (h) Upon determining a winner, the caller shall ask, "Are  
7640 there any other winners?" If no one replies, the caller shall  
7641 declare the game closed. No other player is entitled to share  
7642 the prize unless she or he has declared a bingo before ~~prior to~~  
7643 this announcement.

7644 (i) Seats may not be held or reserved by an organization  
7645 or person involved in the conduct of any bingo game for players  
7646 not present, nor may any cards be set aside, held, or reserved  
7647 from one session to another for any player.

7648 (j) A caller in a bingo game may not be a participant in  
7649 that bingo game.

7650 (11)-(13)(a) Instant bingo tickets must be sold at the  
7651 price printed on the ticket or on the game flare by the  
7652 manufacturer, not to exceed \$1. Discounts may not be given for  
7653 the purchase of multiple tickets, nor may tickets be given away  
7654 free of charge.

7655 (b) Each deal of instant bingo tickets must be accompanied  
7656 by a flare, and the flare must be posted before the sale of any  
7657 tickets in that deal.

7658 (c) Each instant bingo ticket in a deal must bear the same  
7659 serial number, and there may not be more than one serial number  
7660 in each deal. Serial numbers printed on a deal of instant bingo  
7661 tickets may not be repeated by the manufacturer on the same form

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7662 for ~~a period of~~ 3 years.

7663 (d) The serial number for each deal must be clearly and  
7664 legibly placed on the outside of each deal's package, box, or  
7665 other container.

7666 (e) Instant bingo tickets manufactured, sold, or  
7667 distributed in this state must comply with the applicable  
7668 standards on pull-tabs of the North American Gaming Regulators  
7669 Association, as amended.

7670 (f) Except as provided in ~~under~~ paragraph (e), an instant  
7671 bingo ticket manufactured, sold, or distributed in this state  
7672 must:

7673 1. Be manufactured so that it is not possible to identify  
7674 whether it is a winning or losing instant bingo ticket until it  
7675 has been opened by the player as intended.

7676 2. Be manufactured using at least a two-ply paper stock  
7677 construction so that the instant bingo ticket is opaque.

7678 3. Have the form number, the deal's serial number, and the  
7679 name or logo of the manufacturer conspicuously printed on its  
7680 ~~the face or cover of the instant bingo ticket.~~

7681 4. Have a form of winner protection that allows the  
7682 organization to verify, after the instant bingo ticket has been  
7683 played, that the winning instant bingo ticket presented for  
7684 payment is an authentic winning instant bingo ticket for the  
7685 deal in play. The manufacturer shall provide a written  
7686 description of the winner protection with each deal of instant  
7687 bingo tickets.



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7688 (g) Each manufacturer and distributor that sells or  
7689 distributes instant bingo tickets in this state to charitable,  
7690 nonprofit, or veterans' organizations shall prepare an invoice  
7691 that contains the following information:

- 7692 1. Date of sale.
- 7693 2. Form number and serial number of each deal sold.
- 7694 3. Number of instant bingo tickets in each deal sold.
- 7695 4. Name of distributor or organization to whom each deal  
7696 is sold.
- 7697 5. Price of each deal sold.

7698  
7699 All information contained on an invoice must be maintained by  
7700 the distributor or manufacturer for 3 years.

7701 (h) The invoice, or a true and accurate copy thereof, must  
7702 be on the premises where any deal of instant bingo tickets is  
7703 stored or in play.

7704 ~~(12)-(14)~~ An ~~Any~~ organization or ~~other~~ person who willfully  
7705 and knowingly violates ~~any provision of~~ this section commits a  
7706 misdemeanor of the first degree, punishable as provided in s.  
7707 775.082 or s. 775.083. For a second or subsequent offense, the  
7708 organization or other person commits a felony of the third  
7709 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
7710 775.084.

7711 Section 124. Effective October 1, 2014, section 849.0935,  
7712 Florida Statutes, is transferred, renumbered as section 551.54,  
7713 Florida Statutes, and amended to read:

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7714 551.54 ~~849.0935~~ Charitable, nonprofit organizations;  
7715 drawings by chance; required disclosures; unlawful acts and  
7716 practices; penalties.-

7717 (1) The Legislature finds that this section was enacted to  
7718 allow specified charitable or nonprofit organizations the  
7719 opportunity to raise funds to carry out their charitable or  
7720 nonprofit purpose by conducting a raffle for prizes by  
7721 eliminating the element of monetary consideration and allowing  
7722 the receipt of voluntary donations or contributions. This  
7723 section shall be strictly construed and shall not be relied upon  
7724 to sanction establishments of ongoing gambling.

7725 (2)~~(1)~~ As used in this section, the term:

7726 (a) "Drawing by chance," "drawing," or "raffle" means an  
7727 enterprise in which, from the entries submitted by the public to  
7728 the organization conducting the drawing, one or more entries are  
7729 selected by chance to win a prize. The term "drawing" does not  
7730 include those enterprises, commonly known as "game promotions,"  
7731 as defined by s. 551.50 ~~s. 849.094~~, "matching," "instant  
7732 winner," or "preselected sweepstakes," which involve the  
7733 distribution of winning numbers, previously designated as such,  
7734 to the public.

7735 (b) "Organization" means an organization that ~~which~~ is  
7736 exempt from federal income taxation pursuant to 26 U.S.C. s.  
7737 501(c)(3), (4), (7), (8), (10), or (19), and that ~~which~~ has a  
7738 current determination letter from the Internal Revenue Service,  
7739 and its bona fide members or officers.

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7740        ~~(3)(2)~~ Notwithstanding any other provision of law, Section  
7741 ~~849.09 does not prohibit~~ an organization may conduct from  
7742 ~~conducting~~ drawings by chance pursuant to ~~the authority granted~~  
7743 ~~by this section,~~ if the organization has complied with all  
7744 applicable provisions of chapter 496 and this section.

7745        ~~(4)(3)~~ All brochures, advertisements, notices, tickets, or  
7746 entry blanks used in connection with a drawing by chance must  
7747 ~~shall~~ conspicuously disclose:

7748            (a) The rules governing the conduct and operation of the  
7749 drawing.

7750            (b) The full name of the organization and its principal  
7751 place of business.

7752            (c) The source of the funds used to award cash prizes or  
7753 to purchase prizes.

7754            (d) The date, hour, and place where the winner will be  
7755 chosen and the prizes will be awarded, unless the brochures,  
7756 advertisements, notices, tickets, or entry blanks are not  
7757 offered to the public more than 3 days before ~~prior to~~ the  
7758 drawing.

7759            (e) That no purchase or contribution is necessary.

7760        ~~(5)(4)~~ It is unlawful for any organization that, ~~pursuant~~  
7761 ~~to the authority granted by this section,~~ promotes, operates, or  
7762 conducts a drawing by chance under this section to:

7763            (a) ~~To~~ Design, engage in, promote, or conduct any drawing  
7764 in which the winner is predetermined by means of matching,  
7765 instant win, ~~or~~ preselected sweepstakes, or otherwise or in

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7766 which the selection of the winners is in any way rigged;

7767 (b) ~~☐~~ Require an entry fee, donation, substantial  
7768 consideration, payment, proof of purchase, or contribution as a  
7769 condition of entering the drawing or of being selected to win a  
7770 prize. However, this paragraph does not prohibit an organization  
7771 from suggesting a minimum donation or from including a statement  
7772 of such suggested minimum donation on any printed material used  
7773 in connection with the fundraising event or drawing;

7774 (c) ~~☐~~ Condition the drawing on a minimum number of  
7775 tickets having been disbursed to contributors or on a minimum  
7776 amount of contributions having been received;

7777 (d) ~~☐~~ Arbitrarily remove, disqualify, disallow, or reject  
7778 any entry or ~~to~~ discriminate in any manner between entrants who  
7779 gave contributions to the organization and those who did not  
7780 ~~give such contributions;~~

7781 (e) ~~☐~~ Fail to promptly notify, at the address set forth  
7782 on the entry blank, any person whose entry is selected to win of  
7783 the fact that he or she won;

7784 (f) ~~☐~~ Fail to award all prizes offered;

7785 (g) ~~☐~~ Print, publish, or circulate literature or  
7786 advertising material used in connection with the drawing that  
7787 ~~which~~ is false, deceptive, or misleading;

7788 (h) ~~☐~~ Cancel a drawing; ~~or~~

7789 (i) ~~☐~~ Condition the acquisition or giveaway of any prize  
7790 upon the receipt of voluntary donations or contributions; or

7791 (j) Conduct a charitable drawing using a slot machine,

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7792 electronic facsimile of any game of chance, electronically  
7793 assisted pull-tab game, or any similar electronic gaming device.

7794 (6)-(5) The organization conducting the drawing may limit  
7795 the number of tickets distributed to each drawing entrant.

7796 (7)-(6) A violation of this section is a deceptive and  
7797 unfair trade practice.

7798 (8)-(7) Any organization that engages in any act or  
7799 practice in violation of this section commits a misdemeanor of  
7800 the second degree, punishable as provided in s. 775.082 or s.  
7801 775.083. ~~Any organization or other person who sells or offers~~  
7802 ~~for sale in this state a ticket or entry blank for a raffle or~~  
7803 ~~other drawing by chance, without complying with the requirements~~  
7804 ~~of paragraph (3) (d), commits a misdemeanor of the second degree,~~  
7805 ~~punishable by fine only as provided in s. 775.083.~~

7806 (9)-(8) This section does not apply to the state lottery  
7807 operated pursuant to chapter 24.

7808 Section 125. Effective October 1, 2014, section 849.141,  
7809 Florida Statutes, is transferred, renumbered as section 551.55,  
7810 Florida Statutes, and amended to read:

7811 551.55 ~~849.141~~ Bowling tournaments ~~exempted from chapter.~~

7812 (1) Notwithstanding any other provision of law, a person  
7813 may participate ~~Nothing contained in this chapter shall be~~  
7814 ~~applicable to participation in or the conduct of a bowling~~  
7815 ~~tournament conducted at a bowling center which requires the~~  
7816 ~~payment of entry fees, from which fees the winner receives a~~  
7817 ~~purse or prize.~~

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7818 (2) As used in this section, the term:

7819 (a) "Bowling tournament" means a contest in which  
7820 participants engage in the sport of bowling, wherein a heavy  
7821 ball is bowled along a bowling lane in an attempt to knock over  
7822 10 bowling pins, ~~10 in number~~, set upright at the far end of the  
7823 lane, according to specified regulations and rules of the  
7824 American Bowling Congress, the Women's ~~Womens~~ International  
7825 Bowling Congress, or the Bowling Proprietors Association of  
7826 America.

7827 (b) "Bowling center" means a place of business having at  
7828 least 12 bowling lanes on the premises that ~~which~~ are operated  
7829 for the entertainment of the general public for the purpose of  
7830 engaging in the sport of bowling.

7831 Section 126. Effective October 1, 2014, section 849.161,  
7832 Florida Statutes, is transferred, renumbered as section 551.56,  
7833 Florida Statutes, and amended to read:

7834 551.56 ~~849.161~~ Amusement games or machines; ~~when chapter~~  
7835 ~~inapplicable.~~

7836 (1) The Legislature finds that this section was enacted to  
7837 regulate the operation of skill-based arcade games offered at  
7838 specified locations if they comply with the requirements of law  
7839 and was not provided as a vehicle for the conduct of casino-  
7840 style gambling.

7841 (2)~~(1)~~ As used in this section, the term:

7842 (a) "Amusement games or machines" means games that are  
7843 operated only for bona fide entertainment of the general public;

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7844 which are activated ~~which operate~~ by means of the insertion of a  
7845 coin, token, currency, or gift certificate, as defined in s.  
7846 501.95; and which, by application of skill, ~~may entitle~~ the  
7847 person playing or operating the game or machine may control the  
7848 results of play to receive points or coupons, ~~the cost value of~~  
7849 ~~which does not exceed 75 cents on any game played, which may be~~  
7850 ~~exchanged for merchandise.~~ The term does not include:

7851 1. Casino-style games in which the outcome is determined  
7852 by factors unpredictable by the player; ~~or~~

7853 2. Games in which the player does ~~may~~ not control the  
7854 outcome of the game through skill;

7855 3. Video poker games or any other game or machine that may  
7856 be construed as a gambling device under the laws of this state;

7857 or

7858 4. Any game or device defined as a gambling device in 15  
7859 U.S.C. s. 1171, unless excluded under s. 1178.

7860 (b) "Arcade amusement center" means a place of business  
7861 having at least 50 ~~coin-operated~~ amusement games or machines on  
7862 premises which are operated for the entertainment of the general  
7863 public ~~and tourists~~ as a bona fide amusement facility.

7864 (c) "Division" means the Division of Amusements within the  
7865 department.

7866 (d) ~~(e)~~ "Game played" means the event occurring from the  
7867 ~~initial~~ activation of the amusement game or machine until the  
7868 results of play are determined without payment of additional

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7869 consideration. Free replays do not count as separate games  
7870 played ~~constitute additional consideration.~~

7871 ~~(e)-(d)~~ "Merchandise" means noncash prizes, including toys  
7872 and novelties maintained onsite. The term does not include:

7873 1. Cash or any equivalent thereof, including gift cards or  
7874 certificates;

7875 2. ~~or~~ Alcoholic beverages;

7876 3. Cards, coupons, points, slugs, tokens or similar  
7877 devices that can be used to activate an amusement game or  
7878 machine; or

7879 4. Points or coupons that have redemption value greater  
7880 than the cap calculated pursuant to subsection (7).

7881 (f) "Redemption value" means the imputed value of coupons  
7882 or points, based on the wholesale cost of merchandise for which  
7883 those coupons or points may be redeemed.

7884 ~~(g)-(e)~~ "Truck stop" means a ~~any~~ dealer registered pursuant  
7885 to chapter 212, excluding marinas, which:

7886 1. Declared its primary fuel business to be the sale of  
7887 diesel fuel; and

7888 2. Operates a minimum of six functional diesel fuel pumps;  
7889 and

7890 ~~3. Has coin-operated amusement games or machines on~~  
7891 ~~premises which are operated for the entertainment of the general~~  
7892 ~~public and tourists as bona fide amusement games or machines.~~

7893 (3)-(2) Notwithstanding chapter 849, Nothing contained in  
7894 This chapter shall be taken or construed to prohibit an arcade



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7895 ~~amusement center or truck stop from operating~~ amusement games or  
7896 machines may be operated in conformance with this section.

7897 (4) A person may not award merchandise under this section  
7898 unless the person is registered with the division.

7899 (a) A person awarding merchandise must register annually  
7900 with the division on forms prescribed by the department and pay  
7901 the annual registration fee. The registration forms must include  
7902 the registrant's name and address, the location of each center  
7903 operated by the registrant, the number of machines operated at  
7904 each location, the type and title of each game at each location,  
7905 and the types and values of merchandise available.

7906 (b) The department shall, by rule, set an annual  
7907 registration fee of up to \$100 to be collected for each location  
7908 operated by the registrant.

7909 (c) The registration issued by the division must be  
7910 displayed so as to be easily viewed by patrons at each arcade  
7911 center location.

7912 (5)-(3) This section applies only to amusement games or and  
7913 machines which are operated for the entertainment of the general  
7914 public and tourists as bona fide amusement games or machines.

7915 (6)-(4) This section does shall not be construed to  
7916 authorize:

7917 (a) Casino-style games in which the outcome is determined  
7918 by factors unpredictable by the player;

7919 (b) Games in which the player does not control the outcome  
7920 of the game through skill;

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7921 (c) Video poker games or any other game or machine that  
7922 may be construed as a gambling device under the laws of this  
7923 state; or

7924 (d) Any game or device defined as a gambling device in 15  
7925 U.S.C. s. 1171, which requires identification of each device by  
7926 permanently affixing seriatim numbering and name, trade name,  
7927 and date of manufacture under s. 1173, and registration with the  
7928 United States Attorney General, unless excluded from  
7929 applicability of the chapter under s. 1178, or video poker games  
7930 or any other game or machine that may be construed as a gambling  
7931 device under Florida law.

7932 (7)-(5) An amusement game or machine may entitle or enable  
7933 a person, by application of skill, This section does not apply  
7934 to a coin-operated game or device designed and manufactured only  
7935 for bona fide amusement purposes which game or device may by  
7936 application of skill entitle the player to replay the game or  
7937 device at no additional cost, if the game or device:

7938 (a) The amusement game or machine can accumulate and react  
7939 to no more than 15 free replays;

7940 (b) The amusement game or machine can be discharged of  
7941 accumulated free replays only by reactivating the game or device  
7942 for one additional play for such accumulated free replay; and

7943 (c) The amusement game or machine cannot Can make a ne  
7944 permanent record, directly or indirectly, of free replays; and  
7945 is not classified by the United States as a gambling device in  
7946 15 U.S.C. s. 1171, which requires identification of each device

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7947 ~~by permanently affixing seriatim numbering and name, trade name,~~  
7948 ~~and date of manufacture under s. 1173, and registration with the~~  
7949 ~~United States Attorney General, unless excluded from~~  
7950 ~~applicability of the chapter under s. 1178. This subsection~~  
7951 ~~shall not be construed to authorize video poker games, or any~~  
7952 ~~other game or machine that may be construed as a gambling device~~  
7953 ~~under Florida law.~~

7954 (8) An amusement game or machine may entitle or enable a  
7955 person, by application of skill, to receive points or coupons  
7956 that can be redeemed for merchandise, if:

7957 (a) The amusement game or machine is located at an arcade  
7958 amusement center, truck stop, bowling center defined in s.  
7959 551.55, or public lodging establishment or public food service  
7960 facility licensed pursuant to chapter 509;

7961 (b) Points or coupons have no value other than for  
7962 redemption onsite for merchandise; and

7963 (c) The redemption value of points or coupons a person  
7964 receives does not exceed:

7965 1. For a single game played, 75 cents.

7966 2. For playing multiple games simultaneously, 75 cents.

7967 3. For competing against others in a multiplayer game, 75  
7968 cents.

7969 (9) An amusement game or machine may entitle or enable a  
7970 person, by application of skill, to receive merchandise  
7971 directly, if:

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7972 (a) The amusement game or machine is located at an arcade  
7973 amusement center, a truck stop, a bowling center defined in s.  
7974 551.55, or a public lodging establishment or public food service  
7975 facility licensed pursuant to chapter 509 or located on the  
7976 premises of a retailer as defined in s. 212.02; and

7977 (b) The wholesale cost of the merchandise does not exceed  
7978 \$50.

7979 (10) The commission shall review the per-game redemption  
7980 value of points or coupons allowed under subsection (8) and  
7981 provide a report to the President of the Senate and the Speaker  
7982 of the House of Representatives regarding the sufficiency of  
7983 those amounts and recommending any changes the department finds  
7984 necessary.

7985 (11) The commission and the department may enter and  
7986 inspect a registrant's facilities, machines, or system of  
7987 machines and may adopt rules and take all appropriate action to  
7988 administer and enforce this section.

7989 Section 127. Effective October 1, 2014, section 849.01,  
7990 Florida Statutes, is amended to read:

7991 849.01 ~~Keeping~~ Gambling operations prohibited houses,  
7992 etc.—

7993 (1) A person, individually or through or with any other  
7994 person or entity, may not:

7995 (a) Have, maintain, or operate ~~Whoever by herself or~~  
7996 ~~himself, her or his servant, clerk or agent, or in any other~~  
7997 ~~manner has, keeps, exercises or maintains~~ a gaming table or

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7998 ~~room; or gaming implements or apparatus; or a physical~~  
7999 ~~structure or location of any kind house, booth, tent, shelter or~~  
8000 ~~other place for the purpose of gaming or gambling. or~~

8001 (b) Procure or allow a in any place of which she or he may  
8002 directly or indirectly have charge, control or management,  
8003 either exclusively or with others, procures, suffers or permits  
8004 any person to play a game for money or any other valuable thing  
8005 of value in a place that he or she may directly or indirectly  
8006 manage or control.

8007 (c) Knowingly rent to another a physical structure or  
8008 location for the purpose of gaming or gambling.

8009 (2) A person may not act as a servant, clerk, agent, or  
8010 employee of a person violating subsection (1).

8011 (3) The proprietor, owner, or holder of an even-odd,  
8012 roulette, keno, pool, or billiard table; a wheel of fortune; or  
8013 any other game of chance kept for the purpose of betting may not  
8014 aid, abet, or otherwise encourage or willfully and knowingly  
8015 allow a minor or a person who is mentally incompetent or under  
8016 guardianship to play or bet on such game. For the purpose of  
8017 this subsection, the term "person who is mentally incompetent"  
8018 means a person who, because of mental illness, intellectual  
8019 disability, senility, excessive use of drugs or alcohol, or  
8020 other mental incapacity, is incapable of managing his or her  
8021 property or caring for herself or himself.

8022 (4) The presence of implements, devices, or apparatus  
8023 commonly used in games of chance in a gambling house or by a

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8024 gambler in any physical structure or location is prima facie  
8025 evidence that such structure or location is used for the purpose  
8026 of gambling.

8027 (5) A person who violates this section commits ~~at any game~~  
8028 ~~whatever, whether heretofore prohibited or not, shall be guilty~~  
8029 ~~of~~ a felony of the third degree, punishable as provided in s.  
8030 775.082, s. 775.083, or s. 775.084.

8031 Section 128. Effective October 1, 2014, sections 849.02,  
8032 849.03, 849.04, and 849.05, Florida Statutes, are repealed.

8033 Section 129. Effective October 1, 2014, section 849.07,  
8034 Florida Statutes, is amended to read:

8035 849.07 Permitting gambling on billiard or pool table by  
8036 holder of license.-

8037 (1) The operator of ~~If any holder of a license to operate~~  
8038 ~~a billiard or pool table may not allow a shall permit any person~~  
8039 ~~to play billiards, or pool, or any other game upon such table~~  
8040 ~~for money, or any other thing of value, upon such~~

8041 (2) Except as otherwise provided by law, a person may not  
8042 play or engage in a game of cards, keno, roulette, faro, or  
8043 other game of chance at any location, by any device, for money  
8044 or any other thing of value.

8045 (3) A person who violates this section commits ~~tables, she~~  
8046 ~~or he shall be deemed guilty of~~ a misdemeanor of the second  
8047 degree, punishable as provided in s. 775.082 or s. 775.083.

8048 Section 130. Effective October 1, 2014, section 849.08,  
8049 Florida Statutes, is repealed.

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8050 Section 131. Effective October 1, 2014, section 849.09,  
8051 Florida Statutes, is amended to read:

8052 849.09 Lottery prohibited; exceptions.—

8053 (1) (a) A person may not ~~It is unlawful for any person in~~  
8054 ~~this state to:~~

8055 1. (a) Set up, promote, or conduct any lottery for money or  
8056 for anything of value;

8057 2. (b) Dispose of any money or other property of any kind  
8058 whatsoever by means of any lottery;

8059 3. (e) Conduct any lottery drawing for the distribution of  
8060 a prize or prizes by lot or chance, or advertise any such  
8061 lottery scheme or device in any newspaper or by circulars,  
8062 posters, pamphlets, radio, telegraph, telephone, or otherwise;  
8063 or

8064 4. (d) Aid or assist in the setting up, promoting, or  
8065 conducting of any lottery or lottery drawing, whether by  
8066 writing, printing, or in any other manner whatsoever, or be  
8067 interested in or connected in any way with any lottery or  
8068 lottery drawing. ~~†~~

8069 (b) A person who violates this subsection commits a felony  
8070 of the third degree, punishable as provided in s. 775.082, s.  
8071 775.083, or s. 775.084.

8072 (2) (a) A person may not:

8073 1. (e) Attempt to operate, conduct, or advertise any  
8074 lottery scheme or device;

8075 2. (f) Have in her or his possession any lottery wheel,

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8076 implement, or device ~~whatsoever~~ for conducting any lottery or  
8077 scheme for the disposal by lot or chance of anything of value;  
8078 3.(g) Sell, offer for sale, or transmit, in person or by  
8079 mail or in any other manner ~~whatsoever~~, any lottery ticket,  
8080 coupon, or share, or any share in or fractional part of any  
8081 lottery ticket, coupon, or share, whether such ticket, coupon,  
8082 or share represents an interest in a live lottery not yet played  
8083 or ~~whether it~~ represents, or has represented, an interest in a  
8084 lottery that has already been played;  
8085 4.(h) Have in her or his possession any lottery ticket, or  
8086 any evidence of any share or right in any lottery ticket, or in  
8087 any lottery scheme or device, whether such ticket or evidence of  
8088 share or right represents an interest in a live lottery not yet  
8089 played or ~~whether it~~ represents, or has represented, an interest  
8090 in a lottery that has already been played;  
8091 5.(i) Aid or assist in the sale, disposal, or procurement  
8092 of any lottery ticket, coupon, or share, or any right to any  
8093 drawing in a lottery;  
8094 6.(j) Have in her or his possession any lottery  
8095 advertisement, circular, poster, or pamphlet, or any list or  
8096 schedule of any lottery prizes, gifts, or drawings; or  
8097 7.(k) Have in her or his possession any so-called "run  
8098 down sheets," tally sheets, or other papers, records,  
8099 instruments, or paraphernalia designed for use, ~~either~~ directly  
8100 or indirectly, ~~in, or in connection with,~~ the violation of the  
8101 laws of this state prohibiting lotteries and gambling.



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8102 (b) A person who violates this subsection commits a  
8103 misdemeanor of the first degree, punishable as provided in s.  
8104 775.082 or s. 775.083. A person who commits a second or  
8105 subsequent violation of this subsection commits a felony of the  
8106 third degree, punishable as provided in s. 775.082, s. 775.083,  
8107 or s. 775.084.

8108 (3) (a) Except as otherwise provided by law, it is  
8109 unlawful:

8110 1. For any person in any dwelling, office, shop, or  
8111 building in this state to write, typewrite, print, or publish  
8112 any lottery ticket or advertisement, circular, bill, poster,  
8113 pamphlet, list or schedule, announcement, or notice of lottery  
8114 prizes or drawings or any other matter or thing in any way  
8115 connected with any lottery drawing, scheme, or device, or set up  
8116 any type or plate for any such printing or writing, to be used  
8117 or distributed in this state or to be sent out of this state.

8118 2. For the owner or lessee of any such dwelling, shop, or  
8119 building knowingly to permit the printing, typewriting, writing,  
8120 or publishing therein of any lottery ticket or advertisement,  
8121 circular, bill, poster, pamphlet, list, schedule, announcement,  
8122 or notice of lottery prizes or drawings, or any other matter or  
8123 thing in any way connected with any lottery drawing, scheme, or  
8124 device, or knowingly to permit therein the setting up of any  
8125 type or plate for any such purpose to be used or distributed in  
8126 this state or to be sent out of the state.

8127 (b) A person who violates this subsection commits a felony

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8128 of the third degree, punishable as provided in s. 775.082, s.  
8129 775.083, or s. 775.084.

8130 (4) (a) This chapter does not prohibit the printing or  
8131 production of any advertisement or any lottery ticket for a  
8132 lottery conducted in any other state or nation where such  
8133 lottery is not prohibited by the laws of such state or nation,  
8134 or the sale of such materials by the manufacturer thereof to any  
8135 person or entity conducting or participating in the conduct of  
8136 such a lottery in any other state or nation. This section does  
8137 not authorize any advertisement within this state relating to  
8138 lotteries of any other state or nation, or the sale or resale  
8139 within Florida of such lottery tickets, chances, or shares to  
8140 individuals or any other acts otherwise in violation of any laws  
8141 of the state.

8142 (b) This section does not prohibit participation in a  
8143 nationally advertised contest, drawing, game, or puzzle of skill  
8144 or chance for a prize or prizes unless it can be construed as a  
8145 lottery under this section. This paragraph does not apply to any  
8146 such contest based upon the outcome or results of any horserace,  
8147 harness race, dog race, or jai alai game.

8148 (c) This section does not apply to bingo as provided for  
8149 in s. 551.53.

8150

8151 ~~Provided, that nothing in this section shall prohibit~~  
8152 ~~participation in any nationally advertised contest, drawing,~~  
8153 ~~game or puzzle of skill or chance for a prize or prizes unless~~

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8154 ~~it can be construed as a lottery under this section; and,~~  
8155 ~~provided further, that This exemption for national contests~~  
8156 ~~shall not apply to any such contest based upon the outcome or~~  
8157 ~~results of any horserace, harness race, dograce, or jai alai~~  
8158 ~~game.~~

8159 ~~(2) Any person who is convicted of violating any of the~~  
8160 ~~provisions of paragraph (a), paragraph (b), paragraph (c), or~~  
8161 ~~paragraph (d) of subsection (1) is guilty of a felony of the~~  
8162 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
8163 ~~or s. 775.084.~~

8164 ~~(3) Any person who is convicted of violating any of the~~  
8165 ~~provisions of paragraph (e), paragraph (f), paragraph (g),~~  
8166 ~~paragraph (i), or paragraph (k) of subsection (1) is guilty of a~~  
8167 ~~misdemeanor of the first degree, punishable as provided in s.~~  
8168 ~~775.082 or s. 775.083. Any person who, having been convicted of~~  
8169 ~~violating any provision thereof, thereafter violates any~~  
8170 ~~provision thereof is guilty of a felony of the third degree,~~  
8171 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~  
8172 ~~The provisions of this section do not apply to bingo as provided~~  
8173 ~~for in s. 849.0931.~~

8174 ~~(4) Any person who is convicted of violating any of the~~  
8175 ~~provisions of paragraph (h) or paragraph (j) of subsection (1)~~  
8176 ~~is guilty of a misdemeanor of the first degree, punishable as~~  
8177 ~~provided in s. 775.082 or s. 775.083. Any person who, having~~  
8178 ~~been convicted of violating any provision thereof, thereafter~~  
8179 ~~violates any provision thereof is guilty of a felony of the~~

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8180 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
8181 ~~or s. 775.084.~~

8182 Section 132. Effective October 1, 2014, section 849.091,  
8183 Florida Statutes, is amended to read:

8184 849.091 Chain letters, pyramid clubs, etc., declared a  
8185 lottery; prohibited; penalties.-

8186 (1) The organization of any chain letter club, pyramid  
8187 club, or other group organized or brought together under any  
8188 plan or device whereby fees or dues or anything of material  
8189 value to be paid or given by members thereof are to be paid or  
8190 given to any other member thereof, which plan or device includes  
8191 any provision for the increase in such membership through a  
8192 chain process of new members securing other new members and  
8193 thereby advancing themselves in the group to a position where  
8194 such members in turn receive fees, dues, or things of material  
8195 value from other members, is hereby declared to be a lottery. A  
8196 person who participates, ~~and whoever shall participate~~ in any  
8197 such lottery by becoming a member of, or affiliating with, any  
8198 such group or organization or who solicits ~~shall solicit~~ any  
8199 person for membership or affiliation in any such group or  
8200 organization commits a misdemeanor of the first degree,  
8201 punishable as provided in s. 775.082 or s. 775.083.

8202 (2) ~~A "pyramid sales scheme," which is~~ Any sales or  
8203 marketing plan or operation whereby a person pays a  
8204 consideration of any kind, or makes an investment of any kind,  
8205 in excess of \$100 and acquires the opportunity to receive a

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8206 benefit or thing of value that ~~which~~ is not primarily contingent  
8207 on the volume or quantity of goods, services, or other property  
8208 sold in bona fide sales to consumers, and that ~~which~~ is related  
8209 to the inducement of additional persons, by himself or herself  
8210 or others, regardless of number, to participate in the same  
8211 sales or marketing plan or operation, ~~is hereby~~ declared to be a  
8212 pyramid sales scheme and a lottery. A person who participates,  
8213 ~~and whoever shall participate~~ in any such lottery by becoming a  
8214 member of or affiliating with, ~~any such group or organization or~~  
8215 who solicits ~~shall solicit~~ any person for membership or  
8216 affiliation in any such group or organization commits a  
8217 misdemeanor of the first degree, punishable as provided in s.  
8218 775.082 or s. 775.083. For purposes of this subsection, the term  
8219 "consideration" and the term "investment" do not include the  
8220 purchase of goods or services furnished at cost for use in  
8221 making sales, but not for resale, or time and effort spent in  
8222 the pursuit of sales or recruiting activities.

8223 Section 133. Effective October 1, 2014, section 849.0915,  
8224 Florida Statutes, is amended to read:

8225 849.0915 Referral selling.-

8226 (1) Giving or offering Referral selling, ~~whereby the~~  
8227 ~~seller gives or offers~~ a rebate or discount to a ~~the~~ buyer as an  
8228 inducement for a sale in consideration of the buyer's providing  
8229 the seller with the names of prospective purchasers, ~~is declared~~  
8230 to be referral selling and a lottery if earning the rebate or  
8231 discount is contingent upon the occurrence of an event

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8232 subsequent to the time the buyer agrees to buy.

8233 (2) A Any person who conducts ~~conducting~~ a lottery by  
8234 referral selling commits ~~is guilty of~~ a misdemeanor of the first  
8235 degree, punishable as provided in s. 775.082 or s. 775.083.

8236 (3) In addition to the penalty provided in this section  
8237 ~~herein~~, the Attorney General and her or his assistants, the  
8238 state attorneys and their assistants, and the Division of  
8239 Consumer Services of the Department of Agriculture and Consumer  
8240 Services may ~~are authorized to~~ apply to the circuit court within  
8241 their respective jurisdictions, and such court shall have  
8242 jurisdiction, upon hearing and for cause shown, to grant a  
8243 temporary or permanent injunction restraining any person from  
8244 violating ~~the provisions of~~ this section, regardless of whether  
8245 ~~or not there exists~~ an adequate remedy at law exists, and such  
8246 injunction shall issue without bond.

8247 Section 134. Effective October 1, 2014, section 849.10,  
8248 Florida Statutes, is repealed.

8249 Section 135. Effective October 1, 2014, section 849.11,  
8250 Florida Statutes, is amended to read:

8251 849.11 Plays at games of chance by lot.-

8252 (1) A person who ~~Whoever~~ sets up, promotes, or plays at  
8253 any game of chance by lot or with dice, cards, numbers, hazards,  
8254 or any other gambling device ~~whatever for, or~~ for the disposal  
8255 of money or other thing of value or under the pretext of a sale,  
8256 gift, or delivery thereof, or for any right, share, or interest  
8257 therein commits, ~~shall be guilty of~~ a misdemeanor of the second

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8258 degree, punishable as provided in s. 775.082 or s. 775.083. A  
8259 person who commits a second violation of this section commits a  
8260 misdemeanor of the first degree, punishable as provided in s.  
8261 775.082 or s. 775.083.

8262 Section 136. Effective October 1, 2014, section 849.12,  
8263 Florida Statutes, is transferred and renumbered as subsection  
8264 (2) of section 849.11, Florida Statutes, to read:

8265 ~~849.12 Money and prizes to be forfeited.~~

8266 (2) All sums of money and every other valuable thing drawn  
8267 and won as a prize, ~~or~~ as a share of a prize, or as a share,  
8268 percentage, or profit of the principal promoter or operator, in  
8269 any lottery, and all money, currency, or property of any kind to  
8270 be disposed of, or offered to be disposed of, by chance or  
8271 device in any scheme or under any pretext by any person, and all  
8272 sums of money or other thing of value received by any person by  
8273 reason of her or his being the owner or holder of any ticket or  
8274 share of a ticket in a lottery, or pretended lottery, or of a  
8275 share or right in any such schemes of chance or device and all  
8276 sums of money and other thing of value used in the setting up,  
8277 conducting, or operation of a lottery, and all money or other  
8278 thing of value at stake, or used or displayed in or in  
8279 connection with any illegal gambling or any illegal gambling  
8280 device contrary to the laws of this state, shall be forfeited,  
8281 and may be recovered by civil proceedings, filed, or by action  
8282 for money had and received, to be brought by the Department of  
8283 Legal Affairs or any state attorney, or other prosecuting

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8284 officer, in the circuit courts in the name and on behalf of the  
8285 state; the same to be applied when collected as all other penal  
8286 forfeitures are disposed of.

8287 Section 137. Effective October 1, 2014, section 849.13,  
8288 Florida Statutes, is repealed.

8289 Section 138. Effective October 1, 2014, section 849.14,  
8290 Florida Statutes, is amended to read:

8291 849.14 ~~Unlawful to~~ Bet on result of trial or contest of  
8292 skill, ~~etc.~~ A person who ~~whoever~~ stakes, bets, or wagers any  
8293 money or other thing of value upon the result of any trial or  
8294 contest of skill, speed, or power or endurance of human or  
8295 beast; ~~or who~~ whoever receives in any manner whatsoever any  
8296 money or other thing of value staked, bet, or wagered, or  
8297 offered for the purpose of being staked, bet, or wagered, by or  
8298 for any other person upon any such result; ~~or who~~ whoever  
8299 knowingly becomes the custodian or depositary of any money or  
8300 other thing of value so staked, bet, or wagered upon any such  
8301 result; ~~or who~~ whoever aids, ~~or~~ assists, or abets in any manner  
8302 in any of such acts commits ~~all of which are hereby forbidden,~~  
8303 ~~shall be guilty of~~ a misdemeanor of the second degree,  
8304 punishable as provided in s. 775.082 or s. 775.083.

8305 Section 139. Effective October 1, 2014, section 849.15,  
8306 Florida Statutes, is amended to read:

8307 849.15 Slot machine or device ~~Manufacture, sale,~~  
8308 ~~possession, etc., of coin-operated devices prohibited.-~~

8309 (1) It is unlawful:



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8310 (a) To manufacture, own, store, keep, possess, sell, rent,  
8311 lease, let on shares, lend or give away, transport, or expose  
8312 for sale or lease, or to offer to sell, rent, lease, let on  
8313 shares, lend or give away, or permit the operation of any slot  
8314 machine or device or any part thereof; ~~or~~

8315 (b) For a any person to permit any slot machine or device  
8316 or any part thereof to be placed, maintained, ~~or~~ used, or kept  
8317 in any room, space, or building owned, leased, or occupied by  
8318 the person or under the person's management or control, ~~any slot~~  
8319 ~~machine or device or any part thereof;~~ or

8320 (c) ~~(b)~~ To make or to permit to be made with any person any  
8321 agreement with reference to any slot machine or device, pursuant  
8322 to which the user thereof, as a result of any element of chance  
8323 or other outcome unpredictable to him or her, may become  
8324 entitled to receive any money, credit, allowance, or thing of  
8325 value or additional chance or right to use such machine or  
8326 device, or to receive any check, slug, token, or memorandum  
8327 entitling the holder to receive any money, credit, allowance, or  
8328 thing of value.

8329 (2) Pursuant to ~~section 2 of that chapter of the Congress~~  
8330 ~~of the United States entitled "An act to prohibit transportation~~  
8331 ~~of gaming devices in interstate and foreign commerce," approved~~  
8332 ~~January 2, 1951, being ch. 1194, 64 Stat. 1134, and also~~  
8333 ~~designated as 15 U.S.C. s. 1172 ss. 1171-1177, the State of~~  
8334 ~~Florida, acting by and through the duly elected and qualified~~  
8335 ~~members of its Legislature, does hereby in this section, and in~~

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8336 ~~accordance with and in compliance with the provisions of section~~  
8337 ~~2 of such chapter of Congress, declare and proclaim that any~~  
8338 ~~county of the State of Florida~~ within which slot machine gaming  
8339 is authorized pursuant to chapter 551 is exempt from the  
8340 ~~provisions of section 2 of that chapter of the Congress of the~~  
8341 ~~United States entitled "An act to prohibit transportation of~~  
8342 ~~gaming devices in interstate and foreign commerce," designated~~  
8343 ~~as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All~~  
8344 shipments of gaming devices, including slot machines, into any  
8345 county of this state within which slot machine gaming is  
8346 authorized pursuant to chapter 551 and the registering,  
8347 recording, and labeling of which have been duly performed by the  
8348 manufacturer or distributor thereof in accordance with ~~sections~~  
8349 ~~3 and 4 of that chapter of the Congress of the United States~~  
8350 ~~entitled "An act to prohibit transportation of gaming devices in~~  
8351 ~~interstate and foreign commerce," approved January 2, 1951,~~  
8352 ~~being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.~~  
8353 ~~ss. 1173 and 1174 are 1171-1177, shall be deemed~~ legal shipments  
8354 thereof into this state if ~~provided~~ the destination of such  
8355 shipments is an eligible facility as defined in s. 551.102 or  
8356 the facility of a slot machine manufacturer or slot machine  
8357 distributor as provided in s. 551.109(2)(a).

8358 Section 140. Effective October 1, 2014, section 849.16,  
8359 Florida Statutes, is transferred, renumbered as subsection (3)  
8360 of section 849.15, Florida Statutes, and amended to read:

8361 849.15 Slot machine or device ~~Manufacture, sale,~~

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8362 ~~possession, etc., of coin-operated devices prohibited.-~~

8363 ~~849.16 Machines or devices which come within provisions of~~  
8364 ~~law defined.-~~

8365 (3) (a) ~~(1)~~ As used in this section ~~chapter~~, the term "slot  
8366 machine or device" means any machine or device or system or  
8367 network of devices that is adapted for use in such a way that,  
8368 upon activation, which may be achieved by, but is not limited  
8369 to, the insertion of any piece of money, coin, account number,  
8370 code, or other object or information, such device or system is  
8371 directly or indirectly caused to operate or may be operated and  
8372 ~~if~~ the user, whether by application of skill or by reason of any  
8373 element of chance or any other outcome unpredictable by the  
8374 user, may:

8375 1. (a) Receive or become entitled to receive any piece of  
8376 money, credit, allowance, or thing of value, or any check, slug,  
8377 token, or memorandum, whether of value or otherwise, that ~~which~~  
8378 may be exchanged for any money, credit, allowance, or thing of  
8379 value or that ~~which~~ may be given in trade; or

8380 2. (b) Secure additional chances or rights to use such  
8381 machine, apparatus, or device,

8382  
8383 even though the device or system may be available for free play  
8384 or, in addition to any element of chance or unpredictable  
8385 outcome of such operation, may also sell, deliver, or present  
8386 some merchandise, indication of weight, entertainment, or other  
8387 thing of value. The term "slot machine or device" includes, but

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8388 is not limited to, devices regulated as slot machines pursuant  
8389 to chapter 551.

8390 ~~(b)(2)~~ This section does not apply ~~chapter may not be~~  
8391 ~~construed, interpreted, or applied~~ to the possession of a  
8392 reverse vending machine. As used in this section, the term  
8393 "reverse vending machine" means a machine into which empty  
8394 beverage containers are deposited for recycling and that ~~which~~  
8395 provides a payment of money, merchandise, vouchers, or other  
8396 incentives. At a frequency less than upon the deposit of each  
8397 beverage container, a reverse vending machine may pay out a  
8398 random incentive bonus greater than that guaranteed payment in  
8399 the form of money, merchandise, vouchers, or other incentives.  
8400 The deposit of an ~~any~~ empty beverage container into a reverse  
8401 vending machine is ~~does~~ not a ~~constitute~~ consideration, and a  
8402 reverse vending machine is ~~may~~ not ~~be deemed~~ a slot machine as  
8403 defined in this section.

8404 ~~(c)(3)~~ There is a rebuttable presumption that a device,  
8405 system, or network is a prohibited slot machine or device if it  
8406 is used to display images of games of chance and is part of a  
8407 scheme involving any payment or donation of money or its  
8408 equivalent and awarding anything of value.

8409 Section 141. Effective October 1, 2014, section 849.17,  
8410 Florida Statutes, is transferred, renumbered as subsection (4)  
8411 of section 849.15, Florida Statutes, and amended to read:

8412 849.15 Slot machine or device ~~Manufacture, sale,~~  
8413 ~~possession, etc., of coin-operated devices prohibited.-~~

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8414 ~~849.17 Confiscation of machines by arresting officer.—~~  
8415 (4) Upon the arrest of any person charged with a the  
8416 violation of this section, ~~any of the provisions of ss. 849.15—~~  
8417 ~~849.23~~ the arresting officer shall take into his or her custody  
8418 any such machine, apparatus, or device, and its contents, and  
8419 the arresting agency, at the place of seizure, shall make a  
8420 complete and correct list and inventory of all such things ~~so~~  
8421 taken into ~~his or her~~ custody, and deliver to the person from  
8422 whom such article or articles ~~may~~ have been seized, a true copy  
8423 of the list of all such articles. The arresting agency shall  
8424 retain all evidence seized and ~~shall~~ have such evidence provided  
8425 for the same forthcoming at any investigation, prosecution, or  
8426 other proceedings relating to the, ~~incident to charges of~~  
8427 violation of ~~any of the provisions of ss. 849.15—849.23.~~

8428 Section 142. Effective October 1, 2014, section 849.18,  
8429 Florida Statutes, is transferred, renumbered as subsection (5)  
8430 of section 849.15, Florida Statutes, and amended to read:

8431 849.15 Slot machine or device ~~Manufacture, sale,~~  
8432 ~~possession, etc., of coin-operated devices prohibited.—~~

8433 ~~849.18 Disposition of machines upon conviction.—~~

8434 (5) Upon conviction of a the person arrested for a the  
8435 violation of this section ~~any of the provisions of ss. 849.15—~~  
8436 ~~849.23~~, the judge of the court trying the case, after ~~such~~  
8437 notice to the person convicted, and to any other person whom the  
8438 judge determines ~~may be of the opinion~~ is entitled to such  
8439 notice, ~~and~~ as the judge deems ~~may deem~~ reasonable, shall issue

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8440 to the sheriff of the county a written order ~~adjudging and~~  
8441 declaring any such seized machine, apparatus, or device  
8442 forfeited, and directing the ~~such~~ sheriff to destroy the same,  
8443 with the exception of any ~~the~~ money seized. The order of the  
8444 court shall state the time, ~~and~~ place, ~~and~~ the manner in which  
8445 the ~~such~~ property shall be destroyed, and the sheriff shall  
8446 destroy the seized property ~~same~~ in the presence of the clerk of  
8447 the circuit court of such county.

8448 Section 143. Effective October 1, 2014, section 849.19,  
8449 Florida Statutes, is transferred, renumbered as subsection (6)  
8450 of section 849.15, Florida Statutes, and amended to read:

8451 849.15 Slot machine or device ~~Manufacture, sale,~~  
8452 ~~possession, etc., of coin-operated devices~~ prohibited.-

8453 ~~849.19 Property rights in confiscated machine.-~~

8454 (6) The right of property in and to any machine,  
8455 apparatus, or device as defined in subsection (4) ~~s. 849.16~~ and  
8456 to all money and other things of value therein, is declared not  
8457 to exist in any person, and such machine, apparatus, or device  
8458 ~~the same shall be forfeited~~ and such money or other things of  
8459 value shall be forfeited to the county in which the seizure was  
8460 made and shall be delivered forthwith to the clerk of the  
8461 circuit court. The clerk ~~and~~ shall place such money or other  
8462 things of value ~~by her or him be placed~~ in the fine and  
8463 forfeiture fund of the ~~said~~ county.

8464 Section 144. Effective October 1, 2014, section 849.20,  
8465 Florida Statutes, is transferred, renumbered as subsection (7)

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8466 of section 849.15, Florida Statutes, and amended to read:

8467       849.15 Slot machine or device ~~Manufacture, sale,~~  
8468 ~~possession, etc., of coin-operated devices~~ prohibited.-

8469       ~~849.20 Machines and devices declared nuisance; place of~~  
8470 ~~operation subject to lien for fine.-~~

8471       (7) Any room, house, building, boat, vehicle, structure,  
8472 or place in which ~~wherein~~ any machine or device, or any part  
8473 thereof, the possession, operation, or use of which is  
8474 prohibited by this section ~~is ss. 849.15-849.23,~~ shall be  
8475 maintained or operated, and each of such machines or devices, is  
8476 declared to be a common nuisance. If a person has knowledge, or  
8477 reason to believe, that his or her room, house, building, boat,  
8478 vehicle, structure, or place is occupied or used in violation of  
8479 this section ~~the provisions of ss. 849.15-849.23~~ and by  
8480 acquiescence or consent allows ~~suffers~~ the same to be used, such  
8481 room, house, building, boat, vehicle, structure, or place shall  
8482 be subject to a lien for and may be sold to pay all fines or  
8483 costs assessed against the person guilty of such nuisance, for  
8484 such violation, and the several state attorneys shall enforce  
8485 such lien in the courts of this state having jurisdiction.

8486       Section 145. Effective October 1, 2014, section 849.21,  
8487 Florida Statutes, is transferred, renumbered as subsection (8)  
8488 of section 849.15, Florida Statutes, and amended to read:

8489       849.15 Slot machine or device ~~Manufacture, sale,~~  
8490 ~~possession, etc., of coin-operated devices~~ prohibited.-

8491       ~~849.21 Injunction to restrain violation.-~~

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8492        (8) An action to enjoin any nuisance as ~~herein~~ defined in  
8493 this section may be brought by any person in the courts of  
8494 equity in this state. If it is made to appear by affidavit or  
8495 otherwise~~,~~ to the satisfaction of the court~~,~~ or judge in  
8496 vacation~~,~~ that such nuisance exists, a temporary writ of  
8497 injunction shall forthwith issue restraining the defendant from  
8498 conducting or permitting the continuance of such nuisance until  
8499 the conclusion of the action. Upon application of the  
8500 complainant in such a proceeding, the court or judge may also  
8501 enter an order restraining the defendant and all other persons  
8502 from removing~~,~~ or in any way interfering with the machines or  
8503 devices or other things used in connection with the violation of  
8504 this section ~~ss. 849.15-849.23~~ constituting such a nuisance. A  
8505 ~~No~~ bond is not ~~shall be~~ required in instituting such  
8506 proceedings.

8507        Section 146. Effective October 1, 2014, section 849.22,  
8508 Florida Statutes, is transferred, renumbered as subsection (9)  
8509 of section 849.15, Florida Statutes, and amended to read:

8510        849.15 Slot machine or device ~~Manufacture, sale,~~  
8511 ~~possession, etc., of coin-operated devices~~ prohibited.-

8512        ~~849.22 Fees of clerk of circuit court and sheriff.-~~

8513        (9) The clerks of the court ~~courts~~ and the sheriffs  
8514 performing duties under this section ~~the provisions of ss.~~  
8515 ~~849.15-849.23~~ shall receive the same fees as prescribed by  
8516 general law for the performance of similar duties, and such fees  
8517 shall be paid out of the fine and forfeiture fund of the county



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8518 as costs are paid upon conviction of an insolvent person.

8519 Section 147. Effective October 1, 2014, section 849.23,  
8520 Florida Statutes, is transferred, renumbered as subsection (10)  
8521 of section 849.15, Florida Statutes, and amended to read:

8522 849.15 Slot machine or device ~~Manufacture, sale,~~  
8523 ~~possession, etc., of coin-operated devices prohibited.-~~

8524 ~~849.23 Penalty for violations of ss. 849.15-849.22.-~~

8525 (10) A person who violates this section commits ~~Whoever~~  
8526 ~~shall violate any of the provisions of ss. 849.15-849.22 shall,~~  
8527 ~~upon conviction thereof, be guilty of a misdemeanor of the~~  
8528 ~~second degree, punishable as provided in s. 775.082 or s.~~  
8529 ~~775.083. A person who commits a second violation of this section~~  
8530 ~~commits~~ Any person convicted of violating any provision of ss.  
8531 ~~849.15-849.22, a second time shall, upon conviction thereof, be~~  
8532 ~~guilty of a misdemeanor of the first degree, punishable as~~  
8533 ~~provided in s. 775.082 or s. 775.083. A person who commits a~~  
8534 ~~third violation of this section is~~ Any person violating any  
8535 ~~provision of ss. 849.15-849.22 after having been twice convicted~~  
8536 ~~already shall be deemed a "common offender," and commits shall~~  
8537 ~~be guilty of a felony of the third degree, punishable as~~  
8538 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

8539 Section 148. Effective October 1, 2014, section 849.231,  
8540 Florida Statutes, is amended to read:

8541 849.231 Gambling devices; manufacture, sale, purchase or  
8542 possession unlawful; penalties.-

8543 (1) (a) ~~Except in instances when the following described~~

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8544 ~~implements or apparatus are being held or transported by~~  
8545 ~~authorized persons for the purpose of destruction, as~~  
8546 ~~hereinafter provided, and except in instances when the following~~  
8547 ~~described instruments or apparatus are being held, sold,~~  
8548 ~~transported, or manufactured by persons who have registered with~~  
8549 ~~the United States Government pursuant to the provisions of Title~~  
8550 ~~15 of the United States Code, ss. 1171 et seq., as amended, so~~  
8551 ~~long as the described implements or apparatus are not displayed~~  
8552 ~~to the general public, sold for use in Florida, or held or~~  
8553 ~~manufactured in contravention of the requirements of 15 U.S.C.~~  
8554 ~~ss. 1171 et seq.,~~ It is shall be unlawful for any person to  
8555 manufacture, sell, transport, offer for sale, purchase, own, or  
8556 have in his or her possession any roulette wheel or table, faro  
8557 layout, crap table or layout, chemin de fer table or layout,  
8558 chuck-a-luck wheel, bird cage such as used for gambling, bolita  
8559 balls, chips with house markings, or any other device,  
8560 implement, apparatus, or paraphernalia ordinarily or commonly  
8561 used or designed to be used in the operation of gambling houses  
8562 or establishments, excepting ordinary dice and playing cards.

8563 (b)(2) In addition to any other penalties provided for a  
8564 ~~the~~ violation of this section, any occupational license held by  
8565 a person found guilty of violating this section shall be  
8566 suspended for a period not to exceed 5 years.

8567 (c)1. This section does not apply to implements or  
8568 apparatus being held or transported by authorized persons for  
8569 the purpose of destruction, as provided in this section, or when

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8570 the implements or apparatus are being held, sold, transported,  
8571 or manufactured by persons who have registered with the Federal  
8572 Government pursuant to 15 U.S.C. ss. 1171 et seq., as amended,  
8573 so long as the described implements or apparatus are not  
8574 displayed to the general public, sold for use in this state, or  
8575 held or manufactured in contravention of the requirements of 15  
8576 U.S.C. ss. 1171 et seq.

8577 ~~2.(3)~~ This section and s. 849.01(4) ~~849.05~~ do not apply to  
8578 a vessel of foreign registry or a vessel operated under the  
8579 authority of a country except the United States, while docked in  
8580 this state or transiting in the territorial waters of this  
8581 state.

8582 Section 149. Effective October 1, 2014, section 849.232,  
8583 Florida Statutes, is transferred, renumbered as subsection (2)  
8584 of section 849.231, Florida Statutes, and amended to read:

8585 849.231 Gambling devices; manufacture, sale, purchase or  
8586 possession unlawful; penalties.-

8587 ~~849.232 Property right in gambling devices; confiscation.-~~

8588 (2) There is ~~shall be~~ no right of property in any of the  
8589 implements or devices enumerated or included in subsection (1).  
8590 ~~s. 849.231 and~~ Upon the seizure of any such implement, device,  
8591 apparatus, or paraphernalia by an authorized enforcement  
8592 officer, the same shall be delivered to and held by the clerk of  
8593 the court having jurisdiction of such offenses and may ~~shall~~ not  
8594 be released by the ~~such~~ clerk until he or she is ~~shall be~~  
8595 advised by the prosecuting officer of the ~~such~~ court that the

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8596 ~~said~~ implement is no longer required as evidence, ~~and thereupon~~  
8597 The ~~said~~ clerk shall then deliver the ~~said~~ implement to the  
8598 sheriff of the county, who shall immediately cause the  
8599 destruction of such implement in the presence of the ~~said~~ clerk  
8600 or his or her authorized deputy.

8601 Section 150. Effective October 1, 2014, section 849.233,  
8602 Florida Statutes, is transferred, renumbered as subsection (3)  
8603 of section 849.231, Florida Statutes, and amended to read:

8604 849.231 Gambling devices; manufacture, sale, purchase or  
8605 possession unlawful; penalties.-

8606 ~~849.233 Penalty for violation of s. 849.231.-~~

8607 (3) Any person, including any enforcement officer, clerk,  
8608 or prosecuting official, who violates this section commits ~~shall~~  
8609 ~~violate the provisions of s. 849.231~~ shall be guilty of a  
8610 misdemeanor of the first degree, punishable as provided in s.  
8611 775.082 or s. 775.083.

8612 Section 151. Effective October 1, 2014, section 849.235,  
8613 Florida Statutes, is transferred, renumbered as subsection (11)  
8614 of section 849.15, Florida Statutes, and amended to read:

8615 849.15 Slot machine or device ~~Manufacture, sale,~~  
8616 ~~possession, etc., of coin-operated devices~~ prohibited.-

8617 ~~849.235 Possession of certain gambling devices; defense.-~~

8618 (11) (a) (1) It is a defense to any action or prosecution  
8619 under this section and s. 849.231 ~~ss. 849.15-849.233~~ for the  
8620 possession of any gambling device specified in this section and  
8621 s. 849.231 ~~therein~~ that the device is an antique slot machine

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8622 and that it is not being used for gambling. For the purpose of  
8623 this section, an antique slot machine is one that ~~which~~ was  
8624 manufactured at least 20 years before ~~prior to~~ such action or  
8625 prosecution.

8626 (b) (2) Notwithstanding any other provision of law ~~this~~  
8627 ~~chapter~~ to the contrary, upon a successful defense to a  
8628 prosecution for the possession of a gambling device pursuant to  
8629 ~~the provisions of~~ this section, the antique slot machine shall  
8630 be returned to the person from whom it was seized.

8631 Section 152. Effective October 1, 2014, section 849.25,  
8632 Florida Statutes, is amended to read:

8633 849.25 "Bookmaking" defined; penalties; exceptions.-

8634 (1) (a) The term "bookmaking" means the act of taking or  
8635 receiving, while engaged in the business or profession of  
8636 gambling, any bet or wager upon the result of any trial or  
8637 contest of skill, speed, power, or endurance of human, beast,  
8638 fowl, motor vehicle, or mechanical apparatus or upon the result  
8639 of any chance, casualty, unknown, or contingent event  
8640 whatsoever.

8641 (b) The following factors shall be considered in  
8642 determining whether ~~making a determination that~~ a person has  
8643 engaged in the offense of bookmaking:

8644 1. Taking advantage of betting odds created to produce a  
8645 profit for the bookmaker or charging a percentage on accepted  
8646 wagers.

8647 2. Placing all or part of accepted wagers with other

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8648 bookmakers to reduce the chance of financial loss.

8649 3. Taking or receiving more than five wagers in any single  
8650 day.

8651 4. Taking or receiving wagers totaling more than \$500 in  
8652 any single day, or more than \$1,500 in any single week.

8653 5. Engaging in a common scheme with two or more persons to  
8654 take or receive wagers.

8655 6. Taking or receiving wagers on both sides on a contest  
8656 at the identical point spread.

8657 7. Any other factor relevant to establishing that the  
8658 operating procedures of such person are commercial in nature.

8659 (c) The existence of any two factors listed in paragraph  
8660 (b) may constitute prima facie evidence of a commercial  
8661 bookmaking operation.

8662 (2) A ~~Any~~ person who engages in bookmaking commits ~~shall~~  
8663 ~~be guilty of~~ a felony of the third degree, punishable as  
8664 provided in s. 775.082, s. 775.083, or s. 775.084.

8665 Notwithstanding ~~the provisions of~~ s. 948.01, a ~~any~~ person  
8666 convicted under ~~the provisions of~~ this subsection may ~~shall~~ not  
8667 have adjudication of guilt suspended, deferred, or withheld.

8668 (3) A ~~Any~~ person who commits a second violation ~~has been~~  
8669 ~~convicted of bookmaking and thereafter violates the provisions~~  
8670 of this section commits ~~shall be guilty of~~ a felony of the  
8671 second degree, punishable as provided in s. 775.082, s. 775.083,  
8672 or s. 775.084. Notwithstanding ~~the provisions of~~ s. 948.01, a  
8673 ~~any~~ person convicted under ~~the provisions of~~ this subsection may

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8674 ~~shall~~ not have adjudication of guilt suspended, deferred, or  
8675 withheld.

8676 (4) Notwithstanding the provisions of s. 777.04, ~~a any~~  
8677 person who commits ~~is guilty of~~ conspiracy to commit bookmaking  
8678 is ~~shall be~~ subject to the penalties imposed by subsections (2)  
8679 and (3).

8680 (5) This section does ~~shall~~ not apply to pari-mutuel  
8681 wagering ~~in Florida~~ as authorized under chapter 550.

8682 ~~(6) This section shall not apply to any prosecutions filed~~  
8683 ~~and pending at the time of the passage hereof, but all such~~  
8684 ~~cases shall be disposed of under existing laws at the time of~~  
8685 ~~the institution of such prosecutions.~~

8686 Section 153. Effective October 1, 2014, section 849.26,  
8687 Florida Statutes, is amended to read:

8688 849.26 Gambling contracts ~~declared void; exception.-~~

8689 (1) All promises, agreements, notes, bills, bonds or other  
8690 contracts, or mortgages or other securities, when the whole or  
8691 part of the consideration is ~~is~~ for money or other valuable  
8692 thing won or lost, laid, staked, betted, or wagered in any  
8693 gambling transaction ~~whatsoever~~, regardless of its name or  
8694 nature, whether ~~heretofore~~ prohibited or not prohibited, or for  
8695 the repayment of money lent or advanced at the time of a  
8696 gambling transaction for the purpose of being laid, betted,  
8697 staked, or wagered, are void and of no effect. ~~; provided, that~~  
8698 This section does ~~act shall~~ not apply to wagering on pari-  
8699 mutuels or any gambling transaction expressly authorized by law.

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8700 Section 154. Effective October 1, 2014, section 849.29,  
8701 Florida Statutes, is transferred, renumbered as subsection (2)  
8702 of section 849.26, Florida Statutes, and amended to read:

8703 849.26 Gambling contracts ~~declared void; exception.~~

8704 ~~849.29 Persons against whom suits may be brought to~~  
8705 ~~recover on gambling contracts.~~

8706 (2) The following persons shall be jointly and severally  
8707 liable for the items that ~~which~~ are authorized by this section  
8708 ~~act~~ to be sued for and recovered, and any suit brought under the  
8709 authorization of this section ~~act~~ may be brought against all or  
8710 any of such persons, ~~to wit:~~

8711 (a) The winner of the money or property lost in the  
8712 gambling transaction;

8713 (b) Every person who, having direct or indirect charge,  
8714 control, or management, either exclusively or with others, of  
8715 the place where the gambling transaction occurs, procures,  
8716 allows, ~~suffers~~ or permits such place to be used for gambling  
8717 purposes;

8718 (c) Whoever promotes, sets up, or conducts the gambling  
8719 transaction in which the loss occurs or has an interest in it as  
8720 backer, vendor, owner, or otherwise; ~~and,~~

8721 (d) As to anything of value other than money, the  
8722 transferees and assignees, with notice, of the persons  
8723 ~~hereinabove~~ specified in paragraphs (a)-(c) ~~this section~~; and

8724 (e) The personal representatives of the persons specified  
8725 in paragraphs (a)-(c) ~~this section~~.



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8726 Section 155. Effective October 1, 2014, section 849.30,  
8727 Florida Statutes, is transferred, renumbered as subsection (3)  
8728 of section 849.26, Florida Statutes, and amended to read:

8729 849.26 Gambling contracts ~~declared void; exception.-~~

8730 ~~849.30 Plaintiff entitled to writs of attachment,~~  
8731 ~~garnishment and replevin.-~~

8732 (3) In any suit under this section ~~ss. 849.26-849.34~~, the  
8733 plaintiff shall be entitled to writs of attachment and  
8734 garnishment for the sums of money, exclusive of attorney  
8735 ~~attorney's~~ fees, sued for the use and benefit of persons other  
8736 than the state, in the same manner and to the same extent as in  
8737 an action on contract. ~~;~~ ~~and,~~ In any suit under this section  
8738 ~~chapter~~ for the recovery of a thing of value other than money,  
8739 the plaintiff shall be entitled to a writ of replevin for the  
8740 recovery of such thing of value, in the manner and to the extent  
8741 provided by the replevin statutes of the state.

8742 Section 156. Effective October 1, 2014, section 849.31,  
8743 Florida Statutes, is transferred, renumbered as subsection (4)  
8744 of section 849.26, Florida Statutes, and amended to read:

8745 849.26 Gambling contracts ~~declared void; exception.-~~

8746 ~~849.31 Loser's testimony not to be used against her or~~  
8747 ~~him.-~~

8748 (4) If a ~~In the event that~~ suit is brought under this  
8749 section ~~the authorization of ss. 849.26-849.34~~ by someone other  
8750 than the loser of the money or thing of value involved in the  
8751 suit, such loser shall not be excused from being required to

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8752 attend and testify or produce any book, paper, or other document  
8753 or evidence in such suit, upon the ground or for the reason that  
8754 the testimony or evidence required of the loser may tend to  
8755 convict her or him of a crime or to subject her or him to a  
8756 penalty or forfeiture, but the loser shall not be prosecuted or  
8757 subjected to any penalty or forfeiture for or on account of any  
8758 transaction, matter, or thing concerning which she or he may so  
8759 be required to testify or produce evidence, and no testimony so  
8760 given or produced shall be received against the loser upon any  
8761 criminal investigation or prosecution. If the loser of money or  
8762 thing of value involved in a suit brought under this section  
8763 ~~authorization of ss. 849.26-849.34~~, whether by her or him or by  
8764 someone else, voluntarily attends or produces evidence in such  
8765 suit, the loser shall not be prosecuted or subjected to any  
8766 penalty for or on account of any transaction, matter, or thing  
8767 concerning which she or he may so testify or produce evidence,  
8768 and no testimony so given or produced shall be received against  
8769 her or him upon any criminal investigation or prosecution. Also,  
8770 neither the fact of the bringing of suit under this section ~~act~~  
8771 by a loser nor any statement or admission in her or his  
8772 pleadings which is material and relevant to the subject matter  
8773 of the suit shall be received against the loser upon any  
8774 criminal investigation or proceeding.

8775 Section 157. Effective October 1, 2014, section 849.32,  
8776 Florida Statutes, is transferred, renumbered as subsection (5)  
8777 of section 849.26, Florida Statutes, and amended to read:

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8778 849.26 Gambling contracts ~~declared void; exception.~~  
8779 ~~849.32 Notice to state attorney; prosecution of suit.~~  
8780 (5) The summons in any such suit, ~~and~~ copies of all  
8781 pleadings and notices of all hearings in the suit, and notice of  
8782 the trial and of application for the entry of final judgment,  
8783 shall be served on the state attorney, who ~~whose duty it shall~~  
8784 ~~be to~~ protect the interests of the state and, if the plaintiff  
8785 fails to diligently prosecute the suit, ~~to~~ bring such failure to  
8786 the attention of the court. If the plaintiff fails to  
8787 effectively prosecute any such suit without collusion or deceit  
8788 and without unnecessary delay, the court shall direct the state  
8789 attorney to proceed with the action. ~~No~~ Such suit may not shall  
8790 be dismissed except upon a sworn statement filed by the  
8791 plaintiff or the state attorney which satisfies the court that  
8792 the suit should be dismissed.

8793 Section 158. Effective October 1, 2014, section 849.33,  
8794 Florida Statutes, is transferred, renumbered as subsection (6)  
8795 of section 849.26, Florida Statutes, and amended to read:

8796 849.26 Gambling contracts ~~declared void; exception.~~  
8797 ~~849.33 Judgment and collection of money; execution.~~

8798 (6) Any judgment recovered in such a suit shall adjudge  
8799 separately the amounts recovered for the use of the state, ~~and~~  
8800 the plaintiff shall not have execution therefor, and such  
8801 amounts may shall not be paid to the plaintiff, but shall be  
8802 payable to the state attorney, who shall promptly transmit the  
8803 sums collected by him or her to the Chief Financial Officer. The

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8804 state attorney shall diligently seek the collection of such  
8805 amounts and may cause a separate execution to issue for the  
8806 collection thereof.

8807 Section 159. Effective October 1, 2014, section 849.34,  
8808 Florida Statutes, is transferred, renumbered as subsection (7)  
8809 of section 849.26, Florida Statutes, and amended to read:

8810 849.26 Gambling contracts ~~declared void; exception.-~~

8811 ~~849.34 Loser's judgment; recovery of property; writ of~~  
8812 ~~assistance.-~~

8813 (7) If the plaintiff in any such suit seeks ~~seek~~ to  
8814 recover property lost, and prevails ~~if the plaintiff shall~~  
8815 ~~prevail~~ as to any such property, he or she shall take judgment  
8816 for the property itself and for the value thereof, the judgment  
8817 as to such property to be satisfied by the recovery of the  
8818 property or of the value thereof. The plaintiff may, at his or  
8819 her option, sue out a separate writ of possession for the  
8820 property and a separate execution for any other moneys and costs  
8821 adjudged in his or her favor, or ~~the plaintiff~~ may sue out an  
8822 execution for the value of the property and any other moneys and  
8823 costs adjudged in his or her favor. If the plaintiff elects  
8824 ~~elect~~ to sue out a writ of possession for the property, and ~~if~~  
8825 ~~the officer shall return that he or she~~ is unable to find the  
8826 ~~property, or any of it,~~ the plaintiff may ~~thereupon~~ sue out  
8827 execution for the value of the property not found. In any  
8828 proceeding to ascertain the value of the property, the value of  
8829 each article shall be found so that judgment for such value may

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8830 be entered.

8831 Section 160. Effective October 1, 2014, section 849.35,  
8832 Florida Statutes, is amended to read:8833 849.35 Seizure and forfeiture of property used in the  
8834 violation of lottery and gambling statutes.-8835 (1) DEFINITIONS.-As used in this section, the term in  
8836 construing ss. 849.36-849.46 and each and every word, phrase, or  
8837 part thereof, where the context permits:8838 (1) The singular includes the plural and vice versa.8839 (2) Gender-specific language includes the other gender and  
8840 neuter.8841 (a)(3) The term "Vessel" includes every description of  
8842 watercraft, vessel, or contrivance used, or capable of being  
8843 used, as a means of transportation in or on water, or in or on  
8844 the water and in the air.8845 (b)(4) The term "Vehicle" includes every description of  
8846 vehicle, carriage, animal, or contrivance used, or capable of  
8847 being used, as a means of transportation on land, in the air, or  
8848 on land and in the air.8849 (c)(5) The term "Gambling paraphernalia" includes every  
8850 description of apparatus, implement, machine, device, or  
8851 contrivance used in, or in connection with, any violation of the  
8852 lottery, gaming, and gambling statutes, and laws of this state,  
8853 except facilities and equipment furnished by a public utility in  
8854 the regular course of business that, and which remain the  
8855 property of such utility while so furnished.

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8856        (d) (6) ~~The term "Lottery ticket" includes shall include~~  
8857 every ticket, token, emblem, card, paper, or other evidence of a  
8858 chance, interest, prize, or share in, or in connection with any  
8859 lottery, game of chance, or hazard or other things in violation  
8860 of the lottery and gambling statutes and laws of this state  
8861 (including bolita, cuba, bond, New York bond, butter and eggs,  
8862 night house, and other like and similar operations, but not  
8863 excluding others). The ~~said term shall~~ also includes include so-  
8864 called "rundown sheets," tally sheets, and all other papers,  
8865 records, instruments, and things designed for use, either  
8866 directly or indirectly, ~~in, or in connection with, the~~ violation  
8867 of the statutes and laws of this state prohibiting lotteries and  
8868 gambling in this state.

8869        Section 161. Effective October 1, 2014, section 849.36,  
8870 Florida Statutes, is transferred, renumbered as subsection (2)  
8871 of section 849.35, Florida Statutes, and amended to read:

8872        849.35 Seizure and forfeiture of property used in the  
8873 violation of lottery and gambling statutes.-

8874        (2) ~~849.36~~ SEIZURE AND FORFEITURE OF PROPERTY ~~used in the~~  
8875 ~~violation of lottery and gambling statutes.-~~

8876        (a) (1) Every vessel or vehicle used for, or in connection  
8877 with, the removal, transportation, storage, deposit, or  
8878 concealment of any lottery tickets, or used in connection with  
8879 any lottery or game in violation of the statutes and laws of  
8880 this state ~~is, shall be~~ subject to seizure and forfeiture, as  
8881 provided by the Florida Contraband Forfeiture Act.

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8882        (b)~~(2)~~ All gambling paraphernalia and lottery tickets ~~as~~  
8883 ~~herein defined~~ used in connection with a lottery, gambling,  
8884 unlawful game of chance, or hazard~~7~~ in violation of the statutes  
8885 and laws of this state~~7~~ found by an officer in searching a  
8886 vessel or vehicle used in the violation of the gambling laws  
8887 shall be safely kept so long as it is necessary for the purpose  
8888 of being used as evidence in any case~~7~~ and as soon as may be  
8889 practicable afterwards, shall be destroyed by order of the court  
8890 before whom the case is brought or certified to any other court  
8891 having jurisdiction, either state or federal.

8892        (c)~~(3)~~ The presence of any lottery ticket in any vessel or  
8893 vehicle owned or being operated by any person charged with a  
8894 violation of the gambling laws of the state~~7~~ shall be prima  
8895 facie evidence that such vessel or vehicle was or is being used  
8896 in connection with a violation of the lottery and gambling  
8897 statutes and laws of this state and as a means of removing,  
8898 transporting, depositing, or concealing lottery tickets and  
8899 shall be sufficient evidence for the seizure of such vessel or  
8900 vehicle.

8901        (d)~~(4)~~ The presence of lottery tickets in any room or  
8902 place, including vessels and vehicles, shall be prima facie  
8903 evidence that such room, place, vessel, or vehicle~~7~~ and all  
8904 gambling paraphernalia apparatus, implements, machines,  
8905 contrivances, or devices therein are, ~~(herein referred to as~~  
8906 ~~"gambling paraphernalia")~~ capable of being used in connection  
8907 with a violation of the lottery and gambling statutes and laws

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8908 of this state and shall be sufficient evidence for the seizure  
8909 of such gambling paraphernalia.

8910 ~~(e)(5) A It shall be the duty of every~~ peace officer in  
8911 this state who finds ~~finding~~ any vessel, vehicle, or gambling  
8912 paraphernalia being used in violation of the statutes and laws  
8913 of this state shall ~~as aforesaid to~~ seize and take possession of  
8914 such property for disposition as ~~hereinafter~~ provided in this  
8915 section. ~~It shall also be the duty of every peace officer~~  
8916 ~~finding any such property being so used, in connection with any~~  
8917 ~~lawful search made by her or him, to seize and take possession~~  
8918 ~~of the same for disposition as hereinafter provided.~~

8919 Section 162. Effective October 1, 2014, section 849.37,  
8920 Florida Statutes, is transferred, renumbered as subsection (3)  
8921 of section 849.35, Florida Statutes, and amended to read:

8922 849.35 Seizure and forfeiture of property used in the  
8923 violation of lottery and gambling statutes.-

8924 (3) 849.37 DISPOSITION AND APPRAISAL OF PROPERTY ~~seized~~  
8925 ~~under this chapter.-~~

8926 (a)(1) A Every peace officer, other than the sheriff, who  
8927 seizes ~~seizing~~ property pursuant to this section ~~the provisions~~  
8928 ~~of ss. 849.36-849.46~~ shall forthwith make return of the seizure  
8929 thereof and deliver the ~~said~~ property to the sheriff of the  
8930 county in which ~~wherein~~ the property ~~same~~ was seized. The ~~said~~  
8931 return to the sheriff shall describe the property seized, and  
8932 give in detail the facts and circumstances under which the  
8933 property ~~same~~ was seized, and state in full the reason ~~why~~ the



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8934 seizing officer knew~~7~~ or was led to believe~~7~~ that the ~~said~~  
8935 property was ~~being~~ used for or in connection with a violation of  
8936 the statutes and laws of this state prohibiting lotteries and  
8937 gambling in this state. The ~~said~~ return shall contain the names  
8938 of all persons, firms, and corporations known to the seizing  
8939 officer to be interested in the seized property.

8940 (b)(2) When property is seized by the sheriff pursuant to  
8941 this chapter, or when property seized by another is delivered to  
8942 the sheriff as provided in paragraph (a) aforesaid, the sheriff  
8943 shall forthwith fix the approximate value thereof and make  
8944 return thereof to the clerk of the circuit court as ~~hereinafter~~  
8945 provided in this section.

8946 (c)(3) The return of the sheriff provided in paragraph (b)  
8947 aforesaid shall describe ~~contain a schedule of~~ the property  
8948 seized, ~~describing the same in reasonable detail and give in~~  
8949 detail the facts and circumstances under which the property ~~it~~  
8950 was seized, and state in full the reason ~~why~~ the seizing officer  
8951 knew or was led to believe that the property was being used for  
8952 or in connection with a violation of the statutes and laws of  
8953 this state prohibiting lotteries or gambling in this state. The  
8954 return shall contain; ~~and a statement of~~ the names of all  
8955 persons, firms, and corporations known to the sheriff to be  
8956 interested in the seized property. ~~;~~ and In cases in which ~~where~~  
8957 the ~~said~~ property was seized by another, the sheriff shall  
8958 attach to his or her ~~said~~ return, as an exhibit thereto, the  
8959 return of the seizing officer to the sheriff ~~him or her~~.

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8960        (d)~~(4)~~ The sheriff shall hold the ~~said~~ property seized  
8961 pending its disposal by the court as ~~hereinafter~~ provided in  
8962 this section.

8963        Section 163. Effective October 1, 2014, section 849.38,  
8964 Florida Statutes, is transferred, renumbered as subsection (4)  
8965 of section 849.35, Florida Statutes, and amended to read:

8966        849.35 Seizure and forfeiture of property used in the  
8967 violation of lottery and gambling statutes.-

8968        (4) ~~849.38~~ PROCEEDINGS FOR FORFEITURE; NOTICE OF SEIZURE  
8969 AND ORDER TO SHOW CAUSE.-

8970        (a)~~(1)~~ The return of the sheriff ~~aforsaid~~ to the clerk of  
8971 the circuit court shall be taken and considered as the state's  
8972 petition or libel in rem for the forfeiture of the property  
8973 therein described, of which the circuit court of the county  
8974 shall have jurisdiction without regard to value. The ~~said~~ return  
8975 shall be sufficient as the state's ~~said~~ petition or libel  
8976 notwithstanding the fact that it may contain no formal prayer or  
8977 demand for forfeiture, it being the intention of the Legislature  
8978 that forfeiture may be decreed without a formal prayer or demand  
8979 therefor. The ~~said~~ return shall be subject to amendment at any  
8980 time before final hearing, provided that copies thereof shall be  
8981 served upon all persons, firms, or corporations that ~~who~~ may  
8982 have filed a claim before ~~prior to~~ such amendment.

8983        (b)~~(2)~~ Upon the filing of the ~~said~~ return, the clerk of  
8984 the circuit court shall issue a citation, directed to all  
8985 persons, firms, and corporations owning, having, or claiming an

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8986 interest in or a lien upon the seized property, giving notice of  
8987 the seizure and directing ~~that~~ all persons, firms, or  
8988 corporations owning, having, or claiming an interest therein or  
8989 lien thereon, ~~to~~ file their claim to, on, or in the said  
8990 property within the time fixed in the said citation, ~~as to~~  
8991 persons, firms, and corporations not personally served, and  
8992 within 20 days from personal service of the said citation, ~~when~~  
8993 personal service is had. Personal service shall be made on all  
8994 parties, ~~in Florida,~~ having liens noted upon a certificate of  
8995 title as shown by the records in the office of the Department of  
8996 Highway Safety and Motor Vehicles.

8997 (c)(3) The ~~said~~ citation must ~~may~~ be ~~in, or~~ substantially  
8998 in, ~~the~~ following form:

8999 IN THE CIRCUIT COURT OF THE .... JUDICIAL CIRCUIT, IN AND FOR  
9000 .... COUNTY, FLORIDA.

9001 IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

9002 (Here describe property)

9003 THE STATE OF FLORIDA TO:

9004 ALL PERSONS, FIRMS, AND CORPORATIONS OWNING, HAVING, OR  
9005 CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

9006 ~~YOU AND EACH OF YOU~~ ARE hereby notified that the above  
9007 described property has been seized, ~~under and by virtue of~~  
9008 chapter ....., Laws of Florida, and is now in the possession of  
9009 the sheriff of this county, and you, ~~and each of you,~~ are hereby  
9010 further notified that a petition, ~~under said chapter,~~ has been  
9011 filed in the Circuit Court of the .... Judicial Circuit, in and

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9012 for .... County, Florida, seeking the forfeiture of the ~~said~~  
9013 property, and you are hereby directed and required to file your  
9014 claim, if any ~~you have~~, and show cause, on or before .....,  
9015 ...(year)..., if not personally served with process herein, and  
9016 within 20 days from personal service if personally served with  
9017 process herein, why the ~~said~~ property should not be forfeited  
9018 pursuant to ~~said~~ chapter ....., Laws of Florida, 1955. Should you  
9019 fail to file claim as herein directed, judgment will be entered  
9020 herein against you in due course. Persons not personally served  
9021 with process may obtain a copy of the petition for forfeiture  
9022 filed herein from the undersigned clerk of court.

9023 WITNESS my hand and the seal of the above mentioned court,  
9024 at .... Florida, this ....., ...(year)....

9025 (COURT SEAL)

9026 ... (Clerk of the above-mentioned Court.)...

9027 By ... (Deputy Clerk)...

9028 ~~(d)-(4)~~ Such citation shall be returnable, as to persons  
9029 served constructively, as therein directed, not less than 21 or  
9030 ~~nor~~ more than 30 days, from the posting or publication thereof,  
9031 and as to personally served with process, within 20 days from  
9032 service thereof. A copy of the petition shall be served with the  
9033 process when personally served. Personal service of process may  
9034 be made in the same manner as a summons in chancery.

9035 ~~(e)-(5)~~ If the value of the property seized is shown by the  
9036 sheriff's return to have an appraised value of \$1,000 or less,  
9037 the above citation shall be served by posting at three public

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9038 places in the county, one of which shall be the front door of  
9039 the courthouse.~~7~~ If the value of the property is shown by the  
9040 sheriff's return to have an approximate value of more than  
9041 \$1,000, the citation shall be published at least once each week  
9042 for 2 consecutive weeks in a ~~some~~ newspaper of general  
9043 circulation ~~publication~~ published in the county, if any exists,  
9044 ~~there be such a newspaper published in the county~~ and if not,  
9045 ~~then said~~ notice of such publication shall be made by  
9046 certificate of the clerk if publication is made by posting, and  
9047 by affidavit as provided in chapter 50~~7~~ if made by publication  
9048 in a newspaper, which affidavit or certificate shall be filed  
9049 and become a part of the record in the cause. Failure of the  
9050 record to show proof of such publication does ~~shall~~ not affect  
9051 any judgment made in the cause unless it ~~shall~~ affirmatively  
9052 appears ~~appear~~ that no such publication was made.

9053 Section 164. Effective October 1, 2014, section 849.39,  
9054 Florida Statutes, is transferred, renumbered as subsection (5)  
9055 of section 849.35, Florida Statutes, and amended to read:

9056 849.35 Seizure and forfeiture of property used in the  
9057 violation of lottery and gambling statutes.-

9058 (5) 849.39 DELIVERY OF PROPERTY TO CLAIMANT.—Any person,  
9059 firm, or corporation filing a claim in the cause, which claim  
9060 shall state fully her or his right, title, claim, or interest~~7~~  
9061 in and to the seized property, may, at any time after the said  
9062 claim is filed with the clerk of the court, obtain possession of  
9063 the seized property by filing a petition therefor with the

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9064 sheriff and posting with her or him, to be approved by her or  
9065 him, a surety bond, payable to the Governor ~~of the state~~ in  
9066 twice the amount of the value of the ~~said~~ property as fixed in  
9067 the sheriff's return to the clerk of the circuit court, with a  
9068 corporate surety duly authorized to transact business in this  
9069 state as surety, conditioned upon her or his paying to the  
9070 sheriff the value of the property together with costs of the  
9071 proceeding, if judgment of forfeiture is ~~be~~ entered by the  
9072 court. Upon the posting of such bond with the sheriff and the  
9073 release of the property to the applicant, the cause shall  
9074 proceed to final judgment ~~in the same manner as if it would have~~  
9075 ~~had~~ no such bond been filed, except that any execution to be  
9076 issued in the cause pursuant to judgment may run against and be  
9077 enforced against the person posting the ~~said~~ bond and the  
9078 person's surety.

9079 Section 165. Effective October 1, 2014, section 849.40,  
9080 Florida Statutes, is transferred, renumbered as subsection (6)  
9081 of section 849.35, Florida Statutes, and amended to read:

9082 849.35 Seizure and forfeiture of property used in the  
9083 violation of lottery and gambling statutes.-

9084 (6)849.40 PROCEEDING WHEN NO CLAIM FILED.—When no claim is  
9085 filed in the cause within the time required, the clerk shall  
9086 enter a default against all persons, firms, and corporations  
9087 owning, claiming, or having an interest in and to the property  
9088 seized. ~~and~~ The cause may then proceed in the same manner as a  
9089 common-law cause after default, and final judgment shall be

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9090 entered therein ex parte, except as may be ~~herein~~ otherwise  
9091 provided in this section.

9092 Section 166. Effective October 1, 2014, section 849.41,  
9093 Florida Statutes, is transferred, renumbered as subsection (7)  
9094 of section 849.35, Florida Statutes, and amended to read:

9095 849.35 Seizure and forfeiture of property used in the  
9096 violation of lottery and gambling statutes.-

9097 (7) ~~849.41~~ PROCEEDING WHEN CLAIM FILED.-When one or more  
9098 claims are filed in the cause, the cause shall be tried upon the  
9099 issues made thereby with the petition for forfeiture with any  
9100 affirmative defenses being deemed denied without further  
9101 pleading. Judgment by default shall be entered against all other  
9102 persons, firms, and corporations owning, claiming, or having an  
9103 interest in and to the property seized, after which the cause  
9104 shall proceed as in other common-law cases, except that any  
9105 claimant shall prove to the satisfaction of the court that he or  
9106 she did not know or have any reason to believe, at the time his  
9107 or her right, title, interest, or lien arose, that the property  
9108 was being used for or in connection with the violation of any of  
9109 the statutes or laws of this state prohibiting lotteries and  
9110 gambling and, further, that at such ~~said~~ time there was no  
9111 reasonable reason to believe that the ~~said~~ property might be  
9112 used for such purpose. Where the owner of the property has been  
9113 convicted of a violation of the statutes and laws of this state  
9114 prohibiting lotteries or gambling, such conviction shall be  
9115 prima facie evidence that each claimant had reason to believe

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9116 that the property might be used for or in connection with a  
9117 violation of such statutes and laws, and it shall be incumbent  
9118 upon such claimant to satisfy the court that he or she was  
9119 without knowledge of such conviction. Trial of all such causes  
9120 shall be without a jury, except in such cases for which ~~as~~ a  
9121 trial by jury is ~~may be~~ guaranteed by the State Constitution,  
9122 and in such cases, trial by jury shall be deemed waived unless  
9123 demanded in the claim filed.

9124 Section 167. Effective October 1, 2014, section 849.42,  
9125 Florida Statutes, is transferred, renumbered as subsection (8)  
9126 of section 849.35, Florida Statutes, and amended to read:

9127 849.35 Seizure and forfeiture of property used in the  
9128 violation of lottery and gambling statutes.-

9129 (8) ~~849.42~~ STATE ATTORNEY TO REPRESENT STATE.—Upon the  
9130 filing of the sheriff's return with the clerk of the circuit  
9131 court, the said clerk shall furnish the state attorney with a  
9132 copy thereof, and the said state attorney shall represent the  
9133 state in the forfeiture proceedings. The Department of Legal  
9134 Affairs shall represent the state in all appeals from judgments  
9135 of forfeiture to the appropriate district court of appeal or  
9136 direct to the Supreme Court when authorized by s. 3, Art. V of  
9137 the State Constitution. The state may appeal any judgment  
9138 denying forfeiture in whole or in part or that may be otherwise  
9139 adverse to the state.

9140 Section 168. Effective October 1, 2014, section 849.43,  
9141 Florida Statutes, is transferred, renumbered as subsection (9)



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9142 of section 849.35, Florida Statutes, and amended to read:

9143 849.35 Seizure and forfeiture of property used in the  
9144 violation of lottery and gambling statutes.—

9145 (9) ~~849.43~~ JUDGMENT OF FORFEITURE.—On final hearing, the  
9146 return of the sheriff to the clerk of the circuit court shall be  
9147 taken as prima facie evidence that the property seized was or  
9148 had been used in~~7~~ or in connection with~~7~~ the violation of the  
9149 statutes and laws of this state prohibiting lotteries and  
9150 gambling in this state and shall be sufficient predicate for a  
9151 judgment of forfeiture in the absence of other proofs and  
9152 evidence. The burden shall be upon the claimants to show that  
9153 the property was not so used or, if so used, that they had no  
9154 knowledge of such violation and no reason to believe that the  
9155 seized property was or would be used for the violation of such  
9156 statutes and laws. Where such property is encumbered by a lien  
9157 or retained title agreement under circumstances wherein the  
9158 lienholder had no knowledge that the property was or would be  
9159 used in violating such statutes and laws~~7~~ and no reasonable  
9160 reason to believe that it might be so used, ~~then~~ the court may  
9161 declare a forfeiture of all other rights, titles, and interests,  
9162 subject, however, to the lien of such innocent lienholder, or  
9163 may direct the payment of such lien from the proceeds of any  
9164 sale of the ~~said~~ property. The proceedings and the judgment of  
9165 forfeiture shall be in rem and shall be primarily against the  
9166 property itself. Upon the entry of a judgment of forfeiture, the  
9167 court shall determine the disposition to be made of the

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9168 property, which may include the destruction thereof, the sale  
9169 thereof, the allocation thereof to some governmental function or  
9170 use, or otherwise as the court may determine. Sales of such  
9171 property shall be at public sale to the highest and best bidder  
9172 therefor for cash after 2 weeks' public notice as the court may  
9173 direct. Where the property has been delivered to a claimant upon  
9174 the posting of a bond, the court shall determine the value of  
9175 the property or portion thereof subject to forfeiture and shall  
9176 enter judgment against the principal and surety of the bond in  
9177 such amount for which execution shall issue in the usual manner.  
9178 Upon the application of any claimant, the court may fix the  
9179 value of the forfeitable interest or interests in the seized  
9180 property and permit such claimant to redeem the ~~said~~ property  
9181 upon the payment of a sum equal to such ~~said~~ value, which sum  
9182 shall be disposed of as would the proceeds of a sale of the ~~said~~  
9183 property under a judgment of forfeiture.

9184 Section 169. Effective October 1, 2014, section 849.44,  
9185 Florida Statutes, is transferred, renumbered as subsection (10)  
9186 of section 849.35, Florida Statutes, and amended to read:

9187 849.35 Seizure and forfeiture of property used in the  
9188 violation of lottery and gambling statutes.—

9189 (10) 849.44 DISPOSITION OF PROCEEDS OF FORFEITURE.—All  
9190 sums received from a sale or other disposition of the seized  
9191 property shall be paid into the county fine and forfeiture fund.  
9192 ~~and shall become a part thereof; provided,~~ However, that in  
9193 instances where the seizure is by a municipal police officer

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9194 within the limits of any municipality having an ordinance  
9195 requiring such vehicles, vessels, or conveyances to be  
9196 forfeited, the city attorney shall act in behalf of the city in  
9197 lieu of the state attorney and shall proceed to forfeit the  
9198 property as ~~herein~~ provided in this section, and all sums  
9199 received therefrom shall go into the general operating fund of  
9200 the city.

9201 Section 170. Effective October 1, 2014, section 849.45,  
9202 Florida Statutes, is transferred, renumbered as subsection (11)  
9203 of section 849.35, Florida Statutes, and amended to read:

9204 849.35 Seizure and forfeiture of property used in the  
9205 violation of lottery and gambling statutes.-

9206 (11) 849.45 FEES FOR SERVICES.-Fees for services required  
9207 under this section ~~hereunder~~ shall be the same as provided for  
9208 sheriffs and clerks for ~~like and~~ similar services in other cases  
9209 and matters.

9210 Section 171. Effective October 1, 2014, section 849.46,  
9211 Florida Statutes, is transferred, renumbered as subsection (12)  
9212 of section 849.35, Florida Statutes, and amended to read:

9213 849.35 Seizure and forfeiture of property used in the  
9214 violation of lottery and gambling statutes.-

9215 (12) 849.46 EXERCISE OF POLICE POWER.-~~It is deemed by~~ The  
9216 Legislature finds that this chapter is necessary for the more  
9217 efficient and proper enforcement of the statutes and laws of  
9218 this state prohibiting lotteries and gambling, and a lawful  
9219 exercise of the police power of the state for the protection of

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9220 the public welfare, health, safety, and morals of the people of  
9221 the state. ~~All the provisions of~~ This chapter shall be liberally  
9222 construed for the accomplishment of these purposes.

9223 Section 172. Effective October 1, 2014, section 849.47,  
9224 Florida Statutes, is created to read:

9225 849.47 Enforcement of chapter.-

9226 (1) The Department of Gaming Control and the Gaming  
9227 Control Commission are authorized to take all appropriate action  
9228 to enforce this chapter and to cooperate with all agencies  
9229 charged with the enforcement of the laws of the United States,  
9230 this state, and all other states relating to prohibited  
9231 gambling.

9232 (2) The Department of Gaming Control and the Gaming  
9233 Control Commission, and law enforcement officers whose duty it  
9234 is to enforce this chapter, may administer oaths in connection  
9235 with their official duties, and any person making a material  
9236 false statement under oath before them shall be deemed guilty of  
9237 perjury and subject to the same punishment as prescribed for  
9238 perjury.

9239 Section 173. The Gaming Control Commission is directed to  
9240 conduct a study of greyhound racing in the state, including the  
9241 current tax and purse structures and safety. The study should  
9242 consider practices in competing markets within and outside the  
9243 state and recommend changes to simplify the tax and purse  
9244 structures, ensure licensure fees are sufficient to cover the  
9245 cost of regulation and promote safety. The commission shall

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9246 submit the findings and recommendations of the study to the  
9247 President of the Senate, the Speaker of the House of  
9248 Representatives, and the Executive Office of the Governor by  
9249 December 1, 2015.

9250 Section 174. The Gaming Control Commission is directed to  
9251 conduct a study of the usage of medication in horseracing. The  
9252 study shall include an assessment of the current drug testing  
9253 program, the types of medications used in horseracing, the types  
9254 of drug tests commonly used in the horseracing industry and the  
9255 sensitivity and costs of these tests. The study should consider  
9256 practices in competing markets within and outside the state and  
9257 recommend changes to enhance the state's drug testing program.  
9258 The commission shall submit the findings and recommendations of  
9259 the study to the President of the Senate, the Speaker of the  
9260 House of Representatives, and the Executive Office of the  
9261 Governor by December 1, 2015.

9262 Section 175. Effective October 1, 2014, paragraph (u) of  
9263 subsection (3) of section 11.45, Florida Statutes, is amended to  
9264 read:

9265 11.45 Definitions; duties; authorities; reports; rules.—

9266 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
9267 Auditor General may, pursuant to his or her own authority, or at  
9268 the direction of the Legislative Auditing Committee, conduct  
9269 audits or other engagements as determined appropriate by the  
9270 Auditor General of:

9271 (u) The books and records of any permitholder that

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9272 conducts race meetings or jai alai exhibitions under part II of  
9273 chapter 551 ~~550~~.

9274 Section 176. Effective October 1, 2014, paragraph (a) of  
9275 subsection (1) and paragraph (b) of subsection (2) of section  
9276 72.011, Florida Statutes, are amended to read:

9277 72.011 Jurisdiction of circuit courts in specific tax  
9278 matters; administrative hearings and appeals; time for  
9279 commencing action; parties; deposits.—

9280 (1) (a) A taxpayer may contest the legality of any  
9281 assessment or denial of refund of tax, fee, surcharge, permit,  
9282 interest, or penalty provided for under s. 125.0104, s.  
9283 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,  
9284 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,  
9285 chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter  
9286 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25,  
9287 part II of chapter 551 ~~550~~, chapter 561, chapter 562, chapter  
9288 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by  
9289 filing an action in circuit court; or, alternatively, the  
9290 taxpayer may file a petition under the applicable provisions of  
9291 chapter 120. However, once an action has been initiated under s.  
9292 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b),  
9293 no action relating to the same subject matter may be filed by  
9294 the taxpayer in circuit court, and judicial review shall be  
9295 exclusively limited to appellate review pursuant to s. 120.68;  
9296 and once an action has been initiated in circuit court, no  
9297 action may be brought under chapter 120.

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- 9298 (2)
- 9299 (b) The date on which an assessment or a denial of refund  
9300 becomes final and procedures by which a taxpayer must be  
9301 notified of the assessment or of the denial of refund must be  
9302 established:
- 9303 1. By rule adopted by the Department of Revenue;
- 9304 2. With respect to assessments or refund denials under  
9305 chapter 207, by rule adopted by the Department of Highway Safety  
9306 and Motor Vehicles;
- 9307 3. With respect to assessments or refund denials under  
9308 chapters 210, ~~550~~, 561, 562, 563, 564, and 565, by rule adopted  
9309 by the Department of Business and Professional Regulation; ~~or~~
- 9310 4. With respect to taxes that a county collects or  
9311 enforces under s. 125.0104(10) or s. 212.0305(5), by an  
9312 ordinance that may additionally provide for informal dispute  
9313 resolution procedures in accordance with s. 213.21; or
- 9314 5. With respect to assessments or refund denials under  
9315 part II of chapter 551, by rule adopted by the Department of  
9316 Gaming Control.
- 9317 Section 177. Effective October 1, 2014, subsection (1) of  
9318 section 72.031, Florida Statutes, is amended to read:
- 9319 72.031 Actions under s. 72.011(1); parties; service of  
9320 process.—
- 9321 (1) In any action brought in circuit court pursuant to s.  
9322 72.011(1), the person initiating the action shall be the  
9323 plaintiff and the Department of Revenue shall be the defendant,

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9324 except that for actions contesting an assessment or denial of  
9325 refund under chapter 207 the Department of Highway Safety and  
9326 Motor Vehicles shall be the defendant, for actions contesting an  
9327 assessment or denial of refund under chapters 210, ~~550~~, 561,  
9328 562, 563, 564, and 565 the Department of Business and  
9329 Professional Regulation shall be the defendant, and for actions  
9330 contesting an assessment or denial of refund of a tax imposed  
9331 under s. 125.0104 or s. 212.0305 by a county that has elected  
9332 under s. 125.0104(10) or s. 212.0305(5), respectively, to  
9333 administer the tax, the defendant shall be the county and the  
9334 Department of Revenue. It shall not be necessary for the  
9335 Governor and Cabinet, constituting the Department of Revenue, to  
9336 be named as party defendants or named separately as individual  
9337 parties; nor shall it be necessary for the executive director of  
9338 the department to be named as an individual party.

9339 Section 178. Effective October 1, 2014, subsection (1) of  
9340 section 196.183, Florida Statutes, is amended to read:

9341 196.183 Exemption for tangible personal property.—

9342 (1) Each tangible personal property tax return is eligible  
9343 for an exemption from ad valorem taxation of up to \$25,000 of  
9344 assessed value. A single return must be filed for each site in  
9345 the county where the owner of tangible personal property  
9346 transacts business. Owners of freestanding property placed at  
9347 multiple sites, other than sites where the owner transacts  
9348 business, must file a single return, including all such property  
9349 located in the county. Freestanding property placed at multiple



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9350 sites includes vending machines and amusement games or machines,  
9351 LP/propane tanks, utility and cable company property,  
9352 billboards, leased equipment, and similar property that is not  
9353 customarily located in the offices, stores, or plants of the  
9354 owner, but is placed throughout the county. Railroads, private  
9355 carriers, and other companies assessed pursuant to s. 193.085  
9356 shall be allowed one \$25,000 exemption for each county to which  
9357 the value of their property is allocated. The \$25,000 exemption  
9358 for freestanding property placed at multiple locations and for  
9359 centrally assessed property shall be allocated to each taxing  
9360 authority based on the proportion of just value of such property  
9361 located in the taxing authority; however, the amount of the  
9362 exemption allocated to each taxing authority may not change  
9363 following the extension of the tax roll pursuant to s. 193.122.

9364 Section 179. Effective October 1, 2014, section 205.0537,  
9365 Florida Statutes, is amended to read:

9366 205.0537 Vending machines and amusement games or  
9367 machines.—The business premises where a coin-operated or token-  
9368 operated vending machine that dispenses products, merchandise,  
9369 or services or where an amusement ~~or~~ game or machine is operated  
9370 must assure that any required municipal or county business tax  
9371 receipt for the machine is secured. The term "vending machine"  
9372 does not include coin-operated telephone sets owned by persons  
9373 who are in the business of providing local exchange telephone  
9374 service and who pay the business tax under the category  
9375 designated for telephone companies in the municipality or county

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9376 or a pay telephone service provider certified pursuant to s.  
9377 364.3375. The business tax for vending machines and amusement  
9378 games or machines must be assessed based on the highest number  
9379 of machines located on the business premises on any single day  
9380 during the previous receipted year or, in the case of new  
9381 businesses, be based on an estimate for the current year.  
9382 Replacement of one vending machine with another machine during a  
9383 receipted year does not affect the tax assessment for that year,  
9384 unless the replacement machine belongs to a business tax  
9385 classification that requires a higher tax rate. For the first  
9386 year in which a municipality or county assesses a business tax  
9387 on vending machines, each business owning machines located in  
9388 the municipality or county must notify the municipality or  
9389 county, upon request, of the location of such machines. Each  
9390 business owning machines must provide notice of the provisions  
9391 of this section to each affected business premises where the  
9392 machines are located. The business premises must secure the  
9393 receipt if it is not otherwise secured.

9394 Section 180. Effective October 1, 2014, subsection (24) of  
9395 section 212.02, Florida Statutes, is amended to read:

9396 212.02 Definitions.—The following terms and phrases when  
9397 used in this chapter have the meanings ascribed to them in this  
9398 section, except where the context clearly indicates a different  
9399 meaning:

9400 (24) "~~Coin-operated~~ Amusement game or machine" means any  
9401 machine operated by coin, currency, slug, token, coupon, card,

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9402 or similar device for the purposes of entertainment or  
9403 amusement. The term includes, but is not limited to, ~~coin-~~  
9404 ~~operated~~ pinball machines, music machines, juke boxes,  
9405 mechanical games, video games, arcade games, billiard tables,  
9406 moving picture viewers, shooting galleries, and all other  
9407 similar amusement devices.

9408 Section 181. Effective October 1, 2014, paragraph (a) of  
9409 subsection (1) of section 212.031, Florida Statutes, is amended  
9410 to read:

9411 212.031 Tax on rental or license fee for use of real  
9412 property.—

9413 (1) (a) It is declared to be the legislative intent that  
9414 every person is exercising a taxable privilege who engages in  
9415 the business of renting, leasing, letting, or granting a license  
9416 for the use of any real property unless such property is:

9417 1. Assessed as agricultural property under s. 193.461.  
9418 2. Used exclusively as dwelling units.  
9419 3. Property subject to tax on parking, docking, or storage  
9420 spaces under s. 212.03(6).

9421 4. Recreational property or the common elements of a  
9422 condominium when subject to a lease between the developer or  
9423 owner thereof and the condominium association in its own right  
9424 or as agent for the owners of individual condominium units or  
9425 the owners of individual condominium units. However, only the  
9426 lease payments on such property shall be exempt from the tax  
9427 imposed by this chapter, and any other use made by the owner or

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9428 the condominium association shall be fully taxable under this  
9429 chapter.

9430 5. A public or private street or right-of-way and poles,  
9431 conduits, fixtures, and similar improvements located on such  
9432 streets or rights-of-way, occupied or used by a utility or  
9433 provider of communications services, as defined by s. 202.11,  
9434 for utility or communications or television purposes. For  
9435 purposes of this subparagraph, the term "utility" means any  
9436 person providing utility services as defined in s. 203.012. This  
9437 exception also applies to property, wherever located, on which  
9438 the following are placed: towers, antennas, cables, accessory  
9439 structures, or equipment, not including switching equipment,  
9440 used in the provision of mobile communications services as  
9441 defined in s. 202.11. For purposes of this chapter, towers used  
9442 in the provision of mobile communications services, as defined  
9443 in s. 202.11, are considered to be fixtures.

9444 6. A public street or road which is used for  
9445 transportation purposes.

9446 7. Property used at an airport exclusively for the purpose  
9447 of aircraft landing or aircraft taxiing or property used by an  
9448 airline for the purpose of loading or unloading passengers or  
9449 property onto or from aircraft or for fueling aircraft.

9450 8.a. Property used at a port authority, as defined in s.  
9451 315.02(2), exclusively for the purpose of oceangoing vessels or  
9452 tugs docking, or such vessels mooring on property used by a port  
9453 authority for the purpose of loading or unloading passengers or

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9454 cargo onto or from such a vessel, or property used at a port  
9455 authority for fueling such vessels, or to the extent that the  
9456 amount paid for the use of any property at the port is based on  
9457 the charge for the amount of tonnage actually imported or  
9458 exported through the port by a tenant.

9459 b. The amount charged for the use of any property at the  
9460 port in excess of the amount charged for tonnage actually  
9461 imported or exported shall remain subject to tax except as  
9462 provided in sub-subparagraph a.

9463 9. Property used as an integral part of the performance of  
9464 qualified production services. As used in this subparagraph, the  
9465 term "qualified production services" means any activity or  
9466 service performed directly in connection with the production of  
9467 a qualified motion picture, as defined in s. 212.06(1)(b), and  
9468 includes:

9469 a. Photography, sound and recording, casting, location  
9470 managing and scouting, shooting, creation of special and optical  
9471 effects, animation, adaptation (language, media, electronic, or  
9472 otherwise), technological modifications, computer graphics, set  
9473 and stage support (such as electricians, lighting designers and  
9474 operators, greensmen, prop managers and assistants, and grips),  
9475 wardrobe (design, preparation, and management), hair and makeup  
9476 (design, production, and application), performing (such as  
9477 acting, dancing, and playing), designing and executing stunts,  
9478 coaching, consulting, writing, scoring, composing,  
9479 choreographing, script supervising, directing, producing,

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9480 transmitting dailies, dubbing, mixing, editing, cutting,  
9481 looping, printing, processing, duplicating, storing, and  
9482 distributing;

9483       b. The design, planning, engineering, construction,  
9484 alteration, repair, and maintenance of real or personal property  
9485 including stages, sets, props, models, paintings, and facilities  
9486 principally required for the performance of those services  
9487 listed in sub-subparagraph a.; and

9488       c. Property management services directly related to  
9489 property used in connection with the services described in sub-  
9490 subparagraphs a. and b.

9491  
9492 This exemption will inure to the taxpayer upon presentation of  
9493 the certificate of exemption issued to the taxpayer under the  
9494 provisions of s. 288.1258.

9495       10. Leased, subleased, licensed, or rented to a person  
9496 providing food and drink concessionaire services within the  
9497 premises of a convention hall, exhibition hall, auditorium,  
9498 stadium, theater, arena, civic center, performing arts center,  
9499 publicly owned recreational facility, or any business operated  
9500 under a permit issued pursuant to part II of chapter 551 550. A  
9501 person providing retail concessionaire services involving the  
9502 sale of food and drink or other tangible personal property  
9503 within the premises of an airport shall be subject to tax on the  
9504 rental of real property used for that purpose, but shall not be  
9505 subject to the tax on any license to use the property. For

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9506 purposes of this subparagraph, the term "sale" shall not include  
9507 the leasing of tangible personal property.

9508 11. Property occupied pursuant to an instrument calling  
9509 for payments which the department has declared, in a Technical  
9510 Assistance Advisement issued on or before March 15, 1993, to be  
9511 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
9512 Administrative Code; provided that this subparagraph shall only  
9513 apply to property occupied by the same person before and after  
9514 the execution of the subject instrument and only to those  
9515 payments made pursuant to such instrument, exclusive of renewals  
9516 and extensions thereof occurring after March 15, 1993.

9517 12. Property used or occupied predominantly for space  
9518 flight business purposes. As used in this subparagraph, "space  
9519 flight business" means the manufacturing, processing, or  
9520 assembly of a space facility, space propulsion system, space  
9521 vehicle, satellite, or station of any kind possessing the  
9522 capacity for space flight, as defined by s. 212.02(23), or  
9523 components thereof, and also means the following activities  
9524 supporting space flight: vehicle launch activities, flight  
9525 operations, ground control or ground support, and all  
9526 administrative activities directly related thereto. Property  
9527 shall be deemed to be used or occupied predominantly for space  
9528 flight business purposes if more than 50 percent of the  
9529 property, or improvements thereon, is used for one or more space  
9530 flight business purposes. Possession by a landlord, lessor, or  
9531 licensor of a signed written statement from the tenant, lessee,

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9532 or licensee claiming the exemption shall relieve the landlord,  
9533 lessor, or licensor from the responsibility of collecting the  
9534 tax, and the department shall look solely to the tenant, lessee,  
9535 or licensee for recovery of such tax if it determines that the  
9536 exemption was not applicable.

9537 13. Rented, leased, subleased, or licensed to a person  
9538 providing telecommunications, data systems management, or  
9539 Internet services at a publicly or privately owned convention  
9540 hall, civic center, or meeting space at a public lodging  
9541 establishment as defined in s. 509.013. This subparagraph  
9542 applies only to that portion of the rental, lease, or license  
9543 payment that is based upon a percentage of sales, revenue  
9544 sharing, or royalty payments and not based upon a fixed price.  
9545 This subparagraph is intended to be clarifying and remedial in  
9546 nature and shall apply retroactively. This subparagraph does not  
9547 provide a basis for an assessment of any tax not paid, or create  
9548 a right to a refund of any tax paid, pursuant to this section  
9549 before July 1, 2010.

9550 Section 182. Effective October 1, 2014, paragraph (c) of  
9551 subsection (2) of section 212.04, Florida Statutes, is amended  
9552 to read:

9553 212.04 Admissions tax; rate, procedure, enforcement.—

9554 (2)

9555 (c) The taxes imposed by this section shall be collected  
9556 in addition to the admission tax collected pursuant to part II  
9557 of chapter 551 s. 550.0951, but the amount collected under part



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9558 II of chapter 551 is s. 550.0951 shall not be subject to  
9559 taxation under this chapter.

9560 Section 183. Effective October 1, 2014, paragraph (h) of  
9561 subsection (1) of section 212.05, Florida Statutes, is amended  
9562 to read:

9563 212.05 Sales, storage, use tax.—It is hereby declared to  
9564 be the legislative intent that every person is exercising a  
9565 taxable privilege who engages in the business of selling  
9566 tangible personal property at retail in this state, including  
9567 the business of making mail order sales, or who rents or  
9568 furnishes any of the things or services taxable under this  
9569 chapter, or who stores for use or consumption in this state any  
9570 item or article of tangible personal property as defined herein  
9571 and who leases or rents such property within the state.

9572 (1) For the exercise of such privilege, a tax is levied on  
9573 each taxable transaction or incident, which tax is due and  
9574 payable as follows:

9575 (h)1. A tax is imposed at the rate of 4 percent on the  
9576 charges for the use of ~~coin-operated~~ amusement games or  
9577 machines. The tax shall be calculated by dividing the gross  
9578 receipts from such charges for the applicable reporting period  
9579 by a divisor, determined as provided in this subparagraph, to  
9580 compute gross taxable sales, and then subtracting gross taxable  
9581 sales from gross receipts to arrive at the amount of tax due.  
9582 For counties that do not impose a discretionary sales surtax,  
9583 the divisor is equal to 1.04; for counties that impose a 0.5

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9584 percent discretionary sales surtax, the divisor is equal to  
9585 1.045; for counties that impose a 1 percent discretionary sales  
9586 surtax, the divisor is equal to 1.050; and for counties that  
9587 impose a 2 percent sales surtax, the divisor is equal to 1.060.  
9588 If a county imposes a discretionary sales surtax that is not  
9589 listed in this subparagraph, the department shall make the  
9590 applicable divisor available in an electronic format or  
9591 otherwise. Additional divisors shall bear the same mathematical  
9592 relationship to the next higher and next lower divisors as the  
9593 new surtax rate bears to the next higher and next lower surtax  
9594 rates for which divisors have been established. When a game or  
9595 machine is activated by a slug, token, coupon, or any similar  
9596 device which has been purchased, the tax is on the price paid by  
9597 the user of the device for such device.

9598 2. As used in this paragraph, the term "operator" means  
9599 any person who possesses an ~~a coin-operated~~ amusement game or  
9600 machine for the purpose of generating sales through that game or  
9601 machine and who is responsible for removing the receipts from  
9602 the game or machine.

9603 a. If the owner of the game or machine is also the  
9604 operator of it, he or she shall be liable for payment of the tax  
9605 without any deduction for rent or a license fee paid to a  
9606 location owner for the use of any real property on which the  
9607 game or machine is located.

9608 b. If the owner or lessee of the game or machine is also  
9609 its operator, he or she shall be liable for payment of the tax

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9610 on the purchase or lease of the game or machine, as well as the  
9611 tax on sales generated through the game or machine.

9612 c. If the proprietor of the business where the game or  
9613 machine is located does not own the game or machine, he or she  
9614 shall be deemed to be the lessee and operator of the game or  
9615 machine and is responsible for the payment of the tax on sales,  
9616 unless such responsibility is otherwise provided for in a  
9617 written agreement between him or her and the game or machine  
9618 owner.

9619 3.a. An operator of an a-coin-operated amusement game or  
9620 machine may not operate or cause to be operated in this state  
9621 any such game or machine until the operator has registered with  
9622 the department and has conspicuously displayed an identifying  
9623 certificate issued by the department. The identifying  
9624 certificate shall be issued by the department upon application  
9625 from the operator. The identifying certificate shall include a  
9626 unique number, and the certificate shall be permanently marked  
9627 with the operator's name, the operator's sales tax number, and  
9628 the maximum number of games or machines to be operated under the  
9629 certificate. An identifying certificate shall not be transferred  
9630 from one operator to another. The identifying certificate must  
9631 be conspicuously displayed on the premises where the ~~coin-~~  
9632 ~~operated~~ amusement games or machines are being operated.

9633 b. The operator of the game or machine must obtain an  
9634 identifying certificate before the game or machine is first  
9635 operated in the state and by July 1 of each year thereafter. The

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9636 annual fee for each certificate shall be based on the number of  
9637 games or machines identified on the application times \$30 and is  
9638 due and payable upon application for the identifying device. The  
9639 application shall contain the operator's name, sales tax number,  
9640 business address where the games or machines are being operated,  
9641 and the number of games or machines in operation at that place  
9642 of business by the operator. An ~~No~~ operator may not operate more  
9643 games or machines than are listed on the certificate. A new  
9644 certificate is required if more games or machines are being  
9645 operated at that location than are listed on the certificate.  
9646 The fee for the new certificate shall be based on the number of  
9647 additional games or machines identified on the application form  
9648 times \$30.

9649 c. A penalty of \$250 per game or machine is imposed on the  
9650 operator for failing to properly obtain and display the required  
9651 identifying certificate. A penalty of \$250 is imposed on the  
9652 lessee of any game or machine placed in a place of business  
9653 without a proper current identifying certificate. Such penalties  
9654 shall apply in addition to all other applicable taxes, interest,  
9655 and penalties.

9656 d. Operators of ~~coin-operated~~ amusement games or machines  
9657 must obtain a separate sales and use tax certificate of  
9658 registration for each county in which such games or machines are  
9659 located. One sales and use tax certificate of registration is  
9660 sufficient for all of the operator's games or machines within a  
9661 single county.

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9662 4. ~~The provisions of~~ This paragraph does ~~de~~ not apply to  
9663 ~~coin-operated~~ amusement games or machines owned and operated by  
9664 churches or synagogues.

9665 5. In addition to any other penalties imposed by this  
9666 chapter, a person who knowingly and willfully violates ~~any~~  
9667 ~~provision of~~ this paragraph commits a misdemeanor of the second  
9668 degree, punishable as provided in s. 775.082 or s. 775.083.

9669 6. The department may adopt rules necessary to administer  
9670 ~~the provisions of~~ this paragraph.

9671 Section 184. Effective October 1, 2014, paragraph (1) of  
9672 subsection (3) of section 212.054, Florida Statutes, is amended  
9673 to read:

9674 212.054 Discretionary sales surtax; limitations,  
9675 administration, and collection.—

9676 (3) For the purpose of this section, a transaction shall  
9677 be deemed to have occurred in a county imposing the surtax when:

9678 (1) The ~~coin-operated~~ amusement game or machine or vending  
9679 machine is located in the county.

9680 Section 185. Effective October 1, 2014, paragraph (b) of  
9681 subsection (1) of section 212.12, Florida Statutes, is amended  
9682 to read:

9683 212.12 Dealer's credit for collecting tax; penalties for  
9684 noncompliance; powers of Department of Revenue in dealing with  
9685 delinquents; brackets applicable to taxable transactions;  
9686 records required.—

9687 (1)

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9688 (b) The Department of Revenue may deny the collection  
9689 allowance if a taxpayer files an incomplete return or if the  
9690 required tax return or tax is delinquent at the time of payment.

9691 1. An "incomplete return" is, for purposes of this  
9692 chapter, a return which is lacking such uniformity,  
9693 completeness, and arrangement that the physical handling,  
9694 verification, review of the return, or determination of other  
9695 taxes and fees reported on the return may not be readily  
9696 accomplished.

9697 2. The department shall adopt rules requiring such  
9698 information as it may deem necessary to ensure that the tax  
9699 levied hereunder is properly collected, reviewed, compiled,  
9700 reported, and enforced, including, but not limited to: the  
9701 amount of gross sales; the amount of taxable sales; the amount  
9702 of tax collected or due; the amount of lawful refunds,  
9703 deductions, or credits claimed; the amount claimed as the  
9704 dealer's collection allowance; the amount of penalty and  
9705 interest; the amount due with the return; and such other  
9706 information as the Department of Revenue may specify. The  
9707 department shall require that transient rentals and agricultural  
9708 equipment transactions be separately shown. Sales made through  
9709 vending machines as defined in s. 212.0515 must be separately  
9710 shown on the return. Sales made through ~~coin-operated~~ amusement  
9711 games or machines as defined by s. 212.02 and the number of  
9712 machines operated must be separately shown on the return or on a  
9713 form prescribed by the department. If a separate form is

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9714 required, the same penalties for late filing, incomplete filing,  
9715 or failure to file as provided for the sales tax return shall  
9716 apply to the form.

9717 Section 186. Effective October 1, 2014, paragraph (d) of  
9718 subsection (6) of section 212.20, Florida Statutes, is amended  
9719 to read:

9720 212.20 Funds collected, disposition; additional powers of  
9721 department; operational expense; refund of taxes adjudicated  
9722 unconstitutionally collected.—

9723 (6) Distribution of all proceeds under this chapter and s.  
9724 202.18(1)(b) and (2)(b) shall be as follows:

9725 (d) The proceeds of all other taxes and fees imposed  
9726 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
9727 and (2)(b) shall be distributed as follows:

9728 1. In any fiscal year, the greater of \$500 million, minus  
9729 an amount equal to 4.6 percent of the proceeds of the taxes  
9730 collected pursuant to chapter 201, or 5.2 percent of all other  
9731 taxes and fees imposed pursuant to this chapter or remitted  
9732 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
9733 monthly installments into the General Revenue Fund.

9734 2. After the distribution under subparagraph 1., 8.814  
9735 percent of the amount remitted by a sales tax dealer located  
9736 within a participating county pursuant to s. 218.61 shall be  
9737 transferred into the Local Government Half-cent Sales Tax  
9738 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
9739 transferred shall be reduced by 0.1 percent, and the department

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9740 shall distribute this amount to the Public Employees Relations  
9741 Commission Trust Fund less \$5,000 each month, which shall be  
9742 added to the amount calculated in subparagraph 3. and  
9743 distributed accordingly.

9744 3. After the distribution under subparagraphs 1. and 2.,  
9745 0.095 percent shall be transferred to the Local Government Half-  
9746 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
9747 s. 218.65.

9748 4. After the distributions under subparagraphs 1., 2., and  
9749 3., 2.0440 percent of the available proceeds shall be  
9750 transferred monthly to the Revenue Sharing Trust Fund for  
9751 Counties pursuant to s. 218.215.

9752 5. After the distributions under subparagraphs 1., 2., and  
9753 3., 1.3409 percent of the available proceeds shall be  
9754 transferred monthly to the Revenue Sharing Trust Fund for  
9755 Municipalities pursuant to s. 218.215. If the total revenue to  
9756 be distributed pursuant to this subparagraph is at least as  
9757 great as the amount due from the Revenue Sharing Trust Fund for  
9758 Municipalities and the former Municipal Financial Assistance  
9759 Trust Fund in state fiscal year 1999-2000, no municipality shall  
9760 receive less than the amount due from the Revenue Sharing Trust  
9761 Fund for Municipalities and the former Municipal Financial  
9762 Assistance Trust Fund in state fiscal year 1999-2000. If the  
9763 total proceeds to be distributed are less than the amount  
9764 received in combination from the Revenue Sharing Trust Fund for  
9765 Municipalities and the former Municipal Financial Assistance



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9766 Trust Fund in state fiscal year 1999-2000, each municipality  
9767 shall receive an amount proportionate to the amount it was due  
9768 in state fiscal year 1999-2000.

9769 6. Of the remaining proceeds:

9770 a. In each fiscal year, the sum of \$29,915,500 shall be  
9771 divided into as many equal parts as there are counties in the  
9772 state, and one part shall be distributed to each county. The  
9773 distribution among the several counties must begin each fiscal  
9774 year on or before January 5th and continue monthly for a total  
9775 of 4 months. If a local or special law required that any moneys  
9776 accruing to a county in fiscal year 1999-2000 under the then-  
9777 existing provisions of s. 551.035 ~~s. 550.135~~ be paid directly to  
9778 the district school board, special district, or a municipal  
9779 government, such payment must continue until the local or  
9780 special law is amended or repealed. The state covenants with  
9781 holders of bonds or other instruments of indebtedness issued by  
9782 local governments, special districts, or district school boards  
9783 before July 1, 2000, that it is not the intent of this  
9784 subparagraph to adversely affect the rights of those holders or  
9785 relieve local governments, special districts, or district school  
9786 boards of the duty to meet their obligations as a result of  
9787 previous pledges or assignments or trusts entered into which  
9788 obligated funds received from the distribution to county  
9789 governments under then-existing s. 551.035 ~~s. 550.135~~. This  
9790 distribution specifically is in lieu of funds distributed under  
9791 s. 551.035 ~~s. 550.135~~ before July 1, 2000.

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9792           b. The department shall distribute \$166,667 monthly  
9793 pursuant to s. 288.1162 to each applicant certified as a  
9794 facility for a new or retained professional sports franchise  
9795 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
9796 monthly by the department to each certified applicant as defined  
9797 in s. 288.11621 for a facility for a spring training franchise.  
9798 However, not more than \$416,670 may be distributed monthly in  
9799 the aggregate to all certified applicants for facilities for  
9800 spring training franchises. Distributions begin 60 days after  
9801 such certification and continue for not more than 30 years,  
9802 except as otherwise provided in s. 288.11621. A certified  
9803 applicant identified in this sub-subparagraph may not receive  
9804 more in distributions than expended by the applicant for the  
9805 public purposes provided for in s. 288.1162(5) or s.  
9806 288.11621(3).

9807           c. Beginning 30 days after notice by the Department of  
9808 Economic Opportunity to the Department of Revenue that an  
9809 applicant has been certified as the professional golf hall of  
9810 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
9811 shall be distributed monthly, for up to 300 months, to the  
9812 applicant.

9813           d. Beginning 30 days after notice by the Department of  
9814 Economic Opportunity to the Department of Revenue that the  
9815 applicant has been certified as the International Game Fish  
9816 Association World Center facility pursuant to s. 288.1169, and  
9817 the facility is open to the public, \$83,333 shall be distributed

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9818 monthly, for up to 168 months, to the applicant. This  
9819 distribution is subject to reduction pursuant to s. 288.1169. A  
9820 lump sum payment of \$999,996 shall be made, after certification  
9821 and before July 1, 2000.

9822 e. The department shall distribute up to \$55,555 monthly  
9823 to each certified applicant as defined in s. 288.11631 for a  
9824 facility used by a single spring training franchise, or up to  
9825 \$111,110 monthly to each certified applicant as defined in s.  
9826 288.11631 for a facility used by more than one spring training  
9827 franchise. Monthly distributions begin 60 days after such  
9828 certification or July 1, 2016, whichever is later, and continue  
9829 for not more than 30 years, except as otherwise provided in s.  
9830 288.11631. A certified applicant identified in this sub-  
9831 subparagraph may not receive more in distributions than expended  
9832 by the applicant for the public purposes provided in s.  
9833 288.11631(3).

9834 7. All other proceeds must remain in the General Revenue  
9835 Fund.

9836 Section 187. Effective October 1, 2014, subsection (1) of  
9837 section 267.0617, Florida Statutes, is amended to read:

9838 267.0617 Historic Preservation Grant Program.—

9839 (1) There is hereby created within the division the  
9840 Historic Preservation Grant Program, which shall make grants of  
9841 moneys appropriated by the Legislature, moneys deposited  
9842 pursuant to s. 551.039(2) ~~s. 550.0351(2)~~, and moneys contributed  
9843 for that purpose from any other source. The program funds shall

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9844 be used by the division for the purpose of financing grants in  
9845 furtherance of the purposes of this section.

9846 Section 188. Effective October 1, 2014, subsection (1) of  
9847 section 338.234, Florida Statutes, is amended to read:

9848 338.234 Granting concessions or selling along the turnpike  
9849 system; immunity from taxation.—

9850 (1) The department may enter into contracts or licenses  
9851 with any person for the sale of services or products or business  
9852 opportunities on the turnpike system, or the turnpike enterprise  
9853 may sell services, products, or business opportunities on the  
9854 turnpike system, which benefit the traveling public or provide  
9855 additional revenue to the turnpike system. Services, business  
9856 opportunities, and products authorized to be sold include, but  
9857 are not limited to, motor fuel, vehicle towing, and vehicle  
9858 maintenance services; food with attendant nonalcoholic  
9859 beverages; lodging, meeting rooms, and other business services  
9860 opportunities; advertising and other promotional opportunities,  
9861 which advertising and promotions must be consistent with the  
9862 dignity and integrity of the state; state lottery tickets sold  
9863 by authorized retailers; games and amusements that operate by  
9864 the application of skill, not including games of chance as  
9865 defined in s. 849.15 ~~849.16~~ or other illegal gambling games;  
9866 Florida citrus, goods promoting the state, or handmade goods  
9867 produced within the state; and travel information, tickets,  
9868 reservations, or other related services. However, the  
9869 department, pursuant to the grants of authority to the turnpike

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9870 enterprise under this section, shall not exercise the power of  
9871 eminent domain solely for the purpose of acquiring real property  
9872 in order to provide business services or opportunities, such as  
9873 lodging and meeting-room space on the turnpike system.

9874 Section 189. Effective October 1, 2014, paragraphs (c) and  
9875 (e) of subsection (4) of section 402.82, Florida Statutes, are  
9876 amended to read:

9877 402.82 Electronic benefits transfer program.—

9878 (4) Use or acceptance of an electronic benefits transfer  
9879 card is prohibited at the following locations or for the  
9880 following activities:

9881 (c) A pari-mutuel facility as defined in s. 551.012 ~~s.~~  
9882 ~~550.002~~.

9883 (e) A commercial bingo facility that operates outside the  
9884 provisions of s. 551.53 ~~849.0931~~.

9885 Section 190. Effective October 1, 2014, subsection (6) of  
9886 section 455.116, Florida Statutes, is amended to read:

9887 455.116 Regulation trust funds.—The following trust funds  
9888 shall be placed in the department:

9889 ~~(6) Pari-mutuel Wagering Trust Fund.~~

9890 Section 191. Effective October 1, 2014, subsection (1) of  
9891 section 480.0475, Florida Statutes, is amended to read:

9892 480.0475 Massage establishments; prohibited practices.—

9893 (1) A person may not operate a massage establishment  
9894 between the hours of midnight and 5 a.m. This subsection does  
9895 not apply to a massage establishment:

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9896 (a) Located on the premises of a health care facility as  
9897 defined in s. 408.07; a health care clinic as defined in s.  
9898 400.9905(4); a hotel, motel, or bed and breakfast inn, as those  
9899 terms are defined in s. 509.242; a timeshare property as defined  
9900 in s. 721.05; a public airport as defined in s. 330.27; or a  
9901 pari-mutuel facility as defined in s. 551.012 ~~s. 550.002~~;

9902 (b) In which every massage performed between the hours of  
9903 midnight and 5 a.m. is performed by a massage therapist acting  
9904 under the prescription of a physician or physician assistant  
9905 licensed under chapter 458, an osteopathic physician or  
9906 physician assistant licensed under chapter 459, a chiropractic  
9907 physician licensed under chapter 460, a podiatric physician  
9908 licensed under chapter 461, an advanced registered nurse  
9909 practitioner licensed under part I of chapter 464, or a dentist  
9910 licensed under chapter 466; or

9911 (c) Operating during a special event if the county or  
9912 municipality in which the establishment operates has approved  
9913 such operation during the special event.

9914 Section 192. Effective October 1, 2014, paragraph (f) of  
9915 subsection (2) of section 509.032, Florida Statutes, is amended  
9916 to read:

9917 509.032 Duties.—

9918 (2) INSPECTION OF PREMISES.—

9919 (f) In conducting inspections of establishments licensed  
9920 under this chapter, the division shall determine if each ~~coin-~~  
9921 ~~operated~~ amusement game or machine that is operated on the

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9922 premises of a licensed establishment is properly registered with  
9923 the Department of Revenue and Department of Gaming Control. Each  
9924 month the division shall report to the Department of Revenue the  
9925 sales tax registration number of the operator of any licensed  
9926 establishment that has on location an a ~~coin-operated~~ amusement  
9927 game or machine and that does not have an identifying  
9928 certificate conspicuously displayed as required by s.  
9929 212.05(1)(h). Each month the division shall report to the  
9930 Department of Gaming the name and address of the operator of any  
9931 licensed establishment that has on location an amusement game or  
9932 machine and that does not have a certificate of registration  
9933 conspicuously displayed as required by chapter 551.

9934 Section 193. Effective October 1, 2014, paragraph (a) of  
9935 subsection (1) of section 559.801, Florida Statutes, is amended  
9936 to read:

9937 559.801 Definitions.—For the purpose of ss. 559.80-  
9938 559.815, the term:

9939 (1) (a) "Business opportunity" means the sale or lease of  
9940 any products, equipment, supplies, or services which are sold or  
9941 leased to a purchaser to enable the purchaser to start a  
9942 business for which the purchaser is required to pay an initial  
9943 fee or sum of money which exceeds \$500 to the seller, and in  
9944 which the seller represents:

9945 1. That the seller or person or entity affiliated with or  
9946 referred by the seller will provide locations or assist the  
9947 purchaser in finding locations for the use or operation of

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9948 vending machines, racks, display cases, currency or card  
9949 operated equipment, or other similar devices or ~~currency-~~  
9950 ~~operated~~ amusement games or machines or devices on premises  
9951 neither owned nor leased by the purchaser or seller;

9952 2. That the seller will purchase any or all products made,  
9953 produced, fabricated, grown, bred, or modified by the purchaser  
9954 using in whole or in part the supplies, services, or chattels  
9955 sold to the purchaser;

9956 3. That the seller guarantees that the purchaser will  
9957 derive income from the business opportunity which exceeds the  
9958 price paid or rent charged for the business opportunity or that  
9959 the seller will refund all or part of the price paid or rent  
9960 charged for the business opportunity, or will repurchase any of  
9961 the products, equipment, supplies, or chattels supplied by the  
9962 seller, if the purchaser is unsatisfied with the business  
9963 opportunity; or

9964 4. That the seller will provide a sales program or  
9965 marketing program that will enable the purchaser to derive  
9966 income from the business opportunity, except that this paragraph  
9967 does not apply to the sale of a sales program or marketing  
9968 program made in conjunction with the licensing of a trademark or  
9969 service mark that is registered under the laws of any state or  
9970 of the United States if the seller requires use of the trademark  
9971 or service mark in the sales agreement.

9972  
9973 For the purpose of subparagraph 1., the term "assist the



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9974 purchaser in finding locations" means, but is not limited to,  
9975 supplying the purchaser with names of locator companies,  
9976 contracting with the purchaser to provide assistance or supply  
9977 names, or collecting a fee on behalf of or for a locator  
9978 company.

9979 Section 194. Effective October 1, 2014, section 561.1105,  
9980 Florida Statutes, is amended to read:

9981 561.1105 Inspection of licensed premises; ~~coin-operated~~  
9982 amusement games or machines.—In conducting inspections of  
9983 establishments licensed under the Beverage Law, the division  
9984 shall determine if each ~~coin-operated~~ amusement game or machine  
9985 that is operated on the licensed premises is properly registered  
9986 with the Department of Revenue and the Department of Gaming.

9987 Each month, the division shall report to the Department of  
9988 Revenue the sales tax registration number of the operator of any  
9989 licensed premises that has on location an a ~~coin-operated~~  
9990 amusement game or machine and that does not have an identifying  
9991 certificate conspicuously displayed as required by s.

9992 212.05(1)(h). Each month the division shall report to the  
9993 Department of Gaming the name and address of the operator of any  
9994 licensed establishment that has on location an amusement game or  
9995 machine and that does not have a certificate of registration  
9996 conspicuously displayed as required by chapter 551.

9997 Section 195. Effective October 1, 2014, section 718.114,  
9998 Florida Statutes, is amended to read:

9999 718.114 Association powers.—An association may enter into

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10000 agreements to acquire leaseholds, memberships, and other  
10001 possessory or use interests in lands or facilities such as  
10002 country clubs, golf courses, marinas, and other recreational  
10003 facilities, regardless of whether the lands or facilities are  
10004 contiguous to the lands of the condominium, if such lands and  
10005 facilities are intended to provide enjoyment, recreation, or  
10006 other use or benefit to the unit owners. All of these  
10007 leaseholds, memberships, and other possessory or use interests  
10008 existing or created at the time of recording the declaration  
10009 must be stated and fully described in the declaration.  
10010 Subsequent to the recording of the declaration, agreements  
10011 acquiring these leaseholds, memberships, or other possessory or  
10012 use interests which are not entered into within 12 months of the  
10013 date of the recording of the certificate of a surveyor and  
10014 mapper pursuant to s. 718.104(4)(e) or the recording of an  
10015 instrument that transfers title to a unit in the condominium  
10016 which is not accompanied by a recorded assignment of developer  
10017 rights in favor of the grantee of such unit, whichever occurs  
10018 first, are a material alteration or substantial addition to the  
10019 real property that is association property, and the association  
10020 may not acquire or enter into such agreements except upon a vote  
10021 of, or written consent by, a majority of the total voting  
10022 interests or as authorized by the declaration as provided in s.  
10023 718.113. The declaration may provide that the rental, membership  
10024 fees, operations, replacements, and other expenses are common  
10025 expenses and may impose covenants and restrictions concerning

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10026 their use and may contain other provisions not inconsistent with  
10027 this chapter. A condominium association may conduct bingo games  
10028 as provided in s. 551.53 ~~849.0931~~.

10029 Section 196. Effective October 1, 2014, subsection (2) of  
10030 section 721.111, Florida Statutes, is amended to read:

10031 721.111 Prize and gift promotional offers.—

10032 (2) A game promotion, such as a contest of chance, gift  
10033 enterprise, or sweepstakes, in which the elements of chance and  
10034 prize are present may not be used in connection with the  
10035 offering or sale of timeshare interests, except for drawings, as  
10036 that term is defined in s. 551.54 ~~849.0935(1)(a)~~, in which no  
10037 more than 26 prizes are promoted and in which all promoted  
10038 prizes are actually awarded. All such drawings must meet all  
10039 requirements of this chapter and of s. 551.50 ~~ss. 849.092 and~~  
10040 ~~849.094(1), (2), and (7)~~.

10041 Section 197. Effective October 1, 2014, subsection (8) of  
10042 section 723.079, Florida Statutes, is amended to read:

10043 723.079 Powers and duties of homeowners' association.—

10044 (8) Any mobile home owners' association or group of  
10045 residents of a mobile home park as defined in this chapter may  
10046 conduct bingo games as provided in s. 551.53 ~~849.0931~~.

10047 Section 198. Effective October 1, 2014, paragraph (a) of  
10048 subsection (1) and paragraph (a) of subsection (2) of section  
10049 772.102, Florida Statutes, are amended to read:

10050 772.102 Definitions.—As used in this chapter, the term:

10051 (1) "Criminal activity" means to commit, to attempt to

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- 10052 | commit, to conspire to commit, or to solicit, coerce, or  
10053 | intimidate another person to commit:
- 10054 |       (a) Any crime that is chargeable by indictment or  
10055 | information under the following provisions:
- 10056 |       1. Section 210.18, relating to evasion of payment of  
10057 | cigarette taxes.
- 10058 |       2. Section 414.39, relating to public assistance fraud.
- 10059 |       3. Section 440.105 or s. 440.106, relating to workers'  
10060 | compensation.
- 10061 |       4. Part IV of chapter 501, relating to telemarketing.
- 10062 |       5. Chapter 517, relating to securities transactions.
- 10063 |       6. Section 551.0942 or s. 551.072 ~~550.235 or s. 550.3551~~,  
10064 | relating to dogracing and horseracing.
- 10065 |       7. Part II of chapter 551 ~~550~~, relating to jai alai  
10066 | frontons.
- 10067 |       8. Chapter 552, relating to the manufacture, distribution,  
10068 | and use of explosives.
- 10069 |       9. Chapter 562, relating to beverage law enforcement.
- 10070 |       10. Section 624.401, relating to transacting insurance  
10071 | without a certificate of authority, s. 624.437(4)(c)1., relating  
10072 | to operating an unauthorized multiple-employer welfare  
10073 | arrangement, or s. 626.902(1)(b), relating to representing or  
10074 | aiding an unauthorized insurer.
- 10075 |       11. Chapter 687, relating to interest and usurious  
10076 | practices.
- 10077 |       12. Section 721.08, s. 721.09, or s. 721.13, relating to

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- 10078 real estate timeshare plans.
- 10079 13. Chapter 782, relating to homicide.
- 10080 14. Chapter 784, relating to assault and battery.
- 10081 15. Chapter 787, relating to kidnapping or human
- 10082 trafficking.
- 10083 16. Chapter 790, relating to weapons and firearms.
- 10084 17. Section 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 10085 relating to prostitution.
- 10086 18. Chapter 806, relating to arson.
- 10087 19. Section 810.02(2)(c), relating to specified burglary
- 10088 of a dwelling or structure.
- 10089 20. Chapter 812, relating to theft, robbery, and related
- 10090 crimes.
- 10091 21. Chapter 815, relating to computer-related crimes.
- 10092 22. Chapter 817, relating to fraudulent practices, false
- 10093 pretenses, fraud generally, and credit card crimes.
- 10094 23. Section 827.071, relating to commercial sexual
- 10095 exploitation of children.
- 10096 24. Chapter 831, relating to forgery and counterfeiting.
- 10097 25. Chapter 832, relating to issuance of worthless checks
- 10098 and drafts.
- 10099 26. Section 836.05, relating to extortion.
- 10100 27. Chapter 837, relating to perjury.
- 10101 28. Chapter 838, relating to bribery and misuse of public
- 10102 office.
- 10103 29. Chapter 843, relating to obstruction of justice.

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10104 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
10105 s. 847.07, relating to obscene literature and profanity.

10106 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.  
10107 849.25, relating to gambling.

10108 32. Chapter 893, relating to drug abuse prevention and  
10109 control.

10110 33. Section 914.22 or s. 914.23, relating to witnesses,  
10111 victims, or informants.

10112 34. Section 918.12 or s. 918.13, relating to tampering  
10113 with jurors and evidence.

10114 (2) "Unlawful debt" means any money or other thing of  
10115 value constituting principal or interest of a debt that is  
10116 legally unenforceable in this state in whole or in part because  
10117 the debt was incurred or contracted:

10118 (a) In violation of any one of the following provisions of  
10119 law:

10120 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
10121 relating to dogracing and horseracing.

10122 2. Part II of chapter 551 ~~550~~, relating to jai alai  
10123 frontons.

10124 3. Section 687.071, relating to criminal usury and loan  
10125 sharking.

10126 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.  
10127 849.25, relating to gambling.

10128 Section 199. Effective October 1, 2014, subsection (1) of  
10129 section 773.03, Florida Statutes, is amended to read:

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10130 773.03 Limitation on liability for equine activity;  
10131 exceptions.—

10132 (1) This section applies to the horseracing industry as  
10133 defined in part II of chapter 551 550.

10134 Section 200. Effective October 1, 2014, paragraph (a) of  
10135 subsection (1) and paragraph (a) of subsection (2) of section  
10136 895.02, Florida Statutes, are amended to read:

10137 895.02 Definitions.—As used in ss. 895.01-895.08, the  
10138 term:

10139 (1) "Racketeering activity" means to commit, to attempt to  
10140 commit, to conspire to commit, or to solicit, coerce, or  
10141 intimidate another person to commit:

10142 (a) Any crime that is chargeable by petition, indictment,  
10143 or information under the following provisions of the Florida  
10144 Statutes:

10145 1. Section 210.18, relating to evasion of payment of  
10146 cigarette taxes.

10147 2. Section 316.1935, relating to fleeing or attempting to  
10148 elude a law enforcement officer and aggravated fleeing or  
10149 eluding.

10150 3. Section 403.727(3)(b), relating to environmental  
10151 control.

10152 4. Section 409.920 or s. 409.9201, relating to Medicaid  
10153 fraud.

10154 5. Section 414.39, relating to public assistance fraud.

10155 6. Section 440.105 or s. 440.106, relating to workers'

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- 10156 compensation.
- 10157 7. Section 443.071(4), relating to creation of a  
10158 fictitious employer scheme to commit reemployment assistance  
10159 fraud.
- 10160 8. Section 465.0161, relating to distribution of medicinal  
10161 drugs without a permit as an Internet pharmacy.
- 10162 9. Section 499.0051, relating to crimes involving  
10163 contraband and adulterated drugs.
- 10164 10. Part IV of chapter 501, relating to telemarketing.
- 10165 11. Chapter 517, relating to sale of securities and  
10166 investor protection.
- 10167 12. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
10168 relating to dogracing and horseracing.
- 10169 13. Part II of chapter 551 ~~550~~, relating to jai alai  
10170 frontons.
- 10171 14. Section 551.109, relating to slot machine gaming.
- 10172 15. Chapter 552, relating to the manufacture,  
10173 distribution, and use of explosives.
- 10174 16. Chapter 560, relating to money transmitters, if the  
10175 violation is punishable as a felony.
- 10176 17. Chapter 562, relating to beverage law enforcement.
- 10177 18. Section 624.401, relating to transacting insurance  
10178 without a certificate of authority, s. 624.437(4)(c)1., relating  
10179 to operating an unauthorized multiple-employer welfare  
10180 arrangement, or s. 626.902(1)(b), relating to representing or  
10181 aiding an unauthorized insurer.



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- 10182           19. Section 655.50, relating to reports of currency  
10183 transactions, when such violation is punishable as a felony.
- 10184           20. Chapter 687, relating to interest and usurious  
10185 practices.
- 10186           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
10187 real estate timeshare plans.
- 10188           22. Section 775.13(5)(b), relating to registration of  
10189 persons found to have committed any offense for the purpose of  
10190 benefiting, promoting, or furthering the interests of a criminal  
10191 gang.
- 10192           23. Section 777.03, relating to commission of crimes by  
10193 accessories after the fact.
- 10194           24. Chapter 782, relating to homicide.
- 10195           25. Chapter 784, relating to assault and battery.
- 10196           26. Chapter 787, relating to kidnapping or human  
10197 trafficking.
- 10198           27. Chapter 790, relating to weapons and firearms.
- 10199           28. Chapter 794, relating to sexual battery, but only if  
10200 such crime was committed with the intent to benefit, promote, or  
10201 further the interests of a criminal gang, or for the purpose of  
10202 increasing a criminal gang member's own standing or position  
10203 within a criminal gang.
- 10204           29. Section 796.03, s. 796.035, s. 796.04, s. 796.05, or  
10205 s. 796.07, relating to prostitution and sex trafficking.
- 10206           30. Chapter 806, relating to arson and criminal mischief.
- 10207           31. Chapter 810, relating to burglary and trespass.

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- 10208 32. Chapter 812, relating to theft, robbery, and related  
10209 crimes.
- 10210 33. Chapter 815, relating to computer-related crimes.
- 10211 34. Chapter 817, relating to fraudulent practices, false  
10212 pretenses, fraud generally, and credit card crimes.
- 10213 35. Chapter 825, relating to abuse, neglect, or  
10214 exploitation of an elderly person or disabled adult.
- 10215 36. Section 827.071, relating to commercial sexual  
10216 exploitation of children.
- 10217 37. Section 828.122, relating to fighting or baiting  
10218 animals.
- 10219 38. Chapter 831, relating to forgery and counterfeiting.
- 10220 39. Chapter 832, relating to issuance of worthless checks  
10221 and drafts.
- 10222 40. Section 836.05, relating to extortion.
- 10223 41. Chapter 837, relating to perjury.
- 10224 42. Chapter 838, relating to bribery and misuse of public  
10225 office.
- 10226 43. Chapter 843, relating to obstruction of justice.
- 10227 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
10228 s. 847.07, relating to obscene literature and profanity.
- 10229 45. Chapter 849, relating to gambling, lottery, gambling  
10230 or gaming devices, slot machines, or any of the provisions  
10231 within that chapter.
- 10232 46. Chapter 874, relating to criminal gangs.
- 10233 47. Chapter 893, relating to drug abuse prevention and

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10234 control.  
10235 48. Chapter 896, relating to offenses related to financial  
10236 transactions.

10237 49. Sections 914.22 and 914.23, relating to tampering with  
10238 or harassing a witness, victim, or informant, and retaliation  
10239 against a witness, victim, or informant.

10240 50. Sections 918.12 and 918.13, relating to tampering with  
10241 jurors and evidence.

10242 (2) "Unlawful debt" means any money or other thing of  
10243 value constituting principal or interest of a debt that is  
10244 legally unenforceable in this state in whole or in part because  
10245 the debt was incurred or contracted:

10246 (a) In violation of any one of the following provisions of  
10247 law:

10248 1. Section 551.0942 or s. 551.072 ~~550.235~~ or s. ~~550.3551~~,  
10249 relating to dogracing and horseracing.

10250 2. Part II of chapter 551 ~~550~~, relating to jai alai  
10251 frontons.

10252 3. Section 551.109, relating to slot machine gaming.

10253 4. Chapter 687, relating to interest and usury.

10254 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.  
10255 849.25, relating to gambling.

10256 Section 201. Effective October 1, 2014, paragraph (a) of  
10257 subsection (3) of section 921.0022, Florida Statutes, is amended  
10258 to read:

10259 921.0022 Criminal Punishment Code; offense severity

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10260 ranking chart.—

10261 (3) OFFENSE SEVERITY RANKING CHART

10262 (a) LEVEL 1

10263

Florida	Felony	
Statute	Degree	Description

10264

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
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10265

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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10266

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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10267

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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10268

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
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10269

319.35(1)(a)	3rd	Tamper, adjust, change, etc.,
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			an odometer.
10270	320.26(1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
10271	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
10272	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
10273	322.212 (5) (a)	3rd	False application for driver's license or identification card.
10274	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
10275	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by

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10276			employee/official, value more than \$200.
10277	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
10278	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
10279	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
10280	562.27(1)	3rd	Possess still or still apparatus.
10281	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).

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10282	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
10283	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
10284	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
10285	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
10286	826.01	3rd	Bigamy.
10287	828.122(3)	3rd	Fighting or baiting animals.
10288	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
10289			

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10290	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
10291	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
10292	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
10293	838.15(2)	3rd	Commercial bribe receiving.
10294	838.16	3rd	Commercial bribery.
10295	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
10296	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
	849.01	3rd	Keeping gambling house.

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10297	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
10298	<u>849.15(10)</u> <del>849.23</del>	3rd	Gambling-related machines; "common offender" as to property rights.
10299	849.25(2)	3rd	Engaging in bookmaking.
10300	860.08	3rd	Interfere with a railroad signal.
10301	860.13(1)(a)	3rd	Operate aircraft while under the influence.
10302	893.13(2)(a)2.	3rd	Purchase of cannabis.
10303	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
10304	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any

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wire or oral communication.

10305

10306 Section 202. (1) The Division of Pari-mutuel Wagering of  
10307 the Department of Business and Professional Regulation shall  
10308 revoke any for-profit permit issued before January 1, 2012,  
10309 under which pari-mutuel wagering on live events has not occurred  
10310 since January 1, 2012. A permit revoked under this section may  
10311 not be reissued.

10312 (2) Notwithstanding any other provision of law, the  
10313 Division of Pari-mutuel Wagering may not approve or issue any  
10314 new permit authorizing pari-mutuel wagering or new license  
10315 authorizing slot machines.

10316 Section 203. Reorganization implementation process.-In  
10317 order to best achieve the legislative purpose of this act:

10318 (1) The Governor shall appoint the members of the Gaming  
10319 Control Commission in accordance with s. 551.0011.

10320 (2) Effective July 1, 2014, the Gaming Control Commission  
10321 shall appoint an executive director of the Department of Gaming  
10322 Control. If the commission does not appoint an executive  
10323 director by August 1, 2014, the Governor shall appoint an  
10324 interim executive director. The executive director shall serve  
10325 as secretary to the commission and as the commission's primary  
10326 liaison with all entities involved in the reorganization of  
10327 gaming. The executive director shall be responsible directly to  
10328 the commission and shall serve as staff to the commission on all  
10329 action items relating to the reorganization. During the

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10330 reorganization implementation period, the executive director  
10331 shall:

10332 (a) Be responsible for proposing actions regarding all  
10333 gaming reorganization implementation issues.

10334 (b) Be responsible for integration of gaming oversight in  
10335 the Department of Gaming Control.

10336 (3) The Gaming Control Commission shall establish a  
10337 detailed procedure for the implementation of this act.

10338 (4) Effective July 1, 2014, the Department of Business and  
10339 Professional Regulation shall work with the Gaming Control  
10340 Commission and its executive director to achieve full  
10341 implementation of this act.

10342 Section 204. Except as otherwise expressly provided in  
10343 this act, this act shall take effect upon becoming a law.

10344  
10345  
10346 -----

10347 **T I T L E A M E N D M E N T**

10348 Remove everything before the enacting clause and insert:

10349 A bill to be entitled

10350 An act relating to gaming; creating s. 11.93, F.S.;

10351 creating the Joint Legislative Gaming Control

10352 Nominating Committee to be governed by joint rules of

10353 the Legislature; providing for membership and

10354 organization; providing procedures for nomination to

10355 the Governor of candidates for membership on the

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10356 Gaming Control Commission; providing that commission  
10357 members shall be appointed by the Governor subject to  
10358 confirmation by the Senate; amending s. 20.165, F.S.;  
10359 removing a provision that establishes the Division of  
10360 Pari-mutuel Wagering in the Department of Business and  
10361 Professional Regulation; creating s. 20.222, F.S.;  
10362 creating the Department of Gaming Control; providing  
10363 that the commission is head of the department;  
10364 providing for appointment of an executive director;  
10365 authorizing the Governor to appoint an interim  
10366 executive director under certain circumstances;  
10367 providing for organization of the department; amending  
10368 s. 110.205, F.S., relating to the career service  
10369 system; exempting certain positions within the  
10370 Department of Gaming Control and the Gaming Control  
10371 Commission; amending s. 120.80, F.S.; removing  
10372 provisions relating to exemptions to the hearing and  
10373 notice requirements for the Division of Pari-mutuel  
10374 Wagering in the Department of Business and  
10375 Professional Regulation; providing exemptions to  
10376 certain hearing and notice requirements for the  
10377 Department of Gaming Control; directing the department  
10378 to adopt certain rules; amending s. 285.710, F.S.,  
10379 relating to the Gaming Compact between the Seminole  
10380 Tribe of Florida and the State of Florida; specifying  
10381 the commission as the state compliance agency;

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10382 amending s. 285.712, F.S.; correcting a reference;  
10383 transferring the Division of Pari-mutuel Wagering of  
10384 the Department of Business and Professional Regulation  
10385 to the Department of Gaming Control by type two  
10386 transfer; transferring the Pari-mutuel Wagering Trust  
10387 Fund within the Department of Business and  
10388 Professional Regulation to the Department of Gaming  
10389 Control by type two transfer; transferring the  
10390 specified responsibilities and functions relating to  
10391 game promotions within Department of Agriculture and  
10392 Consumer Services to the Department of Gaming Control  
10393 by type two transfer; repealing ss. 550.001-550.0235  
10394 and 550.0351-550.71, F.S., relating to pari-mutuel  
10395 wagering; designating chapter 551, F.S., as the  
10396 "Florida Gaming Control Act"; creating part I of  
10397 chapter 551, F.S., entitled "Florida Gaming Control";  
10398 creating s. 551.001, F.S.; defining terms; creating s.  
10399 551.0011, F.S.; creating the Gaming Control  
10400 Commission; providing for membership and organization;  
10401 prohibiting lobbying by the members of the commission;  
10402 specifying the commission as the agency head of the  
10403 department; providing for an executive director of the  
10404 department to be appointed by the commission;  
10405 providing for financial control of department funds;  
10406 directing the commission to appoint an inspector  
10407 general; creating s. 551.0012, F.S.; providing powers

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10408 and duties of the commission; renumbering and amending  
10409 ss. 550.0251 and 551.103, F.S.; providing powers and  
10410 duties of the department to implement, administer, and  
10411 enforce provisions for gaming activities; directing  
10412 the department to adopt rules; creating s. 551.0014,  
10413 F.S.; providing for application of the code of ethics  
10414 for public officers and employees under specified  
10415 provisions; prohibiting certain acts and  
10416 relationships; providing procedures if a commission  
10417 member or an employee or prospective employee is  
10418 charged or convicted of a criminal act; creating s.  
10419 551.0016, F.S.; prohibiting ex parte communication  
10420 with a commission member; providing procedures for  
10421 disclosure of such communication; providing penalties  
10422 and authorizing the Commission on Ethics to enforce  
10423 penalties; directing the Commission on Ethics to  
10424 investigate complaints and report its findings to the  
10425 Governor and the nominating committee; restricting  
10426 appearance before the commission of person determined  
10427 to have participated in ex parte communication;  
10428 creating s. 551.0017, F.S.; providing penalties for  
10429 violations of specified provisions by commission  
10430 members and department employees; creating part II of  
10431 chapter 551, F.S., entitled "Pari-mutuel Wagering";  
10432 reorganizing and revising provisions for pari-mutuel  
10433 wagering; removing obsolete provisions; creating s.

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10434 551.011, F.S.; providing a short title; creating s.  
10435 551.012, F.S.; providing definitions; creating s.  
10436 551.013, F.S.; authorizing pari-mutuel wagering;  
10437 providing for wagering pools and distribution thereof;  
10438 551.018, F.S.; limiting taxation by counties,  
10439 municipalities, and other political subdivisions;  
10440 creating ss. 551.021, 551.0221, 551.0222, 551.0241,  
10441 551.0251, 551.0252, 551.0253, F.S., relating to pari-  
10442 mutuel permit application, issuance, ratification and  
10443 revocation, relocation, conversion, and transfer;  
10444 creating s. 551.026, F.S., providing for nonwagering  
10445 licenses; creating s. 551.029, F.S., relating to  
10446 persons prohibited from holding permits; creating ss.  
10447 551.0321, 551.0322, 551.033, 551.034, 551.035, F.S.,  
10448 relating to requirements for licensure of  
10449 permitholders to conduct pari-mutuel operations, bond,  
10450 periods of operation, inactive status, payment and  
10451 disposition of fees and taxes, penalties for failure  
10452 to pay, reporting, review, and auditing; creating s.  
10453 551.036, F.S., relating to escheat to state of  
10454 abandoned interest in pari-mutuel pools; creating ss.  
10455 551.037 and 551.038, F.S., relating to lease of pari-  
10456 mutuel facilities and capital improvements; creating  
10457 s. 551.039, F.S., relating to charity and scholarship  
10458 days; creating ss. 551.042, 551.043, and 551.045,  
10459 F.S., relating to greyhound racing operations,

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10460 operating periods, pools, purses, takeout, taxes, and  
10461 fees, and greyhound adoptions; creating ss. 551.0511,  
10462 551.0512, 551.0521, 551.0523, 551.0524, 551.053,  
10463 551.0541, 551.0542, 551.0543, 551.0551, 551.0552,  
10464 551.0553, and 551.056, F.S., relating to horseracing  
10465 operations, thoroughbred, harness, quarter horse, and  
10466 Appaloosa and Arabian horse racing, operating periods,  
10467 pools, purses, takeout, awards, horsemen's  
10468 associations, taxes, and fees; creating ss. 551.062,  
10469 551.0622, and 551.063, F.S., relating to jai alai  
10470 operations, operating periods, awards, taxes, and  
10471 fees; creating s. 551.072, F.S., relating to  
10472 transmission of racing and jai alai information,  
10473 broadcast, reception, performances, wagers, pools,  
10474 takeout, purses, taxes, uncashed tickets and breakage,  
10475 and caterers; creating ss. 551.073, 551.074, 551.075,  
10476 551.076, 551.077, and 551.078, F.S., relating to  
10477 intertrack wagering, authorization, costs, purses,  
10478 awards, pools, takeout, rebroadcast, broadcast rights,  
10479 limited licensure, and totalisators; creating s.  
10480 551.082, F.S., relating to minors attending pari-  
10481 mutuel performances; creating ss. 551.0921, 551.0922,  
10482 551.093, 551.0941, 551.0942, 551.0943, 551.0944, and  
10483 551.095, F.S., relating to prohibited acts, civil and  
10484 criminal penalties, penalties against occupational  
10485 licensees, and liability; creating part III of chapter

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10486 551, F.S., entitled "Slot Machines"; amending ss.  
10487 551.101, 551.102, 551.104, 551.105, 551.106, 551.108,  
10488 551.109, 551.111, 551.112, 551.113, 551.114, 551.116,  
10489 551.117, 551.118, 551.119, 551.121, 551.122, and  
10490 551.123, F.S.; revising provisions for slot machine  
10491 licensure and operation; revising definitions and  
10492 provisions relating to authorization to possess slot  
10493 machines and conduct slot machine gaming, licensing  
10494 requirements and procedures, fees and taxes,  
10495 prohibited relationships, exclusions, persons  
10496 prohibited from playing, facilities, penalties,  
10497 compulsive gambling, caterers, prohibited acts and  
10498 devices, and oversight authority; providing rulemaking  
10499 authority; creating part IV of chapter 551, F.S.,  
10500 entitled "Cardrooms"; transferring, renumbering, and  
10501 amending s. 849.086, F.S.; revising provisions for  
10502 licensing and operation of cardrooms; creating part V  
10503 of chapter 551, F.S., entitled "Occupational Employees  
10504 and Associates"; transferring, renumbering, and  
10505 amending s. 550.105, F.S., relating to racetrack and  
10506 jai alai occupational licenses; transferring,  
10507 renumbering, and amending s. 551.107, F.S., relating  
10508 to occupational licenses for slot machines; repealing  
10509 s. 551.1045, F.S., relating to temporary licenses;  
10510 transferring, renumbering, and amending s. 849.086(6),  
10511 F.S., relating to business and employee occupational

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10512 licenses; transferring and renumbering ss. 550.901,  
10513 550.902, 550.903, 550.905, 550.906, 550.907, 550.908,  
10514 550.909, 550.910, 550.911, and 550.913, F.S., and  
10515 transferring, renumbering, and amending ss. 550.904  
10516 and 550.912, F.S., relating to the Interstate Compact  
10517 on Licensure of Participants in Pari-mutuel Wagering;  
10518 conforming cross-references to changes made by the  
10519 act; creating part VI of chapter 551, F.S., entitled  
10520 "Miscellaneous Gaming"; repealing s. 849.092, F.S.,  
10521 and transferring, renumbering, and amending s.  
10522 849.094, F.S., relating to retail promotions; revising  
10523 and consolidating provisions for prizes given away by  
10524 lot for advertising or promotional purposes; providing  
10525 for oversight by the commission; transferring,  
10526 renumbering, and amending ss. 849.085, 849.0931,  
10527 849.0935, and 849.141, F.S., relating to penny-ante  
10528 games, bingo, charitable drawings by chance, and  
10529 bowling tournaments; making technical changes and  
10530 conforming cross-references to changes made by the  
10531 act; transferring, renumbering, and amending s.  
10532 849.161, F.S.; revising provisions for amusement games  
10533 or machines; revising definitions; requiring  
10534 registration with the department; providing for a fee;  
10535 requiring the department to review the sufficiency of  
10536 allowed redemption value of points or coupons awarded  
10537 and provide a report to the Legislature; specifying

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10538 the authority of the commission and department to  
10539 enter and inspect facilities and machines; authorizing  
10540 the department to adopt rules; amending s. 849.01,  
10541 F.S., and repealing ss. 849.02, 849.03, 849.04, and  
10542 849.05, F.S.; revising and consolidating provisions  
10543 relating to prohibited gambling operations, prohibited  
10544 acts relating to such operations, prima facie evidence  
10545 that a location is used for such gambling, and  
10546 penalties for violations; amending s. 849.07, F.S.,  
10547 and repealing s. 849.08, F.S.; revising and  
10548 consolidating provisions prohibiting playing certain  
10549 games for money or thing of value and the penalties  
10550 for violations; amending s. 849.09, F.S., and  
10551 repealing s. 849.10, F.S.; revising and consolidating  
10552 provisions prohibiting lotteries and certain actions  
10553 related to lotteries and the penalties for violations;  
10554 amending ss. 849.091 and 849.0915, F.S.; revising  
10555 provisions prohibiting pyramid sales schemes and  
10556 referral selling; amending s. 849.11, F.S.,  
10557 transferring and renumbering 849.12, F.S., and  
10558 repealing s. 849.13; revising and consolidating  
10559 provisions prohibiting games of chance by lot or with  
10560 other gambling device and the penalties for  
10561 violations; amending s. 849.14, F.S.; revising  
10562 provisions prohibiting wagering on the result of  
10563 certain types of events and the penalties for

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10564 | violations; amending s. 849.15, F.S., and  
10565 | transferring, renumbering, and amending ss. 849.16,  
10566 | 849.17, 849.18, 849.19, 849.20, 849.21, 849.22,  
10567 | 849.23, and 849.235, F.S.; revising and consolidating  
10568 | provisions prohibiting manufacture, possession, and  
10569 | distribution of slot machines or devices and  
10570 | provisions for seizure of such devices, lien on place  
10571 | of operations, a declaration of common nuisance,  
10572 | injunction for restraint, enforcement fees, penalties  
10573 | for violations, and a defense to action or  
10574 | prosecution; amending s. 849.231, F.S., and  
10575 | transferring, renumbering, and amending ss. 849.232  
10576 | and 849.233, F.S.; revising and consolidating  
10577 | provisions prohibiting manufacture, possession, and  
10578 | distribution of certain gambling devices and  
10579 | provisions for seizure of such devices, application,  
10580 | and penalties for violations; amending s. 849.25,  
10581 | F.S.; revising provisions prohibiting bookmaking and  
10582 | penalties for violations; amending s. 849.26, F.S.,  
10583 | and transferring, renumbering, and amending ss.  
10584 | 849.29, 849.30, 849.31, 849.32, 849.33, and 849.34,  
10585 | F.S., relating to gambling contracts, liability,  
10586 | recovery, losers, procedures, and judgments; amending  
10587 | s. 849.35, F.S., and transferring, renumbering, and  
10588 | amending ss. 849.36, 849.37, 849.38, 849.39, 849.40,  
10589 | 849.41, 849.42, 849.43, 849.44, 849.45, and 849.46,

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10590 F.S.; relating to seizure and forfeiture of property  
10591 used in the violation of lottery and gambling  
10592 prohibitions, procedures for disposition,  
10593 representation by state attorney, judgments, and fees;  
10594 creating s. 849.47, F.S.; providing for enforcement of  
10595 the chapter; prohibiting the Division of Pari-mutuel  
10596 Wagering from issuing new permit authorizing pari-  
10597 mutuel wagering or new license authorizing slot  
10598 machines; directing the commission to conduct studies  
10599 of greyhound racing and medication in horseracing and  
10600 to make reports to the Governor and the Legislature;  
10601 amending ss. 11.45, 72.011, 72.031, 196.183, 205.0537,  
10602 212.02, 212.031, 212.04, 212.05, 212.054, 212.12,  
10603 212.20, 267.0617, 338.234, 402.82, 455.116, 480.0475,  
10604 509.032, 559.801, 561.1105, 718.114, 721.111, 723.079,  
10605 772.102, 773.03, 895.02, and 921.0022, F.S.;  
10606 conforming cross-references and provisions to changes  
10607 made by the act; directing the Division of Pari-mutuel  
10608 Wagering of the Department of Business and  
10609 Professional Regulation to revoke certain permits;  
10610 providing for transition; providing effective dates.

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